



I hereby give notice that an Ordinary Meeting of Council will be held on:

**Date:** Wednesday, 11 October 2017  
**Time:** 5.30pm  
**Location:** Council Chambers  
57 Main Street, Minlaton

# **AGENDA**

## **Ordinary Council Meeting**

**11 October 2017**

A handwritten signature in black ink, appearing to read 'Andrew Cameron', is positioned above the printed name.

**Andrew Cameron**  
**CHIEF EXECUTIVE OFFICER**

CONFLICT OF INTEREST

Members are reminded of the requirements for disclosure by Members of direct or indirect pecuniary benefit or detriment and non-pecuniary benefit or detriment in relation to a material conflict of interest in accordance with Section 73, or an actual or perceived conflict of interest in accordance with Section 75 of the Local Government Act in items listed for consideration on the Agenda. Section 74 and 75A of the Local Government Act 1999 requires that Elected Members declare any interest and provide full and accurate details of the relevant interest to the Council. In relation to actual or perceived conflicts of interest a member has an obligation to outline how they propose to deal with the actual or perceived conflict of interest prior to consideration of that item on the Agenda.

This requirement does not apply to Ordinary Business Matters prescribed by regulation 8AAA Local Government Act (General) (Accountability and Governance) Variation Regulations 2016.

Each Member of a Council has a duty to vote at all meetings unless excepted by legislation.

The major exception being where a Member has a material conflict of interest.

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**1 WELCOME BY MAYOR**

Meeting declared opened

**2 OPENING PRAYER**

**3 PRESENT**

**4 LEAVE OF ABSENCE**

Nil

**5 APOLOGIES**

Nil

**6 CONFLICT OF INTEREST**

**7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION**

7.1 Ordinary Council Meeting - 13 September 2017

7.2 Confidential Council Meeting held on Wednesday 13 September 2017 at 6.09pm

7.3 Confidential Council Meeting held on Wednesday 13 September 2017 at 6.20pm

7.4 Confidential Council Meeting held on Wednesday 13 September 2017 at 6.23pm

7.5 Confidential Council Meeting held on Wednesday 13 September 2017 at 6.25pm

**8 MOTIONS ON NOTICE**

Nil

**9 QUESTIONS ON NOTICE****9.1 CR ADAM MEYER - BALGOWAN QUESTIONS WITHOUT NOTICE - PRESENTED TO 11 SEPTEMBER 2017 COUNCIL MEETING****Document #:** 17/70327**Department:** Executive Services**PURPOSE**

To provide Council with the staff responses to Questions Without Notice submitted by Cr Adam Meyer to the 11 September 2017 Council Meeting.

**RECOMMENDATION**

**That the response to the questions regarding Balgowan raised by Councillor Adam Meyer be received and noted.**

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.2 Effective leadership and informed decision making**BACKGROUND**

The following questions without notice in relation to Coastal Infrastructure at Balgowan and the Council's decisions at a previous meeting, were received from Councillor Adam Meyer. The staff responses to those questions are outlined below.

**DISCUSSION****Question**

- 1) Was the original motion compliant with Council Policy, including but not limited to PO057 Community Engagement Policy? The August report indicated no formal consultation with the community, when anecdotal evidence suggested this work was not the preferred option, similar to what happened with the Black Point Boat Ramp upgrade project decision earlier this year.

**Response**

*Following severe storm events on 9 May 2016 and 28 September 2016, the Northern Beach access at Balgowan experienced critical undermining to the access road, with the toe of the road (onto the beach area) completely lost and the stability and integrity of the cliff face significantly impacted.*

*On 23 November 2016, members of the Balgowan community made a presentation to Council requesting the access be reinstated. An independent engineer was engaged to assess the damage and inform Council of recommended mitigation strategies. The preliminary report recommended the need for rock wall protection, upgrades to the access road in accordance with today's standards and stabilising of the affected cliff face.*

*As the access road and seawall was situated upon land vested with the Minister for Sustainability, Environment and Conservation any proposed works required consultation with DEWNR and the Coastal Protection Board. For this reason a Coastal Engineering Consultant was engaged to provide detailed designs of cliff face stabilisation models. A desktop estimate of the cost to complete the required works was also required. A development application was subsequently lodged and assessed by Council Staff in accordance with the requirements of the Development Act and Regulations.*

*The application triggered a category three application process that required Public Consultation. Per legislative requirements a ten day public consultation was undertaken during the assessment of the Development Application. All residents directly affected by the proposed works received a letter from Council seeking input, plans were available at each Council Office and in addition a public notice was placed in the Yorke Peninsula Country Times inviting people to comment on the development application. As a result of that notification only two residents made comment against the project, both were residents of Balgowan.*

*The 9 August 2017 report to Council provided for flexibility in respect of the Community Engagement Plan as RECOMMENDATION C may have resulted in an approach that may not have previously been consulted upon. The recommendation adopted, RECOMMENDATION A (That Council endorse the required expenditure for the upgrade to the Northern Beach access at Balgowan), had already been subject to public consultation.*

### **Question**

- 2) Does approving the motion expose Council to financial risk if this same decision was enforced at all other vulnerable coastal locations? Examples include Corny Point, The Pines, Hardwicke Bay, Coobowie, Port Moorowie, Clinton, Black Point and Foul Bay to name a few.

### **Response**

*Yes, any unbudgeted expense exposes Council to financial risk, however each risk is considered on a case by case basis.*

### **Question**

- 3) Will Council have to pay ongoing insurance and state lease costs for the Balgowan protection works?

### **Response**

*Council does not take asset insurance or any other insurance on roads. Lease costs are not payable on Crown land placed under Council's care and control. Council did incur a "once off" application fee to the crown of \$407.*

### **Question**

- 4) How will the project be funded?

### **Response**

*As with any unscheduled expense endorsed by Council, funding will need to draw on cash, which has not been specifically allocated to be spent in this financial year.*

*Council could also make a decision to fund the project in some other manner such as:*

- *Allocate from general revenue and increase Council's total operating and capital budget by this amount – this will reduce in 2017/2018 Council's forecast closing cash balance by the amount of this project and increase Council's net borrowing position on its Uniform Presentation of Finances which currently sits at approximately \$1.9 million. Further, this will likely have an unfavourable impact on Council's cash flow and net borrowing / lending position for 2018/2019 and beyond.*
- *Remove or reduce funding for already approved Council capital projects – it should be noted almost all capital projects have commenced at least the planning stage and were advertised to the community for completion, through the adopted 2017/2018 Annual Business Plan.*
- *Borrow from the Local Government Finance Authority – generally it is recommended that borrowings only be used for renewal capital works not new unless costs can be at least partly recouped via grant funds or separate rates. This option would result*

*in an increase in Council's Financial Liabilities Ratio and lessen Council's capacity to borrow in the immediate future.*

- *Adjust the 2018/2019 proposed Capital Works budget in the current Long Term Financial Plan.*

**Question**

- 5) What are the associated budget/10 year plan implications?

**Response**

*As the current instruction from Council stands, expenditure for this project normally will be drawn from funds identified in the 10 year plan for assets of this nature (Other Assets/Foreshore/New Assets). If Council is to remain within the limits it has set in its 10 year plan any future expenditure will need to be considered at the time of decision making in this regard to ensure Council operates within its agreed targets in the 10 year plan.*

**Question**

- 6) Will staff write to all residents who have had to pay for protection works to their residential properties during this Council term, seeking Consultation in relation to Council fully funding the Balgowan protection works?

**Response**

*No, this is not required as they are completely separate matters.*

*The North Coast Seawall Project is designed to protect privately owned dwellings that have become vulnerable due to storm damage. The Balgowan Restoration Project was considered for the same reason but that is where the similarities end.*

*North Coast Road properties are being protected by what is commonly known as a whole of beach approach required by the Coastal Protection Board. Similar to the Chinaman Wells Seawall Project funded by the local residents. As a matter of interest both these seawall projects have received loan funding from Council to ensure the projects can go ahead.*

*The Balgowan Project is Public Land and failure by Council to restore the area could result in further clifftop erosion, dangerous beach access for the public and increased pressure on the nearby Boat Ramp capacity. In this instance it appears that Council in its decision making process has given priority to public safety, recreational activities and tourism opportunities.*

**Question**

- 7) Will staff suspend the project if Council Policy has been breached and find a solution to be put towards the next Council Meeting that encompasses Community Engagement?

**Response**

*No, the contract has been let as per Council resolution (refer decision 205/2017 (09/08/2017)).*

**ATTACHMENTS**

Nil

**10 QUESTIONS WITHOUT NOTICE**

**11 PETITIONS**

Nil

**12 MAYOR****12.1 MAYOR'S MONTHLY REPORT OCTOBER 2017****Document #:** 17/68485**Department:** Executive Services**PURPOSE**

To keep Elected Members updated on Mayoral activities during the month of September 2017.

**RECOMMENDATION**

**That the report be received.**

**DISCUSSION**

3 September	Returned from annual leave.
7 September	Attended Bowls Australia teleconference held at Copper Coast Council.
8 September	Attended the Legatus Group Board of Management Ordinary & Annual General Meetings held at Kadina.
9 September	Attended Wine, Wheels and Whiting Dinner held at Wallaroo.
11 September	Met with CEO Andrew Cameron, Deputy Mayor Hoyle and ICAC Representatives at Maitland Council Office.
13 September	Observer at Audit Committee meeting held in the Council Chamber. Monthly Council meeting.
15 September	Attended the Ardrossan & Districts Community Kindergarten's 50th Anniversary.
17 September	Attended Light Church's dedication of their new facility at Edithburgh.
19 September	Met with CEO Andrew Cameron, Bill Gill and Barry Noble at Black Point.
20 – 28 September	On leave.
29 September	Officially opened the recently completed Clinton Road project with Rowan Ramsay MHR Member for Grey.

**ATTACHMENTS**

Nil

**13 COUNCILLORS' REPORT****13.1 CR ADAM MEYER - BALGOWAN QUESTIONS WITHOUT NOTICE - 11 SEPTEMBER 2017****Document #:** 17/70309**Department:** Executive Services**PURPOSE**

To provide Elected Members with the background and Questions Without Notice received from Cr Meyer and accepted by the Mayor at the 11 September 2017 Council Meeting.

**RECOMMENDATION**

**That the report be received.**

**DISCUSSION**

Mr Mayor, my Questions Without Notice, relate to Coastal Infrastructure. I will supply a copy of this to the Minute taker for inclusion in the minutes and staff follow ups.

In the June 2017 Meeting Agenda (item 6.2.4), Council approved a separate rate amount on properties at North Coast Road, Point Turton, for the funding of a seawall to protect 14 residential properties and 5 blocks of Crown Land.

The Point Turton Shack Owners group had approved by a majority vote to accept a quote of \$514,249 to complete the works and Council has imposed a \$34,413 debt against the shack owner, who didn't wish to contribute to the project. Approximately \$112,000 (over 20% of the project) to protect Crown Land, is being born fully by the residents, including the property owner who has had an impost forced upon them. These residents will also be paying for annual Insurance and State Government lease on the seawall. Council didn't give financial support to these residents.

With this matter in mind, I turn to the August 2017 Council Meeting Agenda (item 6.3.1). Council assessed a submission in relation to spending an estimated \$400,000 of rate payer funds to repair storm damage to Crown Land where no residential properties or critical infrastructure was under threat. As per the recently declined Black Point Boat Ramp upgrade request, this item was originally removed from budget considerations for this financial year.

It was noted in debate by Councillors Davey and Langford and in the body of the report, that some parts of the Balgowan community were more favourable to spending Council funds to improve the Council owned boat ramp instead. Port Victoria Volunteer Marine Rescue have previously reported there are only 2 all-weather boat ramps for the whole coastline between Port Elizabeth and Port Moorowie.

The August report further stated that the Community Engagement Plan was "to be determined based on the recommendation endorsed by Council".

The passing of Recommendation "A" by Majority was, "That Council endorse the required expenditure for the upgrade to the Northern Beach access at Balgowan."

The July/August 2017 Balgowan Progress newsletter states that work is commencing on 16<sup>th</sup> October 2017. It appears no Community Engagement has occurred.

Due to the community concern over the Balgowan Boat Ramp, I would suggest the level of community consultation would be similar to the Marion Bay Boat Ramp proposal being investigated by Council.

Mr Mayor, I have since spoken with a Point Turton rate payer that has spent tens of thousands of their own funds to protect not only their own house, but approximately \$8,000 to protect Crown land as part of that project.

Two meetings later, Council has approved the unbudgeted spending of an estimated \$400,000 of which this rate payer has contributed to via their rates, toward the protection of land not owned by the Council. Works that appear to not be essential for the protection of housing or other critical public infrastructure. This spending was approved without formal Community Consultation, with indications from the report, fellow Councillors, marine rescue service and Letters to the editor that the community would prefer the funding be spent at the boat ramp. I am concerned regarding the financial risk this precedent at Balgowan has triggered, when considering Coastal issues being experienced across the Yorke Peninsula.

With this precedent now set at Balgowan Mr Mayor, my questions are;

- 1) Was the original motion compliant with Council Policy, including but not limited to PO057 Community Engagement Policy? The August report indicated no formal consultation with the community, when Anecdotal evidence suggested this work was not the preferred option, similar to what happened with the Black Point Boat Ramp upgrade project decision earlier this year.
- 2) Does approving the motion expose Council to financial risk if this same decision was enforced at all other vulnerable coastal locations? Examples include Corny Point, The Pines, Hardwicke Bay, Coobowie, Port Moorowie, Clinton, Black Point and Foul Bay to name a few.
- 3) Will Council have to pay ongoing Insurance and State lease costs for the Balgowan protection works?
- 4) How will the project be funded?
- 5) What are the associated budget/10 year plan implications?
- 6) Will staff write to all residents who have had to pay for protection works to their residential properties during this Council term, seeking Consultation in relation to Council fully funding the Balgowan protection works?
- 7) Will staff suspend the project if Council Policy has been breached and find a solution to be put towards the next Council Meeting that encompasses Community Engagement?

Mr Mayor, these questions are not to criticise the initial Councillor decision to fund this project. It is to ensure that Council doesn't expose itself to unsustainable financial risk and rate payer dissatisfaction with Councillors. It is also to ensure that Councillors are able to make informed decisions that meet Policy requirements and the expectations of the community, that all rate payers are going to be treated equitably and decision making that stands up to public scrutiny.

Thankyou Mr Mayor.

## **ATTACHMENTS**

Nil

# INFORMATION AGENDA

**INFORMATION AGENDA**

**14 ITEMS FOR EXCLUSION**

**15 RECEIPT OF INFORMATION REPORTS**

**16 CHIEF EXECUTIVE OFFICER****16.1 ACTION LISTING REPORT****Document #:** 17/70164**Department:** Executive Services**PURPOSE**

To keep Elected Members updated on the status of the Action Listing.

**RECOMMENDATION**

**That the report be received.**

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.5 Undertake effective risk management**BACKGROUND**

The Action List was implemented to keep Council informed about the current status and outcomes of Council decisions.

**DISCUSSION**

The Action List included in the Council Agenda each month will incorporate action items from Council along with current status.

**ATTACHMENTS**

- 1. Action List - October 2017**

**COUNCIL MEETING 11<sup>th</sup> October 2017****Action List**

<b>Responsible Officer</b>	<b>Agenda Item Number</b>	<b>Task</b>	<b>Due Date</b>	<b>Status</b>
14 <sup>th</sup> May 2014				
Director Assets & Infrastructure Services	DA/AIS/R3	Organise to have the following documents signed and sealed for the Walk the Yorke Leisure Trail with the State Government and private landholders	July 2014 – ongoing for duration of project	Only one private agreement still outstanding. Ongoing
13 <sup>th</sup> May 2015				
Director Development Services	DA/DS/R2	Council agreed to accept care, control and management of Lot 10 Moorowie Terrace Port Moorowie CR5323/554	As soon as Ministerial approval is granted	Response from Minister Received 29/08/2016 – Awaiting Additional information from FOPM - ongoing
14 <sup>th</sup> September 2016				
Director Corporate and Community Services	DA/CCS/MON	Staff to investigate ways to reduce the 3% sustainability rate increase – various strategies	December 2016	Ongoing
10 <sup>th</sup> October 2016				
Director Development Services	General Business – Question on Notice	Investigate the possibility of the inclusion of a RV dump point in the Minlaton Show Grounds	October 2017	Quotation process underway
14 <sup>th</sup> December 2016				
CMT	Motion on Notice	Staff conduct a review of Township Speed Limits and consult with affected communities in relation to their preferred option	December 2017	Process Underway
8 <sup>th</sup> March 2017				
Director Development Services	DA/DS/R5	Entrance ramp at Yorketown Office - Access Advisory Working Party	November 2017	Obtaining quotes for Yorketown Council Office access ramp
12 <sup>th</sup> April 2017				
CEO	DA/CEO/R1	CEO to work through design and safety issues for the Black	November 2017	No action as yet

		Point Boat Ramp Walkways with all stakeholders		
10 <sup>th</sup> May 2017				
Director Development Services	DA/DS/R1	Finalise the requirements for the proposed road process order for Adelbridge Pty Ltd	September 2017	With Maloney Field Services for lodgement of Road Process Order
Director Development Services	DA/DS/R2	Finalise the requirements for the proposed road process order for S T Johns Pty Ltd	September 2017	With Maloney Field Services for lodgement of Road Process Order
Director Development Services	DA/DS/R7,R8, R9, R10	Organise for Mayor and CEO to sign and seal documentation to proceed with seeking Ministerial Approval for revocation of community land at Black Point	November 2017	Section 270 Review Commenced
14 <sup>th</sup> June 2017				
CEO	DA/CEO/R2	The revised Code of Conduct for Managing Complaints and Breaches has been laid on the table and is referred to the next workshop.	October 2017	Report to October Council Meeting
12 <sup>th</sup> July 2017				
CEO	DA/CEO/R1	Proceed with the community engagement process - Marion Bay Boat Launching Review	November 2017	Commenced
Director Development Services	DA/DS/R1	Commence the Community engagement process for amending the lease term for the Port Victoria Gulhaven Caravan Park and arrange for Mayor and CEO to sign and affix the Council seal to documentation	November 2017	Report back to Council on Community Engagement Process
Director Development Services	DA/DS/R4	Submit an Application to Dedicate Crown Land to DEWNR for Section 303 Balgowan subject to the proposed beach access works gaining	October 2017	Underway – Application submitted to DEWNR

		Development Approval and Council committing to the project.		
9 <sup>th</sup> August 2017				
Director Corporate & Community Services	DA/CCS/R3	Update PO060 Rates Relief Policy and include in Council's policy manual and on website page	September 2017	Completed
Director Assets and Infrastructure	DA/AIS/R3	Organise to update IS061 Councils Committee Membership to include endorsed members of Coastal Management Strategy Working Party.	September 2017	Completed
Director Assets and Infrastructure	DA/AIS/R4	Organise to advertise the Draft Water Infrastructure Asset Management Plan for public consultation in YPCT and on Councils website.	October 2017	Underway
Director Development Services	DA/DS/R1	Submit application to the Liquor and Gambling Commissioner for extension of the Port Victoria Dry Area	September 2017	Completed
Director Development Services	DA/DS/R2	Submit application to the Liquor and Gambling Commissioner for a Dry Area to be implemented at Stansbury foreshore for New Year's Eve 2017/2018	October 2017	Underway
Director Development Services	DA/DS/R4	Install access ramps at Stansbury and Edithburgh and a crossover in Main Street, Minlaton – Access Advisory Working Party	November 2017	Not commenced
13 <sup>th</sup> September 2017				
CEO	Questions Without Notice	CEO to respond to the 7 questions raised without notice by Cr Meyer	October 2017	Staff responses in October Council Agenda

Director Corporate and Community Services	DA/CCS/R2	Advise successful and unsuccessful applicants of the Community Grants process	October 2017	Completed
Director Corporate and Community Services	DA/CCS/R3	Organise for finance staff to pay the agreed donation to Ardrossan Community Hospital Inc for sponsorship	October 2017	Awaiting invoice from Ardrossan Community Hospital
Director Assets and Infrastructure	DA/AIS/R3	Undertake the public consultation process for draft Stormwater Infrastructure Asset Management Plan	November 2017	Underway
Director Development Services	DA/DS/R2	Arrange for Mayor and CEO to sign and seal the necessary documentation to finalise a road process order for an unmade road reserve at Wool Bay	November 2017	Underway
Director Development Services	DA/DS/R3	Advise the Development Assessment Commission of Council's support for a Battery Energy Storage Facility at Stansbury in the Hundred of Dalrymple	October 2017	Completed
Director Development Services	DA/DA/R4	Undertake the public consultation process in relation to the construction of a new telecommunications tower at Balgowan	November 2017	Underway
Director Assets and Infrastructure	CA/AIS/R2	Advise successful tender outcome to all involved in process Yorketown Aerodrome Airstrip Alignment and Earthworks	October 2017	Completed
Director Assets and Infrastructure	CA/AIS/R3	Advise successful tender outcome to all involved in process Material Supply	October 2017	Completed

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Director Assets and Infrastructure	CA/AIS/R4	Advise successful tender outcome to all involved in process Point Turton CWMS Connection Project	October 2017	Completed
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**16.2 CEO ACTIVITIES OCTOBER 2017****Document #:** 17/70300**Department:** Executive Services**PURPOSE**

To keep Elected Members informed of other meetings and activities during the month of September 2017.

**RECOMMENDATION**

**That the report be received.**

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.2 Effective leadership and informed decision making**BACKGROUND**

The CEO activities report is provided to Council on a monthly basis to inform Elected Members of other meetings and activities during the preceding month.

**DISCUSSION**

5 September	Mind Your Wellbeing – Positive Mental Health Staff Initiative.
6 September	Corporate Management Team Meeting.
7 September	ILUA Meeting at Maitland.
8 September	Meeting in Adelaide in relation to Tourism Strategy.
11 September	Along with Mayor Agnew, Deputy Mayor Hoyle, we met with representatives from ICAC and OPI. Meeting with DPTI in Maitland.
12 September	Corporate Management Team Meeting.
13 September	Audit Committee Meeting. Monthly Council Meeting.
14 September	PIRSA – Windara Reef Steering Committee Meeting.
15 September	LG Professionals SA Board Meeting.
18 September	Meeting with Geoff Hampel President Hardwicke Bay Progress Association.
19 September	Meeting at Black Point with the Mayor and Progress Association Representatives in relation to sand movement. Internal Audit Meeting in relation to Procurement.
20 September	Corporate Management Team Meeting. Ardrossan Outdoor Gym Opening.
21 September	Meeting with NRM Chair Eric Sommerville and CEO Trevor Naismith in relation to NRM Annual Business Plan.

- 25 September Meeting with SA Water representatives in relation to Warooka Pipeline Update Project and Point Turton water supply.
- 26 September Internal meeting about the Long Term Financial Plan.
- 27 September Corporate Management Team Meeting.  
Monthly Elected Members Workshop.
- 28 September Meeting with representative for Local Government Risk Services at Maitland.
- 29 September Clinton Road Official Opening by Rowan Ramsey and Mayor Agnew.

**ATTACHMENTS**

Nil

**16.3 YORKE PENINSULA TOURISM ANNUAL REPORT****Document #:** 17/70096**Department:** Executive Services**PURPOSE**

To provide Elected Members with a copy of the Yorke Peninsula Tourism Annual Report (copy attached).

**RECOMMENDATION**

**That the report be received.**

**LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.5 Partner and build positive relationships with key stakeholders (e.g. Regional Development Australia, Central Local Government Region, YP Tourism and Progress Associations) to progress tourism and business growth, including enabling the attraction of n**BACKGROUND**

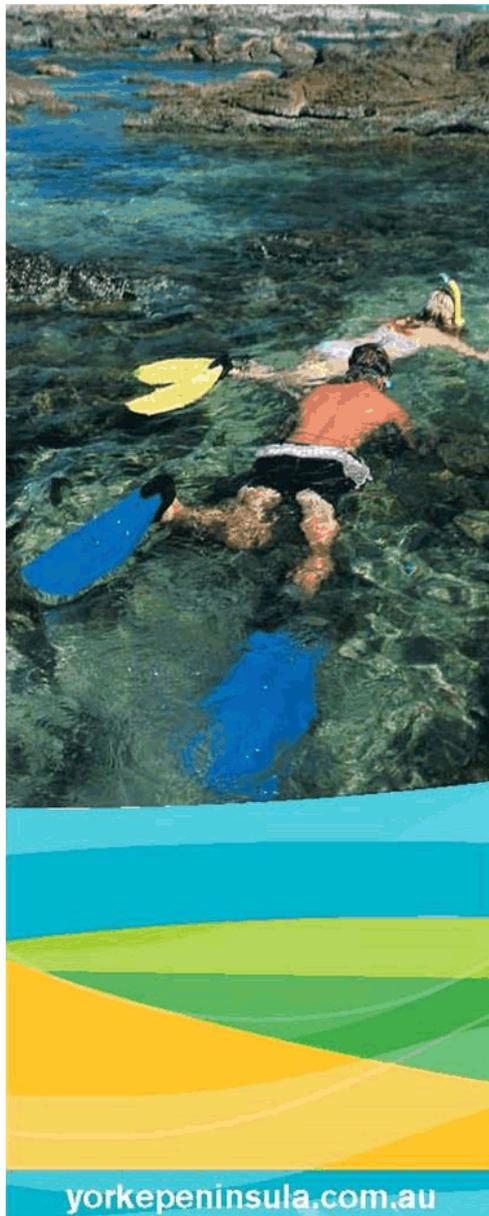
Elected Members would be aware that Council is a financial contributor to Yorke Peninsula Tourism.

**DISCUSSION**

A copy of the latest Yorke Peninsula Tourism Annual Report, outlining their activities and achievements for the 2016/2017 financial year, has been received for Council's information. A copy is attached to this report.

**ATTACHMENTS**

1. **Yorke Peninsula Tourism Annual Report\_2016 - 2017**



# Yorke Peninsula Tourism

## Annual Report 2016/17

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ABN 68 662 055 931





## Chairperson's Report

**Jo-anne Buchanan**

Yorke Peninsula Tourism Committee



The 2016/2017 year has been another excellent year for Yorke Peninsula Tourism. Tourism continues to be recognised by the South Australian Government as one of the five economic priorities for the state and is one of the leading industries through which regional communities can encourage investment and job growth.

Yorke Peninsula attracts approximately 1 million visitors to the region each year, which highlights the significance of tourism for Yorke Peninsula, which provides significant economic benefits and employment in the region. The value of tourism in the region continues to grow with the annual expenditure now estimated at around \$200 million per annum.

Some of the significant activities and achievements of YPT, particularly through the ongoing and valuable efforts of Brooke and Nicole have included:

- An incredible amount of substantial media coverage gained, from regional to National and International coverage.
- Significant support provided to our region's tourism operators from online bookability through to intensive marketing knowledge and up-skilling.
- YPT presence at the Melbourne and Sydney Caravan & Camping shows, where many potential visitors expressed keenness to visit.
- Development of the new "Coastal Way" for the YPT region with the SA Tourism Commission.
- Securing a further three-year funding commitment for YPT from the Copper Coast and Yorke Peninsula Councils.

There is so much to mention...Many would not be aware of all the things that YPT undertake and achieve...I would encourage people to read our Action Plan updates and follow us on social media for a further glimpse. Of course, I look forward to continuing to work with Brooke and Nicole and thank them for their efforts.

Yorke Peninsula Tourism continues to work with industry and promote Yorke Peninsula as a must-see destination. I would like to thank our funding partners Copper Coast Council, Yorke Peninsula Council and the South Australia Tourism Commission for their ongoing financial support. I would also like to thank you, the committee, and the retiring members for your efforts over the past twelve months. Our meetings are enjoyable and it is a pleasure to be involved with you all.

Finally, I would just like to provide a special mention and thankyou to Alan Rushbrook who leaves the committee this term after 11 years of valued volunteering – greatly appreciated Alan!

Jo-anne Buchanan  
Chairperson, Yorke Peninsula Tourism

### Special thanks to our Yorke Peninsula Tourism funding partners:



Yorke Peninsula Tourism Annual Report 2016-2017



## Tourism Manager's report

**Brooke Liebelt**  
Yorke Peninsula Tourism Manager



Yorke Peninsula Tourism has had another successful year with many activities and changes taking place. We have been supported throughout the year by our funding partners and committee who have gone above and beyond to assist us with many projects such as the office relocation in December last year. The YPT office moved from Kadina to Minlaton, and I continue to work from the Copper Coast Council office as much as possible. I thank both the Yorke Peninsula Council and Copper Coast Council in assisting us with our office needs. It's great to be co-located with council staff and other organisations, and assists in providing greater understanding of the work YPT does for the region.

Media relationships continue to provide fantastic support and help us achieve an incredible level of free publicity. Given our limited resources, we always strive hard to leverage every opportunity and gain as much free publicity and exposure for the region as we can.

This is a core focus of the organisation and has paid off with an increase in media value of 280% compared to the previous year. It is important to note that media exposure often fluctuates from year to year, however achieving over \$2.5 million in media value and publicity over the past 12 months is a great achievement. I would like to thank the SATC's PR and Marketing unit for their support in this as opportunities such as hosting the Today Show's weather crossing from Port Vincent in October last year & a dedicated Yorke Peninsula episode by Andy & Ben Eat Australia would not have happened if it wasn't for the SATC's support of Yorke Peninsula.

Our digital assets ([www.yorkepeninsula.com.au](http://www.yorkepeninsula.com.au) and social media channels) are still a major focus of the organisation and will continue to grow as consumer demand for these tools grows overtime. We worked with our digital agency Jaba to significantly enhance our website to increase its usability and effectiveness through Search Engine Optimisation.

We also created a digital strategy to ensure these assets are leveraged to the best of our ability and are seen to be the digital leader within the tourism space. Content is constantly updated & increased, and YPT are currently selling advertising on our website with six spots sold currently. We will continue to utilise Facebook and Instagram as a medium to conduct marketing campaigns such as the one ran in winter promoting an article Max Anderson wrote for us on six reasons to visit Yorke Peninsula this winter. It achieved great results with the article reaching over 90,000 people.

It's very positive to see further investment in tourism with several accommodation and project developments completed and underway, such as a new pod at Hillocks Drive, additional cabins at a number of caravan parks, Waterloo swimming enclosure, the new shellfish reef – Windara Reef at Rogues Point and many more. We continue to work with a number of new and proposed projects and developments with more coming on board next year.

Yorke Peninsula Tourism is committed to making a significant contribution to the development of tourism and increased awareness of Yorke Peninsula as a must-visit holiday destination. We couldn't do this without the incredible support of our funding partners and I would like to sincerely acknowledge and thank the Copper Coast Council, Yorke Peninsula Council and the South Australian Tourism Commission.

Tourism is very much a team effort and there are so many individuals, businesses and organisations that help us achieve our goals. Special thanks to Nicole Page for her amazing ongoing support and assistance; the Yorke Peninsula Tourism Committee for their valued contribution provided on a voluntary basis; Regional Development Australia Yorke & Mid North; SA Tourism Industry Council; media; and the hard-working and passionate tourism operators and businesses throughout the region that support our activities and are the face of our industry, thank you.



Brooke Liebelt  
Yorke Peninsula Tourism Manager

Yorke Peninsula Tourism Annual Report 2016-2017

## Yorke Peninsula Tourism activities 2016/2017

### MEDIA COVERAGE

Various editorials in domestic and international travel and lifestyle publications, national press and radio as well as state and national television, has resulted in approximately over \$2.5 million worth of publicity for the region. This is a conservative figure on what we have been able to track and have got dollar figures for. The actual amount would be much higher. Media coverage included:

- 5CS
- 5AU
- ABC 891
- ABC Port Pirie
- ABC North & West
- Australian Gourmet Traveller Magazine
- Channel Seven News Adelaide
- Column in the YP Country Times plus regular coverage and editorial
- Daily Telegraph - Sydney
- Herald Sun – Melbourne
- InDaily
- Off the Beaten Track
- On the Road Magazine
- QANTAS in-flight magazine
- SA Angler
- SA Life Magazine
- SBS Food Network
- South Aussie with Cosi
- Sunday Mail
- Sunday Tasmanian
- Sunday Telegraph - Sydney
- Sunday Territorian
- Sunrise, Channel 7
- Sydney Morning Herald
- The Advertiser
- The Australian
- The Courier Mail – Brisbane
- The Saturday Age, Sydney
- The Sunday Mail - Escape
- The Weekend Australian
- Travel Daily
- Virgin Voyeur Magazine
- Wanderer Magazine

### SA TOURISM AWARDS

Yorke Peninsula had 2 winners: Aboriginal Cultural Tours South Australia for Excellence in Aboriginal Tourism; Yondah Beach House – Best Deluxe Accommodation (also achieved Hall of Fame); and 8 medallists.

### AUSTRALIAN TOURISM AWARDS

The state winners represented Yorke Peninsula and South Australia as finalists at the Australian Tourism Awards where we had 1 winner. A big congratulations to Yondah Beach House for winning Best Deluxe Accommodation.

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### CONSUMER SHOWS



Yorke Peninsula attended and was represented at the following consumer shows:

National Fishing and Boating Show, Melbourne 2016

Adelaide Caravan & Camping Show 2017  
 Brisbane Caravan & Camping Show 2017  
 Melbourne Caravan & Camping Show 2017  
 Perth Caravan & Camping Show 2017  
 Sydney Caravan & Camping Show 2017  
 Tasting Australia Town Square 2017



Representing YP at the Melbourne Caravan and Camping Show

### YORKE PENINSULA TOURISM CONFERENCE

Yorke Peninsula Tourism hosted its first tourism conference at the Coopers Alehouse in Wallaroo in September 2016. It was a highly successful day with 70 people in attendance. Ron Kandelaars (Journalist) and Michael Ellis (YPCT) were the guest speakers on the day.

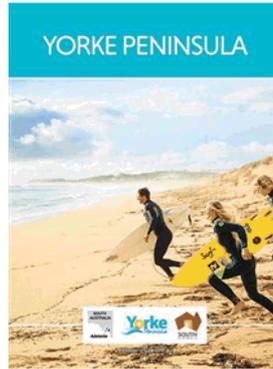


**YORKE PENINSULA VISITOR GUIDE**

The Yorke Peninsula Visitor Guide is the key piece of printed marketing collateral for the region.

Visitor guides are produced and distributed intrastate, interstate, overseas and online.

Assisted with editorial, proofing & distribution.



There is also an industry section for tourism operators.

This year, YPT had focussed on blogging as a way to create content and promote via social media to drive consumers to our website, so far this has been successful with approximately 8,000 visitors per month on average visiting our website.

**AUSTRALIAN TOURISM DATA WAREHOUSE**

Ongoing work with industry to increase the number of listings on the ATDW. It is still a vital tool for the tourism industry with the SATC recording on average 3,000 click throughs on ATDW product from sa.com. We currently have 538 products listed on the ATDW.

**REGIONAL FAMILIARISATIONS**

**For journalists, industry and trade**

The TODAY Show  
 South Aussie with Cosi  
 Andy & Ben Eat  
 Australia  
 The Weekend  
 Australian  
 Gourmet Traveller  
 Magazine  
 Ron Kandelaars –  
 Off the Beaten  
 Track  
 Virgin Voyeur  
 Magazine  
 Brendan Batty, RV  
 Magazine



Andy and Ben Eat Australia, SBS Food Network

**PUBLIC RELATIONS**

Regular communication with media  
 Media Releases  
 YPCT Column - Talking Tourism  
 Monthly e-newsletter to industry  
 Facebook Industry and Consumer pages  
 Industry Workshops  
 Familiarisation tours and hosting  
 Work closely with SATC PR team  
 Ensure YP content in SATC newsletters and publications  
 Respond to media requests  
 PR assistance provided to operators and events

**DIGITAL DEVELOPMENT**

Ongoing work with industry to increase online booking and social media capability.

Increased the level of product bookable online and registered on the ATDW.

Ongoing work with TXA to encourage ATDW registered businesses to opt into online bookings. Yorke Peninsula’s website now offers 252 products available for booking online.

One on one training for operators.

Worked closely with the SATC online team on a digital strategy and development of the enhanced [yorkepeninsula.com.au](http://yorkepeninsula.com.au).

**WEBSITE - [yorkepeninsula.com.au](http://yorkepeninsula.com.au)**

Continued to work closely with SATC and JABA to develop enhancements to the website. This included content management and increasing knowledge and skills in Google Analytics.

The site is fully responsive and is optimised for all mobile devices, has online bookings and is the most comprehensive tourism website covering the entire region, enabling visitors to research, plan and book their holiday.



Yorke Peninsula feature in Gourmet Traveller Magazine

**DESTINATION DEVELOPMENT**

Worked with developers and operators on regional projects including:

- Redwing Farmstay
- Wallaroo Marina Apartments
- Sea Fire
- Innes National Park
- Wallaroo Shores Resort
- Walk the Yorke
- Yorke Uncorked
- Pacific Estate Oysters
- Hillocks Drive
- Tirri Tirri Paddock
- Port Vincent Motel and Apartments
- Nature-based Tourism opportunities
- Shellfish Reef

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**DESTINATION DEVELOPMENT cont...**

Rewilding Yorke Peninsula  
 Food Producers  
 Potential new experiences and hire product  
 Potential new developments



YPT represented the region at the state Nature-based Tourism summit in Adelaide.

**EVENTS**

Ongoing work with Events SA and assisting event organisers. Yorke Peninsula Tourism attended the 2017 Kernewek Lowender – Copper Coast Cornish Festival and arranged for still imagery and footage to be taken on the day.



YPT took footage of the KL festival and promoted via social media posts

Provide weekly radio interviews on 5CS to promote upcoming events.

**PROJECTS**

Worked with the SATC and stakeholders on the development of the region's Regional Response Plan for the SA Regional Visitor Strategy, likely to be released in 2018.

Continued work on the cruise ship potential for Wallaroo. In February, YPT accompanied staff from Copper Coast Council and Yorke Peninsula Council to witness an arrival of a cruise ship on Kangaroo Island to gain a greater understanding of what is required to progress this potential.

YPT was invited to sit on the steering committee for the State Government's first Nature-based

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Tourism Summit. A great opportunity to further promote the region's natural assets and opportunity in this area.

YPT was funded through CC and YP councils to attend the Australian Regional Tourism Convention in Roma, Queensland in October 2016. It was a great opportunity to gain national knowledge on many regional tourism issues and discuss the way forward for Regional Tourism Organisations.

Worked very closely with the SATC on identifying Wi-Fi and signage locations for the Coastal Way road trip.



**INDUSTRY FUNCTIONS & WORKSHOPS**

Provided ongoing training for operators throughout the region and networking opportunities:

- SATIC Service IQ workshops
- SATC's China-Ready workshop
- SATIC Conference
- Tasting Australia Welcome Function
- Nature-based Tourism Forums
- Nature-based Tourism Summit



Operators attending SATIC's Service IQ workshop in Maitland learning about exceptional customer experiences.

**ORGANISATIONAL CHANGES**

In addition to the office relocation discussed in the Manager's Report above, YPT also underwent a change of employers. Previously YPT's employment administration was undertaken by the Copper Coast Council who have supported us in this since 2011. The employment of YPT's Manager and Coordinator is now the responsibility of the YPT Committee resulting in several required changes to take YPT from a volunteer organisation to one that now employs two staff. The staff and committee have been hard at work to ensure all appropriate governance structures are in place.

## Financials

**Details of association:**

Tourism Marketing Committee - Yorke Peninsula Incorporated  
Registration Number of Association: A36389  
Trading as Yorke Peninsula Tourism

**Financial Year:**

2016/2017

**Public Officer:**

Brooke Renae Liebelt  
Yorke Peninsula Tourism Manager  
40 First Street, Minlaton  
Ph: 0419 187 467  
Email: rmm@yorkepeninsula.com.au

**Financials:**

Monger & Co, Public Accountants  
15 Digby Street, Kadina, SA 5554

**Auditor:**

Dean Withers, Chartered Accountant  
Dean Withers & Associates Pty Ltd  
15 Fifth Street, Minlaton, SA 5575

The books of the association are located at 18 Main Street, Minlaton, SA 5575

**Committee Members 16/17:**

Jo Buchanan – Chairperson  
Terry Boyce – Deputy Chairperson  
Rosemary Cock  
Helly Easter-Smith  
Stephen Goldsworthy  
Mark Haydon  
Alan Rushbrook  
Bronwyn Scholes  
Craig Costello  
Lynn Spurling  
Matthew Hawson

Yorke Peninsula Tourism Annual Report 2016-2017



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Frewville SA 5063  
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ACN 067 089 794  
ABN 15 067 089 794

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approved under Professional  
Standards Legislation.

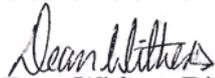
#### YP TOURISM MARKETING COMMITTEE INC.

We have conducted an audit of the accounting records of the Association for the period from 1<sup>st</sup> July 2016 to 30<sup>th</sup> June 2017. The Financial Statements are based on the cash system of recording and therefore record the Receipts and Payments for the year. This statement is supported by a reconciliation of the bank accounts.

It was not possible to extend the review of the receipts beyond the amounts as first recorded in the books of the Association.

In our opinion, the receipts and payments as recorded in the Financial Statements are in accordance with supporting documentation presented to us and the bank accounts agree with the reconciliations.

Dean Withers & Associates Pty Ltd  
Chartered Accountants

  
Dean Withers-Director  
21st August 2017

**17 CORPORATE AND COMMUNITY SERVICES****17.1 FINANCIAL ASSISTANCE GRANTS ALLOCATION 2017/2018****Document #:** 17/68506**Department:** Corporate and Community Services**PURPOSE**

To inform Council in regard to Council's Commonwealth Financial Assistance Grant allocation for 2017/2018.

**RECOMMENDATION**

**That the report be received.**

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.1 Openness and transparency of reporting Council's performance

5.2 Effective leadership and informed decision making

**BACKGROUND**

A letter (refer Attachment 1) received from the Hon Geoff Brock MP, Minister for Local Government details Council's share of the 2017/2018 Commonwealth Financial Assistance Grant. These funds are provided annually by the Commonwealth via the South Australian Grants Commission.

Earlier this year in the Federal Budget the Treasurer announced that the freeze on indexation for this grant will be lifted and this has resulted in an increase of 3.4% or \$78 million to the total pool of funding across Australia. South Australia's share has increased by 2.7% or \$4.1 million. Further, Supplementary Local Road Funding was also reinstated for South Australia for 2017/2018 and 2018/2019. This is an additional \$20 million per annum across the state. This funding is provided in recognition of the inequitable share of the Identified Local Road Grants to SA.

In addition to reinstating indexation and Supplementary Road funding in the Federal Budget, a decision to pay in advance, 50% of Council's allocation for 2017/2018, was also advised. Council received \$1,143,746 in early June 2017.

**DISCUSSION**

As detailed in the attached letter, Council has been allocated a total of \$2,221,150 for 2017/2018 consisting of a General Purpose component and a Roads component. Approximately half of this, as mentioned earlier, was paid in advance in 2016/2017, which leaves \$1,077,404 to be paid in four equal instalments throughout 2017/2018. \$404,360, which is Council's share of the Supplementary Local Road funding is over and above the amount listed in the attached letter and will be provided as a one-off payment.

Council has budgeted to receive \$2,669,772 from Financial Assistance Grants in 2017/2018. The Budget was based on Council's 2016/2017 level of funding plus a 2% indexation plus a one-off Supplementary Road funding amount of \$405,000. The advice received from the Grants Commission details the amount the Council will receive as \$2,625,510, a shortfall of \$44,262.

In discussions subsequently held with the SA Grants Commission's Executive Officer we were advised that some Councils (including Yorke Peninsula Council) across the State will be experiencing a decrease of 2% in the General Purpose component of their grant.

The Commission's role (and recommendations) provide for an assessment of Council's capacity to provide services compared to the average across the State. The capacity of Councils will change from year to year due to a number of factors such as increase or decrease in population, road length, valuations etc.

Whilst the pool of funding in 2017/2018 grew for SA, some Councils, which are assessed by the Commission as having an increased capacity to provide services, will receive decreasing grants.

Yorke Peninsula Council has been included in this group that have been assessed as having an increased capacity to provide services and therefore will experience the 2% reduction.

On further inquiry, the Grants Commission advised that the main factor driving the level of grant support provided, and determining that Council's deemed to have an increased capacity to provide services, is related to Council's rural property valuations.

Based on data dated 1 January 2015 from the Valuer-General, the valuation of rural property for Yorke Peninsula Council increased by 3.86% compared to the state average which was a decrease of 3.09% - a 6.95% differential.

When processed through the Grants Commission's model, along with all other determining factors which have remained relatively constant in our Council area, our Council has experienced an average rural property valuation increase of almost 7% higher than the rest of the State, which, according to the grant criteria, increases our capacity to raise revenue and therefore decreases the level of grant support provided.

The CEO and the Mayor have arranged to meet with representatives of the Grants Commission early in the New Year to further discuss the reasons for the reduction in funding decision.

#### **ATTACHMENTS**

- 1. South Australian Local Government Grants Commission - Financial Assistance Grants (FAG) 2017-2018**



Mayor Ray Agnew OAM  
District Council of Yorke Peninsula  
PO Box 57  
MAITLAND SA 5573

Dear Mayor Agnew

I am pleased to advise that the South Australian Local Government Grants Commission's (the Commission) recommendations for the distribution of the Commonwealth Financial Assistance Grants (FAG's) to Councils for the 2017-2018 year have recently been submitted to the Australian government and approved by Senator Hon Fiona Nash, Federal Minister for Local Government and Territories on 9 August 2017.

As you would be aware, the 2017-2018 federal Budget included measures that will have a significant impact on funding to local governing authorities in South Australia.

Firstly, payment of approximately half of the 2017-2018 FAG's were brought forward and paid in early June 2017. The early payment was made by the Australian government to give Councils immediate access to funds to commence new projects and to benefit from the interest on additional cash in the bank.

As advised by the Commission in late June 2017, the calculation of the Identified Local Road Grant component of the brought forward payment for South Australia was apportioned on the basis of the Identified Local Road Grants and the Special Local Roads Grants for 2016-2017, instead of the Identified Local Road grants only. Adjustments for under and over allocations will be made by the Commission, as appropriate.

Secondly, the freeze on indexation of the FAG's has been lifted and the pool of funding has grown by 3.4 percent or \$78 million, across Australia for 2017-2018. For South Australia, an increase of 2.7 percent or \$4.1 million, is very welcome.

Thirdly, the federal Treasurer announced in the federal Budget that the Supplementary Local Road Funding Program for South Australia would be re-instated for 2017-2018 and 2018-2019, providing \$20 million each year. This funding is to be provided in recognition of the inequitable share of the Identified Local Road Grants to South Australia.

Arrangements for payment of the Supplementary Local Road Funding are currently being finalised by the Australian government and Councils advised of their allocations as soon as possible.

Minister for Regional Development  
Minister for Local Government

Level 17, 25 Grenfell Street Adelaide SA 5000 | GPO Box 2557 Adelaide SA 5001 DX 667  
Tel 08 8226 1300 | Fax 08 8226 0316 | [pirlsa.MinisterBrock@sa.gov.au](mailto:pirlsa.MinisterBrock@sa.gov.au)



- 2 -

The Australian government also continues to provide additional local road funding in 2017-2018 as part of the Roads to Recovery program from the reintroduction of indexation of the federal fuel excise.

As Minister for Local Government, I am working closely with the state government and Local Government Association of South Australia for the continued provision of these programs and I encourage you to take every opportunity to lobby your federal Member of Parliament.

In terms of the 2017-2018 FAG's, the total allocation for South Australia is \$155.8 million. For South Australia, the general purpose grants are \$115,773,190, an increase of 2.5 percent from 2016-2017 and the Identified Local Road Grants are \$39,993,501, an increase of 3.42 percent from 2016-2017. The Identified Local Road component includes formulae based funding of \$33,994,501 and the Special Local Roads Program with funding of \$5,999,000.

The Australian government advised that there was a small underpayment of \$225,623 in the 2016-2017 grants. This amount will be added to the cash grants received by Councils during 2017-2018 in proportion to your approved 2016-2017 distributions.

In summary, the total allocation to the Yorke Peninsula Council for the 2017-2018 year consists of:

General Purpose Grant (GPG)	\$	1,409,535
Roads (Formulae Funding - ILRG)	\$	808,594
Roads (Special Local Roads Program - ILRG)	\$	*
<b>Total Estimated Grant for 2017-2018</b>	<b>\$</b>	<b>2,218,129</b>
Add Adjustment for 2016-2017 underpayment (GPG)	\$	2,700
Add Adjustment for 2016-2017 underpayment (ILRG)	\$	321
Less Brought Forward Payment Paid in June 2017 (GPG)	\$	738,452
Less Brought Forward Payment Paid in June 2017 (ILRG)	\$	405,294 **
<b>Remaining 2017-2018 Cash Payable</b> (rounded to the nearest dollar)	<b>\$</b>	<b>1,077,404</b>

\* Monies provided under the Special Local Roads Program (Financial Assistance Grants) have been allocated for work on the following project: .

\*\* Note – the ILRG component of the brought forward payment figure above represents the actual allocation of the brought forward payment paid in June 2017. The remaining cash payable above includes adjustments made to reflect the under or over allocation of the ILRG brought-forward payment, as necessary.

The general purpose grants and the Identified Local Road Grants are determined using different assessment methods.

To calculate the general purpose grants, both the capacity of Councils to raise revenue and their expenditure needs relative to the average or standard Council are assessed. Greater funding is directed to Councils with less capacity to raise revenue from rates (i.e. those Councils with lower than average property values) or where services cost more to provide, for reasons outside the Council's control (i.e. those Councils with higher than average expenditure needs).

- 3 -

The Identified Local Road Grants are distributed on the basis of road length, population and in rural Councils, the area of the Council.

In 2017, two new commissioners, Mr Rory McEwen and Mayor Dave Burgess joined the Commission. Mary Patetsos, Chair and the Commission considered a range of impacts and other factors during the year and resolved not to make significant changes to the distribution methodology for 2017-2018. The Commission remains committed to ongoing refinement of its methodology and will continue this process during 2017-2018.

The grants are untied and the funding for 2017-2018 will be paid in four quarterly instalments, with the first instalment recently paid. Further instalments will be paid in November 2017 and February 2018 and May 2018.

It would be appreciated if you could forward this information to the relevant Council officers.

Should you have any queries regarding your Council's grant, please contact Mr Peter Ilee, the Commission's Executive Officer, on telephone 7109 7148 or via email at [grants.commission@sa.gov.au](mailto:grants.commission@sa.gov.au).

Yours sincerely



Hon Geoff Brock MP  
**MINISTER FOR REGIONAL DEVELOPMENT**  
**MINISTER FOR LOCAL GOVERNMENT**

*13* September 2017

cc: Mr Andrew Cameron, Chief Executive Officer

**17.2 ART EXHIBITION WORKING PARTY MEETING MINUTES - 28 SEPTEMBER 2017****Document #:** 17/68752**Department:** Corporate and Community Services**PURPOSE**

The Art Exhibition Working Party is a Working Party of Council. A copy of the minutes from their meeting held on 28 September 2017 is attached.

**RECOMMENDATION**

**That the report be received.**

**LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.4 Support local events and help attract new events

1.5 Partner and build positive relationships with key stakeholders (e.g. Regional Development Australia, Central Local Government Region, YP Tourism and Progress Associations) to progress tourism and business growth, including enabling the attraction of niche businesses

**BACKGROUND**

To keep Council and the community informed of progress in delivering the 2018 Yorke Peninsula Art Exhibition.

**DISCUSSION**

Business discussed at the meetings centred around:

- Sponsorship update
- Finalise poster competition and winning poster chosen
- Launch date agreed for Thursday 19<sup>th</sup> October
- Entry Forms and Conditions of entry finalised
- Prize allocations finalised
- Review of Action List
- Review of date of next meeting

**ATTACHMENTS**

1. Minutes - Art Exhibition Working Party Meeting - 28/09/2017



## Minutes of the Meeting of the Art Exhibition Working Party

held on Wednesday 28<sup>th</sup> September 2017  
in the Maitland Council Office  
commencing at 2.00pm

(Subject to confirmation)

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### **ITEM 1 OPEN**

- 1.1 Welcome by Chairperson Cr Alan Headon declared the meeting open at 2.05pm and thanked everyone for attending.
- 1.2 Present – Cr Alan Headon, Pam Headon, Bobbi Pertini, Carina Congdon & Richard Cane.  
In Attendance: Rachel Rich (minute secretary).
- 1.3 Apologies/leave of absence – Anne Eyles, Cr Darren Braund, Cr Tania Stock, Lesley-Anne Swaans, Jenny Robyn & Leanne Cane.
- 1.4 Minutes of previous meeting –

**Pam Headon moved**

**Bobbi Pertini seconded**

That the Minutes of the Art Exhibition Working Party meeting held on 6<sup>th</sup> September 2017, as circulated be confirmed as a true record.

**CARRIED**

- 1.5 Conflict of Interest - The Chairperson reminded members of their obligations in relation to Conflict of Interest provisions.

### **ITEM 2 CORRESPONDENCE IN**

- 2.1 Confirmed incoming sponsorship from the following:
  - Roar Art Escapes have sent in a bronze sponsorship of \$50.
  - LGA have declined the original sponsorship invitation.
  - 7 x Poster Competition Entries received.

- Janette Ireland contacted Cr Headon, giving him the names of 2 Judges who will be on the Peninsula for the Easter weekend, Chris Theil and Lyn Wood being able to judge the Fine Arts category.

### **ITEM 3 CORRESPONDENCE OUT**

- 3.1 Sponsorship invoices are ready to be signed and sent out.

### **ITEM 4 BUSINESS ARISING**

- 4.1 Sponsorship Update:

Current figure of sponsorships receive is \$9,795 incl of GST. With projected income there will be enough funds to cover prizes and allow for some funds for the launch and exhibition.

- 4.2 Poster competition consideration and chosen winner:

Discussion ensued around the selection of the winner of the poster competition. The decision was made to award entry no. 4 as the poster competition winner. A decision was also made to include entry no. 1, 3 and 5 as short listed runner ups.

**Bobbi Pertini moved**

**Richard Cane Second**

That poster entry number 4 be the winning entrant and to invite the other short listed entries to the launch as runner ups.

**CARRIED**

Launch date will now be Thursday 19<sup>th</sup> October 2017 to be held on site at the Maitland Council Office to start at approximately 4.00pm. Cr Headon will officially launch the 2018 Art Exhibition and the Yorke Peninsula Country Times will be invited to cover the launch and poster competition winner. Suggestion was made to invite Country Arts SA.

**Action:** Invitations for YP Art Exhibition Launch will be done by Bobbi, Carina and Rachel.

- 4.3 Finalisation of Entry Forms and Conditions of Entry:

Bobbi sent out entry forms and conditions of entry for feedback. Carina identified a few minor issues which have since been rectified. Forms can now be finalised and ready to use at official launch and then be added to website. Online forms will also be introduced in due course.

**Action:** Rachel will have Standard Forms finalised in RM8 then will be ready for uploading to website.

- 4.4 Finalisation of Prize Allocation:

It was discussed at the previous meeting how the prizes will be allocated. A report will go to Council on the 11<sup>th</sup> October for endorsement to finalise agreed allocation. The Verna Lock Memorial Award for a 'Yorke Peninsula' subject created by a local Yorke Peninsula Artists to be an acquisitive prize. Prize value will remain at \$1,500.

- 4.5 Review of Action List:

The Action List was reviewed and updated as required.

Cr Headon will talk to Wheare Transport before conditions of entry are added to website.

**ITEM 5 NEW BUSINESS**

5.1 Nil

**ITEM 6 NEXT MEETING**

Thursday 9<sup>th</sup> November 2017 at 2:00pm

**ITEM 7 MEETING CLOSE**

The meeting closed at 3.20pm

.....  
**Chairperson – Alan Headon**

## 18 ASSETS AND INFRASTRUCTURE SERVICES

### 18.1 CONSTRUCTION AND MAINTENANCE WORKS

Document #: 17/69331

Department: Assets and Infrastructure Services

#### PURPOSE

To provide a summary of capital and maintenance works undertaken within Assets and Infrastructure Services throughout the month preceding the October 2017 meeting of Council.

#### RECOMMENDATION

**That the report be received.**

#### LINK TO STRATEGIC PLAN

**Goal:** 2 Community Connected through Infrastructure

**Strategy:** 2.5 Explore provision of new infrastructure

2.6 Install and upgrade appropriate traffic control device management

2.7 Upgrade and beautification of open (recreation) spaces (e.g. playgrounds, water parks, BBQ areas etc.)

#### BACKGROUND

This report provides Council with a summary of the capital and maintenance works undertaken within Assets and Infrastructure Services throughout the month preceding the Council meeting.

#### DISCUSSION

- Approximately forty five (45) Customer Service Requests (CSR's) have been addressed throughout September with activities including:
  - Footpath maintenance
  - Maintenance to public buildings
  - Repairs and upgrade to Traffic Control Devices
  - Response to acts of vandalism
  - Sealed and Unsealed road maintenance
  - Stormwater infrastructure maintenance
  - Tree trimming
- Attention to Parks, Gardens and Reserves is programmed in accordance with available resources.
- Roadside vegetation clearance by contractor (Mechanical Vegetation Solutions Pty Ltd) is ongoing. The status of the roads proposed to be serviced in the second year of the three-year contract is outlined in the table below. The statuses are defined as follows:
  - **Not Commenced**
  - **Stage 1** – Bulk horizontal cut
  - **Stage 2** – Bulk horizontal cut / vertical removals / envelope widths
  - **Completed**

Road Name	Start Point	End Point	Status
<b>South</b>			
<b>Hickman Road</b>	Old Coast Road	Dans Road	Completed
<b>Mulburra Park Road</b>	Cemetery Road	Old Coast Road	Completed
<b>Sheoak Flat Road</b>	Old Coast Road	Cemetery Road	Completed
<b>Main Road</b>	Port Vincent Road	St Vincent Highway	Completed
<b>Powerline Road</b>	Yorke Highway	Port Vincent Road	Completed
<b>Twelve Mile Road</b>	St Vincent Highway	Yorke Highway	Completed
<b>Vinecombe Road</b>	St Vincent Highway	Twelve Mile Road	Completed
<b>Sparrow Road</b>	Yorke Highway	Redding Road	Completed
<b>Bittner Road</b>	Yorke Highway	Sparrow Road	Completed
<b>North</b>			
<b>Porky Road</b>	Yorke Highway	Germein Road	Not Commenced
<b>Boundary Road</b>	St Vincent Highway	Sparrow Road	Not Commenced
<b>Ross Road</b>	St Vincent Highway	Yorke Highway	Not Commenced
<b>Yorke Valley Road</b>	Spencer Highway	Yorke Highway	Not Commenced
<b>Black Bobs Road</b>	Yorke Highway	Wauraltee Road	Not Commenced
<b>Mount Rat Wells Road</b>	Spencer Highway	Mount Rat Road	Completed
<b>Nelligan Road</b>	Spencer Highway	Wauraltee Road	Completed
<b>Andrews Road</b>	Spencer Highway	Davies Road	Not Commenced
<b>McFarlane Road</b>	Pine Point Road	Davies Road	Not Commenced
<b>Davies Road</b>	Yorke Valley Road	Boundary Road	Not Commenced
<b>North South Road</b>	Clinton Road	Germein Road	Not Commenced
<b>Yarrum Road</b>	Spencer Highway	Pine Point Road	Not Commenced
<b>James Well Road</b>	Yorke Highway	Pine Point Road	Not Commenced
<b>Lodge Road</b>	Standpipe Road	Piggery Corner Road	Not Commenced
<b>Hasting Road</b>	Piggery Corner Road	Pine Point Road	Not Commenced

<b>Back Road</b>	Maitland Road	Pine Point Road	Not Commenced
<b>Lizard Park Road</b>	Barley Stacks Road	Port Victoria Road	Not Commenced
<b>South Kilkerran Road</b>	Spencer Highway	Balgowan Road	Completed
<b>Miller Road</b>	Port Victoria Road	Balgowan Road	Not Commenced
<b>Cross Road</b>	Miller Road	Nalyappa Road	Stage 1

- Information regarding roadside vegetation maintenance activities undertaken by Council are detailed in the table below:

o Road Name	o Start Point	o End Point	o Status
<b>o South</b>			
o Reo Road	o 100m North of White Hut Road	o Yellowoorowie Road	o Completed
o Green Hill Road	o South Coast Road	o Port Moorowie	o Current
o Windmill Road	o Black Gate Road	o Greenhill Road	o Programmed
<b>o North</b>			
o Pine Point Road	o Hasting Road	o Maitland	o Completed
o Pine Point Road	o Piggery Corner	o North South Road	o Current
o Smith Road	o Pine Point Road	o Spencer Highway	o Programmed

- Patrol grading is ongoing throughout the district aligned with current circuit, technique and resources.
- The status of road construction and maintenance requirements is summarised in the table below, complementing 2017/18 budget allocations:

Road	Description of Works	Work Status	Estimated Completion Date
<b>Weetulta Road</b>	Reconstruct and resheet a 4.7km section	Commenced	End-May 2018
<b>Nalyappa Road</b>	Reconstruct and resheet a 3km section	Commenced	End-October 2017
<b>Pine Point Road</b>	Reconstruct and resheet a 4km section from Hasting Road heading north towards the Maitland end of the bitumen seal.	Ongoing	End-December 2017
<b>Pine Point Road</b>	Reconstruct and resheet a 3km section from the Yorke Highway heading north.	Ongoing	End-March 2018
<b>South Coast Road</b>	Reconstruct and resheet an estimated 14kms of identified sections.	Ongoing	End-June 2018

<b>Sturt Bay Road</b>	Reconstruct and resheet a 3km section.	Ongoing	End-December 2017
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- The following works/upgrades have been applied to Council's Community Wastewater Management Schemes (CWMS), Water and Stormwater Harvesting Schemes:

#### **CWMS**

- Maintenance to Gravity Drain (Ynoo Avenue) **Maitland**
- Upgrade to WWTP aerator **Ardrossan**
- Repairs to WWTP Main Vent **Ardrossan**
- Fall prevention railing upgraded **Ardrossan**
- Pump station vertical railings replaced **Port Vincent**
- Control shed roof replaced **Hardwicke Bay**
- Control shed lighting upgraded **Balgowan**

#### **Water**

- Upgrade of filtration systems **Hardwicke Bay**

#### **Water Schemes**

- Security compound around pump station **Maitland**
- New flow meter installed **Maitland**

(All CWMS, Water and Stormwater Harvesting Schemes are monitored with water quality testing in accordance with SA Health and Environmental Protection Authority (EPA) licence conditions.)

- The Minlaton Powerline Undergrounding Power (PLEC) Stage Two is progressing with the following summary provided by the Project Manager:
  - Approximately 40m trenching in Third Street
  - SA Power Network issued for construction design
  - Infrastructure positions secured by stakeholders
  - Works schedule to be supplied by contractor
  - Mosel Surveyors engaged to undertake easement process
  - Tree trimming required for trenching for public lighting infrastructure
- Footpath rework has been completed within identified streets in Port Vincent, Minlaton, Stansbury, Port Clinton, Balgowan and Port Victoria.
- Staff have replaced beach access (stairs) at Port Vincent. Also concrete stairs at the shelter between the kiosk and playground have been upgraded in accordance with relevant Australian Standards.
- Jetpatching activities have commenced on the northern sealed network with street sweeping programmed in the southern townships.
- Kerb and water table has been replaced along Marine Parade, Port Vincent due to damage from tree roots.
- A section of approximately 50m of stone wall around the Minlaton Showgrounds has been removed due to its unstable nature.

#### **ATTACHMENTS**

Nil

**18.2 COASTAL MANAGEMENT STRATEGY WORKING PARTY - ADJUSTMENT TO WORKING PARTY MEMBERSHIP****Document #:** 17/70129**Department:** Assets and Infrastructure Services**PURPOSE**

To inform Council that there is an adjustment to the Coastal Management Strategy Working Party membership.

**RECOMMENDATION**

**That the report be received.**

**LINK TO STRATEGIC PLAN****Goal:** 3 Valued and Restored Environment**Strategy:** 3.7 Develop and implement a Coastal Management Strategy**BACKGROUND**

At the meeting of Council held on 9<sup>th</sup> August 2017, Council endorsed the formation and membership of the Coastal Management Strategy Working Party. The Discussion of the Debate Report provided information about the possibility of combining the Bush Camping and Coastal Management Strategy Working Parties, and the reasons for them to remain separate.

Councillor Stock had indicated she would like to be a member of the Coastal Management Strategy Working Party.

**DISCUSSION**

Unfortunately, Councillor Stock now must decline the invitation to be a member of the Coastal Management Strategy Working Party due to current obligations/commitments. Councillor Stock thanks Council for the invitation to be involved in the Coastal Management Strategy Working Party.

**ATTACHMENTS**

Nil

**19 DEVELOPMENT SERVICES****19.1 INSPECTORIAL ACTIVITY REPORT****Document #:** 17/68013**Department:** Development Services**PURPOSE**

To inform Council of the activities of the Inspectorial Team.

**RECOMMENDATION**

**That the report be received.**

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.3 Meet all legislative requirements and compliance with Council's internal controls**BACKGROUND**

This report provides Elected Members with information relating to activities of the Inspectorial staff.

**DISCUSSION**

During the past month Council's Inspectors have dealt with many routine matters including By-Law Compliance, Nuisance Complaints and Dog and Cat Management issues.

Officers impounded a dog, while trying to notify the owner that the dog had been found. Fortunately the dog was wearing a current registration disc and the owner was reunited with the dog a short time later.

An Expiation Notice was issued to a Maitland resident as a result of a dog attack on a person walking past the dog owner's home. Two other dog owners (both had been given previous warnings for their dogs wandering at large), were issued with Expiation Notices as a result of the dogs again wandering at large.

Several stud sheep were attacked by unknown dogs at Warooka. The attack occurred overnight, the owners of the stud farm only become aware of the attack in the morning. As a result of the attack, 5 rams were killed and several others injured. The owners of the stock estimated damages to be in the vicinity of \$10,000. No evidence was able to be obtained as to what dogs were involved in the attack. Dog traps have been placed on the property in an attempt to catch the dogs but at the time of writing this report the dogs had not returned to the property.

Regular patrols have also occurred at the bush camping reserves. Those campers that had not obtained a bush camping permit prior to setting up camp were requested to obtain a permit in the normal manner. Patrols are also performed to ensure persons are not camping in the non-designated areas.

Routine patrols of boat ramps have been performed to ensure that users are paying for the facilities. As a result two expiations have been issued to persons for failing to purchase a ticket prior to launching their boats.

Last month we reported that a builder of a house at Pine Point, who was using the road reserve to store building materials and rubbish associated with the construction of the adjoining house was issued with an abatement notice and a \$1,000 expiation for littering. The builder has now abided with the directions issued to them and cleaned up the area.

Council Rangers routinely patrol all townships for traffic management, including foot patrols, paying particular attention to disabled parking bays and vehicles parking on yellow lines.

Council's Fire Prevention Officer has commenced the district inspection to issue notices to land owners to take appropriate action to reduce the impact of fire on the land.

Council's Authorised Officer pursuant to the Local Nuisance and Litter Control Act attended at premises in Maitland as a result of a further complaint in relation to the smoke currently being emitted from the chimney of a slow combustion wood heater that was allegedly causing a local nuisance. This matter is the subject of an ongoing investigation with staff monitoring the situation.

**ATTACHMENTS**

Nil

**19.2 DEVELOPMENT APPLICATION DECISIONS****Document #:** 17/68441**Department:** Development Services**PURPOSE**

To inform the Elected Members of Development Application decisions for the period 4 September to 22 September 2017.

**RECOMMENDATION**

**That the report be received.**

**LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.1 Provide easier, streamlined development approval application process**BACKGROUND**

To keep Elected Members informed of Development Application decisions under delegated authority.

**DISCUSSION**

The following is a list of all Development Applications processed for the period 4 September to 22 September 2017.

Yorketown

544/1118/2017	544/1156/2017	544/1180/2017
544/1189/2017	544/1263/2017	544/1266/2017
544/1267/2017	544/1268/2017	544/1276/2017
544/1277/2017	544/1284/2017	544/1286/2017
544/1309/2017	544/1332/2017	544/1348/2017

Maitland

544/1012/2017	544/1147/2017	544/1172/2017
544/1210/2017	544/1249/2017	544/1255/2017
544/1290/2017	544/1299/2017	544/1316/2017
544/1320/2017	544/1325/2017	544/1343/2017
544/1347/2017	544/1357/2017	

Land Division

544/D004/2017	544/D010/2017
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**ATTACHMENTS****1. Development Application Decisions**

**LIST OF DEVELOPMENT APPLICATIONS & DECISIONS ISSUED BY THE ASSISTANT BUILDING SURVEYOR UNDER DELEGATION  
FOR THE PERIOD 4 SEPTEMBER TO 22 SEPTEMBER 2017**

**YORKETOWN**

Dev. App. No.	Name & Address	Location	Proposal	Class	Area m <sup>2</sup>	Cost \$	Conditions Planning Building	Assessment / Valuation No	Decision Date	Builder & Licence No
544/1118/2017	J Hamilton 77 Maitland Road MINLATON	(PTL 241) 77 Maitland Road MINLATON	Implement Shed	7b	225	77,000	Planning 5 Building 4	402214 5407887726 A0001	5 Sept 2017	A Conley GL41868
544/1156/2017	J Lawson 44 Salop Street BEULAH PARK	(Lot 5) 51 Esplanade POINT TURTON	Verandah	10a	55.08	9,000	Planning 5 Building 3	102954 5400460009	13 Sept 2017	Owner Builder
544/1180/2017	E Bott RMB7277 ESPERANCE	(Lot 3) 8 Pinwattle Place THE PINES	Dwelling Addition & Garage	1a 10a	34 59.15	85,000	Planning 5 Building 1 Private Certifier	104976 5400667270	7 Sept 2017	TBA
544/1189/2017	L & S Eccles 82 Mulgundawah Road MURRAY BRIDGE	(Lot 71) Oaklands Road WOOL BAY	Storage Shed	7b	142	9,550	Planning 4 Building 2	218404 5406123708	12 Sept 2017	Olympic Industries GL37130
544/1263/2017	B & L Crowley 5b Cardigan Ave FELIXSTOW	(Lot 4) 38 Esplanade WOOL BAY	Carport	10a	50	9,860	Planning 3 Building 2	216481 5405818508	12 Sept 2017	A Searle BLD180128
544/1266/2017	The Pines Community Assoc PO Box 8 WAROOKA	(Lot 200) 12-16 Acacia Road THE PINES	Shelter Shed	10a	12	2,100	Planning 2 Building 1	114793 5400851958	4 Sept 2017	D Crabbe BLD57404
544/1267/2017	W & M Hamilton 2a Second Street MINLATON	(Lot 50) 2a Second Street MINLATON	Verandah	10a	32	7,500	Planning N/A Building 3	303438 5407808004	7 Sept 2017	Premium Roofing & Patios BLD246572
544/1268/2017	S Heneker PO Box 55 WOOL BAY	(Lot 2) 48 Fifth Street WOOL BAY	Verandah	10a	41.25	3,720	Planning 5 Building 2	408609 5405852204	13 Sept 2017	Owner Builder
544/1276/2017	M Williams PO Box 105 POINT TURTON	(Lot 169) 6 Quarry Court POINT TURTON	Carport	10a	20.4	7,190	Planning N/A Building 3	111211 5400785065	7 Sept 2017	A Golja BLD56065
544/1277/2017	M Voigt 24 Stansbury Road YORKETOWN	(Lot 6) 24 Stansbury Road YORKETOWN	Garage	10a	36	3,000	Planning N/A Building 2 Private Certifier	201228 5403415000	12 Sept 2017	K Glover BLD246775

**COUNCIL MEETING AGENDA**

**11 OCTOBER 2017**

544/1284/2017	D & K Daniell PO Box 61 COOBOWIE	(Lot 11) 44 Beach Road COOBOWIE	Verandah & Garage	10a 10a	52.29 55.51	5,000	Planning 8 Building 5	214395 5405646005	15 Sept 2017	TBA
544/1286/2017	R & G Butler PO Box 104 MINLATON	(Lot 792) 10 South Terrace MINLATON	Verandah	10a	60	11,000	Planning 5 Building 3	303164 5407780005	12 Sept 2017	C Hamdorf GL102727
544/1309/2017	J Behrendt 23 North Street COLLINSWOOD	(Sec 436) 15 Galway Crescent POINT SOUTTAR	Demolition of Existing Dwelling	1a	108	21,000	Planning N/A Building 7	116475 5400874640	5 Sept 2017	J Behrendt
544/1332/2017	L Smith 30 Edithburgh Rd YORKETOWN	(Lot 404) 30 Edithburgh Road YORKETOWN	Pergola	10a	34.6	2,500	Planning N/A Building 3	202036 5403477009	13 Sept 2017	Owner Builder
544/1348/2017	J Zerella 12 Menkens Street FULHAM GARDEN	(Lot 21) 64 Beach Road COOBOWIE	Demolition of Dwelling & Outbuildings	1a	281	0	Planning N/A Building 7	214312 5405642004	13 Sept 2017	Owner Builder
<b>TOTAL</b>						<b>\$253,420</b>				

**MAITLAND**

Dev. App. No.	Name & Address	Location	Proposal	Class	Area m <sup>2</sup>	Cost \$	Conditions Planning Building	Assessment / Valuation No	Decision Date	Builder & Licence No
544/1012/2017	Minister for Sustainability, Environment and Conservation GPO Box 1047 ADELAIDE	(Sec 303 HD KILKERRAN	Beach Access Roadway, Seawall and Cliff Stabilisation	10b		400,000	Planning 7 Building 2 Private Certifier	37192 4605115503	11 Sept 2017	TBA
544/1147/2017	W and J Pisarek 18 David Avenue BLACK FOREST	(Lot 11) 14 Kneebone Drive PORT VICTORIA	Dwelling and Deck	1a 10a	27.62 22.8	40,000	Planning 6 Building 1	29975 4603256679	6 Sept 2017	Owner Builder
544/1172/2017	AN and MA Biocic 8 Albert Street GUMERACHA	(Sec 186) 59 Bray Road PORT VICTORIA	Demolish Dwelling; Two Storey Dwelling and Balcony	1a 10a	399.9 97.8	200,000	Planning 10 Building 1	30486 4604727006	11 Sept 2017	TBA
544/1210/2017	BW and RA Ellery <a href="mailto:rosemaryellery@me.com">rosemaryellery@me.com</a>	(Lot 25) 32 Davey Road ROGUES POINT	Dwelling Addition	1a	28	28,000	Planning 3 Building 2 Private Certifier	33696 4604913618	4 Sept 2017	TBA
544/1249/2017	RN and SJ Rogers 14 Lawhill Street PORT VICTORIA	(Lot 87) 14 Lawhill Street PORT VICTORIA	Garage	10a	85.2	9,000	Planning 4 Building 2 Private Certifier	16576 4603217004	4 Sept 2017	Owner Builder

**COUNCIL MEETING AGENDA**

**11 OCTOBER 2017**

544/1255/2017	HR Parsons and SM Montgomery- Harris PO Box 15 CURRAMULKA	(Lot 149) 22 First Street CURRAMULKA	Demolish Laundry and Verandah; Dwelling Addition Alfresco and Verandah	1a 10a 10a	44 29 17.6	90,000	Planning 2 Building 1 Private Certifier	306191 5408123509	4 Sept 2017	TBA
544/1290/2017	Yorke Peninsula Council PO Box 57 MAITLAND	(Sec 269) 4-12 Victoria Terrace PORT VICTORIA	Caravan Annexe	10a	16.5	4,800	Planning 7 Building 11	15347 4603150604	21 Sept 2017	MJ Lampe BLD 262044
544/1299/2017	KA and MJ Wuttke 27 North Terrace MAITLAND	(Lot 14) 27 North Terrace MAITLAND	Verandahs	10a	27	15,000	Planning 2 Building 2 Private Certifier	14563 4602140009	7 Sept 2017	TBA
544/1316/2017	DJ Stock PO Box 255 MAITLAND	(Sec 284) 894 Maitland Road MAITLAND	Implement Shed Addition	7b	220.5	34,500	Planning 1 Building Nil	26278 4604448007	13 Sept 2017	Grant Sheds BLD 189717
544/1320/2017	MJ and G Trotter PO Box 56 PORT VINCENT	(Lot 817) 34 Curramulka Road PORT VINCENT	Garage Addition	10a	16.62	3,100	Planning 3 Building Nil	308759 5408315906	21 Sept 2017	TBA
544/1325/2017	Minister for Environment and Conservation GPO Box 1047 ADELAIDE	(PTL 15) 18 Esplande BALGOWAN	Replace Beach Access Stairs	10b	40	20,000	Planning 1 Building Nil	37028 4605107052	12 Sept 2017	TBA
544/1343/2017	RG Jervois 4 Yardea Street MAITLAND	(Lot 582) 2-4 Yardea Street MAITLAND	Freestanding Carport	10a	30	4,000	Planning Nil Building 2	12054 4601989019	12 Sept 2017	TBA
544/1347/2017	JW and SM Clarke PO Box 1454 ALICE SPRINGS	(Lot 28) 38 Davey Road ROGUES POINT	Demolish Existing Dwelling	1a	100	8,000	Planning Nil Building 1	33720 4604913765	12 Sept 2017	Ardrossan Earthmoving
544/1357/2017	SA Aboriginal Housing Authority GPO Box 292 ADELAIDE	(Lot 20-22) 5-7 Lamshed Street MAITLAND	Three Dwellings and Carports	1a 10a	370.41 65.1	690,275	Planning Nil Building Nil	12369 4602016008	20 Sept 2017	Country Living Homes 194214
<b>TOTAL</b>						<b>\$1,546,675</b>				

## LAND DIVISION

Dev. App. No.	Name & Address	Location	Proposal	Conditions Planning Building	Assessment / Valuation No	Decision Date
544/D004/2017	J Story C/- SKS Surveys PO Box 325 STEPNEY	(Lot 374) 8447 St Vincent Highway YORKETOWN	Land Division	Planning 1 Land Division 5	403162 5406234054	21 September 2017
544/D010/2017	D & S Sims C/- Alexander & Symonds Pty Ltd PO Box 1000 KENT TOWN	(Sec 3) 9 Gun Club Road MINLATON	Land Division	Planning 1 Building 3	316042 540867000	5 September 2017

**19.3 WASTEWATER SYSTEM APPLICATION DECISIONS****Document #:** 17/68463**Department:** Development Services**PURPOSE**

To inform the Elected Members of Wastewater Application decisions for the period 4 September to 22 September 2017.

**RECOMMENDATION**

**That the report be received.**

**LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.1 Provide easier, streamlined development approval application process**BACKGROUND**

To keep Elected Members informed of Wastewater Application decisions under delegated authority.

**DISCUSSION**

The following is a list of all Wastewater System applications processed for the period 31 July to 1<sup>st</sup> September 2017.

Maitland

050/042/2017	050/053/2017	050/054/2017
050/061/2017	050/071/2017	050/074/2017
050/075/2017	050/076/2017	050/079/2017

Yorketown

050/031/2017	050/045/2017	050/068/2017
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**ATTACHMENTS****1. Wastewater System Application Decisions**

**LIST OF WASTE CONTROL APPLICATIONS & DECISIONS ISSUED BY THE ENVIRONMENTAL HEALTH OFFICERS UNDER DELEGATION  
FOR THE PERIOD 4 SEPTEMBER TO 22 SEPTEMBER 2017**

**Maitland**

Septic App. No.	Owner	Location	Proposal	Conditions	Assess. No	Decision Date	Plumber & Licence No
050/042/2017	BW and RA Ellery <a href="mailto:rosemaryellery@me.com">rosemaryellery@me.com</a>	(Lot 25) 32 Davey Road ROGUES POINT	CWMS Connection	11	33696	4 September 2017	Owner Applicant
050/053/2017	HR Parsons and SM Mongomery-Harris PO Box 15 CURRAMULKA	(Lot 149) 22 First Street CURRAMULKA	Septic and Soakage	11	306191	4 September 2017	Owner Applicant
050/054/2017	W and J Pisarek 18 David Avenue BLACK FOREST	(Lot 11) 14 Kneebone Crive PORT VICTORIA	Septic and Soakage	11	29975	6 September 2017	Owner Applicant
050/061/2017	CJ and M Potticary PO Box 501 GAWLER	(Lot 54) 42 Hosking Road TIDDY WIDDY BEACH	CWMS Connection	11	8425	4 September 2017	Owner Applicant
050/071/2017	AN and MA Biotic 8 Albert Street GUMERACHA	(Sec 186) 59 Bray Road PORT VICTORIA	Septic and Soakage	11	30486	11 September 2017	Owner Applicant
050/074/2017	SA Housing Trust GPO Box 292 ADELAIDE	(Lot 21) 5 Lamshed Street MAITLAND	CWMS Connection	11	12377	19 September 2017	Country Living Homes
050/075/2017	SA Housing Trust GPO Box 292 ADELAIDE	(Lot 21) 5 Lamshed Street MAITLAND	CWMS Connection	11	12377	19 September 2017	Country Living Homes
050/076/2017	SA Housing Trust GPO Box 292 ADELAIDE	(Lot 21) 5 Lamshed Street MAITLAND	CWMS Connection	11	12377	19 September 2017	Country Living Homes
050/079/2017	HA Semmler 12 South Terrace NURIOOTPA	(Lot 64) 62 Hosking Road TIDDY WIDDY BEACH	CWMS Connection	11	8524	12 September 2017	Owner Applicant

**Yorketown**

<b>Septic App. No.</b>	<b>Owner</b>	<b>Location</b>	<b>Proposal</b>	<b>Conditions</b>	<b>Assess. No</b>	<b>Decision Date</b>	<b>Plumber &amp; Licence No</b>
050/031/2017	E Bott RMD 7277 ESPERANCE	(Lot 3) 8 Pinwattle Place THE PINES	Aerobic System	11	104976	7 September 2017	Owner Applicant
050/045/2017	Yorke Peninsula Council PO Box 57 MAITLAND	(Lot 102) 146 Bayview Road POINT TURTON	CWMS Connection	11	102046	29 August 2017	Owner Applicant
050/068/2017	W Cook 48 Sir Ross Smith Blvd OAKDEN	(Lot 704) 1 Juno Court STANSBURY	Septic & Soakage	11	207480	15 September 2017	Hart Bros

**19.4 ENVIRONMENTAL HEALTH REPORT****Document #:** 17/68015**Department:** Development Services**PURPOSE**

To inform Council of the activities of the Environmental Health Officer.

**RECOMMENDATION**

**That the report be received.**

**LINK TO STRATEGIC PLAN****Goal:** 4 Community Engaged and Supported**Strategy:** 4.5 Continue delivering compliance and environmental health services and inspections**BACKGROUND**

This report provides Elected Members with information on matters relating to public health and food safety.

**DISCUSSION**

A major portion of the Environmental Health Officer (EHO) role includes the ongoing assessment of wastewater applications and inspecting the installation of these approved systems. Such applications cover;

- local sewer schemes,
- common wastewater management schemes,
- on-site disposal via septic/aerobic tank and soakage/irrigation area,
- on-site disposal incorporating pressure dosed soakage beds, these can be particularly useful for small blocks and difficult sites,
- off-site disposal of effluent via a holding tank for properties within 100m of the high water mark (sensitive coastal zone) – holding tanks are not allowed for new developments and are only considered for particular locations.

Routine and follow up inspections of food businesses are undertaken throughout the year. Council now uses the voluntary Food Safety Rating Scheme (Scores on Doors) developed by SA Health to guide food inspections. This provides a visual performance indicator, which helps provide measurable food safety goals for food business owners. The score rating system also helps put importance on high risk areas of food handling with higher scores assigned to these areas. Routine inspections seek to determine the knowledge and skill level of the persons involved in food preparation and sale, along with the general cleanliness and suitability of the premises. It also provides advice and support to all food businesses, ensuring a continual improvement in the safety of food handling practices. To date, sixteen businesses are taking part in the Scores on Doors programme.

EHO's also investigate and consider any potential risk to public health. These potential risks may be received as a complaint from concerned community members. The type of issues that are received, include risks from:

- Offensive Odours
- Illegal wastewater discharge
- Noise
- Asbestos
- Living conditions
- Hygiene of skin penetration practices
- Air pollution
- Potential contamination
- Failing effluent disposal systems
- Vermin
- Water quality
- Quality or safety of food for sale

**ATTACHMENTS**

Nil

**20 VISITORS TO THE MEETING**

Nil

# DEBATE AGENDA

**DEBATE AGENDA****21 CHIEF EXECUTIVE OFFICER****21.1 POLICY UPDATE - REQUEST FOR SERVICE PO075****Document #:** 17/69904**Department:** Executive Services**PURPOSE**

To seek endorsement and approval from Council for the updated PO075 Request for Service Policy.

**RECOMMENDATION**

**That Council endorse and approve the updated PO075 Request for Service Policy for inclusion in Council's Policy Manual and on the website.**

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.3 Meet all legislative requirements and compliance with Council's internal controls  
5.8 Continuous improvement of Council processes**BACKGROUND**

The PO075 Request for Service Policy is due for review after last being updated in September 2014.

**DISCUSSION**

Additional information has been included on Processing a Request for Service in section 4.5 to include scheduling of work to coincide with work in a particular area or season and requests for major works or new services needing to be referred to Council for consideration.

Two minor amendments have also been made to add the policy number to a policy name in section 5 of the policy and to include the recently implemented Customer Service Charter to the list of Related Council Policies and Documents in section 8 of the policy.

The outdated policy is attached to this report and the changes made are reflected in red.

**COMMUNITY ENGAGEMENT PLAN**

This will be a Level 1 consultation – informing the community of Council's revised Request for Service Policy.

**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- CEO
- Governance Officer

In preparing this report, the following External Parties were consulted:

- Local Government Association

**POLICY IMPLICATIONS**

Request for Service Policy

**BUDGET AND RESOURCE IMPLICATIONS**

Nil additional budget is required.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

It is essential that Council has the appropriate policies and delegations in place to ensure legislative compliance and a fair, consistent, responsible and accountable process for reviewing grievances.

Council also provides services which are funded by the State and/or Commonwealth Governments and these are subject to the policies and procedures particular to those services.

Section 270 of the Local Government Act 1999

LGA Requests for Service: Model Policy

**ATTACHMENTS**

- 1. PO075 - Council Policy - Request for Service**



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## COUNCIL POLICY

### Request for Service

<b>Policy Number:</b>	PO075		
<b>Strategic Plan Objective</b>	Efficient, Effective and Professional Organisation		
<b>Policy Owner:</b>	Chief Executive Officer	<b>File Number:</b>	<del>18.63.1</del>
<b>Responsible Officer:</b>	Governance Officer	<b>Minute Reference:</b>	<del>170/2014 (10/09/2014)</del>
<b>Date Adopted:</b>	<del>10/09/2014</del>	<b>Next Review Date:</b>	<del>October August 2017</del> 19

#### 1. POLICY OBJECTIVES

Section 270 (a) of the Local Government Act requires Council to maintain policies, practices and procedures for dealing with “any reasonable request for the provision of a service by the Council or for an improvement of a service provided by the Council”.

This policy aims to:

- Provide guidance on what may constitute a reasonable request for a service or an improvement to a service
- Distinguish between requests, complaints and feedback to Council and give direction on management of requests
- Establish a standardised process for assessing and processing requests
- Using requests to directly inform service improvements.

#### 2. SCOPE

This policy applies to all Elected Members, Council employees or representatives who may be involved in receiving or processing a request for service in the course of their duties.

#### 3. DEFINITIONS

Definitions are provided in Attachment 1.

#### 4. POLICY STATEMENT

Council delivers an extensive range of services and infrastructure to communities, and discharges obligations under many pieces of legislation. Providing services to the community is a key component of Council’s operations and requests for work to be undertaken or a service provided are a regular occurrence.

Council is committed to the provision of quality service to our community and aims to provide services fairly and efficiently. It also monitors requests to identify ways in which it can continually improve services.

##### 4.1. The Principles

This policy is based on five principles which inform the way Council approaches requests for service. They are:-

- **Fairness:** treating customers impartially, maintaining confidentiality and ensuring transparency at all stages of the process.

- Accessibility: information about Council's services and contact options will be readily available.
- Responsiveness: providing sufficient resources and suitably trained staff.
- Efficiency: customer requests will be dealt with as quickly as practical while adhering to this policy.
- Liaison: between different areas of Council where the customer request overlaps functional responsibilities.

#### **4.2. What is a Request for Service?**

A Request for Service is an application to have Council or its representatives take some form of action to provide or improve a Council service.

Council also receives complaints and feedback across all areas of operations and clarification may be necessary to make the distinction for the purpose of this policy.

A Complaint is an expression of dissatisfaction with a service which has, or should have, been received. Refer to the "Definitions" table for a further explanation.

Where Council has failed to meet the normal standards for a service, the Council's Complaint Policy and the associated procedures apply. Where ambiguity exists, Council will deal with the matter as a request for service rather than a complaint in the first instance.

Feedback can take the form of comments, both positive and negative, about services provided without necessarily requiring corrective action or a formal review. Feedback may however influence future service reviews and delivery methods.

#### **4.3. Reasonable Request for Service**

In assessing requests for service consideration will be given to:

- Alignment with Council's Strategic Plan, Long Term Financial Plan and Annual Business Plans;
- Public safety and emergencies;
- Using Council resources efficiently including maintaining appropriate levels of staffing and Council's Enterprise Agreements;
- An assessment of risk;
- Relevant Council policies and statutory responsibilities;
- Guidelines and conditions of externally funded programs;
- Impact of service delivery approaches on local businesses.

#### **4.4. How to Make a Request for Service**

A person can make an application for a service in a number of ways:

- Completion of the appropriate form on Council's website, or
- In person at one of Council's offices, or
- Letter, or
- Email, or
- Fax, or
- Telephone, or
- Petition to Council.

All requests will be captured in Council's Records Management System in accordance with the State Records Act 1997 and Council's Records Management Policy.

Council records are subject to the Freedom of Information Act 1991 and confidentiality cannot be guaranteed under provisions of that legislation.

#### 4.5. Processing a Request for Service

Council welcomes requests for service as a way of continually improving its services and programs whilst meeting the needs of its customers.

The circumstances for individual requests will vary greatly.

Requests that fit within well established guidelines will be managed accordingly and the process will be explained to an applicant at the outset. In the majority of cases requests will be processed promptly and the applicant advised verbally or by return post or email.

Where further evaluation is required, the applicant will be informed accordingly. If a request cannot be fulfilled in a reasonable timeframe the applicant will be advised, including an explanation of why this decision was taken.

On some occasions, requests may be best suited to scheduling to coincide with work in a particular area or season.

Requests for major works or new services will be referred to Council for consideration as part of the next annual cycle of review and public consultation.

Where an applicant is not satisfied with the Council's decision, it is open to the applicant to lodge a complaint against the decision under Council's Complaints Policy.

#### 4.6. Rejected Requests

All rejected requests that are within the bounds of Council's service provision will be recorded and may be reconsidered at a future date, such as in conjunction with the preparation of future plans (Strategic Plan, Long Term Financial Plan or Annual Business Plans).

### 5. COMPLAINTS

Complaints about this policy can be made in writing to Council's Governance Officer. Complaints will be managed in accordance with Council's Complaints Policy [PO147](#).

### 6. REVIEW

This policy will be reviewed every four years and must be reviewed within twelve months of a general election, in consultation with employees and Elected Members.

This policy will also be reviewed as deemed necessary in consideration of any changes to legislation, guidelines, audit findings or stakeholder feedback.

### 7. TRAINING

Council is committed to supporting Elected Members and employees in complying with this policy

This policy will be provided to Elected Members and all employees who have responsibilities under this policy.

Training needs will be reviewed annually, during individual performance reviewed or when deemed necessary in consideration of any changes to legislation and relevant guidelines.

### 8. RELATED COUNCIL POLICIES AND DOCUMENTS

PO037 Internal Review of a Council Decision Policy

PO057 Community Engagement Policy

PO147 Complaints Policy

[Customer Service Charter](#)

### 9. REFERENCES AND LEGISLATION

- Section 270 of the Local Government Act 1999
- Council also provides services which are funded by the State and/or Commonwealth Governments and these are subject to the policies and

procedures particular to those services.

- Local Government Association of SA (LGA) Model Policies.

**10. COUNCIL DELEGATION**

<b>Details of Delegation:</b>	Chief Executive Officer
<b>Delegate:</b>	

**11. VERSION HISTORY**

<b>Archived Policy Name</b>	<b>Policy Number</b>	<b>Date Adopted</b>	<b>Last Reviewed</b>
PO075 Service Provision Policy	PO075	07/04/2003	08/06/2010
<u>PO075 Request for Service Policy</u>	<u>PO075</u>	<u>10/09/2014</u>	<u>11/10/2017</u>

## Definitions

## ATTACHMENT 1

Act	The Local Government Act 1999 (SA).
Community	1. The people who; live, work, conduct business activities or use the facilities in public places.
Complaint	2. Means an expression of dissatisfaction with a service delivered by the Council, or its representatives that has failed to reach the standard stated, implied or documented. This includes complaints about a request for service that has been, or should have been delivered. Complaints may originate from the community, elected members, contractors or staff.
Council	The Yorke Peninsula Council
Employee	Means a person employed directly by the Council in a full time, part time or casual capacity.
Policy	<ul style="list-style-type: none"> <li>Refers to this Request for Service Policy.</li> </ul>
Representatives	<ul style="list-style-type: none"> <li>Persons providing services to, or on behalf of, the Council.</li> </ul>
Request for Service	Means an application to have Council or its representatives take some form of action to provide a Council service.

**21.2 POLICY UPDATE - COMPLAINTS PO147****Document #:** 17/69379**Department:** Executive Services**PURPOSE**

To seek endorsement and approval from Council for the updated PO147 Complaints Policy.

**RECOMMENDATION**

**That Council endorse and approve the updated PO147 Complaints Policy for inclusion in Council's Policy Manual and on the website.**

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.3 Meet all legislative requirements and compliance with Council's internal controls  
5.8 Continuous improvement of Council processes**BACKGROUND**

The PO147 Complaints Policy is due for review after last being updated in July 2015.

**DISCUSSION**

With no legislative changes made since this policy was last updated, only minor amendments have been made. Section 2.1 has had another item added to include all other complaints that cannot be dealt with under a separate legislative process or policy. Other minor amendments have also been made to wording and grammar throughout the policy, to include the recently implemented Customer Service Charter to the list of Related Council Policies and Documents in Section 8 of the policy and to include the Essential Services Commission Act 2002 in the References and Legislation listed in Section 9 of the policy. The review period in Section 6 of the policy has also been updated to every three years.

The updated policy is attached to this report and the changes are reflected in red.

**COMMUNITY ENGAGEMENT PLAN**

Level 1 – Inform

**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- CEO
- Governance Officer

In preparing this report, the following External Parties were consulted:

- Local Government Association

**POLICY IMPLICATIONS**

PO147 Complaints Policy

**BUDGET AND RESOURCE IMPLICATIONS**

Not applicable

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

It is essential that Council has the appropriate policies and delegations in place to ensure legislative compliance and a fair, consistent, responsible and accountable process for reviewing grievances.

Local Government Act 1999

Australian Standard ISO 10002-2006, Customer satisfaction – Guidelines for Complaints Handling in Organisations

Ombudsman SA VALUING COMPLAINTS – An audit of complaint handling in South Australia – November 2011

The Commonwealth Ombudsman's Better Practice Guide to Complaint Handling 2009

Protocol – Ombudsman Enquiry Procedure

LGA Complaints: Model Policy and Procedure

**ATTACHMENTS**

1. **PO147 - Council Policy - Complaints**



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# COUNCIL POLICY

## Complaints

<b>Policy Number:</b>	PO147		
<b>Strategic Plan Objective</b>	Meet all legislative and compliance responsibilities		
<b>Policy Owner:</b>	Chief Executive Officer	<b>File Number:</b>	<del>9-63-1</del>
<b>Responsible Officer:</b>	Governance Officer	<b>Minute Reference:</b>	<del>173/2015 (08/07/2015)</del>
<b>Date Adopted:</b>	<del>8<sup>th</sup> July 2015</del>	<b>Next Review Date:</b>	<del>October July 2017</del> <u>201720</u>

### 1. POLICY OBJECTIVES

Council is committed to providing a quality service to its customers and regards complaints as an opportunity to improve practices and processes as well as resolving issues.

The aim of this policy is to provide a fair, consistent and structured process for Council's customers if they are dissatisfied with a Council action, decision or service.

Emphasis is placed on resolving complaints as quickly as possible. Where complaints cannot be settled in the first instance, Council will ensure that they are dealt with through appropriate, more formal processes and by staff with the appropriate authority to make decisions.

### 2. SCOPE

2.1 This policy applies:

- i) where Council has failed to meet the normal standards for a service which has been, or should have been delivered;
- ii) to all employees of the Yorke Peninsula Council undertaking work for/on behalf of Council.
- iii) to all other complaints that cannot otherwise be dealt with under a separate legislative process or policy.

•

- 2.2 Complaints about matters that are not Council's responsibility, such as disputes between neighbours, civil liability matters and matters already being dealt with through the Court process, will not be handled under this policy.

•

### 3. DEFINITIONS

Definitions are provided in Attachment 1.

### 4. POLICY STATEMENT

Council welcomes complaints as a way of improving its services and programs as well as providing an opportunity to put things right.

All complaints received by Council will be treated seriously and complainants will be treated courteously.

There are five fundamental principles that underpin Council's approach to handling complaints:

- Fairness: treating complainants fairly with impartiality, confidentiality (to the extent possible) and transparency at all stages of the process;
- Accessibility: ensuring broad public awareness about Council's policy and a range of contact options;
- Responsiveness: ensuring that sufficient resources and well trained staff are provided and that systems are reviewed for improvement;
- Efficiency: complaints will be resolved as quickly as possible, while ensuring that they are dealt with at a level that reflects their complexity;
- Integration of different areas of Council where the complaint overlaps functional responsibilities.

This policy and information about how to lodge a complaint is available by clicking on the "**Customer** Complaints" link on the front page of Council's website, or via any Council office.

#### 4.1 The Complaint Process

Council requires that all complaints are submitted in writing. A person can make a complaint in a number of ways:

- Complete the appropriate form on Council's website;
- Email;
- Letter;
- Fax;
- Visit a Council customer service office.

The following steps will be followed by staff to ensure complaints are dealt with efficiently and effectively:

- Acknowledge complaints promptly;
- Assess the complaint - simple problems may not need to be investigated;
- Plan the investigation where one is warranted;
- Investigate the complaint;
- Respond to the complainant with a clear decision;
- Follow up any customer service concerns;
- Consider and manage any process and/or personnel issues which may need correction.

Wherever possible complaints will be resolved when first reported, but if necessary officers will escalate complaint handling as set out below.

#### 4.2 Three Tiered Scheme

Complaints may vary greatly in their level of complexity and seriousness. To assist with determining and managing complaints, Council have categorised complaints into a three tiered scheme.

##### **Level 1 - Immediate response to resolve the complaint**

All staff are authorised to handle complaints in the first instance, wherever possible. All attempts will be made to deal with complaints promptly at the initial point of contact at the appropriate officer level.

##### **Level 2 - Complaint escalated to a more senior officer**

A complaint will be directed to a more senior officer in the Council, where circumstances indicate that the complaint would be more appropriately handled at a higher level. This can include, where an officer has been involved in the matter that is the subject of the

complaint, where the complaint is about an issue that requires a decision to be made at a more senior level, or where a complaint concerns a matter that ranges across more than one Council work area.

### **Level 3 - Internal review of a Council decision by statutory process**

Internal review of a Council decision is available under section 270 of the *Local Government Act 1999*. This is a process established by legislation that enables the Chief Executive Officer (CEO) to reconsider all the evidence relied on to make a decision, including new evidence if relevant. This process, as set out in Council's Internal Review of Council Decisions Policy, is a last resort in the complaint handling process, but may also be used in situations which are not able to be resolved by other means. ~~such as a complaint about a decision of the CEO.~~

With the exception of Level 1 responses Council will ensure, wherever possible, that complaints are handled independently of the original decision-maker/officer involved in the matter that is the subject of the complaint.

#### **4.3 Timeframes**

Council will respond within ten business days, acknowledging receipt of the complaint and, where possible, resolving it at that time. If a resolution is not possible complainants will be advised of the likely timeframe required to investigate and resolve a complaint and regularly updated as to progress where necessary.

#### **4.4 Remedies**

Where complaints are found to be justified Council will, where reasonably practicable, remedy the situation in a manner which is consistent and fair for both Council and complainants. The solution chosen will be proportionate and appropriate to the circumstances.

As a general principle the complainant should, so far as possible, be put in the position he or she would have been in, had things not gone wrong. This may mean providing the desired service or changing a decision. Sometimes, however, it may only be possible to offer an apology.

Compensation may only be offered in cases where the loss or suffering is considered substantial. The CEO is the only representative authorised to offer financial compensation and must consult with the Local Government Association Mutual Liability Scheme before doing so, in relation to all civil liability matters.

#### **4.5 Alternative Remedies**

Council may seek to use alternative dispute resolution methods, such as mediation, to resolve a complaint in circumstances where the CEO or his/her delegate, deems that this is the appropriate course of action and the complainant agrees. Costs and expenses relating to alternative dispute resolution methods will be shared equally between the Council and the other party.

#### **4.6 Complainants Right to Seek Other Forms of Resolution**

While Council prefers to work with its customers to resolve complaints quickly and effectively, a complainant retains the right to seek other forms of resolution, such as contacting the Ombudsman, or taking legal action at any time. As a general rule, the Ombudsman prefers a complaint to be addressed by Council in the first instance, unless this is not appropriate in the circumstances.

When advising a complainant of the outcome of a complaint investigation, Council will provide information about alternative remedies, including any rights of appeal and the right to make a complaint to an external agency such as the SA Ombudsman.

#### 4.7 Alternative Complaint Processes

There are also other complaint processes which may apply to particular types of complaints and the complaint may be more properly dealt with by another process. This will be explained to the complainant at the outset. For example:

- Complaints ~~against a Councillor or the Chief Executive Officer~~ relating to the Codes of Conduct;
- Freedom of Information applications;
- Civil Liability matters;
- Insurance claims;
- Decisions made under legislation other than the *Local Government Act*, such as the *Development Act 1993* or *Expiation of Offences Act 1996*.

#### 4.8 Privacy and Confidentiality

Complainants have a right to expect that their complaint will be investigated in private, to the extent possible. The identity of complainants will be made known only to those who need to know in the process of investigating and resolving the complaint. The complaint will not be revealed or made public by the Council, except where required by law.

All complaints lodged with Council are subject to the *Freedom of Information Act 1991* and confidentiality cannot be guaranteed under the provisions of that legislation.

#### 4.9 Unreasonable Complainant Conduct

Occasionally the conduct of a complainant can be unreasonable and a decision may be made to apply restrictions on contact with the person. Before making any decision to restrict contact, the complainant will receive a written warning that, if the specified behaviour(s) or actions continue, restrictions may be applied.

Any decision to suspend action on a complaint will be made by the CEO or his/her delegate.

#### 4.10 Using Complaints to Improve Service Provision

In addition to making changes to procedures and practices where appropriate, Council will review and evaluate the information gained through its complaints handling processes on an annual basis to identify systemic issues and opportunities for improvements to service provision. Council ~~will receive a~~ report annually on the number and nature of written complaints received, including the percentage number of unresolved complaints.

Where appropriate, complainants will be provided with an explanation of changes proposed or made as a result of the investigation of their complaint.

#### 4.11 Complaints About the Sale and Supply of Water and/or Wastewater Services

Essential Services Commission of South Australia (ESCOSA) have issued Council with a water retail licence for the sale and supply of water and/or wastewater services. Under the terms of the licence Council are required to comply with the Water Retail Code ("the Code") (Essential Services Commission of South Australia [ESCOSA]). In accordance with the terms of the Code, Council have developed a Water Services Customer Charter ("the Charter") that sets out what Council is required to do under the Code, includes information about complaints, financial hardship, translation and interpreting services and large print requirements. The Charter is available on Councils website, or via any Council office.

In addition to the requirements under Policy clauses 1 – 4 above, Council will ensure compliance with the Regulatory Service Standards when managing complaints about the sale and supply of water and/or wastewater services.

**5. COMPLAINTS**

Complaints about ~~the contents of~~ this policy can be made in writing to the Governance Officer and will be managed in accordance with the processes contained within.

**6. REVIEW**

This policy will be reviewed every ~~two~~ three years and as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

**7. TRAINING**

Employees will be trained to manage complaints efficiently and effectively, and provided with a level of delegated authority appropriate for the nature of complaints they are expected to resolve.

Training needs will also be identified through the performance review and audit processes. Training will also occur and as necessary in response to changes to legislation and relevant standards, codes and guidelines.

**8. RELATED COUNCIL POLICIES AND DOCUMENTS**

PO037 Internal review of Council Decisions Policy

PO123 Code of Conduct for Elected Members

PO123 Process for Managing Complaints and Breaches under the Code of Conduct for Elected Members

PO014 Employee Code of Conduct

PO014 Process for Managing Complaints and Breaches under the Employee Code of Conduct

PO134 Whistleblowers Policy

[Customer Service Charter](#)

**9. REFERENCES AND LEGISLATION**

Local Government Act 1999

[Essential Services Commission Act 2002](#)

Water Industry Act 2012

Water Industry Regulations 2012

Water Retail Code – Minor and Intermediate Retailers

Australian Standard ISO 10002-2014, Customer satisfaction – Guidelines for Complaint Handling in Organisations

Ombudsman SA VALUING COMPLAINTS – An audit of complaint handling in South Australia – November 2011

The Commonwealth Ombudsman's Better Practice Guide to Complaint Handling 2009 Protocol – Ombudsman Enquiry Procedure

Water Industry Guideline No. 2 (WG2/01)

LGA Model Complaints Policy

PO063 Records Management Policy

Water Services Customer Charter

Water Services Customer Contract

**10. COUNCIL DELEGATION**

<b>Delegate:</b>	Chief Executive Officer
<b>Sub Delegate:</b>	Governance Officer

**11. VERSION HISTORY**

Archived Policy Name	Policy Number	Date Adopted	Last Reviewed
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Complaints Policy	PO147	13/02/2015	July 2015
<a href="#">Complaints Policy</a>	<a href="#">PO147</a>	<a href="#">08/07/2015</a>	<a href="#">11/10/2017</a>

**DEFINITIONS**

Business Day	A day when the Council is normally open for business.
Complaint	<p>3. For the purposes of this policy, a complaint is defined as an expression of dissatisfaction with a product or service delivered by the Council or its representatives that has failed to reach the standard stated, implied or expected. This includes complaints about a service that has been, or should have been delivered.</p> <p><b>4. It does not mean</b> a request for service ("Customer Service Request").</p>
Council	The Yorke Peninsula Council
Employee(s)	<ul style="list-style-type: none"> <li>All personnel undertaking tasks/duties for and/or on behalf of the Yorke Peninsula Council-, including persons employed directly by the Council in a full time, part-time or casual basis under an employment contract, volunteers, contractors, agency personnel and work experience placements.</li> </ul>
Feedback	Comments, both positive and negative, about services provided by Council without necessarily requiring a corrective action, change of services or formal review of a decision.
Regulatory Service Standards	Timeframes for response to complaints as determined by <a href="#">ESCOSA from time to time regulation</a> .
Request for Service	An application to have Council or its representative(s) take some form of action to provide a Council service such as grading a road or fixing a footpath ("Customer Service Request").
Unreasonable Complaint Conduct	<p>Unreasonable complainant conduct is behaviour by a complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the parties to a complaint. Examples of behaviours that can be characterised as unreasonable include:</p> <p><b>Unreasonable persistence</b></p> <ul style="list-style-type: none"> <li>persisting with a complaint even though it has been comprehensively considered by the organisation, and where all avenues of review have been exhausted;</li> </ul>

	<ul style="list-style-type: none"> <li>• reframing a complaint in an attempt to get it taken up again;</li> <li>• showing an inability to accept the final decision by repeatedly raising the issue after reasonable attempts have been made to provide a reasoned and rational explanation;</li> <li>• persisting in interpreting the law or policy in a way that is not in accordance with generally accepted or expert views on the issue and insisting that action be taken accordingly;</li> <li>• persisting in wanting to know where to go next when it has been explained that there is nowhere else to go;</li> <li>• demanding a review because it is available but not arguing a case for a review;</li> <li>• making an issue out of anything;</li> <li>• getting gratification from the process of regular contact with the case officer, possibly including inventing unnecessary reasons for having contact.</li> </ul> <p><b>Unreasonable demands</b></p> <ul style="list-style-type: none"> <li>• insisting on outcomes that are unattainable (is a not-in-jurisdiction issue, wants the department shut down or someone fired from their job, prosecution of individuals);</li> <li>• insisting on 'moral' outcomes, e.g. justice in the community interest, when really a personal interest is at stake;</li> <li>• demanding an apology and/or compensation when no reasonable basis for expecting this type of outcome exists;</li> <li>• wanting revenge or retribution;</li> <li>• wanting what is not possible or appropriate, e.g. copies of sensitive documents, names/contact details of staff, other complainants or whistleblowers, etc;</li> <li>• issuing instructions and making demands as to how a complaint should be handled;</li> <li>• providing supporting details that are extraordinarily detailed when this type of detail is not relevant to the complaint;</li> <li>• making unreasonable resource demands, expecting resources in excess of or out of proportion to the</li> </ul>
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	<p>seriousness of issue, e.g. wanting us to seek expert opinion;</p> <ul style="list-style-type: none"> <li>• wanting regular and lengthy phone contact where this is not warranted;</li> <li>• showing reactions or demands for action that are out of proportion to the significance of the issue;</li> <li>• moving the goal posts — changing the desired outcome;</li> <li>• shopping for a sympathetic ear in the office — demanding to talk to a supervisor or the General Manager personally;</li> <li>• placing us on an extensive email copy list and expecting responses to numerous emails;</li> <li>• consistently creating complexity where there is none;</li> <li>• presenting as overly needy or dependent (e.g. wanting to transfer responsibility for their wellbeing to the organisation).</li> </ul> <p><b>Unreasonable lack of cooperation</b></p> <ul style="list-style-type: none"> <li>• presenting a large quantity of information which is not organised, sorted, classified, summarised, where the complainant is clearly capable of doing this, presenting information in dribs and drabs — refusing to present all information at the outset;</li> <li>• refusing to define issues of complaint (‘the attached speaks for itself’ — usually a large quantity of information) where the complainant is clearly capable of doing this;</li> <li>• focusing on principles rather than substantive issues;</li> <li>• changing the complaint, raising new issues in the process of our consideration;</li> <li>• displaying unhelpful behaviour, e.g. withholding information, dishonesty, misquoting others, swamping the organisation with documents.</li> </ul> <p><b>Unreasonable arguments</b></p> <ul style="list-style-type: none"> <li>• holding irrational beliefs, e.g. seeing cause and effect links where there are clearly none;</li> <li>• holding what is clearly a conspiracy theory unsupported by any evidence;</li> <li>• insisting that a particular solution is the correct one in the face of valid contrary or alternative arguments;</li> </ul>
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	<ul style="list-style-type: none"><li>• interpreting facts in a clearly irrational/unreasonable way and insisting this interpretation is the correct one;</li><li>• insisting on the importance of an issue that is clearly trivial.</li></ul> <p><b>Unreasonable behaviour</b></p> <ul style="list-style-type: none"><li>• displaying confronting behaviour, e.g. rudeness, aggression, threats;</li><li>• sending rude, confronting, threatening letters;</li><li>• making threats of self harm;</li><li>• making threats of harm to others;</li><li>• displaying manipulative behaviour (overly ingratiating, tears, veiled threats).</li></ul>
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**21.3 POLICY UPDATE - FRAUD AND CORRUPTION PREVENTION PO148****Document #:** 17/69864**Department:** Executive Services**PURPOSE**

To seek endorsement and approval from Council for the updated PO148 Fraud and Corruption Prevention Policy.

**RECOMMENDATION**

**That Council endorse and approve the updated PO148 Fraud and Corruption Prevention Policy for inclusion in Council's Policy Manual and on the website.**

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.3 Meet all legislative requirements and compliance with Council's internal controls  
5.8 Continuous improvement of Council processes**BACKGROUND**

The PO148 Fraud and Corruption Prevention Policy is due for review after last being updated in May 2014.

**DISCUSSION**

With no legislative changes made since this policy was last updated, only minor amendments have been made. Amendments have been made to wording, grammar and formatting throughout the policy. An unnecessary dot point has been removed from the Policy Statement in Section 4 of the policy. A dot point that was repeated in Section 4.1 of the policy has been removed. Information has been added to Section 4.2 of the policy in relation to circumstances if the Chief Executive Officer is the subject of a report. Other policy names referred to throughout the policy have been updated to reflect Council's current Policy Manual and policy numbers added. Council's Complaints Policy PO147 has been added to the list of Related Council Policies and Documents in Section 8 of the policy. Attachment 1 Definitions has also been updated to remove unnecessary definitions, add definitions for Directions and Guidelines, Independent Commissioner Against Corruption (ICAC) and Office of Public Integrity, and update several other definitions in line with the Local Government Association and ICAC definitions.

The updated policy is attached to this report and the changes made are reflected in red.

**COMMUNITY ENGAGEMENT PLAN**

Level 1 – Inform.

**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- CEO
- Governance Officer

In preparing this report the following External Parties were consulted:

- Local Government Association

**POLICY IMPLICATIONS**

PO148 Fraud and Corruption Prevention Policy

**BUDGET AND RESOURCE IMPLICATIONS**

Not applicable.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

It is essential that Council has the appropriate policies and delegations in place to ensure legislative compliance.

Local Government Act 1999

Independent Commissioner Against Corruption (ICAC) Act 2012

ICAC Directions and Guidelines

Criminal Law Consolidation Act 1935

Whistleblowers Protection Act 1993

LGA Fraud and Corruption Prevention: Model Policy and Procedure

**ATTACHMENTS**

- 1. PO148 - Council Policy - Fraud and Corruption Prevention**



*Agriculturally rich – Naturally beautiful*

# COUNCIL POLICY

## Fraud and Corruption Prevention

<b>Policy Number:</b>	PO148		
<b>Strategic Plan Objective</b>	Meet all legislative and compliance responsibilities		
<b>Policy Owner:</b>	Chief Executive Officer	<b>File Number:</b>	<del>9-63-1</del>
<b>Responsible Officer:</b>	Governance Officer	<b>Minute Reference:</b>	<del>077/2014 (14/05/2014)</del>
<b>Date Adopted:</b>	<del>14/05/2014</del>	<b>Next Review Date:</b>	<del>October</del> <del>May</del> 2017 <del>20</del>

### 1. POLICY OBJECTIVES

Council recognises that fraud and corruption in public administration have the potential to cause significant financial and non-financial harm and is committed to acting in the best interests of the community to uphold the principles of honesty, integrity and transparency; all key components of good governance.

This Policy aims to protect public funds and assets and the integrity, security and reputation of the Council. It outlines the Council's approach to preventing, minimising, identifying and controlling fraudulent/corrupt behaviour.

### 2. SCOPE

2.1 This policy applies to all:

- i) Elected Members when exercising/performing official functions and duties in all situations, including those outside of normal business hours;
- ii) Employees (includes contractors, volunteers and agency personnel – refer to definition) when exercising/performing official functions and duties in all situations, including those outside of normal business hours.

- 2.2 All disclosures that relate to actual or suspected fraud/corruption will be managed in accordance with this policy.

### 3. DEFINITIONS

Definitions are provided in Attachment 1.

### 4. POLICY STATEMENT

Council will not tolerate fraudulent or corrupt activity and is committed to its control and prevention by:

- Complying with the requirements of the Independent Commissioner Against Corruption Act 2012;
- Establishing and maintaining an effective system of internal controls and enforcing compliance with those controls;
- Identifying circumstances in which fraud and corruption could potentially occur through risk assessment;
- Implementing fraud and corruption prevention and mitigation strategies in its day to day operations;

- Taking appropriate action in response to allegations of fraudulent/corrupt activity including reporting allegations in accordance with this policy, the ICAC Act and the reporting system established by the ICAC ~~where allegations are substantiated~~;
- ~~Taking appropriate disciplinary action when allegations are substantiated (in addition to applicable criminal sanctions)~~;
- Ensuring all employees and Elected Members are aware of and understand their responsibilities and obligations in regards to the prevention of fraud and corruption;
- Fostering an ethical environment in which dishonest and fraudulent behaviour is actively discouraged;
- Being continually vigilant about the potential for fraud/corruption to occur;
- Ensuring that the community are made aware of this policy and its requirements.

#### 4.1 Specific Responsibilities

##### **All Elected Members and Employees**

Elected Members are responsible and accountable for:

- Performing functions and duties with care, diligence, honesty and integrity;
- Reporting any suspected or actual occurrences of fraud or corruption in accordance with this policy;
- Behaving in a professional manner at all times;
- Adhering to this policy and other supporting documentation;
- Taking care of Council property;
- Avoiding waste or misuse of Council's resources;
- Maintaining and enhancing the reputation of the Council;
- Leading by example to promote ethical behaviour;
- Identifying potential fraud and corruption risks;
- Ensuring that they are aware of their responsibilities in relation to fraud and corruption and the standard of conduct expected of them;
- ~~Behaving in a professional manner at all times~~;
- The appropriate use of Council information, assets, funds, property, goods or services.

##### **Elected Members**

Elected Members are responsible and accountable for ensuring that:

- The community is aware of the Council's commitment to the prevention of fraud and corruption;
- There are adequate security measures in place for the prevention of fraud and corruption, including secure facilities for storage of assets;
- Adequate processes are in place to deter fraudulent or corrupt activity from occurring;
- Appropriate processes are in place for receiving allegations of fraud/corruption;
- Proper investigations are conducted into allegations that involve fraud or corruption;
- Information is forwarded to the Office for Public Integrity (OPI) as required in the event that fraud/corruption has occurred and that there is cooperation with any investigation;
- All Elected Members and employees are aware of their responsibilities and obligations in relation to fraud and corruption through appropriate and regular training;
- They create and foster an environment where fraud and corruption is discouraged and readily reported;
- Fraud and corruption risks are assessed on a regular basis.

**Directors, Managers and Supervisors**

Directors, Managers and Supervisors are responsible for:

- The conduct of employees they supervise;
- Property under their control;
- Creating and fostering an environment where fraud and corruption is discouraged and readily reported;
- Ensuring that the employees they supervise, including new employees, are aware of their responsibilities and obligations in relation to fraud and corruption and the standard of conduct expected of them.

**4.2 Reporting and Investigation****Corruption**

Any Elected Members or employees who have or acquire knowledge of actual or suspected Corruption in public administration must report this information to the OPI as soon as practicable. Reports to the OPI by an Elected Member or employee must be made in accordance with the reporting obligations contained within the ICAC Directions and Guidelines available at [www.icac.sa.gov.au](http://www.icac.sa.gov.au) or in hard copy upon request from Council's Governance Officer.

Where the Council (i.e. Elected Members collectively) has or acquires knowledge of actual or suspected Corruption in public administration it must report this information to the OPI as soon as practicable after the Council becomes aware of the matter. The Chief Executive Officer (CEO) is responsible for preparing a report to the OPI on behalf of the Council for these purposes. The CEO must prepare the report immediately upon receiving direction from the Council to do so. If the CEO is the subject of the report, the Mayor will then be responsible for preparing the report to the OPI on behalf of the Council immediately upon receiving direction from the Council to do so.

Where the knowledge of Corruption has arisen due to a complaint/report received from another person (the informant), the report to the OPI must not include the informant's details if:

- The report/complaint was made under the Whistleblowers Protection Act 1993; and
- The informant has not consented to the informant's identity being divulged; and
- It is not necessary to divulge the identity of the informant to ensure that the matters to which the report to the OPI relates are properly investigated.

Under Council's Whistleblowers Protection Policy Elected Members and employees can report corruption in public administration internally to a Responsible Officer. Where an internal report relating to Corruption in public administration is received by another under the Whistleblowers Protection Policy the Responsible Officer, under the Whistleblowers Protection Policy, must report the matter to the OPI in accordance with this Policy.

A report to the OPI by an Employee or Council Member must be made on the online report form available at [www.icac.sa.gov.au](http://www.icac.sa.gov.au).

**Fraud**

Any Elected Member or employee that has or acquires knowledge of actual or suspected Fraud that:

- Does not constitute Corruption in public administration; and
- That impacts or causes detriment (or has the potential to impact or cause detriment) to the Council

must report the information to:

- ~~Council's CEO, or in the case that the CEO is the subject of the report, to the Mayor, to be managed~~ Must report the information in accordance with Council's Process for Managing Complaints and Breaches under the Code of Conduct for Council Employees PFC014 or Process for Managing Complaints and Breaches under the Code of Conduct for Council Members PFC123; or
- To Council's Responsible Officer under Council's Whistleblower Protection Policy.

#### **Action by the Chief Executive Officer Following Report and/or Investigation**

Following any report ~~to the OPI or SAPOL~~ under this Policy or the Whistleblower Protection Policy, of which the Chief Executive Officer has knowledge, subject to the finalisation of any investigation undertaken ~~by the Commissioner or SAPOL~~, the CEO will undertake a review ~~into the area in which the~~ where Fraud or Corruption has occurred to determine the cause for the breakdown in controls and, will report the findings of the review and provide recommendations (if any) to the Council. In undertaking any review and preparing the report, the CEO will have regard to any recommendations received from the ~~Commissioner~~ ICAC or the Ombudsman. Where the CEO is the subject of the report the Mayor will undertake the review.

#### **Misconduct and Maladministration**

Complaints relating to misconduct or maladministration will be managed in accordance with Council's Process for Managing Complaints and Breaches under the Code of Conduct for Council Employees PFC014 or Process for Managing Complaints and Breaches under the Code of Conduct for Council Members PFC123.

Elected Members and employees can report Misconduct and Maladministration in public administration to a Responsible Officer under Council's Whistleblowers Protection Policy.

#### **Disciplinary Action**

In the event that allegations of Fraud and/or Corruption are substantiated, the Council may take disciplinary action against any Employee who was involved in accordance with Council's Support Disciplinary and Performance Management Policy PO146.

A breach of this policy will also mean that there has been a breach of the respective code of conduct.

#### 4.3 False Disclosure

A person, who knowingly makes a false or misleading statement in a complaint or report under the ICAC Act 2012 or the Whistleblowers Protection Act 1993, is guilty of an offence and will also face disciplinary action.

#### 4.4 Statutory Reporting

Statutory reports will be provided as required in accordance with the ICAC and/or Whistleblowers Protection Act.

Council's Annual Report will make reference to Fraud and Corruption Prevention initiatives.

## **5. COMPLAINTS**

Complaints about this policy can be made in writing to the Governance Officer. Complaints will be managed in accordance with Council's Complaints Policy PO147.

## **6. REVIEW**

This policy will be reviewed every three years and as deemed necessary in consideration of any changes to legislation and relevant standards, codes and guidelines. Elected Members and employees will actively participate in evaluation processes.

**7. TRAINING**

Council is committed to supporting Elected Members and employees in complying with this policy.

This policy will be provided to Elected Members and employees during induction. Training needs will be reviewed annually, during individual performance reviews and as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

Elected Members and employees will actively participate in training.

**8. RELATED COUNCIL POLICIES AND DOCUMENTS**

PO088 Policy Guiding Elected Members use of Council Supplied Electronic Equipment

PO 089 Provision of Facilities and Services to Elected Members

PO134 Whistleblowers Policy

PO146 [Support](#) Disciplinary and Performance Management Policy

[PO147 Complaints Policy](#)

- PFC014 Process for Managing Complaints and Breaches under the Code of Conduct for Council Employees

- PFC123 Process for Managing Complaints and Breaches under the Code of Conduct for Council Members

PO091 Risk Management

**9. REFERENCES AND LEGISLATION**

Local Government Act 1999

Independent Commissioner Against Corruption Act 2012

ICAC Directions and Guidelines.

Criminal Law Consolidation Act 1935

Whistleblowers Protection Act 1993.

LGA Model Fraud and Corruption Prevention Policy

Code of Conduct for Council Employees

Code of Conduct for Council Members

**10. COUNCIL DELEGATION**

<b>Delegate:</b>	Chief Executive Officer
<b>Sub Delegate:</b>	Nil

**11. VERSION HISTORY**

Archived Policy Name	Policy Number	Date Adopted	Last Reviewed
Fraud and Corruption Prevention Policy	PO148	10/07/2013	14/05/14
<a href="#">Fraud and Corruption Prevention Policy</a>	<a href="#">PO148</a>	<a href="#">14/05/2014</a>	<a href="#">11/10/2017</a>

## COUNCIL MEETING AGENDA

## DEFINITIONS

<ul style="list-style-type: none"> <li>• Council</li> </ul>	Yorke Peninsula Council
<ul style="list-style-type: none"> <li>• Employee(s) •</li> </ul>	5. All personnel undertaking tasks/duties for and/or on behalf of the Yorke Peninsula Council, including persons employed directly by the Council in a full time, part-time or casual basis under an employment contract, volunteers, contractors, agency personnel and work experience placements.
<p><del>Appropriate Authority</del></p>	<p><del>A Minister of the Crown.</del></p> <p><del>A member of the police force – where the information relates to an illegal activity.</del></p> <p><del>The Auditor-General (relating to the irregular or unauthorised use of public money).</del></p> <p><del>The Ombudsman (In relation to a public officer).</del></p> <p><del>A Responsible Officer, where the information relates to a matter falling within the responsibility of a Local Government body.</del></p> <p><del>Any other person to whom it is reasonable and appropriate to make the disclosure (i.e. an independent company offering anonymous whistleblower call service).</del></p>
<p><del>Appropriate Disclosure of Public Interest Information</del></p>	<ul style="list-style-type: none"> <li>• <del>Where a person believes on reasonable grounds that the information is true or is not in a position to form a belief on reasonable grounds about the truth of the information but believes on reasonable grounds that the information may be true and is of sufficient significance to justify its disclosure so that its truth may be investigated and the disclosure is made to the Appropriate Authority.</del></li> <li>•</li> </ul>
<p>Corruption in Public Administration</p>	<p>An offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:</p> <ul style="list-style-type: none"> <li>• Bribery or corruption of public officers;</li> <li>• Threats or reprisals against public officers;</li> <li>• Abuse of public office;</li> <li>• Demanding or requiring benefit on basis of public office;</li> <li>• Offences relating to appointment to public office.</li> </ul> <p>Any other offence (including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935)</p>

	<p>committed by a public officer while acting in his or her capacity as a public officer or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or an attempt to commit an offence <u>or any of the following in relation to an offence referred to in a preceding paragraph</u>:</p> <p><u>For Example:</u></p> <ul style="list-style-type: none"> <li>• Aiding, abetting, counselling or obtaining a benefit from the offence;</li> <li>• Encouraging, whether by threats or promises or otherwise, the offence;</li> <li>• Being in any way, directly or indirectly, knowingly involved in, or party to, the offence;</li> <li>• Conspiring with others to commit the offence.</li> </ul>
<p><del>Deception</del></p>	<p><del>Misleading another to obtain a benefit or to cause detriment to a person.</del></p>
<p>False Disclosure</p>	<p><del>A release of information involving actual or suspected is a disclosure of information relating to Ffraud or Ccorruption that is made by a person who knows that the information is to be false or, who has given no consideration is reckless as to whether it is false.</del></p>
<p>Fraud</p>	<p><del>Using distorted information, deception or dishonest conduct in order to obtain an unjust advantage over another or, to cause detriment to the Council.</del></p> <p><del>Examples include:</del></p> <ul style="list-style-type: none"> <li><del>• Theft of assets;</del></li> <li><del>• Unauthorised and/or illegal use of assets, information or services for private purposes;</del></li> <li><del>• Misappropriation of funds; and/or</del></li> <li><del>• Falsification of records.</del></li> </ul> <p><del>Is an intentional dishonest act or omission done with the purpose of deceiving.</del></p> <p><del>Note: unlike 'Corruption' there is no statutory definition of 'Fraud'. Fraud is a style of offending. The offences addressed under Part 5 and Part 6 of the Criminal Law Consolidation Act 1935 are considered to constitute Fraud offences.</del></p>
<p>Maladministration in Public Administration</p>	<p>Conduct of a public officer, or a the practice, policy or and procedure of a public authority, that results in an irregular and or unauthorised use of public money, or the</p>

	<p>substantial mismanagement of public resources; or</p> <p><del>Conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and</del></p> <p><del>Includes conduct resulting from impropriety, incompetence or negligence; and</del>  <del>Is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.</del></p>
<p>Misconduct in Public Administration</p>	<p><del>Contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or</del></p> <p><del>Other misconduct of a public officer while acting in his or her capacity as a public officer.</del></p> <p><u>Conduct of a public officer that contravenes a code of conduct, which constitutes a ground for disciplinary action, or other misconduct.</u></p>
<p>Public Administration</p>	<p><u>Defined at section 4 of the ICAC Act 2012 means without limiting the acts that may comprise public administration, an administrative act within the meaning of the Ombudsman Act 1972 will be taken to be carried out in the course of public administration.</u></p> <p><del>An administrative act carried out in the course/performance of Council business.</del>  <u>Defined in Section 4 of the ICAC Act 2012.</u></p>
<p>Public Officer</p>	<p><u>Definitions Defined</u> under the ICAC Act 2012 includes:</p> <ul style="list-style-type: none"> <li>• <u>All An Elected Members;</u></li> <li>• <u>A member of a Local Government body (including a subsidiary of a Council established under the Local Government Act 1999); and</u></li> <li>• <u>An Employee or Officer of the Council;</u></li> <li>• <del>A person who is a member of the State Executive of the Local Government Association; and</del></li> <li>• <u>An officer or employee of the Local Government Association.</u></li> </ul>
<p>Responsible Officer</p>	<p><del>A person(s) authorised to receive and act upon public interest information provided by a Whistleblower for the purposes of the Whistleblowers Protection Act 1993.</del>  <u>Is a person (or persons) appointed by the Council pursuant to section 302B of the Local Government Act 1999 who is (are) authorised to receive and act upon</u></p>

	<u>disclosures of public interest information reported to him/her under the Whistleblowers Protection Act 1993.</u>
Whistleblower	Any person who makes an appropriate disclosure of public interest information under the Whistleblowers Act 1993.
<u>Directions and Guidelines</u>	<u>Is a reference to the Directions and Guidelines issued pursuant to section 20 of the ICAC Act, which are available on the Commissioner's website (<a href="http://www.icac.sa.gov.au">www.icac.sa.gov.au</a>).</u>
<u>Independent Commissioner Against Corruption (ICAC)</u>	<u>The ICAC is a law enforcement body. The functions of the office are set out in section 7(1) of the ICAC Act, and include:</u> <ul style="list-style-type: none"> <li>• <u>Identifying corruption in public administration and investigating, or referring for investigation or prosecution</u></li> <li>• <u>Assisting inquiry agencies and public authorities to identify and deal with misconduct and maladministration in public administration</u></li> <li>• <u>Conducting or facilitating education programs designed to prevent or minimise corruption, misconduct and maladministration.</u></li> </ul>
<u>Office for Public Integrity (OPI)</u>	<u>Is the office established under the ICAC Act that has the function to:</u> <ul style="list-style-type: none"> <li>• <u>Receive and assess complaints about public administration from members of the public;</u></li> <li>• <u>Receive and assess reports about Corruption, misconduct and maladministration in public administration from the Ombudsman, the Council and public officers;</u></li> <li>• <u>Make recommendations as to whether and by whom complaints and reports should be investigated;</u></li> <li>• <u>Perform other functions assigned to the Office by the Commissioner.</u></li> </ul>

**21.4 CODE OF CONDUCT PROCESS PFC 123 UPDATE - LIFT REPORT****Document #:** 17/70203**Department:** Executive Services**PURPOSE**

To seek approval from Council to lift this matter from the table and resume proceedings at the point of debate from the 14 June 2017 Council Meeting.

**RECOMMENDATION****That Council:**

1. **agree to lift the matter "Revised Process for Managing Complaints and Breaches under the Code of Conduct for Council Members matter from 14 June 2017 meeting.**
2. **endorse and adopt the updated PFC123 Process for Managing Complaints and Breaches under the Code of Conduct for Council Members as presented.**

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.8 Continuous improvement of Council processes**BACKGROUND**

The Policy and the Process for Managing Complaints and Breaches under the Code of Conduct for Council Members (the Process) was first endorsed by Council at the 12<sup>th</sup> October 2011 Council Meeting. This was a legislative requirement under Section 63 of the Local Government Act 1999 and required to be reviewed within 12 months of a general election at that time.

An Elected Members Code of Conduct Policy and supporting process were provided to Elected Members for their feedback and comments at that time. This policy and supporting process underwent a public consultation process, with no feedback received from the community. Following consultation the Code of Conduct Policy and the Process were approved and adopted at the November 2011 Council meeting.

Since that time a Mandatory Code of Conduct for Council Members (the Code) has been implemented and gazetted on 18<sup>th</sup> August 2013, so the Policy is no longer relevant, however this did not negate the need for the Process to continue to be utilised.

Preparation of this type of Process to support a policy is a very time consuming, lengthy and complex task and unfortunately despite our best proof reading efforts, a typing error has been identified, whereby it refers to Section 93 instead of Section 90 (3) LG Act.

The Process had no time requirement for a review and there have been greater priorities within my Department and the Council. However despite no time limit for a review, the Process continues to be relevant in terms of "the how to manage complaints" portion of the document.

**DISCUSSION**

The Process has undergone a thorough and exhaustive review, to ensure that it remains relevant and complies with the new requirements under the Mandatory Code of Conduct for Council Members.

Due to the risk associated with ensuring the Process accurately outlines all of the steps required to manage a complaint under the Code, a time consuming and complex task in and of itself, I have

taken the liberty of having the Process reviewed under our Legal Retainer arrangement with Norman Waterhouse Lawyers.

Despite this review, following feedback received from Elected Members and given that the Local Government Association is currently in negotiations with the Minister to review and update the Mandatory Code of Conduct for Elected Members. It now seems prudent for Council to retain the original code with a correction to the typing error until an outcome is known from the Ministerial Review process.

A summary of the changes to the Process are outlined below:

- All references to the District Council of Yorke Peninsula and the logo have been updated;
- All references to the previous DCYP Elected Members Code of Conduct policy have been removed as that policy was replaced by the Statutory Code of Conduct
- The error in relation to Section 93 has been corrected to reflect reference to Section 90 (3);
- The reference to the Elected Member Legal Advice Policy has been removed as this was never developed or supported by the Local Government Association;
- The record number, adoption date and review date have all be updated.

## **COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

## **CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Chief Executive Officer
- Governance Officer
- Executive Assistant to CEO and Mayor

In preparing this report, the following External Parties were consulted:

- Norman Waterhouse Lawyers

## **POLICY IMPLICATIONS**

Mandatory Code of Conduct for Council Members

## **BUDGET AND RESOURCE IMPLICATIONS**

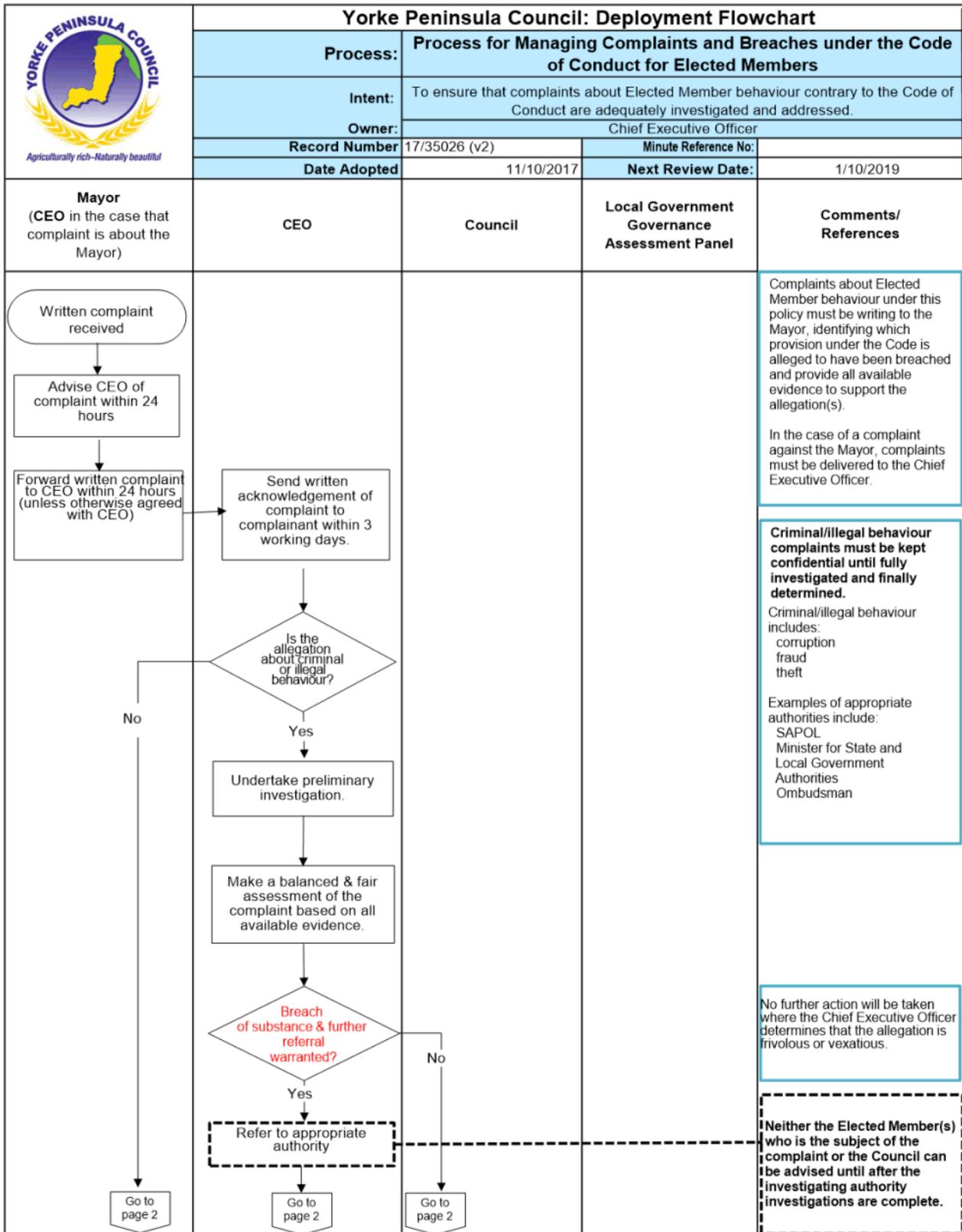
Review of the Process under Legal Retainer arrangements - minimal

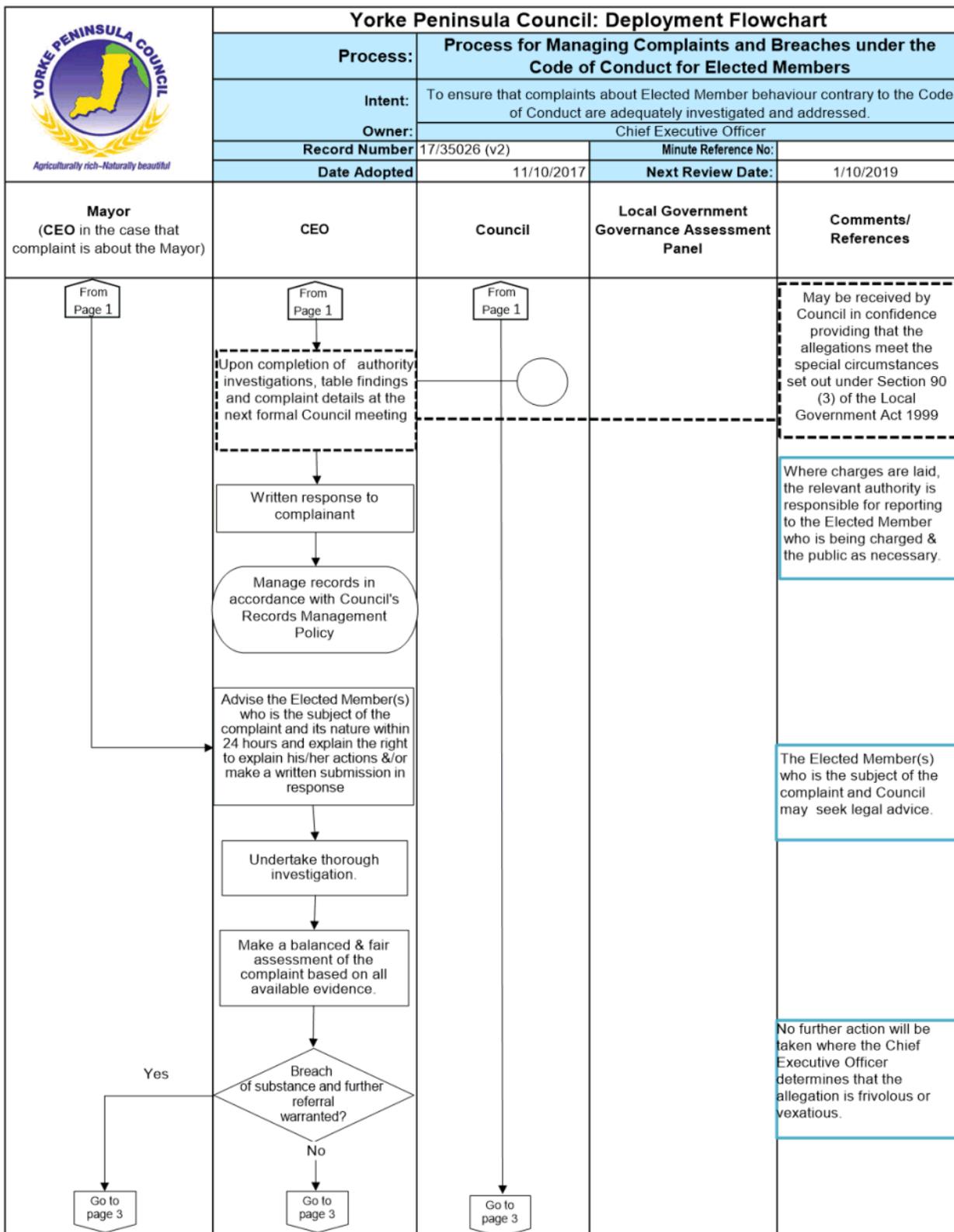
## **RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

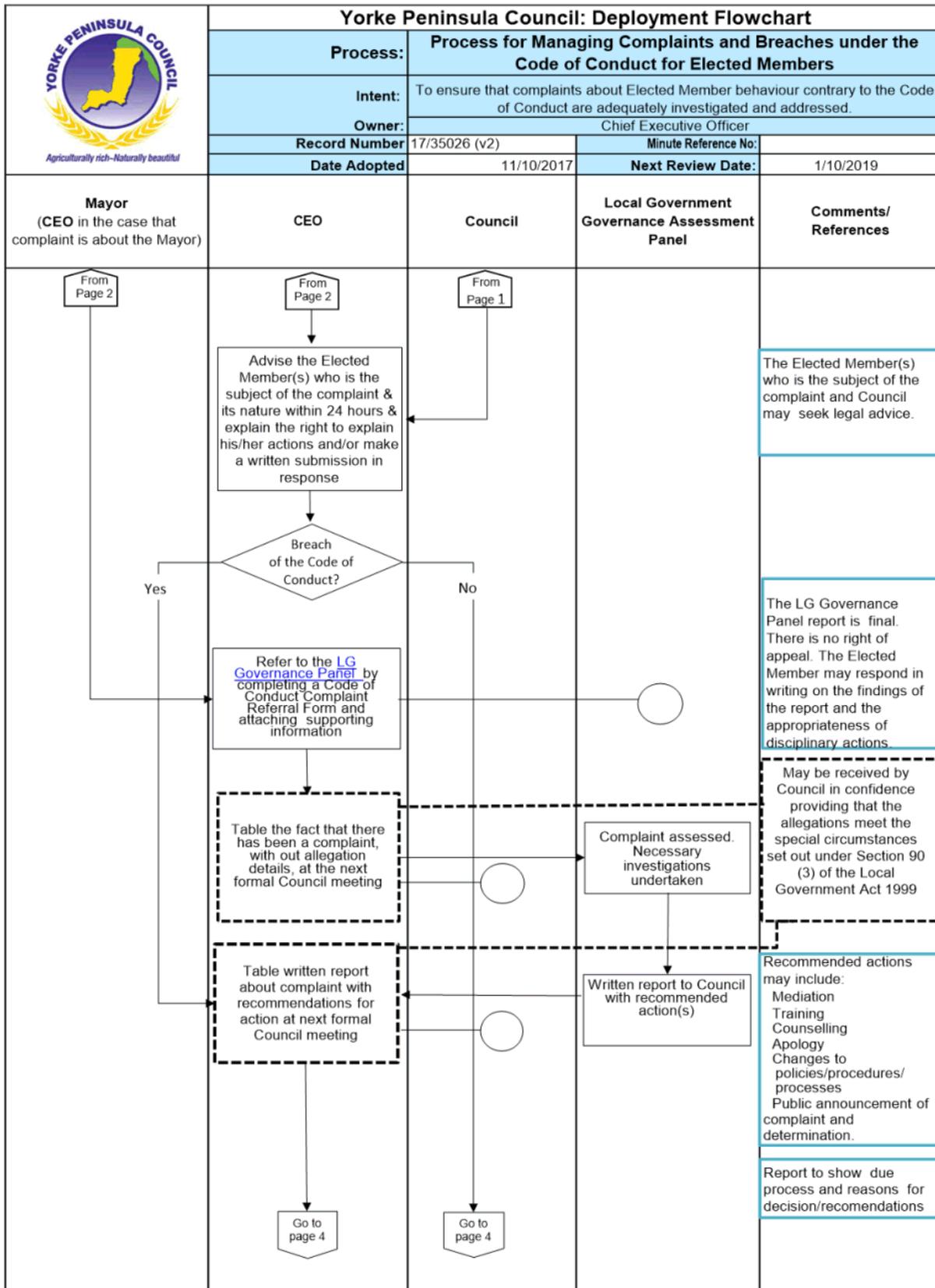
The risk associated with ensuring the Process accurately reflects all of the necessary steps required to manage a complaint under the Code will be mitigated.

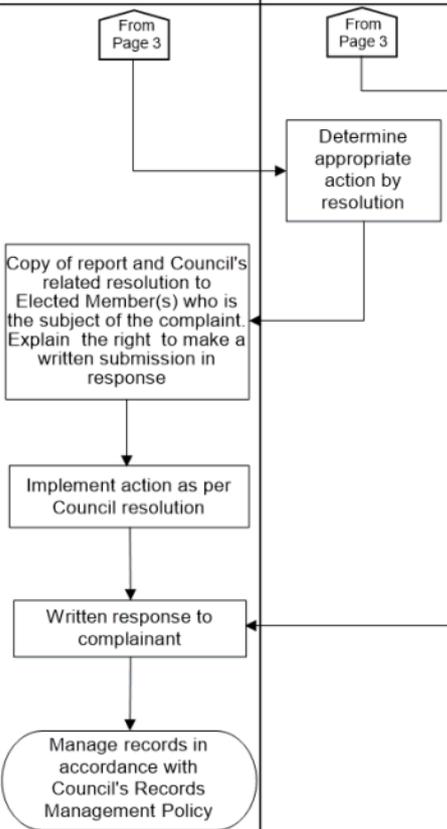
## **ATTACHMENTS**

1. **PFC123 Process for Managing Complaints and Breaches under the Code of Conduct for Elected Members**







Yorke Peninsula Council: Deployment Flowchart				
	<b>Process:</b> Process for Managing Complaints and Breaches under the Code of Conduct for Elected Members			
	<b>Intent:</b> To ensure that complaints about Elected Member behaviour contrary to the Code of Conduct are adequately investigated and addressed.			
	<b>Owner:</b> Chief Executive Officer			
	<b>Record Number:</b> 17/35026 (v2)		<b>Minute Reference No.:</b>	
	<b>Date Adopted:</b> 11/10/2017		<b>Next Review Date:</b> 1/10/2019	
Mayor (CEO in the case that complaint is about the Mayor)	CEO	Council	Local Government Governance Assessment Panel	Comments/References
	 <pre> graph TD     A[From Page 3] --&gt; B[Determine appropriate action by resolution]     B --&gt; C[Copy of report and Council's related resolution to Elected Member(s) who is the subject of the complaint. Explain the right to make a written submission in response]     C --&gt; D[Implement action as per Council resolution]     D --&gt; E[Written response to complainant]     E --&gt; F((Manage records in accordance with Council's Records Management Policy))     G[From Page 3] --&gt; B     H[From Page 3] --&gt; B                     </pre>			<p>The principles of procedural fairness must be observed from receipt of the complaint to final determination.</p> <p>The Elected Member(s) who is the subject of the complaint and Council may seek legal advice.</p> <p><b>RIGHTS TO APPEAL DECISIONS ABOUT COMPLAINTS</b> Both the Elected Member who is the subject of the complaint and the complainant have the right to request that assessments made by the CEO without referral to Council be referred to Council for review by resolution.</p> <p>Both the Elected Member who is the subject of the complaint and the complainant have the right to request that resolutions made by Council without referral to the LG Governance Panel be reviewed by the LG Governance Panel.</p> <p>The LG Governance Panel report is final. There is no right of appeal. The Elected Member may respond in writing on the findings of the report and the appropriateness of disciplinary actions.</p> <p>Members of the community have the right to seek an external review through the State Ombudsman, or other legal process, at any time.</p>

**21.5 CHRISTMAS OFFICE CLOSURE 2017****Document #:** 17/70202**Department:** Executive Services**PURPOSE**

To seek approval from Council for a closure period of all Council office locations for the 2017 Christmas and New Year holiday period in line with the requirements of the Staff Enterprise Bargaining Agreements.

**RECOMMENDATION****That Council:**

1. **close the Principal Office at Maitland and the three (3) Branch Offices from 12:30pm on Friday 22 December 2017 and reopen at 8.30am on Tuesday 2 January 2018, with staff required to utilise existing leave;**
2. **advertise the closure of the Council offices in the Yorke Peninsula Country Times and on Council's website;**
3. **organise for notices to be placed on the front window of the Principal Office and Branch Offices; and**
4. **prepare a suitable answering machine message to be implemented during the closure period to ensure that any emergencies are referred to the after-hours emergency number.**

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.2 Effective leadership and informed decision making

5.9 Develop programs and actions to become an Employer of Choice

**BACKGROUND**

Council staff employed under the SA Municipal Officers Award have a clause within their Enterprise Agreement (the Agreement) outlining their obligations in relation to Office Closure over the Christmas and New Year Period being:

1. Unless advised otherwise, the Employer will temporarily shut down the workplace between the Christmas and New Year period. Employees that are required to work during this period will be advised at least one month before Christmas.
2. Employees will be required to take paid annual leave, accrued rostered days off or accrued time in lieu during such periods. Should an employee not have sufficient leave to cover the period (generally three (3) working days), annual leave may be granted in advance.
3. Employees may apply to work the shut-down period, but staffing levels will be subject to Council's operational requirements.
4. Employees who work over the shut-down period may be required to work flexibly across a range of functions within the scope of their skills, qualifications and experience.
5. The Chief Executive Officer will gain approval from Council to ensure staff receive adequate notice of the upcoming office closure.

**DISCUSSION**

In line with obligations contained within the Agreement, Council closes the Principal Office and three branch offices during the days that fall in-between Christmas and New Year. This is a similar practice to many other businesses and from past experience, there has been minimal or no public enquiries during this period. A suitable answering machine message is implemented at all office locations and any emergency calls will be referred to Council's emergency number.

The staff employed under the Local Government Employees Award (outside staff) maintain sufficient staffing levels to ensure Council is able to deal with urgent customer enquiries with the majority of staff accessing their leave entitlements.

**COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Corporate Management Team

In preparing this report, the following External Parties were consulted:

- Nil

**POLICY IMPLICATIONS**

Not applicable

**BUDGET AND RESOURCE IMPLICATIONS**

Not applicable

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Not applicable

**ATTACHMENTS**

Nil

**22 CORPORATE AND COMMUNITY SERVICES****22.1 FINANCIAL REPORT 30 SEPTEMBER 2017****Document #:** 17/68110**Department:** Corporate and Community Services**PURPOSE**

For Council to consider the financial report and capital projects update report as at 30 September 2017.

**RECOMMENDATION**

**That Council receive the financial report and capital projects update report as at 30 September 2017.**

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.1 Openness and transparency of reporting Council's performance

5.2 Effective leadership and informed decision making

**BACKGROUND**

A Financial report and a Capital Projects Update report (projects over \$25,000) is presented monthly for Council's consideration in accordance with Policy PO142 Budget Reporting and Amendment. These reports encompass results to the end of each calendar month preceding each scheduled Council meeting.

**DISCUSSION**

The attached financial reports are submitted with the following qualifications, comments and notes:

- Actuals included in the Uniform Presentation of Finances (UPF) are as incurred at close of business on the last day of the month being reported and may be subject to end of month adjustments. Any such adjustments will be incorporated in the following monthly report.
- The reports do not include year-end income and expense accruals.
- Both reports include year to date Commitments i.e. orders raised but not yet paid for.
- **Attachment 1 - Uniform Presentation of Finances**
  - Note 1 - Rates, Service Charges (Waste, CWMS and Water), NRM Levy and Rate Rebates, totalling approximately \$21.9M, have been raised for the entire 2017/2018 financial year but are due and payable either in full in September 2017 or by quarterly instalments in September 2017, December 2017, March 2018 and June 2018.
  - Note 1 - grants, subsidies & contributions of \$436K received to date.
  - Note 1 - dog registration income totalling approximately \$95K has been collected.
  - Note 1 - income from building and planning activity of approximately \$48K and septic tank registration fees of approximately \$11K is included.
  - Note 1 - also included here are approximately \$265K of reimbursements and miscellaneous income.

- Note 1 - \$467K collected for user charges (boat ramps, caravan parks, cemetery fees, hall hire etc) are included in the total income.
- Note 2 - the following major expenditure has been paid in advance at the start of the 2017/2018 financial year as per the required payment terms included in the figures is:
  - Memberships/Subscriptions/Contributions/Donations - \$159K;
  - Licence Fees - \$171K;
  - Plant & Equipment Registration - \$107K.
- Note 2 - commitments of approximately \$3.8M include orders worth approximately \$2.3M for waste management and refuse collection and disposal services in 2017/2018.
- Note 2 - finance costs (interest on loans) of approximately \$27K are included.
- Note 2 - depreciation for the third month of the financial year (being 3/12<sup>th</sup> of the 2017/2018 budget estimate) has been included in the YTD expenditure.
- Notes 3 & 4 - commitments of approximately \$2.5K for various capital projects, details of which can be found in Attachment 2 of this report.
- **Attachment 2 – Capital Projects Update Report**
  - All Year to Date expenditure in this report includes invoices paid to date and orders outstanding. The total of this amount is then compared against the current budget to provide the budget remaining.
  - It should be noted that the month end balances in the capital report are different to those in Attachment 1 – UPF. This is due to the UPF reflecting the actuals as at the last day of the month, whereas the capital report includes some month end adjustments, correction to existing purchase orders and raising of new ones, backdated journals and correction of incorrectly allocated amounts. Making these adjustments means the report shows expenditure incurred as well as expenditure forecast for the remainder of the year along with budget remaining against each project.

## COMMUNITY ENGAGEMENT PLAN

Not applicable

## CONSULTATION PROCESS

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Corporate Management Team
- Manager Financial Services
- Budget and Project Managers
- Accountant – Financial Management
- Accountant – Financial Operations

In preparing this report, the following External Parties were consulted:

- Nil

## POLICY IMPLICATIONS

PO 142 Budget Reporting and Amendment Policy

**BUDGET AND RESOURCE IMPLICATIONS**

This is the third update since the endorsement of Council's 2017/2018 Budget adopted in June 2017. After three (3) months of the financial year financial performance remains on track against the adopted Budget. Elected Members should note that the 2016/2017 financial statements are currently being prepared for audit and once finalised will impact Council's 2017/2018 forecast financial position and financial ratios. Further, a full review of the 2017/2018 Budget will be undertaken as at 30 September 2017.

Expenditure on capital projects is minimal given the early stage of the financial year.

At its August 2017 meeting, Council considered and endorsed the carry forward (roll over) to 2017/2018, budgets for projects from 2016/2017 that were unfinished as at 30 June 2017. Carried forward amounts for these projects will not be included in Council's 2016/2017 Financial Statements but will impact Council's forecast 2017/2018 Budget, financial position and financial ratios. The Capital Projects Update report for August 2017 (refer Attachment 2) includes these projects and the UPF (refer Attachment 1) shows these amounts as full year budget revisions.

Council has recently been advised that, contrary to previous information, our 2017/2018 annual Roads to Recovery grant funding is unable to be split between 2017/2018 and 2018/2019. All outstanding funding (\$1,156,692) for the five (5) year program that commenced in 2014/2015 will need to be allocated against road projects budgeted in 2017/2018. Council's adopted 2017/18 Budget allowed for only \$580,766 to be received and allocated to capital projects. Council's 2017/2018 Budget will be adjusted during the 1st quarter budget review, for the balance of \$575,926. This will also impact Council's financial position and financial ratios.

It should be noted that capital expenditure of \$386K for Balgowan Northern Beach Access was approved by Council at its August 2017 meeting. A purchase order for the works was issued soon after, however, the amount has not been included in the attached UPF (refer Attachment 1) and will be included as part of the 1<sup>st</sup> quarter budget review. It has been included in the attached Capital Projects Update (refer Attachment 2) for information

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Monthly financial reporting provides a transparent and comprehensive reporting regime that allows Council to track performance against financial targets established in its annual budget.

Council risks being seen as not being transparent if financial performance is not reported periodically and Elected Members could be asked to make decisions without knowing the impact on Council's financial position.

There is a significant risk that non-achievement on agreed milestones for grant funded capital projects could result in a delay in Council receiving grant funds, not receiving funds or having to return funds already received. This would have a significant negative impact on Council's budget and cash flow.

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

**ATTACHMENTS**

- 1. Uniform Presentation of Finances as at 30 September 2017**
- 2. Capital Projects Update as at 30 September 2017**

YORKE PENINSULA COUNCIL UNIFORM PRESENTATION OF FINANCES AS AT 30th SEPTEMBER 2017							
	2017/18 YTD Actuals \$'000	2017/18 Commitments \$'000	2017/18 YTD Expenditure (Incl Commitments) \$'000	Notes	2017/18 Full Year Revised Budget \$'000	2017/18 Full Year Budget Revisions \$'000	2017/18 Full Year Adopted Budget \$'000
Income	23,243		23,243	1	29,946	28	29,918
Less Expenses	6,675	3,811	10,485	2	32,391	261	32,130
<b>Operating Surplus/ (Deficit) before Capital Amounts</b>	<b>16,568</b>	<b>3,811</b>	<b>20,379</b>		<b>(2,445)</b>	<b>(233)</b>	<b>(2,212)</b>
Less Net Outlays on Existing Assets							
Capital Expenditure on renewal and replacement of Existing Assets	496	2,191	2,687	3	8,488	202	8,286
Less Depreciation, Amortisation and Impairment	2,365		2,365		(9,461)		(9,461)
Less Proceeds on Sale of Assets	(34)		(34)		(376)		(376)
	<b>2,861</b>	<b>2,191</b>	<b>5,052</b>		<b>(1,349)</b>	<b>202</b>	<b>(1,551)</b>
Less Net Outlays on New and Upgraded Assets							
Capital Expenditure on New and Upgraded Assets	270	713	983	4	2,412	982	1,430
Less Amounts received specifically for New and Upgraded Assets					(199)	(22)	(177)
Less Proceeds for Sale of Surplus Assets							
	<b>270</b>	<b>713</b>	<b>983</b>		<b>2,213</b>	<b>960</b>	<b>1,253</b>
<b>NET(LENDING) / BORROWING FOR FINANCIAL YEAR</b>	<b>13,437</b>	<b>906</b>	<b>14,343</b>		<b>(3,309)</b>	<b>(1,395)</b>	<b>(1,914)</b>





**22.2 EXTERNAL AUDIT MANAGEMENT REPORT 2016/2017****Document #:** 17/68112**Department:** Corporate and Community Services**PURPOSE**

Seek endorsement from Council for the interim external audit management report and response by management for the year ending 30 June 2017.

**RECOMMENDATION**

**That the External Audit Management report for 2016/2017 from Dean Newbery and Partners Chartered Accountants, and management's response to the issues identified in the report be endorsed.**

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.1 Openness and transparency of reporting Council's performance

5.2 Effective leadership and informed decision making

5.3 Meet all legislative requirements and compliance with Council's internal controls

5.5 Undertake effective risk management

5.8 Continuous improvement of Council processes

**BACKGROUND**

Every year, as part of the annual audit program, Council's external auditors visit Council's offices ahead of the production of the Annual Financial Statements. This visit forms an integral part of the annual audit program and also serves to identify any likely issues prior to the preparation of the Annual Financial Statements and their end of year final audit visit.

**DISCUSSION**

Dean Newbery and Partners' audit team visited Council in April 2017.

As part of their 2016/2017 Audit Program the audit team undertook reviews in several areas including:

- Asset Management Plans
- Impairment to existing assets due to storm damage
- IT user access review
- Accounts payable internal controls
- IT disaster recovery planning
- Asset registers
- Contract management

Ten (10) issues were raised of which one (1) was for information only. Nine (9) issues required action/response from management. These nine (9) issues have been given a residual risk rating

ranging from 'low' to 'high'. The issues, their respective risk ratings and management's responses are detailed in the attached External Audit Management Report (refer Attachment 1).

Also attached to this report is an indicative timetable for the review and completion of Asset Management Plans in response to the issue raised by Dean Newbery in its letter accompanying the Management Report. (refer Attachment 2).

At its meeting on 13 September 2017, the Audit Committee received and endorsed the External Audit Management Report for 2016/2017 and management's responses to issues identified in the report.

### **COMMUNITY ENGAGEMENT PLAN**

Not applicable

### **CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Corporate Management Team
- Manager Financial Services
- Business Improvement Officer
- Manager Business and Public Relations
- Leader Systems and Technology
- Accountant – Financial Management
- Accountant – Financial Operations
- Asset Manager
- Manager Works
- Manager Operations

In preparing this report, the following External Parties were consulted:

- Dean Newbery and Partners Chartered Accountants

### **POLICY IMPLICATIONS**

Audit Committee Terms of Reference

### **BUDGET AND RESOURCE IMPLICATIONS**

Actions to address issues raised are budgeted for in Council's current operating budget.

### **RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Failure to take action on risks identified as 'high' and 'moderate' may result in an internal control framework that is weak and ineffective and could lead to a qualified audit opinion.

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

### **ATTACHMENTS**

1. **External Audit Management Report 2016/2017**
2. **Asset Management Plan Completion Timelines**

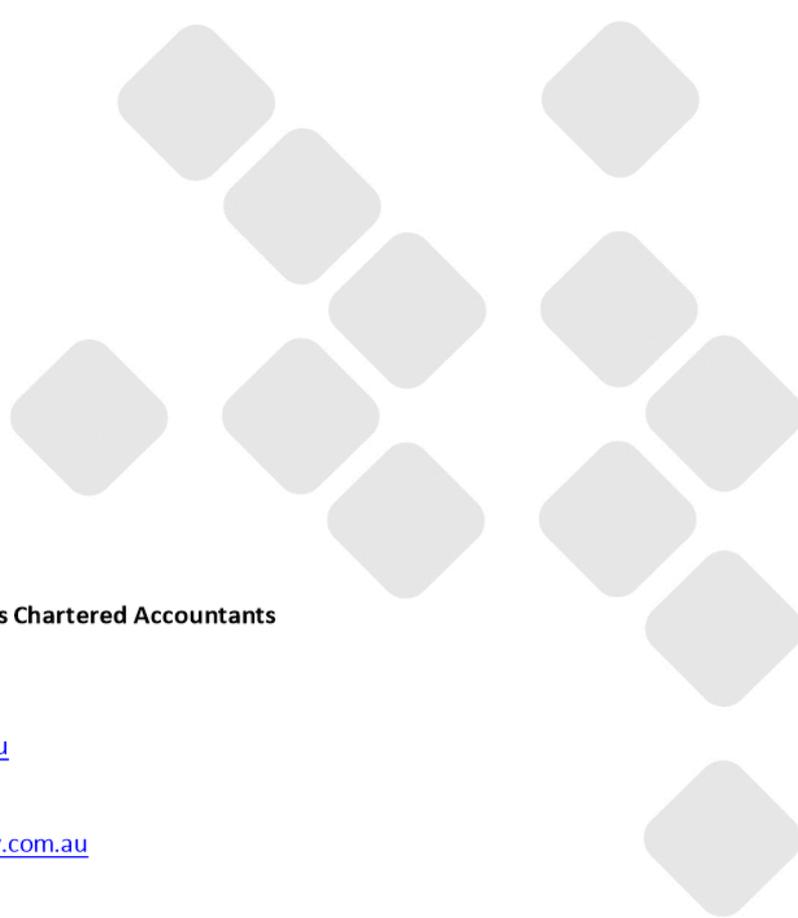


## Yorke Peninsula Council

### External Audit Management Report

April 2017 Audit Attendance

Financial Year Ended 30 June 2017



**Dean Newbery & Partners Chartered Accountants**

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**Dean Newbery & Partners**  
**Chartered Accountants**  
214 Melbourne Street North Adelaide SA 5006



10 August 2017

Mayor Ray Agnew  
Yorke Peninsula Council  
PO Box 8  
**MINLATON SA 5575**

Dear Mayor Agnew

**RE: External Audit Management Report - Financial Year Ended 30 June 2017**

Our audit team undertook a site visit in relation to the external audit of your Council.

This report has been prepared to comply with Australian Auditing Standard (ASA) 260 *Communication with Those Charged with Governance* and ASA 265 *Communicating Deficiencies in Internal Controls to Those Charged with Governance and Management* and the requirements of the *Local Government Act 1999* (the Act).

As required under Section 129(6) *Local Government Act 1999*, we are required to notify the Minister for Local Government of breaches of the Act. As Council has not formally reviewed and adopted the Council's Infrastructure and Asset Management Plans (IAMP) in accordance with the requirements of Section 122 of the Act within the statutory timeframes (i.e. required to be reviewed by November 2016), this is a matter we are required to report to the Minister for Local Government (the Minister).

We were advised by the Administration that the Council has not completed the review and/or formal adoption of the Council's Asset Management Plans for the following asset classes;

- |  |                                  |
|--|----------------------------------|
| ▪ <b>Buildings</b>                               | <i>Last adopted January 2013</i> |
| ▪ <b>Community Wastewater Management Systems</b> | <i>Last adopted August 2012</i>  |
| ▪ <b>Parks &amp; Gardens</b>                     | <i>Last adopted August 2012</i>  |
| ▪ <b>Stormwater Drainage</b>                     | <i>Not previously adopted</i>    |
| ▪ <b>Water Scheme Infrastructure</b>             | <i>Not previously adopted</i>    |

A copy of our letter to the Minister advising of this breach will be shortly provided to yourself and the Chief Executive Officer.

Our commentary and audit recommendations arising from our audit are outlined in this report. Please note that all matters raised in this report have been discussed with the Administration prior to being issued and responses provided by the Administration to audit matters raised have been included.

Please contact me on 8267 4777 or [jimkeogh@deannewbery.com.au](mailto:jimkeogh@deannewbery.com.au) if you require any additional information on matters raised above.

Yours sincerely  
**DEAN NEWBERY & PARTNERS**



**JIM KEOGH**  
Partner

C. Chief Executive Officer

C. Audit Committee



External Audit Management Report – April 2017 Attendance

Item 1	Storm Damage to Council Infrastructure Asset Network
<b>Residual Risk Rating</b>	High
<b>Comment and Audit Recommendations</b>	<p>At the time of our attendance, Council had not completed a formal financial assessment of the estimated damage caused to its Infrastructure network as a result of the Storm damage that occurred during the financial year.</p> <p>During the Balance Date audit visit we request evidence be provided of the work undertaken to detail and estimate the financial impact of the damage to Council’s infrastructure asset network as a result of the 2016 storms.</p> <p>The Administration need to consider the requirement of measuring and recording an asset impairment expense where deemed necessary in the 2016/17 financial year to recognise the financial impact of this event.</p>
<b>Management’s Responses</b>	<p>Formal assessment of the estimated damage caused to Council’s Infrastructure asset network as a result of the Storm damage, was in progress at the time of audit attendance and is now close to being finalised. It will be completed and provided to you at your Balance Date audit visit.</p> <p>As part of the 2016/17 financial statement process, impairment testing is being undertaken and where appropriate an impairment expense(s) will be reported. All documentation regarding this will be provided to you at your Balance Date audit visit.</p> <p>As discussed, we intend to implement early adoption of the changes to AASB 136 Impairment of Assets brought about by AASB 2016-4 Recoverable Amount of Non Cash-Generating Specialised Assets of Not-for-Profit Entities in the 2016-2017 Financial Statements (as recommended by the Model Financial Statements). This will remove the requirement for impairment testing of non-cash-generating specialised assets that are carried at fair value.</p> <p>However, this change will have little impact on the impairment testing of assets damaged due to the storms in 2016-2017. The bulk of these ‘storm-damaged’ assets sit within our ‘other assets’ class which is not required to be regularly revalued. As such we anticipate an impairment expense to be reported in 2016-2017.</p>



External Audit Management Report – April 2017 Attendance

Item 2	IT User Access Level Review
<b>Residual Risk Rating</b>	High
<b>Comment and Audit Recommendations</b>	<p>A formal review/update of the Council’s IT employee user access levels was being undertaken at the time of our audit. The expected completion date of this formal review is 30 June 2017.</p> <p>We will review the work undertaken by the Council Administration on this matter during the Balance Date audit visit.</p>
<b>Management’s Responses</b>	<p>The review is continuing and will be completed by your Balance Date audit visit.</p> <p>External consultants have been engaged to conduct a security review with a key deliverable being transparent and meaningful access level reports that will be role based and will simplify security controls from 120,000 lines to approximately 30 roles. Each role will have a defined level of access.</p>



External Audit Management Report – April 2017 Attendance

Item 3	Review of Duplicate Supplier Invoice Numbers
<b>Residual Risk Rating</b>	Moderate
<b>Comment and Audit Recommendations</b>	<p>In our External Audit Management Report issued 25 May 2016, we provided the following comments;</p> <p style="text-align: center;"><i>Recommend a formal review is undertaken in which testing is performed internally by Council to determine if any invoices have been paid multiple times.</i></p> <p>Council’s IT departments is currently developing a process that will assist in the review of the payment of invoices that contain duplicate supplier invoice numbers and therefore further strengthen internal controls. We will review the progress made by the Administration in this regard, during future audit site visits.</p>
<b>Management’s Responses</b>	<p>A formal review of invoices is currently undertaken monthly.</p> <p>This review is undertaken by extracting all data from the system and manually sorting and analysing the data. All data added since the last report was verified and signed off, is extracted and checked for duplicate payments.</p> <p>Whilst the creation of an IT generated auto populated report will automate this process, only one component will be analysed, which is the duplicate supplier invoice number.</p> <p>We believe, however, there is also risk in other areas. Whilst the duplicate invoice number check would determine if an invoice has in fact been paid twice, it does not look for the similarities in invoice amounts, or slight alterations to invoice numbers which can easily be undertaken.</p> <p>The way that we currently review the data, whilst being time consuming and manual, allows it to be analysed at a higher level and also across multiple levels, which an automated report may not be able to do.</p> <p>The current method decreases the risk at multiple levels that an automated process may not do. To ensure the manual process is accurate screen shots of the GL can be taken prior to the data being extracted and the data being analysed can be compared to the</p>



External Audit Management Report – April 2017 Attendance

	<p>IT staff are still looking at an automatic reporting process, however, to cover all the risks identified above the report will need the ability to be able to run at various levels to cross check various levels of data. A draft system generated automatic report will be made available when you are on site for the Balance Date audit.</p> <p>Given that users have the ability to edit PDFs, and other gaps in the process we believe that a duplicate invoice report will never completely identify fraudulent activities.</p> <p>Council has, however, engaged a consultant to develop a standard report that will identify any duplicates based on supplier name, invoice number and invoice amount to detect any instances of data entry errors.</p>
--	--

Item 4	IT Disaster Recovery Plan – Formal Testing
<b>Residual Risk Rating</b>	Moderate
<b>Comment and Audit Recommendations</b>	<p>At the time of our audit attendance the Administration was in the process of undertaking formal testing of the Council IT Disaster Recovery Plan.</p> <p>We commend Council on undertaking this testing and highlight the importance of ensuring that appropriate testing of key infrastructure and of simulated events is formally undertaken to ensure the documented procedures are reliable in the event a disaster.</p> <p>We request to be informed of the findings of the Council Administration’s testing of the Council IT disaster recovery plan.</p>
<b>Management’s Responses</b>	Council has created an organisational test environment and Council has successfully conducted a restore from offsite tapes of key infrastructure and databases and tested correct function of the systems, demonstrating the integrity of the data and the correct function of the disaster recovery process.



External Audit Management Report – April 2017 Attendance

Item 5 Documented Procedures Over Changes to Supplier Details	
<b>Residual Risk Rating</b>	Moderate
<b>Comment and Audit Recommendations</b>	<p>During the audit visit a review of the Council processes for changing supplier bank details were discussed and reviewed. We note that there are currently minimal documented procedures relating to the processes for changes to Supplier Masterfile details.</p> <p>We recommend that the process in which changes to Supplier bank details is formally documented to ensure a consistency approach is applied by all applicable Accounts Payable staff going forward and to minimise the risk of fraud in this area.</p>
<b>Management's Responses</b>	Draft procedure has been drafted. Final procedure will be ready for examination during your Balance Date audit visit.
Item 6 Contract Management	
<b>Residual Risk Rating</b>	Moderate
<b>Comment and Audit Recommendations</b>	<p>Periodically, all contracts in place should be subjected to formal independent review, to ensure that terms, conditions, entitlements and responsibilities are appropriately addressed.</p> <p>We recommend additional procedures are implemented that ensure this independent review is performed.</p> <p>It would be appreciated if we were advised as to the policies/processes that are in place to formally independently review contracts throughout the organisation.</p>
<b>Management's Responses</b>	<p>Generally contracts are reviewed when they are due for renewal and sometimes during the life of the contract by the person responsible for managing that contract.</p> <p>One example of an independent review was the recent review of Council's cleaning contract for public amenities and other facilities. This contract is managed in our Assets &amp; Infrastructure team but was reviewed by Council's Manager Financial Services. Council's current list of proposed service level reviews compiled by the Director Corporate &amp; Community Services and endorsed by CMT includes a review of all contracts Council has in place. This list will be presented to Council at its workshop in August 2017 for discussion.</p>



External Audit Management Report – April 2017 Attendance

Item 7 Data Review of 'Other Assets' Asset Class	
<b>Residual Risk Rating</b>	Low
<b>Comment and Audit Recommendations</b>	<p>We were advised that the Administration intend on completing a review of data held in the 'Other Assets' asset class and removed any assets that are identified as being duplicated. This has come as a result of the Administration identifying a number of assets in this asset class that have been recorded already in other asset classes and therefore been recognised twice.</p> <p>At the time of our audit It was discussed with the Administration that this would result in an imma terial adjustment. We request to be provided with documentation of the findings of this review and the results during the Balance Date audit visit.</p>
<b>Management's Responses</b>	<p>The 'Other Assets' asset class has been reviewed against the 'Land, Buildings and Other Structures' asset class with a number of duplicate assets being identified. Where duplicate assets have been identified notes have been made against that asset. Duplicate assets will be written off as at 1 July 2016.</p> <p>All documentation regarding findings of this review and the results will be provided to you during your Balance Date audit visit.</p>



External Audit Management Report – April 2017 Attendance

Item 8 Employee Back Pay – Disclosure in the Financial Statements	
<b>Residual Risk Rating</b>	Low
<b>Comment and Audit Recommendations</b>	<p>During the audit visit it was brought to our attention that the Enterprise Bargaining Agreement for the Council’s outside workforce was in the process of being negotiated. At the time our audit it was unknown to the Administration what the total impact of final EB Agreement would have with regards to Back Pay to be paid as a result of changes in Employee Pay Rates.</p> <p>We recommend adequate disclosures are made in the 30 June 2017 Financial Statements in relation to this matter. If the total amount to be paid to these employee via a back-pay cannot be reliably estimated by the Administration at the time of the financial statements formulation, this will need to be disclosed in the financial statements.</p> <p>We will review the disclosures made in the 30 June 2017 Financial Statements, during the Balance Date audit visit.</p>
<b>Management’s Responses</b>	The EBA was finalised in May 2017 and the Back Pay was processed in early June 2017. As a result no disclosures are required in the 30 June 2017 Financial Statements.

Item 9 Asset data migration into Conquest Asset Management Database – Major Plant	
<b>Residual Risk Rating</b>	Low
<b>Comment and Audit Recommendations</b>	<p>During the current financial year, the Major Plant asset class data will be migrated into the Council’s Conquest Asset Management Database. It is important that Council’s Administration undertake the appropriate level of data migration testing to ensure the complete and accurate information is transferred between the existing and new asset database systems.</p> <p>We will monitor the work done by the Administration, in this regard, during future audit visits.</p>
<b>Management’s Responses</b>	The ‘Major Plant’ asset class has been migrated into the Conquest Asset Management Database as at 1 July 2016. Reports have been generated from Conquest and reconciled to show that the data migrated matches the 30 June 2016 audited ‘Major Plant’ closing balances, which were previously in Excel. All documentation and reconciliations will be provided during your Balance Date audit visit.



External Audit Management Report – April 2017 Attendance

Item 10	New Accounting Standard - Related Party Disclosures
<b>Residual Risk Rating</b>	-
<b>Comment and Audit Recommendations</b>	<p>At the conclusion of the 2015/16 financial year audit, we communicated to all of our Local Government Council clients the need to ensure Council’s undertake an appropriate review and planning for the introduction of the new requirements under Australian Accounting Standard (AASB) 124 <i>Related Party Disclosures</i>. The new requirements under this standard are in effect as from 1 July 2016 (i.e. as from the commencement of the 2016/17 financial year).</p> <p>It is important all related party disclosures are correctly assessed and recorded by Council (to ensure conformity with the new requirements under the new Standard) so that proper disclosures can be made as required in Council’s 2016/17 Financial Statements.</p> <p>To assist Council’s Administration in complying with the new requirements, we recommend a specific form is developed and provided to all Elected Members and Council employees who are deemed Key Management Personnel (KMP). The form should record all transactions and arrangements in which any related party transactions (as per the AASB standard requirements) have occurred.</p> <p>Adequate training and information should be provided to all applicable persons to ensure they are aware of these new requirements and how to appropriately complete these forms. It should be noted that a similar process will need to be undertaken for all of Council’s Subsidiary entities.</p> <p>By way of example, consideration as to who are deemed KMP and what information required to be disclosed on the proposed form is as follows:</p> <ol style="list-style-type: none"> <li>1. Determining which employees/elected members are deemed KMP.</li> <li>2. The methods in which the KMP are compensated.</li> <li>3. The KMPs total annual remuneration.</li> <li>4. Have KMP been involved in any deemed related party transactions?</li> <li>5. Have the terms and conditions of the related party transactions been in the normal terms to which are offered to the general public?</li> </ol>



External Audit Management Report – April 2017 Attendance

	<p>6. Have any related party transactions occurred with a close family member of KMP? (Close members of the family are defined in AASB 124)?</p> <p>We advise that recent updates to the Model Financial Statements has provided for a recommended disclosures notes relating to AASB 124 and we recommend the Council Administration consider the guidance provided within the Model Financial Statements when preparing the 2016/17 Financial Statements.</p>
<p><b>Management's Responses</b></p>	<p>The following process is in place:-</p> <ol style="list-style-type: none"> <li>1. Research undertaken by Council officer to understand the requirements of AASB 124 and Model Financial Statements.</li> <li>2. Presentation prepared (including form template for collecting information from KMP's) and presented &amp; training provided to Council's Management Team (deemed KMP's)</li> <li>3. Presentation &amp; training to Elected Members on 26 July 2017</li> <li>4. Forms distributed to KMP's on 27 July 2017 for data collection</li> <li>5. Ongoing assistance available to KMP's in understanding requirements and how to fill out the form</li> <li>6. Forms collected and information received analysed to determine what transactions need to be investigated and disclosed in the financial statements</li> <li>7. Clarifications sought from auditors &amp;/or subject matter experts</li> <li>8. Final information prepared for Audit</li> </ol> <p>Please note that the form, contents of the presentation and guidance on what to include in the notes are based on the requirements as stated in the Model Financial Statements.</p> <p>All completed forms, associated paperwork and other documents will be provided at your Balance Date audit visit.</p>

AMP NAME	COMMENCE	CMT/WORKSHOP	AUDIT COMMITTEE	COUNCIL – PUBLIC CONSULTATION	COUNCIL – ADOPTION
CWMS			Aug-17	Jul-17	Sep-17
WATER			Aug-17	Aug-17	Sep-17
STORMWATER	Draft plan has been developed and am now waiting on amended financial figures to finalise plan.		August or October 2017 – depending on when financial figures are received and plan is sent out to various staff for final review.	Sep-17	Oct-17
PLANT & MACHINERY (including Minor Plant and Furniture & Fittings)	Sep-17		October or December 2017 – depending on the date the plan is finalised by staff.	Nov-17	Dec-17
Land, Buildings & Other Structures (including Other Assets)	Sep-17	November 2017 – if required	Dec-17	Dec-17	Jan-18

**22.3 TREASURY MANAGEMENT PERFORMANCE 2016/2017****Document #:** 17/68317**Department:** Corporate and Community Services**PURPOSE**

To update Council in regard to Council's treasury management (investments and borrowings) activities and performance for 2016/2017 in accordance with legislation and PO139 Treasury Management Policy.

**RECOMMENDATION**

**That the report be received.**

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.1 Openness and transparency of reporting Council's performance**BACKGROUND**

The Local Government Act 1999 section 140 requires that Council undertake a review of its investments at least once each year. Further, section 4(d) of Council's Treasury Management Policy requires Council to consider a report on treasury management performance relative to the policy at least annually.

**DISCUSSION**

Sections 139 and 140 of the Act provide the framework for Council to invest surplus funds and states the investments be reviewed annually. Council's Treasury Management Policy builds on the legislative framework to ensure financial and other risks are managed when investing public funds, parameters and limits are set, details of investment types permitted are set, authorised officers are determined and what strategy and process should be followed.

**Investments**

Council currently invests surplus funds in 24 hour "at call" accounts and fixed term deposits with the Local Government Finance Authority (LGFA) at market competitive interest rates. Working funds for day to day operations are held with the ANZ Bank (being Council's 'transaction account') and are kept to the minimum required for day to day activity at all times. Surplus funds are transferred to the 24 hour at call account in the short term in accordance with policy.

This report provides a summary of investments for the 2016/2017 financial year to enable Council to review the performance of its investments in accordance with the Act and policy.

The following table shows the investments and cash held with the LGFA and ANZ Bank at the end of each quarter during the 2016/2017 financial year.

Type	Sep 16 (\$)	Dec 16 (\$)	Mar 17 (\$)	Jun 17 (\$)
<b>LGFA</b>				
24 Hour at Call	6,660,417	2,876,638	2,563,322	2,423,376
Term Deposits	2,000,000	7,000,000	7,000,000	4,000,000

Minlaton Library Equipment	11,984	12,030	12,075	12,120
Yorketown Library Equipment	18,268	18,346	18,416	18,484
Maitland Community Library Equipment	8,252	8,306	8,337	8,368
Ardrossan Library Equipment	13,931	13,992	14,046	14,098
Erichsen Heritage Trust	10,553	10,598	10,638	10,677
Minlaton RSL Trust	1,968	1,976	1,983	1,990
Warooka RSL Trust	5,567	5,590	5,611	5,631
Curramulka RSL Trust	1,891	1,898	1,906	1,913
Open Space & Recreation	140,278	140,278	140,278	140,278
<b>ANZ</b>				
YPC Operating Account	606,336	148,739	208,359	274,947
Rates Account	51,455	135,004	11,022	14,273
Point Turton Caravan Park Operating Account	6,814	38,519	4,645	5,272
Marion Bay Caravan Park Operating Account	5,963	29,818	7,005	2,753
Port Vincent Caravan Park Operating Account	3,519	62,165	6,174	4,314
Yorketown Caravan Park Operating Account	685	2,467	893	1,749
	<b>\$9,547,881</b>	<b>\$10,506,364</b>	<b>\$10,014,710</b>	<b>\$6,940,243</b>

### Performance

Total interest income earned from working capital held (ANZ) and investments (LGFA) for the period 1 July 2016 to 30 June 2017 was \$187,832 (2015/2016:\$212,520). \$175,072 of the total interest (including bonus interest of \$34,498) was from LGFA with the balance of \$12,760 from ANZ. Varying levels of cash held during the year compared to 2015/2016 and falling interest rates from 2015/2016 to 2016/2017 have resulted in 2016/2017 total interest being lower than the previous year.

Interest rates on investments, in particular the 24 hour at call rate, are heavily influenced by the Reserve Bank of Australia (RBA) cash rate which last changed on 3 August 2016 from 1.75% to 1.5%. It has remained unchanged since.

Interest rates from other authorised deposit-taking institutions (ADI's) are regularly tracked to ensure that these rates remain competitive to those provided by LGFA. Interest rates offered by LGFA are comparable to rates offered by other ADI's for similar investment products. It should be noted that while these rates are the base rates for the various investment products, LGFA also provide bonus interest depending on the total quantum of funds invested with them throughout the year. In 2016/2017 Council received \$34,498 in bonus interest.

The table below shows the quarterly change in LGFA's interest rates throughout 2016/2017.

<b>Interest Rates</b>	<b>Sep 16</b>	<b>Dec 16</b>	<b>Mar 17</b>	<b>Jun 17</b>
24 Hour at Call	1.59%	1.5%	1.5%	1.5%
Term Deposits (average of terms)	2.04%	1.89%	1.90%	1.92%

In addition to investing funds in the 24 hour at call account, Council also invested funds surplus to immediate working capital requirements, in term deposits. Term deposits were generally for periods of 30, 60 or 90 days, however terms in excess of this are also available if required.

Interest rates offered by LGFA on term deposits at any point in time are determined by the financial market and driven by prevailing economic conditions. That is, the interest rate can change on a daily basis as the financial market responds to current, and speculates on future, economic conditions. As a result, the differential between the 24 hour at call rate and the term deposit rate can fluctuate on an ad hoc basis.

The use of fixed term deposits is a risk management strategy to maximise interest rate returns. Given fixed term deposits have a higher interest rate than the 24 hour at call, surplus cash requirements are constantly monitored in order to maximise investment returns.

It should be noted that the end of financial year 24 hour at call account balance was further inflated by the advance payment of \$1,143,746 on 9 June 2017, being a proportion of Council's 2017/2018 Financial Assistance Grant.

### Borrowings

As at 30 June 2017 Council's outstanding loan principal was \$8,188,809 compared to \$8,622,113 as at 30 June 2016. The table below details the movement against each type of loan and the closing balance of Council's loan portfolio.

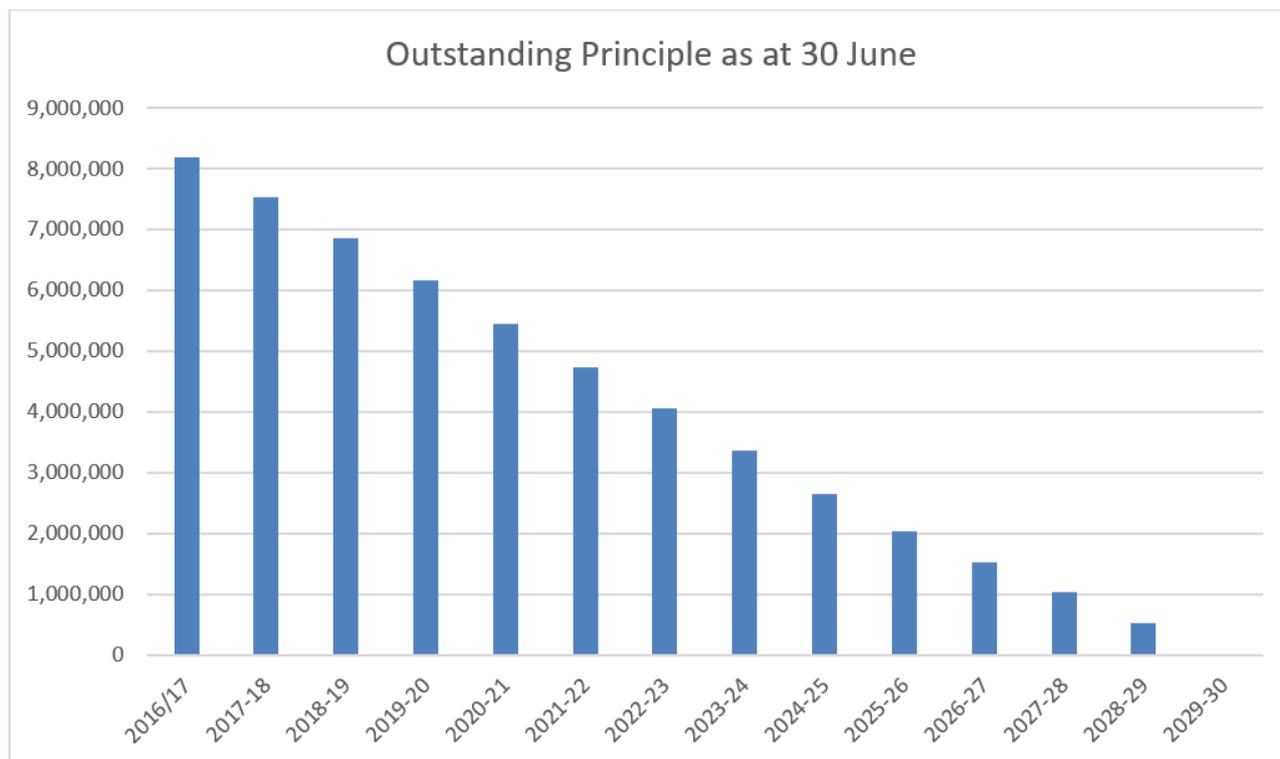
Loan Type	2015/2016 Principal Remaining	2016/2017 Interest Paid	2016/2017 Principal Repaid	2016/2017 Principal Remaining
Council Loans	\$7,739,459	\$358,892	\$543,026	\$7,196,433
Community Loans	\$882,653	\$43,119	99,458	\$ 783,195
Special Rates Loans	-	-	-	\$ 209,179
<b>Total</b>	<b>\$8,622,112</b>	<b>\$402,011</b>	<b>\$642,484</b>	<b>\$8,188,807</b>

The movements in the table above can be explained as follows:

- \$209,179 borrowed for Chinaman Wells Seawall construction in 2016/2017 in accordance with Council decision. All repayments over the life of the loan (10 years) will be recovered through annual separate rates raised against the impacted properties, effective 2017/2018.
- Debentures 74 and 75 being Community Loans for Stansbury Bowling Club and Warooka Bowling Club respectively, were taken out just prior to the completion of the 2015/2016 financial year thus had no principal repaid in 2015/2016.
- Loan 68 for the Office Building and Road Acceleration Programme (\$6m) will be the last existing loan to expire in 2029/2030.
- Three (3) Community Loans (65 – Arthurton War Memorial Sports Club - Bowling Club, 66- Minlaton Bowling Club and 46- Arthurton War Memorial Sports Clubrooms Upgrade) were finalised in 2016/2017.
- Council's Community Loan threshold as per the policy still has capacity as at 30 June 2017 for a further \$318,807 to be borrowed.
- All existing Community Loans will be paid out by 2024/2025.
- \$1.2m is budgeted to be borrowed in 2017/2018 to fund the main township footpath replacement capital project (\$300k state government grant funding also approved).

All funds borrowed during the 2016/2017 financial year were from LGFA and were credit foncier loans i.e. for a fixed period with regular repayments where each repayment includes both principal and interest components, such that at the end of the period the principal will have been entirely repaid. The maximum term for any loans in Council's portfolio currently is ten (10) years.

Council's entire portfolio consists of fixed interest rate borrowings which complies with current policy requirements. The policy sets a minimum of 80% of loans to be of this category. Council has spread its exposure to interest rate movement by ensuring a variety of maturity dates for its loans. This is demonstrated by the graph below which shows when Council's current loans expire.



At its meeting on 13 September 2017, the Audit Committee considered this report and noted its contents. No issues were raised at that meeting.

### COMMUNITY ENGAGEMENT PLAN

Not Applicable

### CONSULTATION PROCESS

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Manager Financial Services
- Accountant – Financial Management

In preparing this report, the following External Parties were consulted:

- Nil

### POLICY IMPLICATIONS

PO139 Treasury Management Policy – *it should be noted that this policy is currently undergoing its annual review and the revised policy is listed for consideration by Council at this meeting.*

### BUDGET AND RESOURCE IMPLICATIONS

Efficient cash flow reporting and treasury management practices ensure financial resources are available in support of, and as per, Council's Budget and return on public funds is maximised.

### RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

**ATTACHMENTS**

Nil

**22.4 PO161 PRUDENTIAL MANAGEMENT POLICY****Document #:** 17/68135**Department:** Corporate and Community Services**PURPOSE**

To seek endorsement and approval from Council for the newly developed PO161 Prudential Management Policy.

**RECOMMENDATION**

**That Council endorse and approve the PO161 Prudential Management Policy for inclusion in Council's Policy Manual and on the website.**

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.3 Meet all legislative requirements and compliance with Council's internal controls  
5.5 Undertake effective risk management  
5.8 Continuous improvement of Council processes**BACKGROUND**

Section 48 of the Local Government Act 1999 requires that Council develop and maintain Prudential Management policies, practices and procedures for the assessment of projects to ensure that Council:

- acts with due care, diligence and foresight; and
- identifies and manages risks associated with a project; and
- makes informed decisions; and
- is accountable for the use of Council and other public resources.

**DISCUSSION**

6. A policy has been developed using the Local Government Association (LGA) SA Financial Sustainability Information Paper 27 Prudential Management (and attached model policy) as a base.  
7.

At its meeting on 13 September 2017, the Audit Committee endorsed this policy and recommended it to Council for endorsement and adoption.

**COMMUNITY ENGAGEMENT PLAN**

Not applicable

**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Corporate Management Team
- Manager Financial Services

In preparing this report, the following External Parties were consulted:

- Nil

**POLICY IMPLICATIONS**

Not applicable

**BUDGET AND RESOURCE IMPLICATIONS**

Capital project requests for inclusion in future budgets will be required to comply with the requirement of this policy where applicable.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Without appropriate policies, procedures and delegations in place, Council is placed at risk of non-compliance with legislation and guidelines.

Local Government Act 1999

**ATTACHMENTS**

1. **PO161 Prudential Management Policy**



*Agriculturally rich-Naturally beautiful*

## COUNCIL POLICY

### Prudential Management

<b>Policy Number:</b>	PO161		
<b>Strategic Plan Objective</b>	Goal 5 – Responsible Governance		
<b>Policy Owner:</b>	Chief Executive Officer	<b>Record Number:</b>	
<b>Responsible Officer:</b>	Director Corporate & Community Services	<b>Minute Reference:</b>	
<b>Date Adopted:</b>	September 2017	<b>Next Review Date:</b>	September 2021

#### 1. POLICY OBJECTIVES

Council recognises the need to balance the value of community outcomes against the cost of achieving those outcomes. The efficient and cost effective use of public funds is fundamental of good government. A culture of public sector management that fosters accountability, integrity and due process results in the efficient use of public resources.

This policy has two objectives:

1. To ensure that a Council project is undertaken only after an appropriate level of “due diligence” is applied to the proposed project; and
2. To ensure that each Council project is:
  - a) Managed during the project; and
  - b) Evaluated after the project, to achieve identified public benefit or needs and to minimise financial risks.

#### 2. SCOPE

This policy applies to all projects (as defined below) regardless of size, no matter how large or small, to ensure that decisions are taken based on reliable, accurate and timely information. All projects should be considered in the context of not only this policy, but also Council’s Risk Management Framework.

For large projects, commercial or non-commercial, section 48(1) of the Act requires that a full prudential report is to be prepared for Council. A report under section 48 will be regarded as the highest-level, most thorough type of due diligence report for the purposes of this Policy.

Section 48(aa1) of the Local Government Act 1999 requires Council to also develop and maintain prudential management policies and practices for the assessment of projects to ensure that the Council:

- (a) acts with due care, diligence and foresight;
- (b) identifies and manages risks associated with a project;
- (c) makes informed decisions; and

(d) is accountable for the use of Council and other public resources.

### 3. DEFINITIONS

Project	<p>A new and discrete undertaking or activity that would involve the expenditure of money, deployment of resources, incurring or assuming a liability, or accepting an asset. This should not be interpreted to mean that all Council activities are “projects”. Regular, ongoing deliveries of Council services are not “new and discrete” activities and therefore are not included within this definition. A project is a temporary endeavour with a defined beginning and end. The nature of projects stands in contrast to business as usual (or operations) which are repetitive, ongoing functional activities to provide services.</p> <p><i>Simply purchasing an item of plant or equipment, (e.g. a single vehicle) or a parcel of land will constitute a “project” if the purchase is not part of a wider project or part of ongoing operations. Any purchase must comply with Council’s Procurement Policy. However, a “project” will typically involve more than merely purchasing. It will always involve Council staff time, often in undertaking activities in association with other organisations. On the other hand, a project need not entail any expenditure. It may include, for example, receiving land or other assets for free, or granting permission for a private activity on Council land.</i></p>
Prudential Management	<p>Taking a precautionary approach to a proposed projects. Prudential management attempts to foresee what adverse financial consequences might arise from any project that Council is contemplating, and requires managing the project in such a manner as to capture the proposed benefits, while minimising, offsetting or otherwise taking account of the foreseeable financial risks.</p>
Decision-maker	<p>The Elected Members of Council or, where able to be delegated, the CEO and his sub delegates</p>
Due diligence	<p>The conduct of a systematic review of a transaction, prior to entering the transaction. It has been defined in landmark legal cases as:</p> <p><i>“a minimum standard of behaviour involving a system which provides against contravention of relevant regulatory procedures and adequate supervision ensuring the system is carried out” and “indistinguishable from the obligation to exercise reasonable care”</i></p>

### 4. POLICY STATEMENT

#### 4.1 Deciding upon an appropriate level of due diligence

Any proposed project must first be assessed as to the level of due diligence that is required. Council’s record of delegations lists the powers that the Council has delegated to the Chief Executive and/or other managers, including the power (depending upon budgetary allocations and other Council policies) to approve some projects. The record of delegations may distinguish types of projects that a specific manager is permitted to approve.

Therefore, for a particular proposed project, (depending on the record of delegations) the decision-maker may be the Council, the Chief Executive, or a manager.

When approval is being sought or considered for a specific proposed project, information must be provided to the decision-maker to indicate approximately, at first instance:

- the specific benefits or needs to be addressed;
- the extent to which it may be substantially similar to other past projects;
- the expected whole-of-life costs of the proposed project; and
- what, if anything, is known about the levels of financial risk that may be involved.

**a) Two threshold questions**

The decision-maker will make an evaluation as to the extent of due diligence that must be embarked upon before any subsequent decision is made whether or not to proceed with the proposed project.

As a first step, the decision-maker must ascertain:

- whether funding of the whole-of-life costs of the proposed project will (or might) require additional allocations beyond those already accommodated in Council's Long Term Financial Plan; and
- whether the proposed project will (or might) generate any additional financial risk for the Council.

Seeking the answers to these two questions is a threshold 'due diligence' test. If the decision-maker is sure that whole-of-life costs and financial risks are already accounted for, Council will record its reasons for *not* obtaining a due diligence report and no further action is necessary. However, in many cases, the decision-maker will not be sure of these answers, and will require a further step.

**b) Due Diligence Report (DDR)**

To resolve any remaining doubt, the decision-maker may request preparation of a due diligence report.

The minimum requirements for effective due diligence include:

- management procedures and controls to be put in place to undertake the project;
- benefits and costs of the project to be identified; and
- assessment of the risks of the project including financial, political, social, community and environmental impacts.

**c) Prudential Management Report (PMR)**

Council must obtain and consider a report that addresses Prudential issues for all projects (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body):

- (a) where the expected expenditure of Council over the ensuing five years is likely to exceed 20 per cent of Council's average annual operating expenses over the previous five financial years (as shown in Council's financial statements); or

- (b) where the expected capital cost of the project over the ensuing five years is likely to exceed \$4.5m (indexed)<sup>1</sup> require a full PMR in accordance with the Act.
- (c) where Council considers that it is necessary or appropriate.

A PMR is not required to be completed, where the project is in relation to road construction or maintenance and/or drainage works.

The Chief Executive Officer (CEO) will appoint a suitably qualified independent person who will be skilled in the assessment of the proposed project. This may include engineering, finance, infrastructure and project management skills. The person appointed may be a member of staff.

Prudential issues that should be considered within a PMR include:

- (i) the relationship between the project and relevant strategic management plans;
- (ii) the objectives of the Development Plan in the area where the project is to occur;
- (iii) the expected contribution of the project to the economic development of the local area, the impact that the project may have on businesses carried on in the proximity and, if appropriate, how the project should be established in a way that ensures fair competition in the market place;
- (iv) the level of consultation with the local community, including contact with persons who may be affected by the project and the representations that have been made by them, and the means by which the community can influence or contribute to the project or its outcomes;
- (v) if the project is intended to produce revenue, revenue projections and potential financial risks;
- (vi) the recurrent and whole-of-life costs associated with the project including any costs arising out of proposed financial arrangements;
- (vii) the financial viability of the project, and the short and longer term estimated net effect of the project on the financial position of the council;
- (viii) any risks associated with the project, and the steps that can be taken to manage, reduce or eliminate those risks (including by the provision of periodic reports to the CEO and Council); and
- (ix) the most appropriate mechanisms or arrangements for carrying out the project.

Council cannot delegate the consideration of a PMR. The report will not be read in isolation and will be considered together with Council's long term financial, asset management and risk management plans.

### **Due diligence before a decision on whether to proceed**

Depending upon the extent of due diligence required by the decision-maker, a DDR of greater or lesser detail may be prepared. This report will include, in relation to the proposed project:

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<sup>1</sup> Section 48(6d) provides for the indexation of this threshold amount, in line with the Consumer Price Index for Adelaide. Between 2009 and 2015, the figure was adjusted from \$4 million to \$4.52 million.

- an analysis of the need or demand;
- identification and quantification of the expected financial and other benefits;
- identification and quantification of the likely whole-of-life financial and other costs, including staffing and project management costs;
- assessment of the associated financial risks, (including the financial risks of not proceeding or delaying the project) and consideration of ways they can be managed and/or mitigated; and
- an evaluation that weighs up all of the factors above.

For the smaller projects with least financial risk, the DDR may comprise only a single page and may be prepared by a single staff member. Larger, more complicated and/or financially riskier projects will require a DDR containing more information and assessment, as required by the decision-maker, with input from two or more officers. The report will be typically prepared by a Council officer deemed appropriate by the CEO, but will be commissioned by the staff member responsible for the project and/or the decision maker.

For example, the decision-maker may request a DDR from a working party of Council officers, or an external consultant, or a combination of both. Consideration will be given to whether those preparing a report require special skills such as engineering, finance, project management, town planning etc.

In requesting and preparing a DDR, the decision-maker and Council officers must utilise the Risk Management Framework, to evaluate the level of risk and determine whether the proposed project has, over the life of the project, a likelihood of financial risk that cannot be regarded as moderate, minor or unlikely to occur.

#### **Due diligence during a project**

After a decision has been made to commence a project, it will be managed according to the principles of due diligence. Council will take action to manage the project so that:

- the project remains focussed upon the expected public benefits or needs that have been identified in the DDR; and
- financial risks identified in the DDR are managed appropriately.

#### **Due diligence after a project**

After a substantial project has been completed, it will be evaluated, according to the principles of due diligence, to determine the extent to which the project:

- has achieved the public benefits or needs identified in the DDR that it was intended to achieve or satisfy; and
- has avoided or mitigated the financial risks identified in the DDR.

The subsequent report will be provided to Council's Audit Committee and the elected Council.

## **5. COMPLAINTS**

Council welcomes complaints as a way of improving its services and programmes as well as an opportunity to put things right. Complaints in relation to this policy are to be directed in writing to the Director Corporate and Community Services. All complaints will be managed in accordance with Council's Complaints Policy PO147. Internal

complaints will follow the Dispute Resolution Procedures provided in their respective Enterprise Agreement.

**6. REVIEW**

This Procedure will be reviewed by the Manager Financial Services within two years of adoption and/or accordance with any changes to legislation, codes, guidelines or Government Policy.

**7. RELATED COUNCIL POLICIES AND DOCUMENTS**

PO091 Risk Management Policy

Long Term Financial Plan

Asset Management Plans

**8. REFERENCES AND LEGISLATION**

Local Government Act 1999 – section 48

**9. COUNCIL DELEGATION**

<b>Details of Delegation:</b>	CEO
<b>Delegate:</b>	Director Corporate and Community Services

**10. VERSION HISTORY**

<b>Archived Policy Name</b>	<b>Policy Number</b>	<b>Date Adopted</b>	<b>Last Reviewed</b>
Prudential Management	PO161	Sept 2017	Sept 2017

**22.5 PO139 TREASURY MANAGEMENT POLICY REVIEW****Document #:** 17/68679**Department:** Corporate and Community Services**PURPOSE**

To seek endorsement and approval from Council for the updated PO139 Treasury Management Policy.

**RECOMMENDATION**

**That Council endorse and approve the updated PO139 Treasury Management Policy for inclusion in Council's Policy Manual and on the website.**

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.3 Meet all legislative requirements and compliance with Council's internal controls

5.5 Undertake effective risk management

5.8 Continuous improvement of Council processes

**BACKGROUND**

As part of the review of Council's suite of policies, the Treasury Management Policy has been reviewed and updated for any changes in legislation. This policy was last reviewed in 2014.

**DISCUSSION**

Management of Council funds is governed by the Local Government Act 1999 and this policy provides the framework to ensure that funds are invested, borrowed and used to maximise returns, mitigate risks and minimise costs.

The updated policy is attached (refer Attachment 1) and the major changes are as follows:

- Expansion of the definition section to include Authorised Deposit-Taking Institutions (ADI's) and the ability to invest with ADI's
- Clarity around the maximum splits for fixed vs variable interest rate borrowings
- Ability for Council to use variable interest rate borrowings

The Local Government Association's Financial Sustainability Information Paper 15 Treasury Management (and Model Treasury Management Policy) was used as a base when reviewing Council's policy.

At its meeting on 13 September 2017, the Audit Committee considered and endorsed the changes to this policy and recommended to Council that the updated policy be endorsed and adopted.

**COMMUNITY ENGAGEMENT PLAN**

Level 1, Inform.

**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Corporate Management Team
- Manager Financial Services
- Accountant – Financial Management

In preparing this report, the following External Parties were consulted:

- Nil

**POLICY IMPLICATIONS**

PO139 Treasury Management Policy

**BUDGET AND RESOURCE IMPLICATIONS**

Not applicable

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Without appropriate policies, procedures and delegations in place, Council is placed at risk of non-compliance with legislation and guidelines.

Local Government Act 1999

**ATTACHMENTS**

1. **PO139 Treasury Management Policy - Updated**



*Agriculturally rich - Naturally beautiful*

## COUNCIL POLICY

### Treasury Management Policy

<b>Policy Number:</b>	PO139		
<b>Strategic Plan Objective</b>	Responsible Governance		
<b>Policy Owner:</b>	Director Corporate and Community Services	<b>Container Number:</b>	
<b>Responsible Officer:</b>	Manager Financial Services	<b>Minute Reference:</b>	
<b>Date Adopted:</b>		<b>Next Review Date:</b>	August 2018

#### 1. POLICY OBJECTIVES

This Treasury Management Policy establishes a framework to ensure that:

- funds are available as required to support approved outlays;
- interest rate and other risks (liquidity and investment credit risks) are acknowledged and responsibly managed;
- the net interest costs associated with borrowing and investing are reasonably likely to be minimised on average over the longer term.

#### 2. SCOPE

This policy provides a clear direction to management, staff and Council in relation to the treasury function. It underpins Council's decision-making regarding the financing of its operations as documented in its annual budget and long-term financial plan and associated projected and actual cash flow receipts and outlays.

Council is committed to adopting and maintaining a Long-term Financial Plan and operating in a financially sustainable manner.

#### 3. DEFINITIONS

Fixed Interest	A Loan where the interest is fixed for the term of the loan
Variable interest	8. A loan where the interest rate fluctuates over the life of the loan
Authorised Deposit-Taking Institution (ADI)	9. An Australian government term for a corporation which is authorised under the Banking Act 1959 to take deposits from customers. ADIs include banks, building societies and credit unions.

#### 4. POLICY STATEMENT

##### 4 (a) Treasury Management Strategy

Council's operating and capital expenditure decisions are made on the basis of:

- identified community need and benefit relative to other expenditure options;
- cost effectiveness of the proposed means of service delivery; and,
- affordability of proposals having regard to Council's long term financial sustainability (including consideration of the cost of capital and the impact of the proposal on Council's Net Financial Liabilities ratio<sup>2</sup>.)

Council manages its finances holistically in accordance with its overall financial sustainability strategies and targets. This means Council will:

- maintain target ranges for both its Net Financial Liabilities and Interest Cover ratios;
- not retain and quarantine money for particular future purposes unless required by legislation or agreement with other parties;
- borrow funds in accordance with the requirements set out in its Long-term Financial Plan or review its Long Term Financial Plan to reflect any other borrowings determined by Council;
- apply any funds that are not immediately required to meet approved expenditure (including funds that are required to be expended for specific purposes but are not required to be kept in separate bank accounts) to reduce its level of borrowings or to defer and/or reduce the level of new borrowings that would otherwise be required.

#### **4 (b) Borrowing & Interest Risk Exposure**

Council has set range limits for both fixed and variable interest rate borrowings in order to minimise net interest costs on average over the longer term and at the same time manage interest rate movement risks within acceptable limits.

##### **4(b) (1) Fixed Interest Rate Borrowings**

To ensure an adequate mix of interest rate exposures, Council will restructure its portfolio of borrowings, as old borrowings mature and new ones are raised, to progressively achieve and therein maintain on average in any one year not less than 80% of its gross debt in the form of fixed interest rate borrowings.

In order to spread its exposure to interest rate movements, Council will aim to have a variety of maturity dates on its fixed interest rate borrowings over the available maturity spectrum.

In circumstances where Council needs to raise new fixed interest rate borrowings it will consider using medium to long-term borrowings (3 or more years duration) that:

- have a fixed interest rate;
- require interest payments only; and
- allow the full amount of principal to be repaid (or rolled over) at maturity.

##### **4(b) (2) Variable Interest Rate Borrowings**

Council will restructure its portfolio of borrowings, as borrowings mature and new ones are raised, to progressively achieve, and then maintain, not more than 20% of its gross debt on average in any year in the form of variable

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<sup>2</sup> The LGA's Financial Sustainability Information Papers 9 and 12 provide further information on these (and other) financial sustainability indicators and associated targets.

interest rate borrowings. Typically variable interest rate borrowings should only be for a particular purpose, no more than a three (3) year term and facilitated through the LGFA's Cash Advance Debenture (CAD) facility. Excess funds should be used to pay down any CAD facilities to reduce interest expense, in the first instance before funds are invested in interest bearing deposits.

After Council's cash reserves are reduced, Council will establish, and make use of, the Local Government Finance Authority (LGFA) Cash Advance Debenture (or similar product) that requires interest payments only and that enables any amount of principal to be repaid or redrawn at call. The redraw facility will provide Council with access to liquidity when needed.

#### **4 (c) Investments**

Council funds that are not immediately required for operational needs and cannot be applied to either reduce existing borrowings or avoid the raising of new borrowings will be invested. The balance of funds held in any operating bank account that does not provide investment returns at least consistent with 'at call' market rates shall be kept at a level that is no greater than is required to meet immediate working capital requirements.

Council funds available for investment will be lodged 'at call' or, having regard to differences in interest rates for fixed term investments of varying maturity dates, may be invested for a fixed term. In the case of fixed term investments the term should not exceed a point in time where the funds otherwise could be applied to cost-effectively either defer the need to raise a new borrowing or reduce the level of Council's variable interest rate borrowing facility.

When investing funds Council will select the investment type that delivers the best value, having regard to investment returns, transaction costs and other relevant and objectively quantifiable factors.

Council management may from time to time invest surplus funds in:

- deposits with the LGFA; and/or
- interest bearing deposits with Authorised Deposit-Taking Institutions (ADIs),

All investments with the LGFA must be communicated to two signatories currently listed in the Delegations Register, in any written form (being email or letter).

Any investments proposed to be made with any organisation other than the LGFA must be approved by two signatories currently listed in the Delegations Register, in any written form (email or letter). These proposed investments must be reviewed by both signatories for conflict of interest prior to finalisation of the investment. Investments with a perceived conflict of interest must be approved by the Elected Body prior to any such investment being made.

Conflict of interest is determined to be applicable where either of the individuals approving the investment have an interest (financial or otherwise) in the investment institution in which the investment is to be made.

Conflict of interest should be determined by applying the following steps:

- Are you deciding where council funds are to be invested other than with the LGFA?

- If yes, do you have any interest (financial or not) in the proposed investment institution, or have you had any prior involvement with the institution that could be construed as generating a conflict of interest?
- If not, general investment rules apply.

If yes, you must disclose this interest in writing to your immediate supervisor, and the investment decision must be approved by the Elected Body prior to any investment being made.

#### **4 (d) Reporting**

At least once a year Council shall receive a specific report regarding treasury management performance relative to this policy. The report shall highlight:

- for each Council borrowing and investment – the quantum of funds, its interest rate and maturity date, and changes in the quantum since the previous report; and,  
the proportion of fixed interest rate and variable interest rate borrowings at the end date of the reporting period and an estimate of the average of these proportions across the period along with key reasons for significant variances compared with the targets specified in this policy. •

#### **5. COMPLAINTS**

Complaints in relation to this policy can be directed to the Director Corporate and Community Services and will be managed in accordance with Council's PO147 Complaints Policy.

#### **6. REVIEW**

Annually

#### **7. TRAINING**

Council is committed to supporting employees in complying with this policy.

Training needs will be reviewed annually, during individual performance reviews and as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

#### **8. RELATED COUNCIL POLICIES AND DOCUMENTS**

Council's Delegations Register

#### **9. REFERENCES AND LEGISLATION**

##### **For Borrowings**

- a) Local Government Act, 1999
  - i) Section 44
  - ii) Section 133
  - iii) Section 134
  - iv) Section 122
- b) Regulations 5 and 5B of the Financial Management Regulations under the Act.

##### **For Investments**

- c) Local Government Act, 1999
  - i) Section 44

- ii) Section 47
- iii) Section 139
- iv) Section 140

**10. COUNCIL DELEGATION**

<b>Details of Delegation:</b>	Investments
<b>Delegate:</b>	Signatories as listed in delegations register

**11. VERSION HISTORY**

<b>Archived Policy Name</b>	<b>Policy Number</b>	<b>Date Adopted</b>	<b>Last Reviewed</b>
Treasury Management Policy	PO139	10/3/2009	8/6/2010
Treasury Management Policy	PO139	12/3/2014	12/3/2014

**22.6 ALLOCATION OF PRIZES - 2018 YORKE PENINSULA ART EXHIBITION****Document #:** 17/68773**Department:** Corporate and Community Services**PURPOSE**

To seek endorsement from Council for the 2018 Yorke Peninsula Art Exhibition categories of art and prize pool allocation.

**RECOMMENDATION****That Council endorse:**

1. **expansion of the Exhibition to include Fine Art (Painting) and School Category at Ardrossan, Photography at Yorketown and Sculpture at Edithburgh;**
2. **a total prize pool of \$13,425 distributed across the various categories as presented in the Attachment 1 to this report; and**
3. **the conversion of the Verna Lock Memorial Prize to an Acquisitive Memorial Award.**

**LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.4 Support local events and help attract new events

1.5 Partner and build positive relationships with key stakeholders (e.g. Regional Development Australia, Central Local Government Region, YP Tourism and Progress Associations) to progress tourism and business growth, including enabling the attraction of n

**BACKGROUND**

The Yorke Peninsula Art Exhibition is celebrating its 10<sup>th</sup> year as a major cultural event traditionally held biennially over Easter attracting a wide variety of entrants. Originally coordinated in 1999 and historically hosted at Ardrossan by the Yorke Peninsula Council, the event has had major sponsorship from the Ardrossan Progress Association since its inception and supported by the Working Party.

Predominately exhibiting paintings, the 2018 event is looking at expanding the Exhibition to host additional categories and reallocate the pool of prize money accordingly.

**DISCUSSION**

The Working Party has discussed the exhibition categories and is looking to expand from the traditional fine art (paintings) into additional areas initially photography and sculpture. In conjunction with the main event being held in Ardrossan, satellite exhibitions would be set up at two other Yorke Peninsula townships with major sponsorship being provided by the local township Progress Associations.

The Ardrossan Progress Association will continue to host the Fine Art (Painting) and School Category at Ardrossan, the Yorketown Progress Association will host Photography in Yorketown and the Edithburgh Progress Association will host Sculpture in Edithburgh.

In addition, the Working Party reviewed the Verna Lock Memorial Award and would like to revert back to the original intention of the award. This would re-establish the 'Verna Lock Memorial Award'

as dedicated for a 'Yorke Peninsula' subject created by local "Yorke Peninsula" Artists, for paintings nominated by the artist at the time of registration. The Committee also voted to convert this award to an acquisitive award, where Council would retain the winning painting. The prize money has been reviewed to make the category more attractive to up and coming local artists and, by being an acquisitive award links part of Councils sponsorship with the retention of the selected painting.

In 2016, the total prize allocations totalled \$10,000. Reviewing the expansion of the exhibition and additional categories, the total proposed prize allocation for 2018 is \$13,425 (Attachment 1). The extra amount allocated for prizes is to be drawn from expected increased sponsorship of the events.

**COMMUNITY ENGAGEMENT PLAN**

Not applicable

**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council Officers were consulted:

- Director Corporate and Community Services

In preparing this report, the following External Parties were consulted:

- Art Exhibition Working Party

**POLICY IMPLICATIONS**

Not applicable

**BUDGET AND RESOURCE IMPLICATIONS**

Funding for the 2018 Yorke Peninsula Art Exhibition is provided for in the 2017/2018 adopted budget with the nominal target representing a break-even result.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Not applicable

**ATTACHMENTS**

1. **Standard Form - Prize Allocations - YP Art Exhibition 2018**



## 2018 YP Art Exhibition

Award	Prize
<b>Open Category – Fine Art (Painting)</b>	
Major Prize	\$ 5,000
Second Prize	\$ 1,000
Third Prize	\$ 750
Judges Special Mention	-
People’s Choice Award	\$ 500
<b>Verna Lock Acquisitive Memorial Award for Yorke Peninsula subject by a Local Yorke Peninsula Artists Fine Art (Painting)</b>	
Major Prize	\$ 1,500
<b>Open Category - Photography</b>	
Major Prize	\$ 1,000
Second Prize	\$ 500
People’s Choice Award	\$ 250
Judges Special Mention	-
<b>Open Category - Sculpture</b>	
Major Prize	\$ 1,000
Second Prize	\$ 500
People’s Choice Award	\$ 250
Judges Special Mention	-
<b>School Category</b>	
First Prize - Junior School	\$ 75
Second Prize – Junior School	\$ 25
First Prize - Primary School	\$ 100
Second Prize - Primary School	\$ 50
First Prize – Middle School	\$ 150
Second Prize – Middle School	\$ 75
First Prize – Senior School	\$ 250
Second Prize – Senior School	\$ 100
School People’s Choice Award	\$ 100
School Award (Art Supplies Voucher)	\$ 250
<b>TOTAL PRIZE POOL</b>	<b>\$ 13,425</b>

**22.7 VISITOR INFORMATION CENTRE REVIEW - PUBLIC CONSULTATION****Document #:** 17/67560**Department:** Corporate and Community Services**PURPOSE**

Yorke Peninsula Council has embarked on a series of service level reviews to identify appropriate levels of service and organisational efficiencies. As part of this review, the operations of Council's accredited Visitor Information Centre at Minlaton has been examined and a number of alternative models have been developed. The purpose of this report is to seek endorsement to commence community consultation on Council's preferred model for Visitor Information Provision going forward.

**RECOMMENDATION**

**That Council endorse option 3, the Super VIO model as the preferred model for the purpose of public consultation.**

**LINK TO STRATEGIC PLAN**

**Goal:** 1 Economically Prosperous Peninsula  
5 Responsible Governance

**Strategy:** 1.3 Improve visitor experiences, infrastructure, signage, information and support  
5.8 Continuous improvement of Council processes

**BACKGROUND**

In September 2016 Council staff commenced a review of the operations of the existing accredited Visitor Information Centre (VIC) located at Minlaton. The VIC originally opened in 1995 through the Harvest Corner Committee and relocated to its current premises in 2002 with Council staff performing the VIC function in conjunction with Harvest Corner volunteers. Council assumed full responsibility for the operation of the VIC function in 2013 and continued to cohabitate with the Harvest Corner Art and Craft organisation.

The VIC has been 'accredited' through the South Australian Tourism Commission since 2001. When the accreditation system commenced there were previously many benefits (including financial) associated with being accredited. Over the years the benefits have waned and the obligations, and subsequent costs, to maintain accreditation have increased.

Requirements of an accredited Centre include: being open 7 days a week (except Good Friday and Christmas Day), having a full time Manager employed at the VIC and mandatory attendance at the annual South Australian Tourism Conference. The checklist for accreditation is long and comprehensive and leaves Council with little room for change.

Therefore, throughout the period of reviewing the VIC, the requirements of accreditation were disregarded to allow for new, innovative thinking about how to best structure Visitor Information Services on the Yorke Peninsula.

This Council is not alone in reviewing the structure of Visitor Information Services, many Australian, Canadian and English councils are currently reviewing operations given the increasing digitisation of information via electronic and social media and ever increasing costs applicable to accredited VIC's.

**DISCUSSION**

The VIC expenditure could be viewed as a provision of a 'Community Service' (i.e. expected to operate with a deficit for the greater good of the community). Studies conducted by the South Australian Tourism Commission and Tourism Research Australia calculated that the Minlaton VIC

influences an additional \$2.3m spend in our Council region by visitors each year. Therefore the economic benefits for the region are incredibly high and demonstrates how 'good information services' increases spend in the region.

However, the net loss experienced within the Centre has been increasing over the past three (3) financial years due to increasing utility prices, staff costs, accreditation requirements and software licencing.

In total, ten (10) different models were studied by Council staff (*ranging from the building of a new "purpose built" VIC through to outsourcing the service to a 3<sup>rd</sup> party*). Many of these have already been discounted due to not being able to deliver any real benefits (*either significant financial benefits or improving visitor outcomes*).

The following three models were then considered in greater detail:-

### **1. Do Nothing**

Remain in the current location and continue current operations. This would mean no change for staff, the community or visitors alike.

Within this model Council can choose to either remain accredited or to drop accreditation. By dropping accreditation, Council could reduce hours of operation based on seasonal trends, therefore reducing staffing costs.

Council currently rents this space and has little control over the condition of the building or ongoing rental costs. A number of WHS issues have been recorded due to the state of the building, many of which cannot be controlled due to being a tenant.

Council also shares this facility with the Harvest Corner Group who have indicated their intent to remain in the premises regardless of Council's decision to either leave or stay. A more workable agreement between the parties would need to be developed if this were to be Council's choice.

### **2. Move location**

Renovations would be required to accommodate a VIC functioning out of the Minlaton Council office. This would result in a once off cost for extensive renovations and would also include minor costs for the physical move.

This model would generate minor ongoing savings through rent, cleaning and utilities. Again, within this model Council can choose to either remain accredited or to drop accreditation. By dropping accreditation, Council could reduce hours of operation based on seasonal trends, resulting in reduced staffing costs.

The anticipated savings would be in the range of \$60k - \$66k per annum (if accreditation was dropped). Opportunities may also be available to entertain savings on the current staffing arrangements at the Minlaton office.

### **3. Super VIOs**

The Yorke Peninsula Council region currently has seven Visitor Information Outlets (VIOs) operating at various levels and generally run by Progress Associations throughout the region. This model would see Council ceasing to run its own VIC and instead retain approximately one staff member as a Coordinator to focus on supporting the VIOs, developing a stronger digital presence and working with operators.

All VIOs would be required to adhere to a new "Visitor Information Outlet Policy" which would outline minimum standards of operation.

Council would support the VIOs ensuring they are equipped to deliver the full range of information services e.g. obtaining online permits and booking accommodation.

Council staff have consulted all existing VIO's in the Council area and whilst formal approvals from Progress Associations have not been sought, all VIO operators have indicated their support for this model pending further information and discussion.

For this model to be successful, a number of new VIOs would need to be set up as the west coast of Yorke Peninsula does not currently have any VIOs. Discussions in this regard would need to be held with these communities.

The greatest benefits of this model are: easier for visitors to physically access a Visitor Information Provider regardless of where they are staying and giving more towns an opportunity to generate some income.

This model would also generate anticipated savings of approximately \$87k per annum. Again opportunities may also be available to entertain savings on the current staffing arrangements at the Minlaton office.

Many UK and Canadian VICs are now moving towards this type of model.

Based on the above, it is recommended that Council moves forward with the Super VIO model for the purposes of community consultation.

## **COMMUNITY ENGAGEMENT PLAN**

Level 2 – Consult. Refer to Attachment 1.

## **CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Corporate Management Team
- Manager Business and Public Relations
- Visitor Information Services Coordinator
- Visitor Information Officer (x3)

In preparing this report, the following External Parties were consulted:

- Yorke Peninsula Tourism
- Visitor Information Outlets (x7)
- Minlaton Progress Association / Harvest Corner Committee

## **POLICY IMPLICATIONS**

Nil

## **BUDGET AND RESOURCE IMPLICATIONS**

Community consultation phase can be resourced from existing operational budgets.

Dependent on the outcome of the community consultation, the Super VIO model could yield anticipated organisational savings of \$87k per annum.

## **RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Nil

## **ATTACHMENTS**

1. **Community Engagement Plan - VIC Review**

 <p><b>YORKE PENINSULA COUNCIL</b> <i>Agriculturally rich - Naturally beautiful</i></p>		<h2>COMMUNITY ENGAGEMENT PLAN</h2>				SF215
						Responsible Officer: Business Improvement Officer
						Issue Date: 10th June 2015
						Next Review Date: June 2019
<b>PROJECT NAME: Visitor Information Centre Review - New Model</b>						
Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status	Evaluation Method
Entire community	Website	Mgr Business & Public Relations	13/10/2017	16/11/2017	NS	# website hits
Entire community	Public Notice	Mgr Business & Public Relations	12/10/2017	17/10/2017	NS	# completed surveys
Entire community	Media Release	Mgr Business & Public Relations	12/10/2017	17/10/2017	NS	# completed surveys
Entire community	Social Media	Mgr Business & Public Relations	13/10/2017	16/11/2017	NS	# Facebook views
Progress Associations	Workshop	Mgr Business & Public Relations	TBA	TBA	NS	Attendance at workshop

**23 ASSETS AND INFRASTRUCTURE SERVICES****23.1 DRAFT COMMUNITY WASTEWATER MANAGEMENT SCHEME (CWMS) ASSET MANAGEMENT PLAN****Document #:** 17/68331**Department:** Assets and Infrastructure Services**PURPOSE**

This report requests Council endorsement and adoption of the draft Community Wastewater Management Scheme (CWMS) Asset Management Plan.

**RECOMMENDATION**

**That Council endorse and adopt the Draft Community Wastewater Management Scheme (CWMS) Asset Management Plan.**

**LINK TO STRATEGIC PLAN****Goal:** 2 Community Connected through Infrastructure**Strategy:** 2.1 Develop and deliver on Asset Management Plans for all asset classes

2.5 Explore provision of new infrastructure

**BACKGROUND**

The draft Community Wastewater Management Scheme (CWMS) Asset Management Plan was presented to Council as a way forward in managing CWMS assets and was endorsed to undergo Public consultation at the 12 July 2017 Council meeting (DA/AIS/R1). It includes the following:

- levels of service;
- future demand;
- lifecycle management;
- financial summary;
- planned improvement; and
- a proposed 10-year capital renewal works program.

**DISCUSSION**

The draft Community Wastewater Management Scheme (CWMS) Asset Management Plan underwent public consultation from 13 July 2017 until 4 August 2017, during which time no submissions were received in relation to the Plan. Advertisements were placed in the Yorke Peninsula Country Times, and on Council's website and Facebook page, to inform the public that the draft Community Wastewater Management Scheme (CWMS) Asset Management Plan was available for public comment. The Plan was viewed 50 times on Council's website, while being viewed 635 times and receiving 4 likes on Facebook.

The draft Community Wastewater Management Scheme (CWMS) Asset Management Plan has been developed to demonstrate responsive management of Community Wastewater Management Scheme (CWMS) assets, including the services provided from these assets; compliance with regulatory requirements; and to communicate the funding needed to provide the required levels of service over the 10-year planning period.

The draft Community Wastewater Management Scheme (CWMS) Asset Management Plan takes into account Council's Asset Management Policy (PO128), Strategic Management Plan, Long Term Financial Plan, Annual Business Plan and budget.

The Yorke Peninsula Council owns and maintains 18 Community Wastewater Management Schemes (CWMS) across the Council area. These schemes enable the extraction, treatment and disposal of wastewater in accordance with industry standards.

Community Wastewater Management Scheme (CWMS) assets were categorised and uploaded into Conquest, Council's Asset Management software, as part of a revaluation process in August 2015. These assets have a replacement value of \$25.4 million.

The draft Community Wastewater Management Scheme (CWMS) Asset Management Plan shows that the projected outlays necessary to provide Community Wastewater Management Scheme (CWMS) services; including operations, maintenance, renewal and upgrade of existing assets over the 10 year planning period is \$10.8 million, or an average of \$1.08 million per year. The estimated available funding included in the Long Term Financial Plan for this period is \$10.02 million, or an average of \$1 million per year. This equates to 93% of the cost to provide these services, which results in a funding shortfall of an average of \$78,000 per year.

The draft Community Wastewater Management Scheme (CWMS) Asset Management Plan will be used as a guide for Council to develop future budgets and capital works programs. In addition, further development of the asset condition profile of the Community Wastewater Management Scheme (CWMS) network and the continued review of useful lives of each asset category will enhance the planning of capital renewal and replacement programs.

### **COMMUNITY ENGAGEMENT PLAN**

Level 2 Consult – Public Notice placed in the Yorke Peninsula Country Times, and on Council's website and Facebook page.

### **CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Corporate Management Team
- Asset Manager
- Infrastructure Manager
- Manager Financial Services
- Accountant Financial Operations

In preparing this report, the following External Parties were consulted:

- Nil

### **POLICY IMPLICATIONS**

PO128 Asset Management Policy

### **BUDGET AND RESOURCE IMPLICATIONS**

The draft Community Wastewater Management Scheme (CWMS) Asset Management Plan has been developed using the current Long Term Financial Plan. The expenditure and valuation projections in the draft Community Wastewater Management Scheme (CWMS) Asset Management Plan are based on the best available data.

The draft Community Wastewater Management Scheme (CWMS) Asset Management Plan provides Council with a guide to ensure that sufficient funding is available to maintain the CWMS network at an appropriate level over a 10-year planning period.

### **RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Local Government Act 1999

**ATTACHMENTS**

1. **Draft Community Wastewater Management Scheme (CWMS) Asset Management Plan  
(under separate cover)**

**23.2 DRAFT WATER INFRASTRUCTURE ASSET MANAGEMENT PLAN****Document #:** 17/68386**Department:** Assets and Infrastructure Services**PURPOSE**

This report requests Council endorsement and adoption of the draft Water Infrastructure Asset Management Plan.

**RECOMMENDATION**

**That Council endorse and adopt the Draft Water Infrastructure Asset Management Plan.**

**LINK TO STRATEGIC PLAN****Goal:** 2 Community Connected through Infrastructure**Strategy:** 2.1 Develop and deliver on Asset Management Plans for all asset classes

2.5 Explore provision of new infrastructure

**BACKGROUND**

The draft Water Infrastructure Asset Management Plan is presented as a way forward in managing water infrastructure assets and was endorsed to undergo public consultation at the 9 August 2017 Council meeting (DA/AIS/R4). It includes the following:

- levels of service;
- future demand;
- lifecycle management;
- financial summary;
- plan improvement; and
- a proposed 10-year capital renewal works program.

**DISCUSSION**

The draft Water Infrastructure Asset Management Plan underwent public consultation from 10 August 2017 until 1 September 2017. Advertisements were placed in the Yorke Peninsula Country Times, and on Council's website and Facebook page, to inform the public that the draft Water Infrastructure Asset Management Plan was available for public comment. The Plan was viewed 31 times on Council's website, while being viewed 1,295 times and receiving 4 likes on Facebook.

The draft Water Infrastructure Asset Management Plan has been developed to demonstrate responsive management of water assets, including the services provided from these assets; compliance with regulatory requirements; and to communicate the funding needed to provide the required levels of service over the 10-year planning period.

The draft Water Infrastructure Asset Management Plan takes into account Council's Asset Management Policy (PO128), Strategic Management Plan, Long Term Financial Plan, Annual Business Plan and budget.

Yorke Peninsula Council owns and maintains potable water schemes in the townships of Balgowan, Black Point, Hardwicke Bay and Marion Bay. The water supplied to 3 of the townships is provided via a SA Water main offtake for each town, while the water supplied to Marion Bay is provided from a desalination plant that sources salt water from a beach well bore, which is then desalinated by a

reverse osmosis process. All schemes are managed and maintained in accordance with industry standards.

Water assets were categorised and uploaded into Conquest, Council's Asset Management Software, as part of a revaluation process in May 2016. These assets have a replacement value of \$3.85 million.

The draft Water Infrastructure Asset Management Plan shows that the projected outlays necessary to provide Water services; including operations, maintenance, renewal and upgrade of existing assets over the 10-year planning period is \$2.68 million or \$268,000 on average per year. The estimated available funding included in the Long Term Financial Plan for this period is \$3.01 million or \$301,000 on average per year. This equates to 112% of the cost to provide these services, which results in a funding excess of \$33,000 on average per year.

The draft Water Infrastructure Asset Management Plan will be used as a guide for Council to develop future budgets and capital works programs. In addition, further development of the asset condition profile of the water network and the continued review of useful lives of each asset category will enhance the planning of capital renewal and replacement programs.

### **COMMUNITY ENGAGEMENT PLAN**

Level 2 Consult – Public Notice in the Yorke Peninsula Country Times, and on Council's website and Facebook page.

### **CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Corporate Management Team
- Asset Manager
- Infrastructure Manager
- Manager Financial Services
- Accountant Financial Operations

In preparing this report, the following External Parties were consulted:

- Nil

### **POLICY IMPLICATIONS**

PO128 Asset Management Policy

### **BUDGET AND RESOURCE IMPLICATIONS**

The draft Water Infrastructure Asset Management Plan has been developed using the current Long Term Financial Plan. The expenditure and valuation projections in the draft Water Infrastructure Asset Management Plan are based on the best available data.

The draft Water Infrastructure Asset Management Plan provides Council with a guide to ensure that sufficient funding is available to maintain the water network at an appropriate level over a 10-year planning period.

### **RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Local Government Act 1999

### **ATTACHMENTS**

1. **Draft Water Infrastructure Asset Management Plan (under separate cover)**

**24 DEVELOPMENT SERVICES****24.1 REVOCATION OF COMMUNITY LAND - HUNDRED OF RAMSEY****Document #:** 17/68024**Department:** Development Services**PURPOSE**

To consider submissions received in relation to the community engagement process for the revocation of community land classification, to enable Council to consider subdividing the subject land.

**RECOMMENDATION****That Council:**

1. receive and consider submissions in response to the community engagement on the proposed revocation of the community land classification for a portion of Section 100 Hundred of Ramsay, Certificate of Title: Volume 5451, Folio 338 to enable Council to consider subdividing the subject land for the purpose of selling surplus land.
2. give approval to proceed with seeking Ministerial approval for the revocation of the Community Land classification for a portion of Section 100, Hundred of Ramsay, Certificate of Title: Volume 5451, Folio 338.
3. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the relevant documents necessary to execute the revocation, subdivision and transfer of land.

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.4 Seek alternate income streams and ensure financial sustainability**BACKGROUND**

A report was presented to the 13<sup>th</sup> August 2017 Council meeting, requesting approval to commence the community engagement process for the proposed revocation of the community land classification over a portion of Section 100 Hundred of Ramsay.

**DISCUSSION**

A public notice was advertised in the Yorke Peninsula Country Times and on Council's website with a detailed report available at Council's offices and website.

Adjacent land owners have been notified by mail - see Attachment 5.

At the close of the community engagement process on the 5<sup>th</sup> September 2017, no submissions had been received.

If the resolution is carried to continue with the revocation process, Council is required to also pass a resolution to proceed with seeking Ministerial approval for the revocation of the community land classification, in accordance with the Local Government Act 1999 Section 194(3)(a).

An application seeking approval for the revocation will be prepared for submission to the Minister for Planning, outlining details of the steps taken by Council, regarding consultation with the community on the revocation process.

**COMMUNITY ENGAGEMENT PLAN**

Community Engagement Plan Level 2 – Consult. Process has been completed.

**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Corporate Management Team
- Operations Manager
- Operations Co-ordinator
- Infrastructure Manager
- Lead South Worker
- Property Tenure Officer

In preparing this report, the following External Parties were consulted:

- Landmark Minlaton
- YP Real Estate
- MoselSteed Surveyors
- AB Thiele Solicitor
- Alexander Symonds Surveyors

**POLICY IMPLICATIONS**

PO057 Community Engagement Policy

PO072 Disposal of Land and other Assets

**BUDGET AND RESOURCE IMPLICATIONS**

Mosel Steed subdivision fees approximately \$16,121 - see Attachment 2

Alexander Symonds subdivision fees approximately \$7,479 See Attachment 3

Conveyancing Fees to transfer land approximately \$500.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

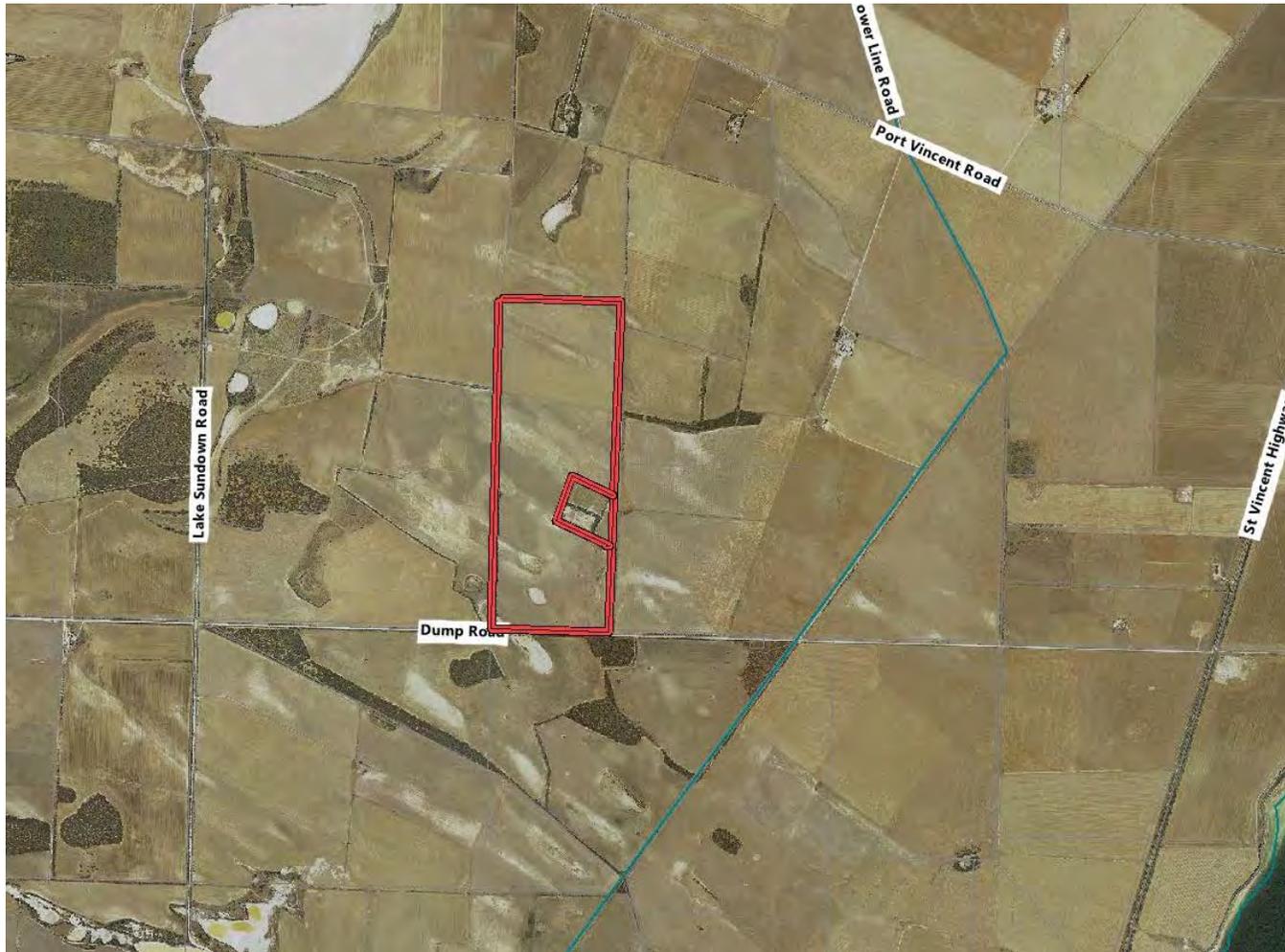
Local Government Act 1999 Section 194(2)

Local Government Act 1999 Section 201(1)(2)

**ATTACHMENTS**

1. **Section 100 Hundred of Ramsay - Plan**
2. **Section 100 Hundred of Ramsay - Correspondence - Mosel Surveyors Correspondence**
3. **Section 100 Hundred of Ramsay - Alexander Symonds Quotation**
4. **Section 100 Hundred Ramsay - Adjacent Landowners**
5. **Community Engagement Plan - Section 100 Hundred of Ramsay**

SECTION 100 HUNDRED OF RAMSAY – CERTIFICATE OF TITLE VOLUME 5451 FOLIO 338



Our Ref: K17215

31 August 2017



Sue Beech  
 Property Tenure Officer  
 Yorke Peninsula Council  
[sue.beech@yorke.sa.gov.au](mailto:sue.beech@yorke.sa.gov.au)

Dear Sue

**PROPOSED LAND DIVISION  
 DUMP ROAD, RAMSAY**

In response to your recent enquiry regarding land division costs to create 1 additional allotment, the following is provided for your consideration.

**Complying Development**

Currently, the proposed layout will be considered a 'merit' application as it doesn't fully comply with the Yorke Peninsula Council Development Plan since the proposed transfer station allotment will be less than 40ha in size. However, Allan Cotton from your planning department has indicated in previous correspondence that there is significant merit in the layout as both proposed allotments are in keeping with other primary production zone principles.

**Anticipated costs**

The **anticipated** costs associated with this land division are as follows. Costs are GST free except where noted otherwise.

Please note that the statutory and Government fees are our **current estimates** only. They are reviewed periodically by the relevant authorities and are therefore subject to change. Some SA Water fees attract GST, but most other Government fees do not.

1 **Development Application:**

Development Assessment Commission - Application Fee	\$ 1354.40
Mandatory referral fees- EPA	\$ 371
Our Fee - Drafting, Administration, Consulting (GST inclusive)	\$ 1100

2. **Conditions/Fees, Survey, Drafting & Administration:** (following approval)

*SA Water -Standard Connection for water (includes meter) (2 may be requested)	\$ 4820
Lands Titles Office lodgement fees (plan only)	\$ 1044.20
Our Fee -Liaison and consultation with Council and various authorities, Survey, Drafting & General Administration (GST inclusive)	\$ 5500 - 6000

\*Note - we have assumed these will be standard 20mm connection costs, however this can not be verified until we have a formal response from SA Water. Non-standard SA Water costs can vary widely.

3. Documentation: (to finalize land division)

Bank consent fee (if mortgaged)	\$ 150-450
Lands Titles Office lodgement fees (RTU document)	\$ 476
Our Fee – Preparation and lodgement of RTU document (GST inclusive)	\$ 506

*(If you prefer, your own conveyancer can prepare and lodge the documents or it may be necessary should private easements or partial transfers be required.)*

**Total of Items 1, 2 & 3** **approx. \$16,121.60**  
(Including our fees of \$7,606 GST inclusive)

**Time frames and other matters**

Based on current statistics, the land division process will take **approximately 7-12 months** to complete from time of registration of the application with the Development Assessment Commission (DAC). The timeframe depends on many factors including DAC, Council and SA Water requirements, and our fieldwork commitments at the time Council approval is received.

A chart is attached - it summarises the steps involved and approximate timeframes. It also indicates when relevant fees and payments are required.

It may be appropriate to speak to your solicitor/accountant to determine whether the land division will affect your Tax situation.

It is our policy to request payment of Government fees prior to their payment being remitted, and to forward progress accounts periodically during the land division process to cover our fees and expenses. Please note that overdue accounts may incur additional fees.

Should you have any queries, please contact our Kadina office. We look forward to your instructions should you wish to proceed.

Yours sincerely



**Jesse Evans**  
Surveyor

Enc: Land Division Process Chart



THE LAND DIVISION PROCESS

The land division process will take approximately 7-12 months to complete from time of lodgement of the application with the Development Assessment Commission. These timeframes are conservative and vary according to DAC, Client, Council & SA Water requirements and also Mosel Steed (MS) fieldwork commitments at the time Council approval is received.

STEPS	APPROX TIME FRAME (MONTHS)											
	1	2	3	4	5	6	7	8	9	10	11	12
1 Instruction to Proceed - once instructions to proceed and details of how the land is to be divided are received, a proposal plan will be drafted and sent for client approval and payment of the application fee.	→ - Payment of DAC Application Fee - MS Progress account - Drafting & Admin fee											
2 Application registration - application is electronically lodged with the Development Assessment Commission (DAC) who refer it to Council, SA Water and other authorities they deem relevant.	→											
3 Decision notification from Council - planning decision received outlining the conditions of approval.	→											
4 SA Water requirements confirmed	→											
5 Certified Survey - the certified survey is scheduled once a favourable planning decision received. Surveyor does calculations and final plan is drafted.	→ MS Progress account portion of Survey & Admin fee											
6 Clearances - compliance with conditions of approval and payment of Open Space Contribution, SA Water requirements, effluent contribution, copies of Certified Survey plan etc.	→ Payment of Open Space, SA Water, effluent requirements etc (if required)											
7 Issue of Certificate of Approval - once DAC is advised by SA Water, Council etc that conditions have been satisfied DAC issue a Certificate of Approval which enables the final plan to be lodged at the Land Titles Office (LTO).	→ - Payment of LTO Lodgement Fees - MS Final Invoice											
8 Plan Lodged with LTO - plan examined for survey data and approved	→											
9 Plan Deposit - documents examined and approved: Settlement of new allotments under contract for sale can now take place	→											
10 Issue of Certificates of Title - LTO produce titles for the new allotments to be returned to client or bank (if mortgaged) approximately 9 weeks from plan deposit	→											

The Mosel Steed philosophy is to provide the best possible service to clients with a fully professional approach. We provide clients with knowledgeable, accurate advice with a modern and informed approach to meet any needs a client may have within the realms of land subdivision development

Issue V3.0 - Oct 2011  
P:\Forms\Minor Land Div\MS Land division process Certified.xls

18 September 2017

Yorke Peninsula Council  
 Attention Sue Beech  
 Via email: [sue.beech@yorke.sa.gov.au](mailto:sue.beech@yorke.sa.gov.au)



Dear Sue

RE: 2 Allotment Torrens Title Land Division at Section 100 Ramsay

Thank you for the opportunity to provide a fee proposal for the land division of the above property. Outlined below is a brief outline of the process, timing and costs anticipated to undertake this task.

#### Land Division Planning Assessment

To initiate the planning assessment process a Certificate of Title and engineering search is undertaken to provide the base data, a development application is prepared and lodged electronically with the Development Assessment Commission (DAC). The Council, SA Water and DAC will assess the application and if it meets the Development Plan requirements an approval will be issued by Council subject to conditions (Planning Decision Notification).

#### Certified Survey

One of the conditions of the approval will be to undertake a Certified Survey. This includes a full boundary search through the Lands Titles Office (LTO), the determination of the existing boundary definition, the marking of the new allotment boundaries and the preparation of a certified survey plan suitable for lodgement in the LTO.

#### Planning Clearance and LTO Lodgement

All the planning conditions set in the Planning Decision Notification must be satisfied prior to the authorities issuing their clearance which then allows the certified survey to be lodged in the LTO from which Certificates of Title will be issued. The majority of these conditions are met by payment direct to the relevant authority. Our role is to liaise with these authorities on your behalf and lodge the certified survey in the LTO. If the conditions are met in a timely fashion the clearance and LTO lodgement process typically takes 6 weeks. The LTO takes 4 to 6 weeks to examine the certified survey and the LTO land division documents, which are lodged by a Conveyancer, at which time the new allotments are available to be sold or transferred.

The Land Division process can be expected to take 7 months to complete.

Alexander and Symonds Pty Ltd ABN 93 007 753 988  
 1st Floor - 11 King William Street Kent Town South Australia 5067  
 PO Box 1000 Kent Town SA 5071 - T (08) 8130 1666 - E [adelaide@alexander.com.au](mailto:adelaide@alexander.com.au) - W [alexander.com.au](http://alexander.com.au)



+ Property + Land Development + Topographic + Construction + Mining + Spatial Information  
 + Adelaide + Mt Gambier + Riverland + Horsham + Whyalla + Murrumbidgee

## Fees

Stage 1 – Council takes approximately 4 months to issue their decision from when the application is lodged.			
1.	Planning SA Application Lodgement Fees	Statutory Fee	\$1,354.40 GST exempt
2.	Land Division Application Preparation	Alexander Symonds Professional Services Fee	\$850.00 Plus GST
			\$85.00 GST
Stage 1 payment required prior to lodgement of new development application. This will be invoiced by Alexander Symonds			\$2,289.40 incl GST

Stage 2 – Fees for survey work and lodgement of the division in the Lands Titles Office.			
1.	LTO Certified Survey lodgement fee (RDA)	Statutory Fee	\$1,044.20 GST exempt
2.	Preparation of certified land division survey including clearances and LTO lodgement	Alexander Symonds Professional Services Fee	\$5,850.00 Plus GST
			\$585.00 GST
Stage 2 payment required prior to lodgement of plan in the Lands Titles Office. This will be invoiced by Alexander Symonds			\$7,479.20 incl GST

**Total Fees Required incl GST:**

**\$7,479.20**

**Fees not included:**

**Conveyancing Fees:** Your conveyancer will need to advise you of their professional fees, title production and associated fees.

The fees listed above are the standard ones expected for this division. All government and statutory fees increase at the end of each financial year.

**Other Conditions**

Other conditions placed upon the Planning Decision Notification from Council may vary these such as:-

- Additional referral fees applicable through DAC.
- EPA requirement for a site history.

**Conveyancing**

The conveyancing fees associated with preparing and lodging the LTO documents to create new titles and any easements are not included. Whilst the certified survey is being undertaken a conveyancer needs to be engaged to prepare and lodge the necessary documents with the Certified Survey. Should you not have a Conveyancer, please let us know and we can send you recommendations for you to contact.

Contact the undersigned if you have any queries or require further information relating to this proposal.

Yours faithfully  
ALEXANDER & SYMONDS PTY LTD



Mark Williams  
Director

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Woolowie Springs Pty Ltd 157 Hickeys Drive Coobowie SA 5583	Lot 24, PLN 88635 CT 6092/535 Lot 23, PLN 88635 CT 6092/534
RJ Nominees Pty Ltd PO Box 870 Port Vincent SA 5581	Lot 22, PLN 88635 CT 6092/533
Misery Pastoral Co Pty Ltd PO Box 44 Clifton Beach Qld 4879	Lot 3, PLN 125095 CT 5219/22 Sec 147, PLN 131400 CT 5889/3 Sec 10, PLN 131400 5889/3
DP Nominees Pty Ltd PO Box 137 Port Vincent SA 5581	Sec 102, PLN 131400 CT 5930/946 Sec 145, PLN 131400 5930/946



**24.2 APPLICATION TO LIFT AND RE-APPLY LAND MANAGEMENT AGREEMENT, MARINE PARADE - PORT VINCENT****Document #:** 17/69008**Department:** Development Services**PURPOSE**

The purpose of this report is to seek approval from Council to have a Land Management lifted from the Title of a property so that new Titles can be issued. The Land Management Agreement is then to be endorsed onto the new Titles.

**RECOMMENDATION****That Council:**

- 1. consent to the Land Management Agreement being lifted from the Certificate of Titles for land contained in Certificates of Title Volume 5894 Folio's 342 & 343 & 344 & 345 & 346, and**
- 2. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal on the relevant documents relating to the endorsement of a Land Management Agreement over land identified as allotments 81 – 88 inclusive, created by land division Development Application number 544/D037/2010.**

**LINK TO STRATEGIC PLAN****Goal:** 5 Responsible Governance**Strategy:** 5.2 Effective leadership and informed decision making**BACKGROUND**

As a result of a recent land division at Marine Parade, Port Vincent, Council is required to lift and re-apply the Land Management Agreement (LMA) in line with the newly created parcels of land. The subject land consists of 5 Titles being allotments 67 to 71 Marina Drive Port Vincent. This land is part of the Marina development at Port Vincent and when it was created an LMA was endorsed on the Titles of each allotments which provides additional controls over the development and management of the land. Any alterations to the Titles requires the LMA to be lifted and as the LMA is with Council, the consent of Council is required before this can be actioned.

**DISCUSSION**

The subject land, allotments 67 – 71 Marina Drive Port Vincent has recently gone through a land division application where the boundaries were adjusted to create an additional 3 allotments which are identified as allotments 81 – 88 Marina Drive, Port Vincent.

Before new Titles for the approved allotments can be created, the existing Titles need to be extinguished. As council is a party to the LMA this cannot occur without Council consent.

Allotments created by the land division (lots 81 – 88) are still within the Marina precinct and the LMA that is over the land in this locality needs to be reinstated on the new Titles at the time the Titles are issued. As Council is a party to the agreement, the consent of Council is required to have the new Titles endorsed with the LMA.

**COMMUNITY ENGAGEMENT PLAN**

Not Applicable

**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Manager Development Services

In preparing this report, the following External Parties were consulted:

- Nil

**POLICY IMPLICATIONS**

Not applicable

**BUDGET AND RESOURCE IMPLICATIONS**

No cost to council.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Section 38(1) of the Local Government Act 1999, provides that the Common Seal of a Council must not be affixed to a document except to give effect to a resolution of the Council.

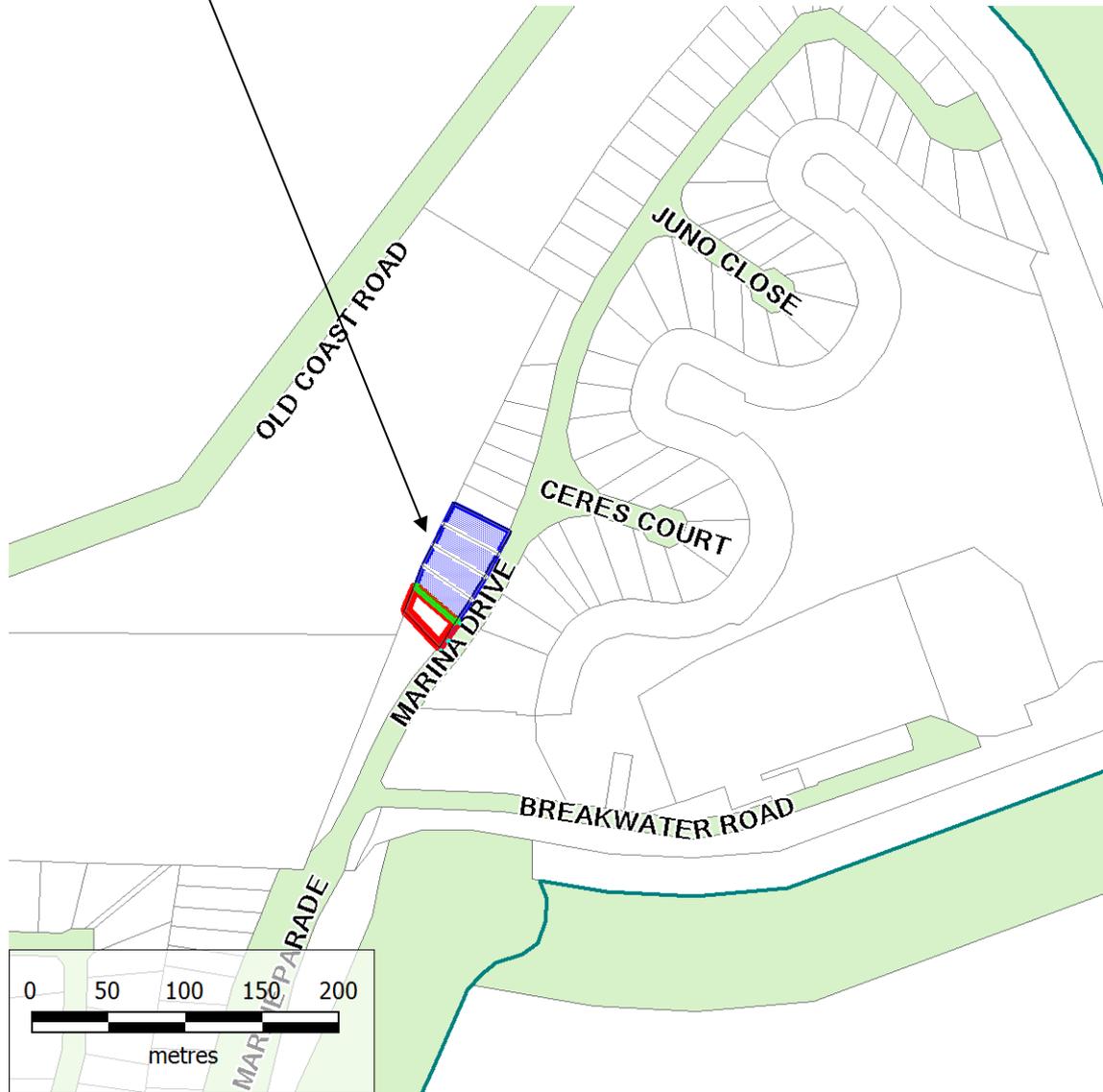
**ATTACHMENTS**

1. **Locality Plan**
2. **Plan of Division**
3. **Land Management Agreement**
4. **Correspondence - Land Management Agreement**

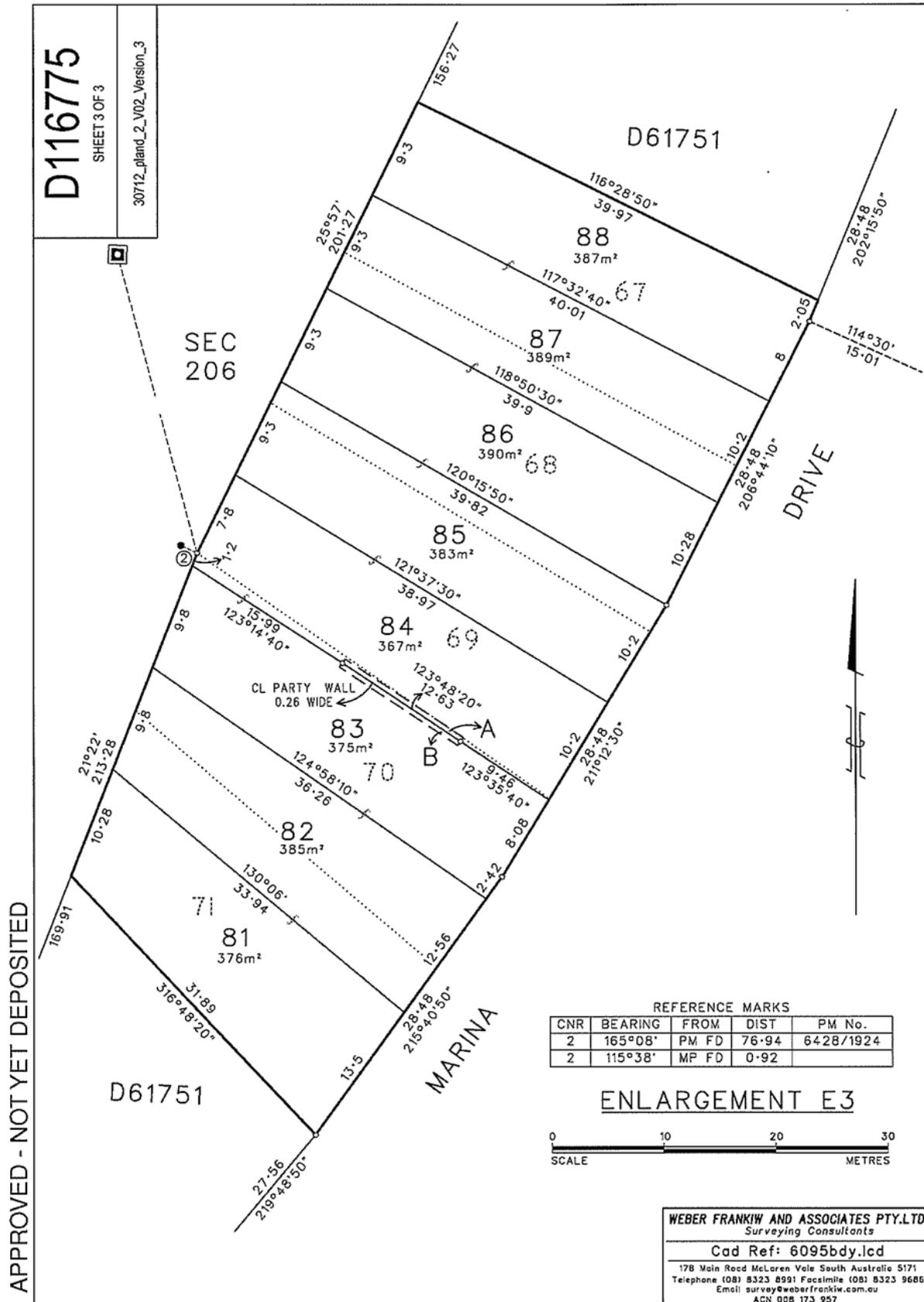
Locality Plan

Attachment 1

Subject Land



Attachment 2



Attachment 3

THIS DEED is made the day of

BETWEEN:

DISTRICT COUNCIL OF YORKE PENINSULA ABN 82 179 825 015 of 8 Elizabeth Street Maitland 5573 in the State of South Australia ("the Council") of the one part

COMMISSIONER OF STATE TAXATION  
S.R. STAMP DUTY PAID \$10.00  
ORIGINAL with 2 copies  
08/05/2003 13:47:22 IT53044.1  
DEED

AND

PARADISE DEVELOPMENT (INVESTMENTS) PTY LTD A.C.N. 086 168 809 of 64 Greenhill Road, Wayville 5034 in the said State ("the Company") of the other part.

BACKGROUND

- A. The Company is entitled to land described as Crown Reserve 229 in St. Vincents Gulf near the town of Port Vincent ("the Land") being portion of the land depicted in Deposited Plan 61702 - an extract of which is annexed hereto as Schedule 1 - ("Plan") and generally known as Vincent Landing ("Vincent Landing") being a Residential and Marina Development.
- B. By Docket Reference Plan 2028/90 ("the Application") the Company sought planning authorisation from the Development Assessment Commission ("DAC") to divide the Land ("the Proposed Development").
- C. The Proposed Development involves the division of the Land into waterfront allotments ("the Waterfront Allotments") non-waterfront allotments ("the Dry Land Allotments") and the construction of a multi-use marina ("Port Vincent Marina").
- D. Pursuant to the provisions of Section 57(2) of the Development Act 1993, ("the Act"), the Company has agreed with the Council to enter into this Deed in relation to issues pertaining to the management, preservation and conservation of the Land.
- E. Section 57(7) of the Development Act provides that a land management agreement is binding on the owners of the land whether or not the owner was the person with whom the agreement was made. Accordingly, any person who at any time in the future is registered or entitled to be registered as the owner of any portion of the Land is bound by the terms of this land management agreement.
- F. It is a condition of the development consent for the Proposed Development that the Company do enter into an Agreement with the Council setting out the respective responsibilities of each of the parties in relation to the maintenance of the Revetments and the Waterways.
- G. The Council will have issued to it by the Environmental Protection Authority a licence which will impose on the Council certain obligations in relation to the maintenance and water depth and water quality within Port Vincent Marina.
- H. The parties to this Deed are desirous of recording in this Deed the terms of the arrangements that have been agreed between them in relation to the maintenance of the Revetments and the Waterway Reserve and to regulate the future development of the Waterfront Allotments and the Dry Land Allotments.

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**OPERATIVE PART****1. HOW TO UNDERSTAND THIS DOCUMENT**

- 1.1. There are some special rules that apply to this Deed which you need to understand. Those special rules are explained in clause 8 of this Deed.
- 1.2. Some words used in this Deed have a special meaning. Those meanings are explained in clause 9 of this Deed.

**2. BINDING EFFECT OF AGREEMENT ON FUTURE OWNERS OF ALLOTMENTS**

- 2.1. The Council and the Company enter into this Deed with the intention that this Deed shall bind all Persons ("Owners") who at any time in the future are registered or entitled to be registered as the proprietors of any portion of the Land including any Waterfront Allotment or Dry Land Allotment.
- 2.2. The Council and the Company enter into this Deed pursuant to Section 57 of the Act.
- 2.3. This Deed commences on the date shown above and continues until it has been rescinded or amended by mutual agreement in writing between the parties to it.

**3. LAND TO WHICH THIS DEED APPLIES****3.1. Waterfront Allotments**

Subject to any express exclusion and excluding the provisions of clause 7 all other provisions contained in this Land Management Agreement apply to the Waterfront Allotments, provided however that the provisions contained in clause 5 apply during the Initial Maintenance Period and the provisions contained in clause 6 only after the expiry of the Initial Maintenance Period.

**3.2. Dry Land Allotments**

Subject to any express exclusions the provisions contained in this Deed apply to the Dry Land Allotments excluding:

- 3.2.1. clauses 4.7 to 4.9 inclusive, and
- 3.2.2. clauses 4.12 and 4.13, and
- 3.2.3. clause 4.15 and 4.16.

**4. THE OWNER'S OBLIGATIONS****4.1. Applications for Approval**

All applications for development approval of the Council in respect of any building to be constructed or erected on the Land shall include the following details together with the information which Council is entitled to be provided with pursuant to the Development Act, 1993:

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- 4.1.1. all dimensions of such Building including floor areas and levels, and
- 4.1.2. the intended positioning of such Building in relation to the boundaries of the Allotment on which it is intended to be constructed, and
- 4.1.3. the location of all windows and doors forming part of such Building, and
- 4.1.4. the elevations and other details of the external appearance of such Building in sufficient detail so as to clearly indicate its architectural style, and
- 4.1.5. the position and dimensions of all car parking, fences and driveways to be constructed or erected upon the Allotment, and
- 4.1.6. a schedule of the materials which the Building or apparatus is to be constructed, and
- 4.1.7. a schedule of all colours of external surfaces of the Building, and
- 4.1.8. the proposed use to which the Building will be put, and
- 4.1.9. the proposed dates for commencement and completion of such Building, and
- 4.1.10. such other information as Council may from time to time reasonably request.

**4.2. Developer Comment**

The Council shall upon the receipt of any application for approval to construct a Building by an Owner pursuant to clause 4.1 hereof immediately forward a copy of such application and all accompanying plans, specifications and documents to the Company and allow the Company sufficient time to make any comment which it thinks appropriate before considering and determining such application in accordance with the terms of this Deed and the terms of any relevant development plan provided that this clause shall only apply for a period of three (3) calendar years from the date of the granting by the DAC of its approval to the Proposed Development.

**4.3. Design Guidelines and Principles**

- 4.3.1. The Owner and the Council acknowledge and agree that the Design Guidelines and Principles indicate the nature and type of matters to be taken into account in the design and assessment of applications for the development of the Land. The Design Guidelines and Principles are included in Schedule 2 to this Deed will include such other Design Guidelines and Principles as the Company shall reasonably require.
- 4.3.2. The Owner agrees not to develop the Land except in accordance with the terms of the Design Guidelines and Principles and the terms and conditions of any Development Approval issued by the Council or the relevant authority in respect of that development.
- 4.3.3. The Council agrees that it will have regard to the Design Guidelines and Principles insofar as they do not conflict with the provisions of any

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Development Plan or other codes or documents required to be taken into account by Council pursuant to its powers under the Development Act.

**4.4. Set Backs**

- 4.4.1. The Owner shall not construct any Building on any Allotment within six (6) metres of any Road Boundary.
- 4.4.2. Subject to clause 4.4.3 hereof the Owner shall not construct any Building closer than 1.2 metres to any side boundary of any Allotment.
- 4.4.3. Clause 4.4.2 shall not prevent an Owner from constructing a parapet wall being part of a Building on a side boundary of an Allotment provided that the external face of the parapet wall is situated immediately on the side boundary so that it forms part of the boundary between the owner of that Allotment and the owner of the adjoining Allotment.
- 4.4.4. The Owner shall not construct any Building (excluding an access ramp to a pontoon) or store anything upon any dry land portion of a Waterfront Allotment within eight (8) metres of the Revetment Line.

**4.5. Height Levels**

The Owner shall not erect any Building on an Allotment having a floor level of less than 3.7 metres above the Australian Height Datum (excluding swimming pools and/or jetties).

**4.6. Incinerators**

The Owner shall not erect any incinerator upon the Land nor burn any waste or refuse upon the Land.

**4.7. Pontoons**

- 4.7.1. The Owner shall not build or construct any pontoon on any portion of a Waterfront Allotment which extrudes into the Waterway Reserve without first obtaining the approval of the Council and if the pontoon is to be constructed within three (3) calendar years of the date of the granting by the DAC of its approval to the Proposed Development, the Company. The design of the pontoon shall be provided by the Company and the Owner shall not construct the pontoon except in accordance with such design.
- 4.7.2. In making application for approval for the construction of a pontoon the Owner shall supply to the Council and the Company the following information, namely:
  - 4.7.2.1. the intended position of the pontoon on the Waterfront Allotment, and
  - 4.7.2.2. a schedule of the materials from which it is intended that the pontoon be constructed.

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4.7.3. The Owner shall not build a pontoon on any Waterfront Allotment except with the following materials:

4.7.3.1. all materials shall be new and no second-hand materials may be used,

4.7.3.2. shall comply with the Design Guidelines and Principles.

4.7.4. The Owner shall ensure that all pontoon constructed are maintained in good order and condition and not allowed to become unsightly.

4.7.5. The Owner shall not allow any spot light or bright light on any pontoon between the hours of 8.00 p.m. to 7.00 a.m.

4.7.6. The Owner shall not construct any pontoon without first obtaining the consent Council pursuant to clause 4.1 of this Deed.

**4.8. Types of Vessels That May be Moored**

The Owner shall not allow to be moored on any pontoon any vessel that is not a Recreational Vessel.

**4.9. Moorings Generally**

4.9.1. The Owner shall not moor any vessel on the Waterway Reserve unless it is secured to a pontoon.

4.9.2. The Owner shall not construct any mooring for vessels on any part of the Waterway Reserve other than a pontoon approved pursuant to clause 4.7.1.

4.9.3. The Owner shall not allow any vessel secured to a pontoon to extrude from the pontoon unreasonably into the Waterway Reserve.

**4.10. Disturbances and Disorderly Behaviour**

The Owner shall not create any noise or unnecessary disturbance within Vincent Landing so as to annoy other residents of Vincent Landing who are entitled to consideration and in particular shall not:

4.10.1. use outboard motors or pump motors without approved and effective mufflers, or

4.10.2. create unnecessary noise including loud talking and playing of musical instruments from 11.00 p.m. to 7.00 a.m., or

4.10.3. operate engines unnecessarily within Vincent Landing whilst stationary, or

4.10.4. use floodlights except when under way or manoeuvring vessels (which floodlights shall be turned off as soon as practicable after berthing) or for short periods of time during night time hours, or

4.10.5. allow rigging or spars to cause a nuisance or impair the amenity of Vincent Landing.

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**4.11. Generators**

The Owner shall not allow generators or compressors to be run on the Land nor engines to be allowed to idle on vessels from 8.00 p.m. to 7.00 a.m.

**4.12. Living on Board**

The Owner shall not allow any other Person to reside on a vessel moored at a pontoon on any Waterfront Allotment without the consent of the Marina Manager.

**4.13. Dumping of Refuse**

4.13.1. The Owner shall not and shall take all reasonable steps to ensure that any person on their land or on any vessel moored on their land shall not:

4.13.1.1. deposit dead animals, fish, shellfish, bait or other putrefying matter so that the same may escape into or pollute the Waterways, or

4.13.1.2. pump into the water on a Waterfront Allotment or the Waterways any oil, spirits or inflammable liquid or toxic substance, bilge water, fishtank water or detergent, or

4.13.1.3. discharge or deposit or allow into the water on any Waterfront Allotment or the Waterways any coal tar or refuse or residuary product of coal petroleum asphalt bitumen or other carbonaceous material or substance, or

4.13.1.4. whilst carrying out cleaning or maintenance operations permit bilge water, water, detergents, preservatives, contaminated water or deck waste to enter into the water on a Waterfront Allotment or the Waterway, or

4.13.1.5. operate a toilet on any vessel that has a direct overboard discharge whilst moored on the Waterways, or

4.13.1.6. allow any blood spillage onto the water of any Waterfront Allotment or Waterway, or

4.13.1.7. take fuel on or discharge fuel from vessels moored on a pontoon, or

4.13.1.8. moor a vessel on a pontoon where the vessel is treated with anti-fouling paints which release more than five (5) micrograms of tributyltin per square centimetre per day.

4.13.2. The Owner shall immediately report all spills of fuel, fish waste, detergent, rubbish and other offensive materials to the Marina Manager who may remove or cause the same to be removed and the cost of such removal shall be reimbursed by the responsible Owner to the Council.

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**4.14. Boat Maintenance**

4.14.1. The Owner shall not effect any major repairs to a vessel moored on a pontoon or situated on a Waterfront Allotment.

4.14.2. The Owner shall in effecting any minor repairs to vessels moored on a pontoon or on a Waterfront Allotment ensure that all work is done within the confines of the vessel itself and is not carried out except from 7.00 a.m. to 8.00 p.m. with no maintenance work occurring on Sundays.

4.14.3. Nothing contained in clause 4.14.2 hereof shall authorise or permit the Owner to:

4.14.3.1. carry out any spray painting on the Land, or

4.14.3.2. chip paint and rust on steel or aluminium vessels or use noisy equipment, or

4.14.3.3. use angle grinders, sand blasters or other electrical power tools and/or welding equipment on vessels situated on the Land except for minor maintenance work.

**4.15. Maintenance of the Revetments**

4.15.1. The Owner of the Waterfront Allotments shall at all times maintain the Revetments adjacent to their respective waterfront allotment in good order and appearance and comply with any directions or orders issued by the Council to such Owners which require repair to the Revetments.

4.15.2. In the event that any such Owner fails to maintain the Revetments in good order the Council may by notice in writing served on the Owner specifying the failure of the Owner to maintain the Revetments and requiring the Owner to remedy its failure within such time as may be nominated by the Council (being not less than twenty eight (28) days from the date of service of the notice) and if the Owner fails to remedy the breach the Council or its employees, agents or contractors may carry out the requirements of the notice and in doing so may enter upon and perform any necessary works on such Allotment and recover from the Owner any costs thereby incurred.

**4.16. Emergency Access**

The Owner shall permit the Council and its employees, agents, consultants and contractors to have free and unrestricted access to any portion of a Waterfront Allotment for any emergency purpose.

**4.17. By-Laws**

The Owner shall comply with all Council By-Laws that apply to the area of a Waterfront Allotment covered by water (including land covered by water within Port Vincent Marina) and shall ensure that all tenants, invitees or guests on the Land with their consent do likewise.

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4.18. The Owner of the Waterfront Allotments acknowledges and agrees that in the event that such Owner shall be granted any right or rights ("the Right") to use the Waterway Reserve (in particular any without limiting the generality of the foregoing any right to build or construct a pontoon on the Waterway Reserve) by any Minister of instrumentality in right of, the Crown of South Australia and/or the Council, the Owner of the Waterfront Allotment shall not be entitled:

4.18.1. to sell or otherwise transfer their estate and interest in the Waterfront Allotment without contemporaneously transferring or selling their interest in the Right; and

4.18.2. to sell or otherwise transfer their estate and interest in the Right without contemporaneously transferring or selling their interest in the Waterfront Allotment,

the intention being that the Right in whatever form it takes shall be deemed to be appurtenant to the Waterfront Allotment and can be dealt with only at the same time the Waterfront Allotment is dealt with.

## 5. THE COMPANY'S OBLIGATIONS

The provisions of this clause shall apply for a period of five (5) years from the 1st day of April 2003 ("the Initial Maintenance Period").

5.1. During the Initial Maintenance Period the Company shall:

5.1.1. maintain or ensure that the Revetments located in the public areas of Vincent Landing are maintained in good order and comply with any directions or orders issued by the Council to the Company requiring repair of the Revetments, and

5.1.2. maintain the Waterway Reserve so as to ensure that water quality within Vincent Landing is of a standard acceptable for recreational use excluding swimming, and

5.1.3. ensure a navigable depth within the Waterway Reserve and Port Vincent Marina, and

5.1.4. maintain navigation structures erected within Vincent Landing, and

5.1.5. ensure a navigable depth in the entrance channel to Vincent Landing.

5.2. If the Company is in breach of any provision contained in the preceding sub-clause, the Council may by notice in writing served on the Company specify the nature of the breach and require the Company, to remedy the breach within such time as may be nominated by the Council in the notice (not being less than twenty eight (28) days from the date of service of the notice) and if the Company fails so to remedy the breach the Council or its employees, agents or contractors may carry out the requirement of the notice and in doing so may enter upon or perform any necessary works upon the Land and recover from the Company any costs thereby incurred.

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**6. COUNCIL'S OBLIGATIONS**

- 6.1. Upon the expiry of the Initial Maintenance Period the Council shall at all times thereafter:
- 6.1.1. maintain and ensure that the Revetments located in the public areas of Vincent Landing are maintained in good order, and
  - 6.1.2. maintain the Waterway Reserve so as to ensure that water quality within Vincent Landing is of a standard acceptable for recreational use excluding swimming, and
  - 6.1.3. ensure a navigable depth within the Waterway Reserve, and
  - 6.1.4. maintain navigation structures erected within Vincent Landing, and
  - 6.1.5. ensure a navigable depth in the entrance channel to Vincent Landing.
- 6.2. If the Council is in breach of any provision contained in the preceding sub-clause then any Owner effected by such breach may by notice in writing served on the Council specify the nature of the breach and require the Council to remedy the breach within twenty eight (28) days from the date of service of the notice.

**7. MISCELLANEOUS PROVISIONS****7.1. Council Power of Entry**

The Council may enter onto any Land comprised in the Waterfront Allotments between the hours of 9.00 a.m. and 6.00 p.m. on any weekday without notice for the purpose of:

- 7.1.1. inspecting the Waterfront Allotment and any building, structure, apparatus or vessel situated on it, and
- 7.1.2. exercising any of the powers of Council either under the land Management Agreement or pursuant to any Law,

providing that if the Council is of the opinion that inspection outside those hours is necessary to ensure compliance with the provisions of the Land Management Agreement, it may carry out inspections at any time on any day, after giving reasonable notice to the Owner.

**7.2. Notification of Breach**

If any Owner is in breach of any provision contained in this Deed the Council may by notice in writing served on the Owner specify the nature of the breach and require the Owner to remedy the breach within such time as may be nominated by the Council in the notice (being not less than twenty eight (28) days from the date of service of the notice) and if the Owner fails to remedy the breach the Council or its employees, agents or contractors may carry out the requirements of the notice and in doing so may enter upon and perform any necessary works upon such Waterfront Allotment or Port Vincent Marina and recover from the Owner any costs thereby incurred.

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**7.3. Variation of Deed**

This Deed may not be varied except by a supplementary Deed entered into by the Council and the Owner.

**7.4. Whole Agreement**

This Deed contains the whole agreement between the parties in respect of the matters referred to in it.

**7.5. Service of Notices**

For the purposes of this Deed any notice to be served by the Council on the Owner shall be in writing and signed by either an authorised employee of the Council or by the solicitors for the Council. Any such notice shall be deemed to have been properly served on the Owner if it is:

7.5.1. served personally on the Owner, or

7.5.2. posted to the Owners' last known address and any notice served by post shall be deemed to have been received by the Owner two (2) clear business days from the date of posting.

**7.6. Delegation**

The Council may delegate any of its powers under this Deed to any Person.

**7.7. Indemnity**

The Owner hereby indemnify the Council and agrees to keep it forever indemnified in respect of all costs and expenses incurred by the Council in enforcing the terms of this Deed.

**7.8. Registration of Deed**

Each party to do and execute all such acts and documents as may be necessary to ensure that this Deed is registered at the Lands Titles Office and a memorial of the same is entered on the Certificate of Title for the Land pursuant to the provisions of Section 57(2) of the Act in priority to any other registrable interest in the Land.

**8. RULES FOR UNDERSTANDING THIS DEED**

8.1. If a party uses a right given to that party under this Deed this does not affect that party's ability to use any other right.

8.2. Where two or more Persons are bound by this Deed to observe or perform obligations whether expressed or implied then they are bound jointly and each of them individually.

8.3. Reference to a party includes the executors and administrators and assigns of every party named in this Deed.

8.4. Words suggesting natural Persons include companies and vice versa.

8.5. Words suggesting the single number include the plural number and vice versa.

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- 8.6. Words suggesting any gender include all genders.
- 8.7. Headings are for reference only and do not affect interpretation.
- 8.8. Reference to any law includes any modification or any other law passed in substitution for that law.
- 8.9. Reference to an authority includes any new or substitute authority which carries out substantially the same functions.

9. **SPECIAL MEANING WORDS**

- 9.1. the Act: means the Development Act of 1993 and any Act that replaces or alters it.
- 9.2. Allotment: means any Dry Land Allotment or Waterfront Allotment comprising part of Allotments 201 and 208 depicted in the Plan.
- 9.3. Building: means any building or out building and any structure whether free standing or affixed to any other building erected outside any building or out building and without in any way limiting this definition includes any portion of a building, balconies and/or eaves, garage, carport, shed, driveway, veranda, pergola, fence, wall, sink, tank, antenna, airconditioner, sun blind, heater, clothes line, BBQ, letter box, jetty or boat mooring.
- 9.4. Company: means Paradise Development (Investments) Pty Ltd ACN 086 168 809 and any successor or assignee.
- 9.5. Dry Land Allotment: means an allotment where no portion of which adjoins the Waterway Reserve.
- 9.6. Initial Maintenance Period: means the period referred to in clause 5.1 of this Deed.
- 9.7. Pontoon: means a pontoon or jetty including walkways, boardwalks, piles and pontoons constructed as part of the pontoon or jetty.
- 9.8. Port Vincent Marina: means that portion of the Land as is described as such and designated as Allotment 203 on the Plan contained in Schedule 1 hereto.
- 9.9. Land: means firstly, the Plan contained in Schedule 1 hereto and secondly, the land described as Lot 104 in Plan of Division 54608 being portion of the land comprised in Crown Record Volume 5749 Folio 570 and Volume 5749 Folio 571.
- 9.10. Marina Manager: means any Marina Manager appointed to manage Vincent Landing by either the Council or the Lessee of the Port Vincent Marina.

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- 9.11. Vincent Landing: means the Vincent Landing Residential and Marina Development.
- 9.12. Minister means the minister whom from time to time has the responsibility for the administration of the Development Act 1993.
- 9.13. Navigable depth means a depth of at least three (3) metres at mean low water.
- 9.14. the Owner: means all persons and companies who at any time are registered or entitled to be registered as the proprietor of an estate in fee simple in any portion of the Land over which this Deed is registered and the term "Owner" has a like meaning.
- 9.15. a Person: includes the body corporate.
- 9.16. Plan: means the plan referred to in recital A.
- 9.17. Recreational Vessel: a recreational vessel has the same meaning as is given to it in the Harbours and Navigation Act 1993 but (with the exception of charter game fishing vessels and charter yachts) excludes any vessel which has during the preceding twelve (12) months had issued to it a Certificate of Survey pursuant to Division 2 Part 9 the Harbours and Navigation Act 1993.
- 9.18. Revetment Line: means the external face of the retaining concrete wall supporting the earthen rampart adjacent to the Waterway Reserve and Port Vincent Marina.
- 9.19. Revetments: means the retaining concrete wall supporting the earthen rampart adjacent to the Waterways, the granite rocks of the sloping embankment immediately to the concrete retaining wall and all other edge treatments to the Marina Basin within the Vincent Landing.
- 9.20. Road Boundary: means the boundary of the Waterfront Allotment to a public street or road.
- 9.21. Waterfront Allotment means the land referred to in recital C to this Deed.
- 9.22. Waterway Reserve: means the land marked as Allotment 204 (Reserve) on the attached plan.

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9.23. Waterways: means the Waterway Reserve.

9.24. Waterway Boundary: means the boundary of a Waterfront Allotment to the Waterfront Reserve.

THE COMMON SEAL of DISTRICT COUNCIL OF YORKE PENINSULA was hereunto affixed in the presence of:

Robert L. ...  
Mayor  
Chief Executive Officer



EXECUTED by PARADISE DEVELOPMENT (INVESTMENTS) PTY LTD ACN 086 168 809 in accordance with section 127 of the Corporations Act 2001:-

Director  
Full name (Please Print)  
Director/Secretary (Delete as appropriate)  
Full name (Please Print)



The Owner HEREBY CERTIFIES pursuant to Section 57 of the Development Act 1993 that no other Person has a legal interest in the Land.

For and on behalf of  
PARADISE DEVELOPMENT (INVESTMENTS) PTY LTD  
ACN 086 168 809

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SCHEDULE 1  
PLAN OF VINCENT LANDING  
RESIDENTIAL AND MARINA DEVELOPMENT  
(Part) DP 61702

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**SCHEDULE 2**  
**DESIGN GUIDELINES AND PRINCIPLES**

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## VINCENT LANDING

### DESIGN GUIDELINES AND PRINCIPLES

These design guidelines have been formed with the intention of setting a theme for the built environment that is compatible with a waterway development and the surrounding natural features of the Vincent Landing area.

Encouragement will be given to innovative designs that vary from the traditional approach to provide aesthetic variety.

Consideration must be given to adjacent built forms with respect to architectural style, building positioning, and light and sight optimisation.

#### 1. COMMENCEMENT ON SITE

No building, outbuildings, garage, carport, shed, fencing, swimming pool, or excavation shall be commenced unless working drawings showing the design, materials for external elements of structure, walls, roofing, or other such combinations of materials have been submitted to the District Council of Yorke Peninsula. The Council will within the period of three (3) calendar years from the date of the granting of the DAC if its approval to the Proposed Development submit the Plans to the Paradise Development (Investments) Pty Ltd ("the Company") seeking their endorsement prior to the Council assessing the Plan for its decision.

#### 2. DESIGN

The Company and the District Council of Yorke Peninsula recognise the value of good building design and effective utilisation of building materials to enhance the natural features and elements of the Port Vincent area and the visual amenity and pleasantness of the locality in which Vincent Landing is located.

##### 2.1 Dwelling

The design of the dwelling, its suitability for the use on the Allotment, orientation, and floor levels will be assessed by the Company and the District Council of Yorke Peninsula and are to be shown on the approved drawings.

##### 2.2 Foundation

Raw concrete, steel, or other stumping used in foundation work or supports shall be concealed from view.

##### 2.3 Gables

Gables constructed of fibre cement sheeting (or similar material) must be decorated with either battens and/or lattice.

##### 2.4 Verandas/Carports

The design, appearance, external colours, and materials of all verandas, carports and outbuildings shall be integrated with the design of the main dwelling and placed behind the building line.

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**2.5 Airconditioners**

Airconditioners, evaporative coolers and solar heating panelling must be integrated with the main dwelling (colour and design) and screened as much as possible from public view.

**3. MATERIALS**

All materials, in the opinion of the Company and the District Council of Yorke Peninsula, must be compatible and complimentary to the aims described in this annexure and to the visual amenity and pleasantness of the locality in which Vincent landing is located. Only new, good quality building materials shall be used for construction.

**3.1 External Walls**

External walls must be brick, brick veneer or approved texture coated material. The use of timber, natural or simulated, may be endorsed by the Company and the District Council of Yorke Peninsula, provided that the dwellings are professionally designed and aesthetically pleasing. Rendered walls are recommended. No prefabricated or transportable building will be permitted.

**3.2 Roofing**

Roof materials must not be reflective and should compliment the style of the main dwelling. Roofs of clay or concrete tiles are recommended. Other products (e.g. colorbond) may be considered where the building is of architectural significance. Gutters and downpipes should be plastic, colorbond or painted to match the dwelling.

**3.3 Windows and Doors**

Frames must be compatible with the overall theme of Vincent Landing. Consideration is to be given to colours and weatherproofing aspects. Window areas should take into consideration using as much natural light as is possible and also take advantage of water views without overlooking neighbours where visual privacy is impaired.

**4. COLOUR**

All colours shall be pleasing and compliment the aesthetics of the natural landscape and coastal environment.

**5. PONTOONS**

The design and style of pontoons in accordance with the plans and specifications provided by the Company. The pontoon will be positioned and anchored from the relevant land.

Preference will therefore be given to the use of timber decking over polyethylene floats. If necessary pontoons can be constrained by timber piles protected by plastic pipes (IPS design or similar).

Only new materials will be used for construction.

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Designs that vary from the above may be considered but will need to be supported by adequate evidence from professional engineers or architects to their aesthetic and structural suitability to this marine environment.

#### 6. FENCING

The range of materials for the construction of fences at boundaries and elsewhere on the sites where exposed to view from the access roads and waterways is as follows:

Extent:	Front facing, front courtyards and return boundaries
Type:	Face brick natural and painted stone, rendered masonry, brush, excluding colour bond.
Height:	2.0 metres maximum
Extent:	Side boundaries to the 6 and 8 metre set back line (road and waterway respectively)
Type:	As above but including pre-coloured steel pool type fencing (or similar)
Height:	2.0 metres maximum
Extent:	Side boundaries outside the building envelope at the waterfront
Type:	As above
Height:	1.2 metres maximum
Extent:	Boundary facing waterway
Type:	No fencing required. Optional fencing pre-coloured steel pool fencing (or similar)
Height:	1.0 metres maximum
Extent:	Project boundary
Type:	Double sided beige colour bond with steel posts and rails. approved in-fill.
Height:	1.8 metres maximum

#### 7. LIGHTING

External garden lights, veranda lights, revetment lights and pontoon lights are to be low wattage to avoid glare on neighbouring blocks.

#### 8. RAINWATER TANKS

Rainwater tanks shall be of fibreglass or similar construction or otherwise painted to integrate with the other improvements on the said land and screened from public view and such rain water tanks shall be of not less than 10,000 litres capacity.

#### 9. LANDSCAPING

All garden areas within public view shall be pleasantly landscaped within twelve (12) calendar months of occupation of the dwelling.

#### 10. REFUSE COLLECTION

Refuse disposal containers must be stored in any areas designated for storage and out of view of any public street or waterway.

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**11. VEHICLE ACCOMMODATION**

A minimum of 2 car parking spaces per dwelling shall be provided, at least one of which shall be under cover of a garage or carport.

For Lots 1 to 46 inclusive garages and carports are to be integrated and form part of the main dwelling and are to be located on the road side of the dwelling.

For Lots 47 to 71 inclusive free standing garages and carports will be allowed at the rear of the dwelling.

Garden sheds will only be allowed between the dwelling and the side boundary.

**12. BUILDING PROVISIONS DURING CONSTRUCTION**

In the interests of safety, guarding water quality and the marine environment, builders and building owners will be required to meet criteria set down to minimise rubbish and debris leading to water pollution.

The following controls on all building sites will apply.

12.1 All waste without exception is to be collected and containerised prior to disposal off site.

12.2 A waste storage bin for solids is to be kept on site for the duration of building works.

12.3 All site amenities for workmen including toilets are to be connected to the site sewer system where there is a connection to the Allotment.

12.4 On no account are any water or fluids to drain from the building site directly into the water body.

12.5 During the course of any building works no dogs shall be allowed to roam freely over the site.

All building work will be subject to examination and scrutiny by the relevant Authorities and the Company during the construction period to ensure that all construction and environmental standards are maintained in strict accordance with these conditions.

All workers, sub-contractors and the like are to adhere to these conditions and the conditions posted on each site during the construction period.

Damage caused by builders and/or owners to any infrastructure item during the construction process of any building or pontoon on the waterway Allotment shall be rectified at the builders/owners expense to the satisfaction of the Company.

**13. ROLE OF THE COMPANY**

For the purposes of these Design Guidelines and Principles any reference to the Company shall only apply for the period of three (3) calendar years from the date of the granting by the DAC of its approval to the Proposed Development and thereafter shall refer to and mean the District Council of Yorke Peninsula.

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**From:** Jane Whittaker  
**To:** [Allan Cotton](#)  
**Subject:** Land Division - 9 Marina Drive Port Vincent  
**Date:** Tuesday, 19 September 2017 4:47:36 PM  
**Attachments:** [2017-09-19-JW- RTC NEW.pdf](#)  
[2017-09-19-JW- RTC NEW Consent.pdf](#)  
[LMA 9586309.pdf](#)  
[PlanImage\\_D116775.pdf](#)  
[Certificates of Title \(11\) 19 09 2017.pdf](#)

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Hi Allan,

As discussed, we act for PV Marina Pty Ltd and Paradise Development (Investments) Pty Ltd in respect to the land division of the abovementioned property.

Enclosed is a copy of the Application, together with the consent form, a copy of the relevant Certificates of Title and plan.

Please arrange for Council to consent to the Application and execute the attached Consent and then return same to our office.

Thank you for your assistance in this matter and if you have any queries, please don't hesitate to contact me.

Kind regards,

Jane Whittaker | Bertram & Co | Registered Conveyancers | 107 Greenhill Road Unley SA 5061 | GPO Box 448 Adelaide SA 5001 | [www.bertram.com.au](http://www.bertram.com.au) | e [jane@bertram.com.au](mailto:jane@bertram.com.au) | t (08) 8357 1010 | f (08) 8357 1018 |

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**25 GENERAL BUSINESS**

Council has resolved that an Agenda Item "General Business" be included on the Council Agenda to enable members to raise matters of a minor nature for action by the Administration, or to call for reports

**CONFIDENTIAL**

**AGENDA**

**CONFIDENTIAL AGENDA****26 CONFIDENTIAL ITEMS****26.1 PURCHASE OF TWO (2) PRIME MOVERS WITH SIDE TIPPERS TENDER 174/2017****RECOMMENDATION****Section 90 (3) (k) Order**

1. That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Executive Assistant to the CEO and Mayor, Acting Director Corporate and Community Services, Director Development Services and Director Assets and Infrastructure.

The Council is satisfied that, pursuant to Section 90 (3) (k) of the Act, the information to be received, discussed or considered in relation to report 26.1 Purchase of Two (2) Prime Movers with Side Tippers Tender 174/2017 is confidential information relating to:

(k) tenders for the supply of goods, the provision of services or the carrying out of works.

Accordingly, the Council is satisfied that the principle which states the meeting be conducted in a place open to the public has been outweighed in the circumstances.

**Section 91 (7) Order**

2. That having considered report 26.1 Purchase of Two (2) Prime Movers with Side Tippers Tender 174/2017 in confidence under section 90 (2) and (3) (k) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the agenda report, and supporting documentation relevant to report 26.1 Purchase of Two (2) Prime Movers with Side Tippers Tender 174/2017 be retained in confidence for a period of 12 months.

**27 NEXT MEETING**

Wednesday 8 November 2017

**28 CLOSURE**