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

Date:	**Wednesday, 9 October 2019**
Time:	**5.30pm**
Location:	**Council Chambers** **Minlaton Town Hall** **57 Main Street** **Minlaton**

AGENDA

Ordinary Council Meeting

9 October 2019

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 AND ACKNOWLEDGEMENT OF COUNTRY 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

Ordinary Council Meeting - 11 September 2019

Confidential Council Meeting - 11 September 2019 – Purchase of One (1) Prime Mover with One (1) Side Tipper Tender 202-2019

Confidential Council Meeting - 11 September 2019 – Oyster Point Drive Stansbury Stormwater Update Tender 203-2019

Confidential Council Meeting - 11 September 2019 – Transfer of Licence – Minlaton Caravan Park

8 MOTIONS ON NOTICE

Nil

9 QUESTIONS ON NOTICE

Nil

10 QUESTIONS WITHOUT NOTICE

11 PETITIONS

Nil

12 MAYOR

12.1 MAYOR'S MONTHLY REPORT SEPTEMBER 2019

Document #: **19/83569**

Department: **Executive Services**

PURPOSE

To keep Elected Members updated on Mayoral activities during the month of September 2019.

RECOMMENDATION

That the report be received.

DISCUSSION

2 September	Art Exhibition Working Party Meeting.
3 September	Visited Stansbury Primary School.
6 September	South Australian Coastal Councils Executive Committee Meeting.
11 September	Edithburgh Tidal Pool Working Party Meeting.
	Monthly Council Meeting.
14 September	Attended the YPFL Football Grand Final at Wallaroo.
25 September	Attended the Yorke Peninsula Field Days at Paskeville.
	CEO Performance Review Working Party Meeting
	Monthly Elected Members Workshop.
26 September	Presented Members of the Harry Butler Centenary Organising Committee with an Eddie the Emu Award for their efforts organising a successful event that enhanced tourism in our region while celebrating an important part of our local history.
	Attended the Ark Art Adventure Showcase at Warooka Primary School.
30 September	Cr Richard Carruthers and I attended the Council Meeting Procedures and Chamber Etiquette Seminar presented by the LGA at Clare.

ATTACHMENTS

Nil

13 COUNCILLORS' REPORT

Nil

INFORMATION AGENDA

INFORMATION AGENDA

14 ITEMS FOR EXCLUSION

15 RECEIPT OF INFORMATION REPORTS

16 CHIEF EXECUTIVE OFFICER

16.1 CEO ACTIVITIES - SEPTEMBER 2019

Document #: **19/83577**

Department: **Executive Services**

PURPOSE

To keep Elected Members informed of meetings during the month of September 2019.

RECOMMENDATION

That the report be received.

DISCUSSION

5 September	Attended the Building Better Regions Funding Workshop.
9 September	Attended the LGA Jetties Steering Group Meeting at Parliament House with Minister Knoll.
10 September	Met with Max Stevens, recently appointed as our local Starclub Field Officer.
11 September	Monthly Council Meeting.
12 September	Corporate Management Team Meeting.
	Met with Stuart Palecek.
24 September	Corporate Management Team Meeting.
25 September	Monthly Elected Members Workshop.
26 September	Met with Anthony Genovese from LGRS.
	Attended the Art Ark Adventure Showcase at Warooka Primary School.
27 September	Attended the Legatus Group CEO's Local Government Reform Meeting.
30 September	Met with Ben Wundersitz, Bill Moloney, Nick Correll and Danny Allen in relation to Central Yorke Engineering.

ATTACHMENTS

Nil

16.2 ACTION LISTING REPORT

Document #: 19/83579

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. **Council Meeting Action List - October 2019**
2. **Council Meeting Completed Action List - October 2019**

Council Meeting Action List

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
12/07/2017	Development Services	DA/ DS/ R1	178/2017	Review amendment to the Port Victoria (Gulf Haven) Caravan Park Lease once valuation has been undertaken. Valuation currently being undertaken.	13/11/2019
13/12/2017	Executive Services	21.3	313/2017	Staff to progress a tender process to undertake an impacts assessment on the preferred model for the Marion Bay Boat Launching Facility upgrade. Data collected during wave monitoring has been received and reviewed. Draft Modelling Process Report has been presented to the Coast Protection Board for review and feedback before being presented to Council.	13/11/2019
9/05/2018	Assets and Infrastructure Services	24.2	127/2018	Commission a review of speed zones on North Coast Road. A survey of the property owners upon the North Coast Road and Galway Crescent has recently been undertaken. The findings of this survey are currently being reviewed by staff and will be presented to Council at a future Elected Members Workshop.	11/12/2019
13/02/2019	Development Services	25.1	031/2019	Arrange for the Mayor and CEO to sign and seal the necessary documentation for a lease over land at Port Moorowie. June 2019 - FOPM advised Council that they wish to consult the community further before committing to signing the lease documentation.	11/12/2019
13/03/2019	Executive Services	8.1	046/2019	Organise for the CEO to undertake a review of the Operations of the Development Department in accordance with the motion on notice presented to 13 March 2019 Council Meeting. Ensure the correspondence is noted and considered as part of the Development Services review process being undertaken by the CEO. Report to be presented to November 2019 Council Meeting.	13/11/2019
13/03/2019	Development Services	25.1	062/2019	Public Consultation to review current zoning of land at Black Point and Pine Point underway.	13/11/2019
10/07/2019	Development Services	25.2	167/2019	Arrange for the Mayor and CEO to sign and affix Council's Common Seal to the relevant documentation to give effect to the lease agreement to the Marion Bay Progress Association for the Marion Bay Community Hall. Awaiting lease documentation to be returned to Council.	13/11/2019
10/07/2019	Development Services	25.3	168/2019	Allocate unbudgeted Council funds from the 2019/2020 Budget for the preparation of tender documentation	13/11/2019

				for the Stansbury Seawall and proceed with the tender process. Contractor has been appointed for the preparation of tender documentation.	
13/08/2019	Corporate and Community Services	23.5	183/2019	Further work to be undertaken on the Building Upgrade Finance Agreement and presented at a future Council Meeting.	11/12/2019
11/09/2019	Development Services	25.1	220/2019	Proceed to Public Consultation for the revocation of 29 Chenoweth Crescent, Parsons Beach, Certificate of Title Volume 5539 Folio 478.	13/11/2019

Council Meeting Completed Action List

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
10/07/2019	Development Services	25.1	166/2019	Proceed with seeking Ministerial approval for the revocation of Community Land - 14 Oval Avenue, Warooka and arrange for the Mayor and CEO to sign and affix Council's Common Seal to the relevant documents.	9/10/2019
11/09/2019	Executive Services	22.1	210/2019	Update IS061 Council Committees Membership and Representation on Committees to reflect the endorsed membership of the Edithburgh Tidal Pool Working Party.	25/09/2019
11/09/2019	Corporate and Community Services	23.2	212/2019	Proceed with adopting management responses to External Audit Management Report 2018/2019	25/09/2019
11/09/2019	Corporate and Community Services	23.3	213/2019	Update PO156 Internal Financial Control Policy, as presented for inclusion in Council's policy manual and on the website.	25/09/2019
11/09/2019	Corporate and Community Services	23.4	214/2019	Proceed with implementing suggested recommendations from the Prudential Review Report.	25/09/2019
11/09/2019	Corporate and Community Services	23.5	215/2019	Proceed with advising applicants of the outcome and prepare a list of successful applicants for the Council website.	25/09/2019
11/09/2019	Corporate and Community Services	23.6	216/2019	Advise Community Groups that requested assistance that Council will not provide assistance for Responsible Service of Alcohol Accreditation.	25/09/2019
11/09/2019	Corporate and Community Services	23.7	217/2019	Update PO058 Purchasing and Procurement Policy, as presented for inclusion in Council's policy manual and on the website.	25/09/2019
11/09/2019	Corporate and Community Services	23.8	218/2019	Update PO063 Records Management Policy, as presented for inclusion in Council's policy manual and on the website.	25/09/2019
11/09/2019	Assets and Infrastructure Services	24.1	219/2019	Undertake public consultation on the draft Buildings and Other Structures Asset Management Plan.	25/09/2019
11/09/2019	Development Services	25.2	221/2019	Mayor and CEO to sign and affix the Common Seal to the relevant documents relating to the Land Management Agreement over land identified as Section 299 Hundred of Para Wurlie in the area named Point Souttar.	1/10/2019
11/09/2019	Development Services	25.3	223/2019	Appoint Ben Green as Independent Member to the Council Assessment Panel.	13/09/2019
11/09/2019	Assets and Infrastructure Services	27.1	226/2019	Advise all tenderers of the outcome of Tender 202-2019 - Purchase of One	25/09/2019

				(1) Prime Mover with One (1) Side Tipper.	
11/09/2019	Assets and Infrastructure Services	27.2	228/2019	Advise all tenderers of the outcome of Tender 203-2019 - Oyster Point Drive Stansbury Stormwater Update.	25/09/2019

16.3 YORKE PENINSULA TOURISM ANNUAL REPORT 2018-2019

Document #: **19/82858**

Department: **Executive Services**

PURPOSE

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

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 to progress tourism and business growth, including enabling the attraction of niche businesses

BACKGROUND

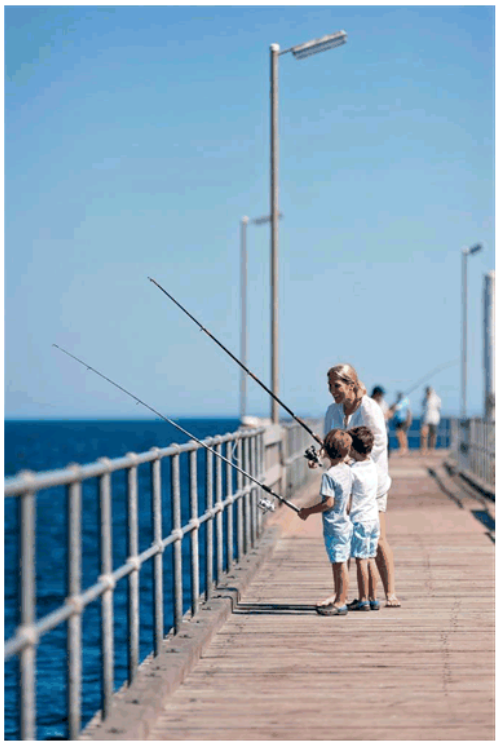
Elected Members would be aware that Council is a financial contributor to Yorke Peninsula Tourism.

DISCUSSION

A copy of the Yorke Peninsula Tourism Annual Report, outlining their activities and achievements for the 2018-2019 financial year, has been received for Council's information. A copy is attached for Elected Members information.

ATTACHMENTS

1. Yorke Peninsula Tourism - Annual Report 2018-2019.



Yorke Peninsula
SOUTH AUSTRALIA

Yorke Peninsula Tourism

Annual Report 2018-19

18 MAIN STREET, MINLATON • PO BOX 417, KADINA SA • 5554
PHONE: 08 8853 3898 • EMAIL: deb.clarke@yorkepeninsula.com.au
ABN 68 662 055 931

Quality Tourism Accredited Business

Chairperson's Report

Craig Costello

Yorke Peninsula Tourism Committee

Tourism is a vital industry for the Yorke Peninsula economy and is a key economic driver for our region. We are in an exciting time for tourism with many new opportunities to grow the tourism industry further and increase the visitor expenditure which will ultimately grow jobs within our region.

Currently tourism contributes $205M to the local economy which is expected to grow to an impressive $359M under the recently released South Australian Visitor Economy Plan 2030 which was developed by the South Australian Tourism Commission. We currently enjoy 1,143,000 visitors to our region which is primarily Intrastate visitations with our real opportunity for future growth being the International market. We currently receive only 1% of our visitation from this market but over the last 12 months I feel that we are seeing growth in this important market segment.

Importantly with 461 tourism businesses on the Yorke Peninsula which create 1600 jobs it is clear to see the vital role played by Yorke Peninsula Tourism in supporting these and new businesses to ensure we continue to improve and grow our visitor experience.

The last year has been a busy time for our organisation with the below activities taking place throughout the year;

- Preparing for the arrival of the first Cruise ship into Wallaroo on the 7th of December 2019
- Tasting Australia event in Rundle Mall in Adelaide to promote Yorke Peninsula and its local food and produce – a big thank you to the local operators that participated in this promotion
- Yorke Peninsula Tourism was the 2018 South Australian Tourism Awards Winner for the Destination Marketing category and this was backed up with winning Bronze at the Australian Tourism Awards – an amazing effort by Brooke & Nicole!
- Working with businesses to increase local bookable products with a focus on experiences and events. The accommodation sector over the years now has a majority of operators who are bookable online so we have been shifting focus to these other areas which will enable visitors to stay longer in our region through easier access to experiences and events
- Commissioned and have completed a Consumer Research Project on YP Consumer Behaviour which has provided valuable insight into areas we can focus on that will most rapidly increase visitor expenditure
- The past year we have a had a strong focus on keeping Yorke Peninsula front of mind on the state stage through networking with state organisations such as the State Government and opposition, South Australian Tourism Commission & TIC SA
- Co-operative marketing fund application submitted for the production of video footage through SA Weekender to build our marketing collateral which can also be used to promote our region in local VIC's as well as social media

We have had a busy year and all the above listed activities are only a small snapshot of the hard work and strategic planning that has been completed over the past year by the Yorke Peninsula Tourism Committee.

I would like to take this opportunity to extend a big thank you to our funding partners being Yorke Peninsula Council, Copper Coast Council, Barunga West Council and the South Australian Tourism Commission. We certainly appreciate their ongoing support. I would also like to acknowledge the hard work and dedication of Brooke, Deb and Nicole over the last year, without their efforts Yorke Peninsula Tourism would not be progressing as it is today.

The current Yorke Peninsula Tourism committee have put in a large amount of time as volunteers and are a group of committed individuals who offer different expertise and are all extremely passionate about driving and supporting Tourism on Yorke Peninsula. I would like to extend a special thank you to Bronwyn Scholes who is finishing her time on the Committee. Bron has been an extremely valuable committee member for the last 4 years and her ideas and personality will be missed.

Finally, Jo Buchanan as Deputy Chair has been an incredible support and it has been a pleasure to work with Jo over the last year.

There are exciting times ahead for Yorke Peninsula; we are seeing new dynamic tourism businesses growing and developing in our region. There is no doubt that 2019/2020 will be a great year for tourism on the Yorke Peninsula.

Craig Costello

Craig Costello
Chair, Yorke Peninsula Tourism

Yorke Peninsula Tourism Annual Report 2018-2019

Special thanks to our Yorke Peninsula Tourism funding partners:

COPPER COAST COUNCIL

lifestyle location of choice

YORKE PENINSULA COUNCIL

Agriculturally rich~Naturally beautiful

SOUTH AUSTRALIA

BARUNGA WEST COUNCIL

Yorke Peninsula Tourism Annual Report 2018-2019

Tourism Manager's Report

Deb Clarke, Yorke Peninsula Tourism

Yorke Peninsula Tourism has had a productive year of involvement with a range of diverse activities and projects. We have been supported throughout the year by our funding partners and the members of the Yorke Peninsula Tourism Committee who continue to contribute their valuable time and expertise to the organisation.

Good media relationships are critical to Yorke Peninsula Tourism and continue to provide great support, helping us achieve an incredible level of free publicity. Limited resources necessitate effective leveraging of every opportunity to gain as much free publicity and exposure for the region as we can. The range of coverage listed in this annual report shows the success of this.

Our digital assets (www.yorkepeninsula.com.au and social media channels of Instagram and Facebook) are still a major focus of the organisation and will continue to grow as consumer demand for these tools grows over time. Yorke Peninsula Tourism continues to work closely with tourism operators to support their development in the online space and is running a mentoring program to deliver this across the region.

The growing presence and development of new food and beverage options adds another string to our bow, offering visitors something different to experience or a new reason to come here. Food and beverage experiences rate very highly with visitors and the emergence of a strong beverage segment (including Sunny Hill Distillery, Watsacowie Brewery, Emoyeni and Barley Stacks wines as well as the expected opening of a brewery and distillery in Wallaroo at CU2@Wallaroo) creates a new vibrancy to our tourism offering.

Yorke Peninsula Tourism was successful in winning funding from the Building Better Regions Fund and thanks to additional support from the South Australian Tourism Commission (SATC), we commissioned a visitor survey which was conducted early in 2019. This has provided excellent information to help us direct resources to where they will be most effective. We also partnered with Roadtrippers to gain real-time research data about consumer travel patterns to and across the region.

The announcement of our first cruise ship arrival to Wallaroo has generated great interest and excitement. Cruise and Maritime Voyages ship *Vasco da Gama* is scheduled to visit Wallaroo three times over the summer of 2019/20. We were delighted to be part of getting on to the itineraries through working with the SATC. Yorke Peninsula Tourism will continue to support the arrivals which are being coordinated by Copper Coast Council.

Yorke Peninsula Tourism was successful in winning a state Tourism Award for the Destination Marketing category and went on to win Bronze in the National Tourism Awards, the first time a South Australian entry has won this category for 10 years. We also congratulate Wallaroo Marina Apartments for winning Silver nationally in the Deluxe Accommodation category.

As someone new to the region for a one year contract, I would like to sincerely acknowledge and thank the Copper Coast Council, Yorke Peninsula Council, Barunga West Council and the South Australian Tourism Commission for their continued support of Yorke Peninsula Tourism and our projects and activities.

Success as a regional tourism organisation relies on a strong team and there are many individuals, businesses and organisations helping us achieve our goals. My sincere thanks to Nicole Page for her amazing knowledge, ongoing support and assistance; the Yorke Peninsula Tourism Committee for their valued voluntary contributions; Regional Development Australia Yorke & Mid North; Tourism Industry Council SA. To all the hard-working, passionate tourism operators and businesses throughout the region that support our activities and are the face of our industry, thank you.

DClarke

Deb Clarke
Yorke Peninsula Tourism Manager

Yorke Peninsula Tourism Annual Report 2018-2019

Yorke Peninsula Tourism activities 2018 - 2019

TOURISM AWARDS

At the 2018 South Australian Tourism Awards, Wallaroo Marina Apartments won the gold for Deluxe Accommodation while Yorke Peninsula Tourism won the Destination Marketing category for our Instameet event. Going forward to the Australian Tourism Awards, Wallaroo Marina Apartments won Silver and Yorke Peninsula Tourism won Bronze. This was a fantastic result for the Yorke Peninsula region.

Nicole Page and Brooke Liebelt with the Australian Tourism Bronze Award

CONSUMER SHOWS

Nicole at the Melbourne Caravan and Camping Show

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

Adelaide Caravan & Camping Show 2019 (pictured above)
Brisbane Caravan & Camping Show 2019
Melbourne Caravan & Camping Show 2019
Sydney Caravan & Camping Show 2019
Tasting Australia – Urban Pantry 2019

Caroline from MBC Foods at the 2019 Urban Pantry

MEDIA COVERAGE

Yorke Peninsula has appeared in numerous editorials in domestic and international travel and lifestyle publications, national press and radio as well as state and national television. Media coverage included:

- 5AA Weekends
- 5CS
- ABC 891
- ABC North & West
- ABC Science News
- Adelaide Now
- Adelaide Review
- Australian Geographic
- BBC News
- Column in the YP Country Times plus regular coverage and editorial
- Courier Mail Brisbane
- Cruise 1323
- Daily Telegraph Australia
- ETB Travel News
- EGlobal Travel Media Australia
- Gold Coast Bulletin
- Herald Sun Melbourne
- InDaily
- NT News
- Northern Argus
- SA Life Magazine
- SA Weekender
- Southern Cross GTS/BKN
- Stock Journal
- Sunday Mail
- The Advertiser
- The Lead South Australia
- The Sunday Times UK
- The Telegraph UK
- Today Tonight
- Townsville Bulletin
- Triple M
- Venture Magazine

Yorke Peninsula Tourism Annual Report 2018-2019

REGIONAL FAMILIARISATIONS
For journalists, industry and trade

SA Weekender
SA Tourism Commission Board
Meet the Minister event
Cruise line/Inbound Tour Operator visit

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 SATC and TXA to encourage ATDW registered businesses to opt into online bookings. Yorke Peninsula's website now offers 291 products available for booking online.

One on one training for operators to assist with ATDW listings.

Worked closely with TICSA to deliver Service IQ workshops based around digital capability building.

WEBSITE - yorkepeninsula.com.au

Yorke Peninsula Tourism has again put emphasis on blogging as a way to create content and promote via social media to drive consumers to our website. We have also installed new software to assist in seeing where users look for information, where they click and what items get the most activity. We have added an Instagram live feed on our landing page to keep the page fresh and active.

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. We currently have 630 products listed on the ATDW.

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

DESTINATION DEVELOPMENT

Worked with developers and operators on regional projects including:
Redwing Farmstay
Wallaroo Marina Apartments
Innes National Park
Wallaroo Shores Resort
Yorkes Uncorked
Pacific Estate Oysters
Hillocks Drive
Coopers Alehouse Wallaroo
Ballara Art & Lifestyle Retreat
Port Vincent Motel and Apartments
Rewilding Yorke Peninsula
Taste the Yorke
Windara Reef
Stansbury Holiday Motel
Peesey Pantry
Yorke Peninsula's Saltwater Classic
Food and Beverage Producers
Potential new experiences and hire product
Potential new developments
plus many, many more...

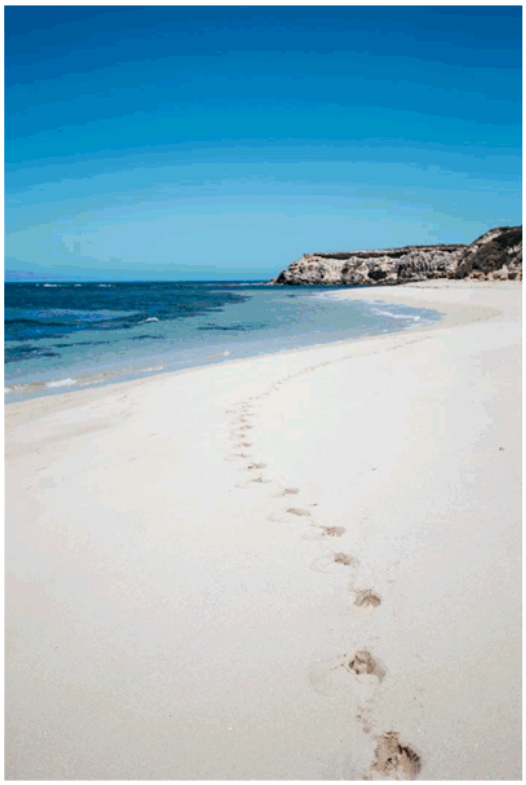
EVENTS

Ongoing work with Events SA and assisting event organisers. Yorke Peninsula Tourism worked closely with Yorke Peninsula's Saltwater Classic to assist with preliminary marketing and media activities, particularly social media marketing in the lead up to their event in April 2020.

We have also worked closely with Seafood on Spencer, which received funding as a new event in Port Broughton to be held on Good Friday 2020.

Yorke Peninsula Tourism assisted the organisers of the Harry Butler Centenary with ATDW listing of the event, media, distribution of releases and circulation of information.

Yorke Peninsula Tourism continues to do weekly radio interviews on 5CS to promote upcoming events, encourage locals to get out and about in the region and to share their photos and videos of the region on social media via tagging their images.



PROJECTS

Yorke Peninsula Tourism has worked with the SATC to report on progress toward targets in the Regional Visitor Strategy.

After many years of proposals and presentations, we were successful in having a cruise line include Wallaroo on their itineraries for the first time. We commenced work with SATC, the cruise line (CMV) and the Inbound Tour operator (Intercruises) to assist with developing itineraries, arranging meetings with operators on a familiarisation visit.

Yorke Peninsula Tourism was successful in a funding application to survey the behaviour of shack owners and other visitors to Yorke Peninsula. Co-funded by the Building Better Regions Fund and the SATC Cooperative Marketing Fund, a very useful survey was conducted to over 400 participants, providing valuable intelligence on interests, spending habits, accommodation used, information availability and preferred sources of information. This has given us clear focus going forward.

INDUSTRY FUNCTIONS & WORKSHOPS

- Provided ongoing training for operators throughout the region and networking opportunities:
- TICSA Service IQ workshops
- TICSA Tourism Conference
- Yorke Peninsula Tourism presentation at SA VIC Conference held in Kadina

Yorke Peninsula Tourism Annual Report 2018-2019

Financials

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

Financial Year:
2018/2019

Public Officer:
Debra Anne Clarke
Yorke Peninsula Tourism Manager
Ph: 0409 672 957
Email: deb.clarke@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 2018-19:
Craig Costello – Chairperson
Jo Buchanan – Deputy Chairperson
Nicola Adams
Cynthia Axford
Terry Boyce
Helly Easther-Smith
Stephen Goldsworthy
Matthew Hawson
Mark Haydon
Bronwyn Scholes
Lynn Spurling

Dean Withers
& Associates
Chartered Accountants
Grow with us

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www.dwaa.com.au
ACN 067 089 794
ABN 15 067 089 794

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YP TOURISM MARKETING COMMITTEE INC.

We have conducted an audit of the accounting records of the Association for the period from 1st July 2018 to 30th June 2019. 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.
Dean Withers-Director
1st August 2019

16.4 CORRESPONDENCE RECEIVED FROM THE MINISTER FOR TRADE, TOURISM AND INVESTMENT - SNAPPER MANAGEMENT

Document #: **19/82848**

Department: **Executive Services**

PURPOSE

To provide Elected Members with correspondence received from the Minister for Trade, Tourism and Investment.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Goal: 1 Economically Prosperous Peninsula

Strategy: 1.6 Identify opportunities to advocate on behalf of key industries (e.g. agriculture, tourism etc.)

BACKGROUND

On 8 August 2019 Council received correspondence from PIRSA seeking feedback / submission in relation to the future management of snapper.

At the Special Council meeting held on 28 August 2019 Council approved a response from the Mayor in regard to the State Government proposal for the Future Management of Snapper in South Australia.

DISCUSSION

The Minister for Trade, Tourism and Investment, the Hon David Ridgway MLC, has written to Council to acknowledge Council's submission to the Premier, the Hon Steven Marshall MP.

ATTACHMENTS

1. Correspondence - Minister for Trade, Tourism and Investment - Snapper Management

Government of South Australia

Hon David Ridgway MLC

19TTITM/00495

Mr Darren Braund
Mayor
Yorke Peninsula Council
PO Box 57
MAITLAND SA 5573
Email: admin@yorke.sa.gov.au

Dear Mayor

Thank you for providing a carbon copy of your letter to the Hon Steven Marshall MP, Premier of South Australia dated 30 August 2019, regarding snapper management and tourism on the Yorke Peninsula.

As you would appreciate, South Australia's unique and beautiful coastline, along with its marine life, offer exceptional tourism experiences to our visitors, including recreational and charter fishing. It is important that we sustain these assets for future generations and I appreciate that sustainability measures are likely to have some impact on the fishing industry and visitors' fishing experiences.

I have recently met with a contingent of charter fishing operators and discussed their concerns around fishing tourism. I have encouraged them to make their representation to the Hon Tim Whetstone MP, Minister for Primary Industries and Regional Development as well.

As someone who is very familiar with, and has a great interest in visitation to Yorke Peninsula, I value your feedback and, as I have committed to charter operators, I'll certainly pass those concerns on to Minister Whetstone.

Again, I appreciate your time in raising this matter with me.

Yours sincerely

Hon David Ridgway MLC
Minister for Trade, Tourism and Investment

4 / 9 / 2019

Copy to Mr David Harding, Director Corporate and Community Services/Acting Chief Executive Officer, Yorke Peninsula Council
The Hon Tim Whetstone MP, Minister for Primary Industries and Regional Development

Minister for Trade, Tourism and Investment
Level 13, 200 Victoria Square Adelaide SA 5000 | GPO Box 11032 Adelaide SA 5001 | DX 168 Adelaide
Tel: 08 8226 8520 | Fax: 08 8226 8444 | Email: OfficeofMinisterRidgway@sa.gov.au

SOUTH AUSTRALIA

16.5 CORRESPONDENCE RECEIVED FROM THE HON DAVID LITTLEPROUD MP

Document #: 19/83841

Department: Executive Services

PURPOSE

To provide Elected Members with a copy of correspondence received from the Hon David Littleproud MP, Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

Strategy: 5.2 Effective leadership and informed decision making

BACKGROUND

Elected Members may be aware that Mayor Darren Braund emailed the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, the Hon Michael McCormack MP on 2 July 2019 in relation to drought funding opportunities for the Yorke Peninsula Council. This email was forwarded to the Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management, the Hon David Littleproud MP, as the minister responsible for the matters raised.

DISCUSSION

Correspondence has been received from the Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management, the Hon David Littleproud MP, in response to Mayor Braund's email. A copy of this correspondence is attached for Elected Members information.

ATTACHMENTS

1. Response - Request for Drought Funding - Airstrip Upgrade

10 SEP 2019

The Hon. David Littleproud MP

Minister for Water Resources, Drought, Rural Finance,
Natural Disaster and Emergency Management
Federal Member for Maranoa

Ref: MC19-002965

- 2 SEP 2019

Mr Darren Braund
Mayor
Yorke Peninsula Council
PO Box 57
MAITLAND SA 5573

Dear Mayor Braund

Thank you for your email of 2 July 2019 to the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, the Hon Michael McCormack MP, regarding drought funding opportunities for the Yorke Peninsula Council. Your email was forwarded to me as I am the minister responsible for the matters you raised.

The Australian Government takes the challenges faced by families and regional industries experiencing drought seriously, and is acutely aware that drought places both economic and social stress on farmers and communities. The Government has committed over $7 billion in assistance and concessional loans to support those experiencing hardship due to drought.

I note that the Drought Communities Programme (DCP) Extension funding is not currently available for the Yorke Peninsula Council (Council). The criteria for the DCP Extension takes into account Bureau of Meteorology data covering 1 in 20-year rainfall deficiencies over the past 24 months. For each council area that had a greater than 50 per cent rainfall deficiency, the proportion of the workforce employed in agriculture, forestry or fisheries as well as other data, such as unemployment figures, is considered. I would like to assure you that the Government is constantly monitoring drought conditions across the country, and will continue to review the DCP Extension and the eligibility of all councils.

I note that the Minlaton regional airstrip is a priority for the Council. In the 2019-20 Budget, the Government announced a commitment of $100 million over the next four years to a new Regional Airports Program (RAP). The RAP will provide assistance to the owners of regional airports to undertake essential works, promoting aviation safety and access for communities. This additional investment will ensure that regional airports meet the needs of communities now and into the future. Further information on the RAP will be released later in 2019.

In addition, the Government also announced $200 million to deliver a fourth round of the Building Better Regions Fund (BBRF). It is anticipated that BBRF Round Four will be open for applications in the second half of 2019.

The Hon David Littleproud MP
Parliament House, Canberra ACT 2600 | 02 6277 7630 | minister.littleproud@infrastructure.gov.au

You may wish to monitor the Department of Infrastructure, Transport, Cities and Rgional Development's website at www.infrastructure.gov.au for any possible future funding opportunities. You may also wish to monitor the GrantConnect website at www.grants.gov.au which provides details on all Government grant opportunities. Information on grant programs offered by state and territory governments can also be found on the Grants and Assistance finder at www.business.gov.au.

Thank you again for your correspondence and I trust this is of assistance.

Yours sincerely

DAVID LITTLEPROUD MP

17 CORPORATE AND COMMUNITY SERVICES

17.1 ART EXHIBITION WORKING PARTY MINUTES - 2 SEPTEMBER 2019 AND 20 SEPTEMBER 2019

Document #: **19/83972**

Department: **Corporate and Community Services**

PURPOSE

The Yorke Peninsula Art Exhibition Working Party is a Working Party of Council. Copies of the minutes from their meetings held on 2 September 2019 and 20 September 2019 are 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 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 2020 Yorke Peninsula Art Exhibition.

DISCUSSION

Business discussed at the meetings centred around:

- Appointment of a Chairperson and Deputy Chair.
- Update on Progress Associations involvement.
- Sponsorship.
- Suggestions/ideas for 2020 Exhibition.
- Exhibition progress to date
- Expressions of Interest to join the Art Exhibition Working Party
- Appointment of Art Exhibition Project Officer Role

ATTACHMENTS

1. **Minutes - Art Exhibition Working Party Meeting - 02/09/2019**
2. **Minutes - Art Exhibition Working Party Meeting - 20/09/2019**

Minutes of the Meeting of the Art Exhibition Working Party

held on Monday 2 September 2019
in the Maitland Council Office
commencing at 2:00pm

(Subject to confirmation)

ITEM 1 OPEN

1.1 Welcome by Chairperson

Taylor Gray declared the meeting open at 2:03pm and thanked everyone for attending.

1.2 Present – Mayor Darren Braund Cr Roger Johns, David Harding, Richard Cane, Jennifer Robyn, Margie Gaisford, Carina Congdon, Lesley-Anne Swaans, Taylor Gray and Renee Edwards – Minute Secretary.

1.3 Apologies/leave of absence – Cr Tania Stock, Leanne Cane, Bobbi Pertini, John Sandercock, Amanda Loechel, Suz'Anne Warren.

1.4 Minutes of previous meeting

Carina Congdon moved **Lesley-Anne Swaans seconded**

That the Minutes of the Art Exhibition Working Party (AEWP) meeting held on 14 August 2019, 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 BUSINESS ARISING

2.1 Call for nomination for Chairperson and Deputy Chairperson

One nomination for Chairperson. Carina Congdon supported the nomination of Renee Edwards as Chairperson.

One nomination for Deputy Chairperson. Cr Roger Johns supported the nomination of Taylor Gray as Deputy Chairperson.

2.2 Appointment of Chairperson and Deputy Chairperson

Renee Edwards endorsed as the Chairperson of the Art Exhibition Working Party.

Carina Congdon moved **Roger Johns seconded**

CARRIED

Taylor Gray endorsed as the Deputy Chairperson of the Art Exhibition Working Party.

Cr Roger Johns moved **Carina Congdon seconded**

CARRIED

Renee Edwards proceeded to Chair the meeting.

ITEM 3 2020 EXHIBITION

3.1 Update on Edithburgh, Warooka and Maitland Progress Associations

Renee Edwards gave a brief overview on the current status of the Progress Associations that have shown interest in being involved in the Art Exhibition. Renee advised that we are still waiting on final outcomes from these Progress Associations and will continue to follow up.

Carina Congdon enquired if the Council should look at displaying its Art Work as a static display. It was suggested this could be considered by Maitland Progress Associations to host.

Action: Renee Edwards to follow up with Maitland Progress Association.

3.2 Sponsorship

Renee Edwards gave an update of current sponsorship.

It was agreed that we should explore additional sponsorship opportunities amongst local businesses.

Action: Progress Association representatives to visit local businesses within their towns to seek advice on what types of sponsorship opportunities would work for them and their business. Representatives to report back to the Working Party at the October 2019 meeting.

Action: Renee Edwards to provide the Progress Association representatives a list of sponsorship letters that went to local businesses.

Discussion occurred about other ideas to get Art Exhibition attendees to visit local businesses. Ideas included a 'postcard' format on the program where attendees would get a stamp per visit to a business and if all businesses were visited they would go in to a draw to win a prize. Another idea was a food/wine trail. These ideas will be investigated further when the Project Officer is appointed.

Action: Renee Edwards to check the licence for the number of raffle tickets we can sell.

3.3 Progress to date

General discussion occurred on the progress to date of the preparation for the Art Exhibition.

It was discussed that the Mayor Darren Braund should do a closing address of the Art Exhibition. To be discussed further with the new Project Officer.

3.4 Suggestions/ideas for 2020 Exhibition

It was suggested that the Art Exhibition Working Party should contact the Parson Family (Allyson Parson) to see if they will be holding an Exhibition at Port Vincent over the Easter Long Weekend (same time as the Art Exhibition). It was recommended that if they are, we should partner to promote both events and seek some sponsorship from the Parsons Family.

Action: Cr Roger Johns to follow up and discuss with the Parsons Family.

ITEM 4 NEW BUSINESS

4.1 Art Exhibition Project Officer Role

The Working Party approved the position description with minor updates.

Action: Carina Congdon to progress with advertising the role.

4.2 Expressions of Interest to join the Art Exhibition Working Party

An expression of interested to join the Art Exhibition Working Party was promoted through Council's Social Media.

To date, one expression of interested from Caroline Fox was received. It was decided by the Working Party to accept Caroline's expression of interest.

Action: Renee Edwards to advise Caroline Fox of her appointment to the Working Party.

ITEM 5 NEXT MEETING

Friday 20 September 2019, Maitland Office.

Going forward, meetings will be held on a monthly basis on a Tuesday morning.

ITEM 6 MEETING CLOSE

The meeting closed at 3:11pm

.....

Chairperson – Renee Edwards

Minutes of the Meeting of the Art Exhibition Working Party

held on Friday 20 September 2019
in the Maitland Council Office
commencing at 9:30am

(Subject to confirmation)

ITEM 1 OPEN

1.1 Welcome by Chairperson

Renee Edwards declared the meeting open at 9:35am and thanked everyone for attending.

1.2 Present – David Harding, Richard Cane, Leanne Cane, Carina Congdon, and Renee Edwards – Chair & Minute Secretary.

1.3 Apologies/leave of absence – Cr Tania Stock, Mayor Darren Braund, Cr Roger Johns, Jennifer Robyn, Lesley-Anne Swaans, Taylor Gray, Bobbi Pertini.

1.4 Minutes of previous meeting

Deferred to next meeting (11/09/2019)

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

ITEM 2 BUSINESS ARISING

2.1 Endorsement of recommendation for YP Art Exhibition Project Officer

Carina Congdon gave a brief overview of the recruitment process, the number of application received and applicants that were shortlisted and interviewed. Carina provided detailed outcomes of the three interviews that were held and advised the Working Party of the recommendation.

The interview panel consisted of Carina Congdon, Taylor Gray and Renee Edwards.

The panel recommended that the Working Party approve the appointment of Carolyn Ramsey. Carolyn comes to us with extensive experience in the Arts administration field as Manager Arts and Events at City of Prospect and as General Manager of the Come Out youth festival. Her considerable experience will allow her to hit the ground running and ensure a successful event in 2020.

Carolyn is able to commence on Thursday 10 October 2019.

This recommendation was supported by all present at the Working Party meeting and in conjunction with Lesley-Anne Swaans, Bobbi Pertini and Taylor Gray.

Richard Cane moved **Leanne Cane seconded**

CARRIED

ITEM 3 2020 EXHIBITION

3.1 Update on Edithburgh, Warooka and Maitland Progress Associations

Renee Edwards provided details on where the Progress Associations were at in being major sponsors.

A brief discussion occurred following the request from Warooka Progress regarding their commitment and outline of their Exhibition. It was agreed by the Working Party that in principal, the Working Party accept the offer from Warooka Progress to be involved in the Art Exhibition with a reduced sponsorship fee of $500. However, they would need to commit to being open on the Friday, Saturday and Sunday during the Exhibition. The Working Party did not see an issue with allowing artist to sell their artwork separately without Council administration involvement, however, Council will need to discuss this with Warooka Progress further.

It was decided to circulate the outcome of this discussion to the Working Party so Renee Edwards could advise the Warooka Progress of the outcome. The item will also be placed on the agenda for the 10 October meeting for a final Working Party decision.

Action: Renee Edwards to circulate the outcome of the discussion to the Working Party to seek any further feedback before responding to Warooka Progress. Renee to add this item to next Working Party meeting agenda.

3.2 Sponsorship

Deferred to next meeting

3.3 Sam Brookes – Mural Art Work

Deferred to next meeting

ITEM 4 NEW BUSINESS

4.1 Expression of Interest on Working Party - update

Deferred to next meeting

ITEM 5 NEXT MEETING

Friday 10 October 2019, Maitland Office.

ITEM 6 MEETING CLOSE

The meeting closed at 9:57am

.....

Chairperson – Renee Edwards

18 ASSETS AND INFRASTRUCTURE SERVICES

18.1 CONSTRUCTION AND MAINTENANCE WORKS

Document #: **19/85903**

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 2019 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

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

Road Name	Start Point	End Point	Status
South			
Didlyamulka Road	Spencer Highway	Mount Rat Road	Completed
Lime Kiln Road	Spencer Highway	Yorke Highway	Completed
Butler Road	Mount Rat Road	Sparrow Road	Completed
Cook Road	Port Vincent Road	Minlaton Road	Current
North			
Due to current staff resourcing roadside vegetation maintenance activities are on hold.			

- Patrol Grading is ongoing throughout the district aligned with current circuit, technique and available resources. The following matrix provides percentage (%) output over the twenty-four (24) day period for respective areas (sectors):

Area	Output (%)	Factors Influencing Productivity
North	87	Operators – 3 days Annual Leave
Maitland	92	Operators – 2 days Personal Leave
Minlaton	79	Operators – 3 days Other Duties (Magnet and Run Offs) / 2 days Personal Leave

South	75	Operators – 4 days Personal Leave / 1 day TOIL / 1 day Annual Leave

- The status of road construction and maintenance requirements is summarised in the table below, complementing 2019/20 budget allocations:

Road	Description of Works	Work Status	Estimated Completion Date
Reconstructing and Resheeting			
Pine Point Road	Reconstruct and resheet a 1.6km section from Back Road to Cunningham Road.	Ongoing	End-December 2019
Nalyappa Road	Reconstruct and resheet a 5km section from Gap Road to Old Boundary Road.	Ongoing	End-November 2019
Gap Road	Reconstruct and resheet a 2.8km section from the end of the previous works to The Gap bush camping site.	Ongoing	End-November 2019
Sturt Bay Road	Reconstruct and resheet a 3km section from Cartwright Road to Murdock Road.	Ongoing	End-October 2019
Sturt Bay Road	Reconstruct and resheet a 5km section from Murdock Road to the bitumen seal.	Ongoing	End-November 2019
Brutus Road	Reconstruct and resheet a section from West Cowie Road west for 2.3km.	Ongoing	End-November 2019

- The following works/upgrades have been applied to Council's Community Wastewater Management Schemes (CWMS) and Water Schemes:

CWMS

- WWTP safety shower installed **Black Point**
- WWTP buffer tank regulator repaired **Maitland**
- WWTP dissolved oxygen meter installed **Maitland**
- WWTP aerator repaired **Maitland**
- Sections of gravity drain repaired **Maitland**
- Upgrades to property connections **Maitland**
- WWTP aeration tank upgraded **Point Turton**
- WWTP decant tank upgraded **Point Turton**
- Civil works to WWTP compound **Rogues Point**

Water Schemes

- Repairs to delivery line **Desalination Plant**
- New chlorine shed installed **Desalination Plant**

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

- Attention to parks, gardens and reserves is programmed in accordance with available resources.

- Over the weekend of Saturday 14 and Sunday 15 September 2019, twenty-one (21) volunteers from Friends of Windara Reef were involved in a working bee to bag oyster shell, bagging four hundred (400) bags in total, which equates to nine (9) tonnes in weight. The bags of shell will go to the hatchery where baby oysters will settle onto them before they are placed onto the reef in November.

  Council is supporting the Friends of Windara Reef with administration and through staff attendance at meetings. A meeting was held in April to gauge interest in the formation of the Friends of Windara Reef group. Since then meetings have been held in May, July and August. Currently thirty-eight (38) people have registered to be members. Friends of Windara Reef have been accepted as full members of Friends of Parks Inc. Friends of Windara Reef aim to advocate for the reef, and will be involved in activities that build, monitor, expand, protect and promote the reef, as well as educating others about the reef.

- Approximately thirty (30) Customer Service Requests (CSRs) have been attended to by staff throughout September with activities including:
  - Footpath maintenance
  - Maintenance to public buildings
  - Repairs to and replacement of signs
  - Replacement of traffic control devices
  - Repairs to boat ramp ticket machines
  - Response to acts of vandalism
  - Stormwater infrastructure maintenance
  - Trimming of street trees
- Footpath rework has been completed within identified streets in Ardrossan, Balgowan and Minlaton.
- Jetpatching activities are ongoing within the northern sector of the Council area.
- Street sweeping activities have been completed within the northern townships.
- The stormwater upgrade project at Oyster Point Drive, Stansbury has commenced. The contractor will remove the existing stormwater infrastructure upon private property and install diversion stormwater infrastructure within the road reserve. A large pine tree located within the property boundary has been removed to the satisfaction of the property owner. The proposed timeframe for the completion of the project, being December, has been agreed to the satisfaction of the property owner.
- Staff have begun repairs to the stone wall on the western side of the Minlaton oval, in which a number of holes have appeared. These holes have been boarded up and concrete added. Once all sections have been completed staff will render these areas to match the existing wall.
- Staff replaced a section of kerb and water table adjacent to the Minlaton Garden Centre on Third Street, Minlaton due to water pooling in front of the access point. Staff also installed a new access ramp, which will allow better access to the footpath.
- The status of works forming part of the Main Township Footpath Replacement Programme is summarised in the table below:

Location	Area	Work Status
Yorketown	All nominated areas.	Completed
Warooka	All nominated areas.	Completed

Minlaton	All nominated areas.	Completed
Port Victoria	All nominated areas.	Completed
Ardrossan	All nominated areas.	Completed
Maitland	All nominated areas.	Completed
Stansbury	All nominated areas.	Completed
Port Clinton	All nominated areas.	Completed
Port Vincent	All nominated areas.	Completed
Edithburgh	Area in front of Jetty	Current

ATTACHMENTS

Nil

18.2 COASTAL MANAGEMENT STRATEGY WORKING PARTY

Document #: 19/82247

Department: Assets and Infrastructure Services

PURPOSE

For Council to receive the Minutes of Council's Coastal Management Strategy Working Party meeting held 11 September 2019.

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

The Minutes are provided to keep Council informed of regular Coastal Management Strategy Working Party meetings with the intent to develop a Coastal Management Strategy as identified in the Strategic Plan.

DISCUSSION

Attached are the Minutes of the Coastal Management Strategy Working Party meeting held on 11 September 2019.

ATTACHMENTS

1. Minutes - Coastal Management Strategy Working Party - 11/09/2019

Yorke Peninsula Council

Coastal Management Strategy Working Party

Minutes of the Meeting of the Coastal Management Strategy Working Party

Held on Wednesday 11 September 2019
In the Council Chambers
57 Main Street Minlaton commencing at 3.00pm
(Subject to confirmation)

MINUTES

ITEM 1

1.1 WELCOME

Chair Cr Naomi Bittner welcomed everyone to the meeting and declared the meeting open at 2.59 pm.

1.2 PRESENT

Councillors (Cr) Naomi Bittner and Roger Johns

Stephen Goldsworthy	Operations Manager
Phil Herrmann	Senior Compliance Officer
Letitia Dahl-helm	Environment Officer
Deb Furbank	Ranger
Sarah Wuttke	Minute Secretary

1.3 LEAVE OF ABSENCE

Nil

1.4 APOLOGIES

Mayor Darren Braund	
Cr Kristin Murdock	
Roger Brooks	Director Development Services
Michael Cartwright	Manager Development Services

1.5 MINUTES OF PREVIOUS MEETING

Cr Roger Johns moved Stephen Goldsworthy seconded

That the minutes of the Coastal Management Strategy Working Party meeting held on 13th March 2019, be confirmed as a true record.

CARRIED

ITEM 2 VISITOR TO THE MEETING

Nil

ITEM 3 CORRESPONDENCE

Invitation to Birdlife Australia Workshop

Letitia Dahl-helm sent out the invitation via email before the meeting to advise members of the workshops (held Friday 6 – Sunday 8 September).

ITEM 4

4.1 Status of Section One Hickeys Point to Corny Point

Letitia advised the Working Party that after the first round of public consultation for Section One, some amendments were made to the Strategy and subsequently a second round of public consultation was conducted.

Submissions from the second round of publication consultation will be summarised and recommended amendments reported to Council for endorsement or otherwise, at a meeting in the future. Some of the submissions relate to Crown Land and the Community Land Management Plan, therefore requiring consultation with the Crown Lands Office (ongoing).

4.2 Progress of Section Two Corny Point to Council border, Cape Elizabeth

Deb Furbank advised the Working Party that work on Section Two has commenced. Eighty nine (89) land parcels of community land (either owned by Council or in Council's care, control and management) have been identified. Threatened species data has been received from the Department for Environment and Water. The consultant Sonia Croft has been engaged to undertake BushRAT surveys for twenty-four (24) parcels of land, which has recently commenced.

Deb led a discussion about possible contentious issues for Section Two, so the Working Party could be well aware of them. These will be discussed with relevant community groups and Progress Associations so they can have input into the drafting of the related recommendations in the Strategy, prior to public consultation.

4.3 Section Two Public Consultation Planning

Deb advised the Working Party that the intent is for one round of public consultation, rather than two, on the Draft Strategy for Section Two. However if submissions are made that require major changes to the document it is recommended a second round occur, which was agreed to by the Working Party.

Deb will meet with Progress Associations, community groups and any individuals who have special interest in any of the areas in Section Two.

The locations that have been suggested for the public consultation workshops are Corny Point, Minlaton and Port Victoria. The Working Party agreed that these are appropriate locations.

4.4 Northern and Yorke Coastal Management Action Plan - update

Stephen Goldsworthy advised the Working Party that the Coastal Assessment of the Northern and Yorke Coast Report was developed a few years ago however no actions were put in place. Natural Resources Northern and Yorke are working with Legatus and Greening Australia to develop a Northern and Yorke Coastal Management Action Plan. Stephen provided the Working Party with an overview of the current status of this plan development.

ITEM 5 GENERAL BUSINESS

Letitia Dahl-helm recommended to the Working Party that minor changes be made to the Terms of Reference in regards to the quorum for the Working Party. Edits will be made to the Terms of Reference and provided at the next meeting for review and endorsement.

Cr Naomi Bittner suggested that due to most of the Working Party members located the northern end of the Council area, future meetings be held at the Maitland Office, on a day and time that suits the members.

Cr Roger Johns highlighted the coastal hazard issues around Balgowan.

ITEM 6 NEXT MEETING

The next meeting to be confirmed.

ITEM 7 CLOSURE

The meeting closed at 3.51pm.

.....
Chairperson – Dr Naomi Bittner

19 DEVELOPMENT SERVICES

19.1 INSPECTORIAL REPORT

Document #: 19/82342

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 Rangers have dealt with many routine matters including by-law compliance, nuisance complaints and dog and cat management issues.

Wandering and Nuisance Dogs

Rangers investigated several reports of dogs being a nuisance and wandering at large.

- Several complaints have been received in relation to a dog wandering at large in Maitland. The owner of the dog was cautioned in relation to the offences and advised to take appropriate action to stop the dog escaping from the premises.
- Members of the public reported dogs wandering at large in both Minlaton and Maitland. As a result of the registration details found on the dogs, the owners were contacted and advised to collect their dogs. No further action was taken in relation to the incidents.
- Barking dog complaints have been dealt with in Port Clinton, Corny Point and Edithburgh.

Dog Harass/Attack

A Point Turton mother and her 3 children were going for a bike ride along the walking trail adjacent to the Esplanade when a Jack Russell dog came out from an adjoining property and harassed the bike riders. A young girl stopped her bike and subsequently became very distressed by the dog harassing her. The owner of the dog was advised of the seriousness of the incident and should take steps to ensure the dog no longer chases/harasses bike riders. The dog owner was issued with an Expiation Notice for dog wandering at large.

A Maitland resident and her children were walking home when they were harassed on the road by a dog that lives on an adjoining property. The owner of the dog was subsequently given an Expiation Notice for dog wandering at large.

Bush Camping

Rangers conducted regular patrols at the bush camping reserves. The number of persons utilising the bush camping grounds recently has been very minimal due to the weather conditions, especially on the weekends.

Boat Ramps

Routine patrols of boat ramps have been undertaken to ensure that users are paying for the use of the facilities.

Eight notices were placed on vehicles where a launch permit/ticket could not be observed. Those who could produce a valid permit/ticket and reason why the ticket was not displayed were cautioned for failing to display the ticket. One Expiation Notice has been issued to a person who has launched a boat without having a permit.

Traffic Management

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 and footpaths. One motorist has been cautioned in Maitland for not showing their disabled parking permit whilst parking in a disabled car park.

Local Nuisance and Litter Control

Council Rangers, with the assistance of officers from the Environment Protection Authority, have attended a residence regarding a complaint in relation to the constant noise being emitted from the Dalrymple Battery Storage Facility, Stansbury. Further assessments are to be carried out by Council Rangers in due course.

A Brentwood resident was issued a $100 Expiation Notice after he was observed driving his vehicle onto a reserve on the Esplanade at Hardwicke Bay and with the use of a chain saw removed timber from that land.

Fire Prevention

Pursuant to the Fire and Emergency Services Act, the district inspection for issuing S105 notices to property owners for the reduction of fuel loads on their properties commenced mid-September 2019. 1,072 notices were issued, to which land owners must reduce fuel loads within three weeks.

The Flinders Mid North Yorke Bush Fire Management Committee has a meeting on 3 October 2019 where they will discuss the proposed commencement date of the fire danger season. Due to the dry seasonal conditions it is expected to commence earlier than the traditional date of 15 November.

ATTACHMENTS

Nil

19.2 DEVELOPMENT APPLICATION DECISIONS

Document #: **19/85210**

Department: **Development Services**

PURPOSE

To inform the Elected Members of Development Application decisions for the period 2 September to 27 September 2019.

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 2 September to 27 September 2019.

Yorketown

544/1216/2018	544/1382/2018	544/1427/2018
544/1437/2018	544/1040/2019	544/1088/2019
544/1192/2019	544/1203/2019	544/1220/2019
544/1294/2019	544/1302/2019	544/1309/2019
544/1316/2019		

Maitland

544/1003/2019	544/1061/2019	544/1141/2019
544/1153/2019	544/1200/2019	544/1226/2019
544/1240/2019	544/1242/2019	544/1285/2019

Land Division

544/D019/2012

ATTACHMENTS

1. Approval Listing - Development Application Decisions - September 2019

LIST OF DEVELOPMENT APPLICATIONS & DECISIONS ISSUED BY THE ASSISTANT BUILDING SURVEYOR UNDER DELEGATION FOR THE PERIOD 2 SEPTEMBER TO 27 SEPTEMBER 2019

YORKETOWN

Dev. App. No.	Name & Address	Location	Proposal	Class	Area m^2	Cost $	Conditions Planning Building	Assessment / Valuation No	Decision Date	Builder & Licence No
544/1216/2018	B Hague & S Meldrum PO Box 227 WAROOKA	(Lot 3) 3663 South Coast Road FOUL BAY	Farm Shed	7b	189	14,000	Planning 6 Building 3 Private Certifier	431783 5400713408	19 Sept 2019	Owner Builder
544/1382/2018	D Dade 23 Kara Crescent GULVIEW HEIGHTS	(Lot 56) 79 Sultana Point Rd SULTANA POINT	New Dwelling & Deck	1a 10b	119 22	150,000	Planning 9 Building 3 Private Certifier	224980 5406325510	3 Sept 2019	TBA
544/1427/2018	C & A Murdoch	(Sec 330) 10 Galway Crescent POINT SOUTTAR	New Dwelling, Undercroft Garage & Deck	1a 10a 10b	269 132 61	750,000	Planning 11 Building 1 Private Certifier	116152 5400874201	3 Sept 2019	BGK Contech
544/1437/2018	S O'Brien 17 Anderson Tce YORKETOWN	(Lot 48) 56 Bayview Road POINT TURTON	New Dwelling	1a	329	100,000	Planning 11 Building 4	102798 5400457846	4 Sept 2019	S O'Brien BLD247555
544/1040/2019	J Aldenhoven PO Box 223 STANSBURY	(Lot 615) 12b St Vincent Street STANSBURY	Application to Vary 544/1317/2018	1a	10	50,000	Planning 4 Building Nil Private Certifier	205229 5404570230	3 Sept 2019	Aldenhoven Homes BLD269097
544/1088/2019	J & M Pedler PO Box 233 WAROOKA	(Sec 133) 14445 Yorke Highway WAROOKA	Convert House to Store; New Dwelling	1a	87	10,000	Planning 2 Building 2 Private Certifier	107763 5400724300	2 Sept 2019	TBA
544/1192/2019	P Stringer PO Box 620 MUNDOORA	(Lot 1) North Coast Road POINT TURTON	Stairs over Seawall	10b	7	9,000	Planning 2 Building 3	115303 5400871510	26 Sept 2019	A Golja BLD56065
544/1203/2019	S O'Brien 17 Anderson Tce YORKETOWN	(Lot 48) 56 Bayview Road POINT TURTON	Application to Vary 544/1203/2019	10b	5.35	5,000	Planning 1 Building 1	102798 5400457846	4 Sept 2019	S O'Brien BLD247555
544/1220/2019	R & L Murdoch PO Box 153 WAROOKA	(Sec 451) 856 North Coast Road POINT SOUTTAR	New Deck & Pergola	10b 10a	83 83	50,000	Planning 4 Building 1 Private Certifier	115972 5400873735	19 Sept 2019	TBA
544/1294/2019	S O'Brien 17 Anderson Tce YORKETOWN	(Lot 48) 56 Bayview Road POINT TURTON	Demolish Existing Shed; New Garage	10a	81	8,500	Planning 7 Building 2	102798 5400457846	23 Sept 2019	S O'Brien BLD247555
544/1302/2019	S & S Keenihan 13 Osborn Avenue BEULAH PARK	(Sec 1138) 35 Whipbird Way MARION BAY	Garage	10a	54	12,000	Planning 7 Building 2	121244 5400947204	26 Sept 2019	Owner Builder

544/1309/2019	J Sandric & E Pritchard 50 Stansbury Road YORKETOWN	(Lot 57) 33 Victoria Street YORKETOWN	New Dwelling	1a	175.04	237,169	Planning Nil Building Nil Private Certifier (RESCODE)	414276 5403669537	19 Sept 2019	Longridge Group BLD175837
544/1316/2019	Yorke Peninsula Council PO Box 57 MAITLAND	(Sec 295) 22 Anzac Parade STANSBURY	Stair Case x 2	10b	20	12,000	Planning 1 Building 1	206342 5404666004	26 Sept 2019	Owner Builder
TOTAL						**$1,407,669**				

MAITLAND

Dev. App. No.	Name & Address	Location	Proposal	Class	Area m^2	Cost $	Conditions Planning Building	Assessment / Valuation No	Decision Date	Builder & Licence No
544/1003/2019	A Morgan 16 Salisbury Terrace COLLINSWOOD	(Lot 231) 101 Marine Parade PORT VINCENT	Two Storey Dwelling, Deck, Garage, Retaining Wall & Demolish existing dwelling	1a 10b 10a	238.4 72.4 93.6	750,000	Planning 10 Building 2	312025 5408483109	3 Sept 2019	TBA
544/1061/2019	KC & LA Harris 210 Stanley Street NORTH ADELAIDE	(Lot 705) Outlook Road BLACK POINT	New Dwelling, 2 x Verandahs & Garage	1a 10a 10a	100.74 36.91 77	141,250	Planning 7 Building 1	423624 4604624904	10 July 2019	TBA
544/1141/2019	SM & DC McInerney 7 Elizabeth Street MAITLAND	(Lot 677) 7 Elizabeth Street MAITLAND	Domestic Outbuilding, extension to carport & New above ground pool	10a 10a 10b	19 16 16	4,700	Planning 3 Building 3	10272 4601812002	3 Sept 2019	Owner Builder
544/1153/2019	Mattschoss Holdings Pty Ltd RMD Sandilands via ARDROSSAN	(Lot 373) 1027 Sandy Church Road SANDILANDS	Pool House and Carport	10a 10a	39.3 36	80,000	Planning 3 Building 3	432856 4604571558	3 Sept 2019	TBA
544/1200/2019	BJ & CJ Boxall 29 Ocean Parade BALGOWAN	(Lot 39) 29 Ocean Parade BALGOWAN	Deck Extension	10b	22	10,000	Planning 3 Building 2	426874 4605120150	17 Sept 2019	TBA
544/1226/2019	DT & KA Dunn 42 Thyer Road MACDONALD PARK	(Lot 4) 39 Davies Terrace PORT VICTORIA	Garage & Demolition of Existing Outbuilding	10a	37.31	6,000	Planning 4 Building 1	15784 4603172109	29 Aug 2019	TBA

544/1240/2019	RL & A Beard 2 Cecil Robin Road NURIOOTPA	(Lot 101) Yararoo Drive PORT CLINTON	Dwelling, Verandah, Deck and Outbuilding	1a 10a 10a	114.54 20.70 72	159,790	Planning 7 Building 1	412700 4607002609	30 Aug 2019	Selecta Homes & Building Company Pty Ltd GL56332
544/1242/2019	DF & JA Langley RMD 1044 Dowlingville via KADINA	(Sec 399) 184 Dowlingville Slant Road DOWLINGVILLE	Carport	10a	72	15,000	Planning 4 Building 2	22681 4604147001	16 Sept 2019	TBA
544/1285/2019	C & CI Confalone 70 Graves Street NEWTON	(Lot 13) 14 Cardigan Castle Circuit PORT VICTORIA	New Dwelling, Porch, Alfresco & Garage UMR	127.65 2.65 16.98 28.29	1a 10a 10a 10a	224,809	Planning 4 Building 0	436816 4604724008	13 Sept 2019	Rivergum Homes Ptd Ltd GL113681
TOTAL						**$1,391,549**				

LAND DIVISION

Dev. App. No.	Name & Address	Location	Proposal	Conditions Planning Building	Assessment / Valuation No	Decision Date
544/D019/2012	Alexander Symonds PO Box 1000 KENT TOWN	(Pieces 105 & 106) 2 Dease Street COOBOWIE	Land Division	Planning 1 Land Division 3	400622 5405681222	23 September 2019

19.3 WASTEWATER SYSTEM APPLICATION DECISIONS

Document #: **19/85164**

Department: **Development Services**

PURPOSE

To inform the Elected Members of Wastewater Application decisions for the period 2 September to 27 September 2019.

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 2 September to 27 September 2019.

Maitland

050/038/2019	050/058/2019	050/079/2019

Yorketown

050/044/2019	050/064/2019	050/074/2019

ATTACHMENTS

1. Approval Listing - Wastewater System Applications - September 2019

LIST OF WASTE CONTROL APPLICATIONS & DECISIONS ISSUED BY THE ENVIRONMENTAL HEALTH OFFICERS UNDER DELEGATION FOR THE PERIOD 2 SEPTEMBER TO 27 SEPTEMBER 2019

Maitland

Septic App. No.	Owner	Location	Proposal	Conditions	Assess. No	Decision Date	Applicant
050/038/2019	MR & MK Jackson 64 Campbell Road ELIZABETH DOWNS	(Lot 14) 9 Grahn Road JAMES WELL	Septic & Soakage	10	413054	18 Sept 2019	S Palecek
050/058/2019	IM & CK Werner 44 Ascot Avenue MUNNO PARA WEST	(Lot 39) 11 Tiddy Widdy Beach Road TIDDY WIDDY BEACH	Septic & Soakage	11	8755	6 Sept 2019	S Palecek
050/079/2019	KC & LA Harris 210 Stanley Street NORTH ADELAIDE	(Lot 705) Outlook Road BLACK POINT	CWMS Connection	11	423624	16 Sept 2019	KC & LA Harris

Yorketown

Septic App. No.	Owner	Location	Proposal	Conditions	Assess. No	Decision Date	Applicant
050/044/2019	P & K Johnson 5 Walnut Grove DERNANCOURT	(Lot 59) 104 Esplanade POINT TURTON	Alteration to Existing Septic & Soakage	11	103291	2 Sept 2019	Owner Applicant
050/064/2019	J & M Pedler PO Box 233 WAROOKA	(Sec 133) 14445 Yorke Highway WAROOKA	Aerobic System	11	107763	2 Sept 2019	S Palecek
050/074/2019	K Tucker PO Box 35 EDITHBURGH	Lot 4 School Road YORKETOWN	Septic & Soakage	11	427641	24 Sept 2019	Rivergum Homes

20 VISITORS TO THE MEETING

Nil

DEBATE AGENDA

DEBATE AGENDA

21 MAYOR

21.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

Document #: **19/87243**

Department: **Executive Services**

PURPOSE

Council's CEO Annual Performance Review Working Party has undertaken a recent quotation process for services to carry out the annual Chief Executive Officer Performance Review for 2019, pursuant to the relevant sections of the Purchasing and Procurement Policy (PO058) and wish to provide the Council with relevant information for consideration.

RECOMMENDATION

That Council accept the quotation submission of $4,000 (GST exclusive) from AME Recruitment and appoint them on a one year contract with the option of renewing the contract for a further two years subject to an evaluation of the review process after the initial review has been undertaken.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

Strategy: 5.2 Effective leadership and informed decision making

BACKGROUND

The CEO Annual Performance Review Working Party (the Working Party), consisting of the twelve Elected Members, was appointed by the Council to undertake the process of evaluating the CEO's performance.

DISCUSSION

A request for quotation process was undertaken to appoint a consultant to undertake the annual CEO Performance Review process for 2019, pursuant to Council's Purchasing and Procurement Policy (PO058). Seven quotations were received from the following interested consultants:

- Stillwell Management Consultants Pty Ltd
- Hender Consulting
- Harrison McMillan
- Evelyn Pollard Consulting
- AME Recruitment
- Perks People Solutions
- McArthur

The Working Party held a meeting on Wednesday 25 September 2019 to review the quotations received with the Acting Executive Assistant to the CEO and Mayor attending as Note Taker. On this occasion, apologies were received from Councillors Tania Stock, Kristin Murdock, Roger Johns and Jeff Cook.

The Working Party discussed their preferences and associated reasoning with the aim of identifying the preferred consultant.

At the end of the discussions it was agreed that Mayor Darren Braund would call AME Recruitment to enquire about the possibility of them coming to meet with the Working Party as part of the review process and the possibility of a three year contract. It was agreed by the Working Party that if AME Recruitment's responses were satisfactory, the Mayor would put a report to the next Council meeting recommending that Council engage AME Recruitment to undertake the Annual CEO Performance Review for 2019.

AME responded confirming that they would want to meet the Working Party in person to establish the scope and timeframes. They also believe a multiple year appointment is a good idea, enabling consistency and the opportunity to build trust and rapport with the CEO, Working Party/Councillors and Council staff. The price would remain fixed for the duration of the appointment.

COMMUNITY ENGAGEMENT PLAN

Confidential Report - Not Applicable

CONSULTATION PROCESS

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

- CEO Annual Performance Review Working Party
- Acting Manager People, Culture and Safety

In preparing this report, the following external parties were consulted:

- Nil

POLICY IMPLICATIONS

PO058 Procurement and Purchasing Policy

BUDGET AND RESOURCE IMPLICATIONS

The $4,000 (GST exclusive) cost to engage AME Recruitment to undertake the CEO Performance Review for 2019 will be met within Council's current budget allocation for Elected Member's contractual costs.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

The quotation process is undertaken as per Council's PO058 Purchasing and Procurement Policy to ensure legislative compliance and value for money through fair and competitive procurement. The CEO performance review is important to ensure effective leadership and to minimise Council's exposure to risk.

Local Government Act 1999

ATTACHMENTS

1. Minutes - CEO Annual Performance Review Working Party - 25/09/2019

Yorke Peninsula Council

Minutes of the Meeting of the CEO Annual Performance Review Working Party

Held on Wednesday 25 September 2019,
In the Council Chambers
57 Main Street, Minlaton, commencing at 5:00pm

(Subject to confirmation)

ITEM 1

1.1 WELCOME BY CHAIRPERSON

Mayor Darren Braund welcomed everyone to the meeting and declared the meeting open at 5:00pm.

1.2 PRESENT

Mayor Darren Braund, Cr John Rich, Cr Richard Carruthers, Cr Adam Meyer, Cr Leanne O'Brien, Cr Anthony Bennett, Cr Naomi Bittner, Cr David Langford, Luka Oster (Minute Taker).

1.3 APOLOGIES

Cr Tania Stock, Cr Kristin Murdock, Cr Roger Johns, Cr Jeff Cook.

ITEM 2 CEO ANNUAL PERFORMANCE REVIEW

Mayor Darren Braund expressed his preference to engage either Evelyn Pollard Consulting or AME as he believes they are good value for money and will provide a different perspective. He wouldn't suggest engaging Stillwell Management Consultants or Hender Consulting as they are much more expensive than some of the other proposals received. McArthur have been used a lot by Council in the past, including for Director Performance Reviews so he questions if they will be able to provide an impartial and fresh perspective.

Cr John Rich agreed with Mayor Braund's comments.

Cr David Langford also agreed with Mayor Braund's comments and stated his preference to engage AME citing their previous experience working with other regional Councils.

Cr Richard Carruthers agreed with the comments made and also expressed a preference for AME based purely on what he had read in the proposals, having no previous experience or knowledge of any of the companies.

Cr Adam Meyer expressed that this process has fallen behind in recent years and believes Council need to engage a company that can help to establish a suitable process for use going forward. He agrees that AME provide good value for money and would also consider Perks People Solutions for their experience working with other Councils similar to us.

Cr Naomi Bittner questioned if it would be worth considering engaging the preferred company for an extended contract, e.g. 3 years, and if a better price could be negotiated if this was the case.

Cr John Rich reported that the view of Council in the past has been that an external review was not required every year.

Cr Naomi Bittner argued that she felt $4,000 a year was good value to ensure an impartial view when reviewing probably the most important role at Council. Cr Adam Meyer agreed.

Mayor Darren Braund will call AME to enquire about the possibility of them coming to meet with the Working Party as part of the review process and the possibility of a 3 year contract. He asked that Elected Members take another look at the proposals and let him know if there is anything else they would like included in the review. If AME's responses are satisfactory, he will put a report to the next Council meeting recommending Council engage AME to undertake the Annual CEO Performance Review.

ITEM 3 NEXT MEETING

TBA

ITEM 4 CLOSURE

The meeting closed at 5:16pm

22 CHIEF EXECUTIVE OFFICER

22.1 SA COASTAL COUNCILS ALLIANCE

Document #: 19/83082

Department: Executive Services

PURPOSE

To provide Elected Members with an update on the South Australian Coastal Councils Alliance and seek formal endorsement of the establishment of the South Australian Coastal Councils Alliance.

RECOMMENDATION

That Council:

1. endorse the establishment of the SA Coastal Councils Alliance;
2. endorse the SA Coastal Councils Alliance Executive Committee and their Terms of Reference;
3. write to the LGA seeking support to escalate coastal issues as part of their future advocacy priorities.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

Strategy: 5.2 Effective leadership and informed decision making

BACKGROUND

Elected Members will be aware of the South Australian Coastal Councils Alliance, which commenced in December 2018, with the purpose of enabling coastal Councils to collaborate and advocate on coastal issues, develop a common understanding of issues impacting coastal Councils and identify areas of interest where Councils may seek to work together. The project steering committee called for nominations to form the South Australian Coastal Councils Alliance Executive Committee to provide oversight, guidance and advocacy. Appointments to the Executive Committee have been confirmed recently, with Mayor Darren Braund being appointed as a delegate for the Northern Zone.

DISCUSSION

Correspondence has been received from the South Australian Coastal Councils Alliance providing a project update and informing Council of the appointment of the South Australian Coastal Councils Alliance Executive Committee. The correspondence asks Council to consider formally endorsing the establishment of the South Australian Coastal Councils Alliance and to seek support of the LGA to escalate coastal issues as part of their future advocacy priorities. A copy of this correspondence is attached for Elected Members information.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Chief Executive Officer

In preparing this report, the following external parties were consulted:

- SA Coastal Councils Alliance

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

Nil

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Our Council's 485km of coastline and the infrastructure dotted along it play a vital role in our regions social and economic wellbeing. Working to ensure our coastline and its infrastructure are maintained is important in ensuring the long term sustainability of our region.

ATTACHMENTS

1. **Advice - Project Update and Appointment of Executive Committee - SA Coastal Councils Alliance**
2. **Discussion Paper - Draft - Coastal Funding - SA Coastal Councils Alliance**

SA COASTAL COUNCILS ALLIANCE

Mayor Darren Braund
Yorke Peninsula Council
8 Elizabeth Street
MAITLAND SA 5573

18 September 2019

RE: COASTAL COUNCILS ALLIANCE – PROJECT UPDATE AND APPOINTMENT OF EXECUTIVE COMMITTEE

Dear Mayor Braund

As you know, the Coastal Councils Alliance is an initiative of the combined Limestone Coast LGA; Metropolitan Seaside Councils; Eyre Peninsula LGA; Southern & Hills LGA; Spencer Gulf Cities and Legatus Group of Councils that formally commenced in December 2018 with funding support from the Local Government Research and Development Scheme.

The first 12 month phase of this initiative will wrap up in December 2019, and is well on track to meeting the two project deliverables, as follows:

1. Establish the governance and resourcing arrangements for a South Australian Coastal Councils Alliance that supports an informed, coordinated advocacy voice.
2. Prepare a Coastal Councils advocacy document.

As we head into the final few months of this initial establishment phase, I am pleased to provide your Council with an update on progress so far and proposed operating arrangements and priorities for the Coastal Councils Alliance into the future:

Project Outcome 1 – Establish Governance and Resourcing Arrangements for the Coastal Alliance
Feedback from Councils over the past several months has provided clear direction for the governance and operation of the Coastal Councils Alliance into the future. In particular, that there should be a strong relationship and coordination support from the LGA (rather than creating a new separate entity) and that a small executive committee of Mayors/Elected Members should be appointed to provide oversight, guidance and advocacy.

As a result, the project steering committee called for nominations to the South Australian Coastal Councils Alliance Executive Committee in May 2019 and have recently confirmed the following appointments:

Metropolitan Zone
- Councillor Bill Jamieson - Onkaparinga (delegate)
- Councillor Oahn Nguyen – Charles Sturt (delegate)
- Councillor William Miller – Holdfast Bay (proxy)

Southern Zone
- Mayor Keith Parkes - Alexandrina (delegate)
- Mayor Richard Sage - Grant (delegate)
- Mayor Alison Nunan - Robe (proxy)

Northern Zone
- Mayor Darren Braund – Yorke Peninsula (delegate)
- Mayor Leon Stephens – Port Pirie (delegate)
- Mayor Mark Wasley – Adelaide Plains (proxy)

Western Zone
- Councillor Alan Tingay – Lower Eyre Peninsula (delegate)
- Councillor Andrea Broadfoot – Port Lincoln (delegate)
- Deputy Mayor Robert Randall – Tumby Bay (proxy)

The Executive Committee held its inaugural meeting on 6th September, where it finalised the terms of reference (attached) for the full Coastal Councils Alliance and provided recommendations for future coordination and administrative support.

Taking on board feedback from Councils, the Executive Committee is recommending that future coordination/administrative support for the Coastal Councils Alliance be integrated into the LGA Secretariat following completion of the current project phase in December 2019.

Whilst external funding to support this part-time coordination role is secure for a further 12 month period until December 2020, it is hoped that SAROC, GAROC and the LGA Board thereafter commit to an internal budget allocation to ensure the momentum generated through the early start-up phase of the Alliance is not lost and that issues facing Coastal Councils continue to be strongly advocated and workable solutions implemented.

Whilst discussion with the LGA has commenced through the Coastal Councils Alliance, it would be valuable for individual Councils to also directly advise the LGA of any particular local issues relating to coastal management and protection.

Project Outcome 2 - Prepare a Coastal Councils advocacy document
Regardless of their size or location across the state, Coastal Councils are facing similar issues and resourcing pressures, including: sand and beach management; cliff erosion; access management and signage; environmental management relating to weeds, shorebirds, revegetation and illegal dumping; dredging; growing need for protection infrastructure like levees, seawalls, groynes; maintenance and replacement cost pressures on recreational infrastructure like jetties, boat ramps; planning and development anomalies.

Feedback has overwhelmingly reinforced that now, more than ever, Coastal Councils in South Australia need a strong, united voice to help find solutions to the increasing cost, liability and resourcing impacts facing local government.

Through the Coastal Councils project to date, a discussion paper on the management of jetties has been prepared for Councils (released March 2019); work is well underway to identify current and emerging coastal management works and costings across Councils in SA; and a review of funding and legislative arrangements here and in other jurisdictions has also been drafted.

A discussion paper on the funding arrangements for coastal management in South Australia has also been drafted and is attached for Council feedback and information. This paper identifies current funding and support arrangements for coastal issues are disparate, often inconsistent and inequitable and, fundamentally, not enough for the rapidly escalating task ahead.

Importantly, the discussion paper aims to set the scene for a review of coastal funding to find a more equitable and sustainable funding model to adequately manage the coastal task ahead.

This initiative will be a key focus of the SA Coastal Councils Alliance during the first half of 2020 calendar year.

On behalf of the project partners - Limestone Coast LGA; Metropolitan Seaside Councils; Eyre Peninsula LGA; Southern & Hills LGA; Spencer Gulf Cities; Legatus Group of Councils – thank you for your support of this important initiative to date.

We look forward to elevating both advocacy and action around coastal issues over coming years and would encourage your Council to formally endorse the establishment of the SA Coastal Councils Alliance and for you to seek the support of the LGA to escalate coastal issues as part of their future advocacy priorities.

There will also be a formal launch of the Coastal Councils Alliance and key advocacy priorities at the forthcoming LGA AGM at the end of October.

Should you have any further queries about the project, please contact either myself on email: ceo@upperspencergulf.com.au or mobile: 0427 609 404, or your Coastal Councils Executive Committee delegate.

Yours sincerely

Anita Crisp
Project Coordinator
SA Coastal Councils Alliance

ATTACHMENT

SA Coastal Councils Alliance – Terms of Reference

(final draft)

Objectives

1. To provide an informed, coordinated advocacy voice for issues impacting on Coastal Councils in SA

2. To provide a forum for information sharing and networking on coastal management issues facing Councils across SA.

3. To ensure all SA Coastal Councils are regularly updated on the work of the Alliance.

Membership

- Automatic membership of all 34 Coastal Councils - Grant, Wattle Range, Robe, Kingston, Coorong, Alexandrina, Victor Harbor, Kangaroo Island, Yankallila, Onkaparinga, Marion, Holdfast Bay, West Torrens, Charles Sturt, Port Adelaide Enfield, Salisbury, Playford, Adelaide Plains, Wakefield, Yorke Peninsula, Copper Coast, Barunga West, Port Pirie, Port Augusta, Whyalla, Franklin Harbor, Cleve, Tumby Bay, Port Lincoln, Lower Eyre, Elliston, Streaky Bay, Ceduna.

Executive Committee

- Two representatives with an active interest and strong links to key local government and coastal networks to be elected from Councils within each of the following coastal zones:

  South
  Grant, Wattle Range, Robe, Kingston, Coorong, Alexandrina, Victor Harbor, Kangaroo Island, Yankallila

  Metropolitan
  Onkaparinga, Marion, Holdfast Bay, West Torrens, Charles Sturt, Port Adelaide Enfield, Salisbury, Playford

  North
  Adelaide Plains, Wakefield, Yorke Peninsula, Copper Coast, Barunga West, Port Pirie, Port Augusta, Whyalla

  West
  Franklin Harbor, Cleve, Tumby Bay, Port Lincoln, Lower Eyre, Elliston, Streaky Bay, Ceduna

- The President of the LGA shall be an ex-officio member of the Coastal Councils Alliance.

Chair

- One Chair and one Deputy Chair shall be selected from and by the Executive Committee members.

- The Chair of the Executive Committee shall be the Chair and primary spokesperson of the Coastal Councils Alliance.

Meeting Frequency

- To minimise travel, the SA Coastal Councils Alliance will meet twice per year in April and October, in conjunction with SA Local Government Associations ordinary and annual general meetings.
- The Executive Committee will meet at least quarterly.

Resources

- Executive support for the Coastal Councils Alliance and Executive Committee shall be provided by the Coastal Councils Alliance Coordinator, based within the LGA Secretariat (*tbc*)
- Core funding for the Alliance shall be sought from an equal, annual allocation from the LGA's Greater Adelaide Regional Organisation of Councils (GAROC) and SA Regional Organisation of Councils (SAROC) (*tbc from 2020*)
- Additional project or specialist support shall to be funded by grants, Councils or other external assistance as relevant.

Delegated Authority

- Nil – The Coastal Councils Alliance is an informal network.

Draft

Funding for Local Government Coastal Management and Protection

Discussion Paper

Background

Half of South Australia's Councils are coastal.

Eight are located along the 80km metropolitan Adelaide coastline, from Sellicks Beach to St Kilda, with the remaining 26 spread around the vast, 4,000km regional coastline, from Eyre Peninsula, Spencer Gulf, Yorke Peninsula, Fleurieu and Kangaroo Island and Limestone Coast.

The combined Coastal Councils of South Australia are currently finalising arrangements to establish the governance and resourcing requirements for an ongoing united, collaborative advocacy voice to more coherently articulate coastal management issues facing local government. This initial 12 month project also aims to determine priority actions and provide a situation analysis for coastal management, in comparison to other jurisdictions.

One issue of critical concern to local Councils in SA is the need to find a more equitable and sustainable funding model to adequately manage the coastal task ahead.

All Councils are under increasing pressure to do more, with less. Coastal Councils have an additional responsibility to provide, manage and maintain a wide range of coastal assets that not only benefit local residents and ratepayers, but a much wider visiting population.

Regardless of their size or location across the state, Coastal Councils are facing the same issues and resourcing pressures, including: sand and beach management; cliff erosion; access management and signage; environmental management relating to weeds, shorebirds, revegetation and illegal dumping; dredging; growing need for protection infrastructure like levees, seawalls, groynes; maintenance and replacement cost pressures on recreational infrastructure like jetties, boat ramps; planning and development anomalies.

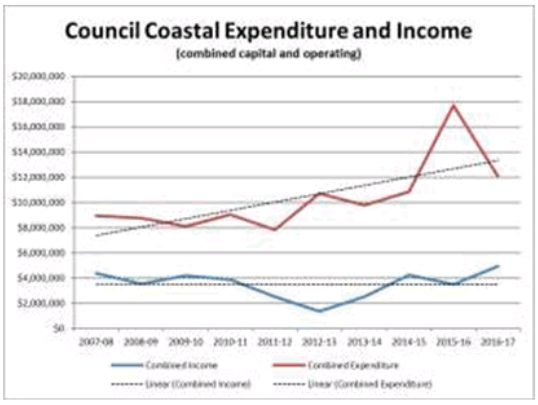
With a conservatively estimated $80 million in coastal management and protection works required over the next decade[1] it is clear the current arrangements must change.

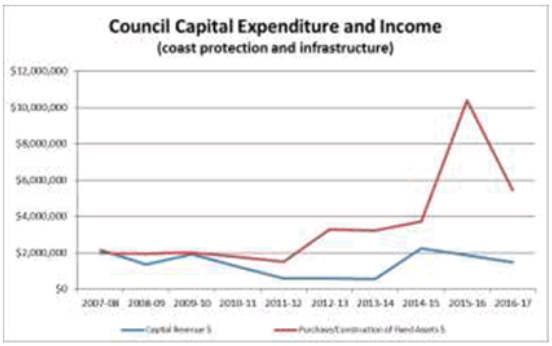
[1] Data from Council coastal management, adaptation, protection plans received to date – to be updated

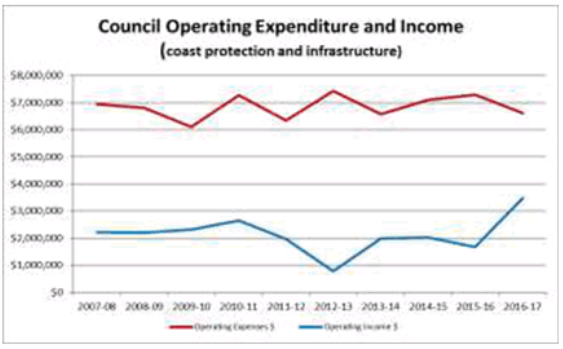
Draft

Overview of Coastal Funding

Over the last ten years expenditure by Local Government on coast protection, management and infrastructure has nearly doubled[2], whilst the level of income to support this (ie grants) has remained largely static.







The level of operating expenditure incurred by Councils has remained at approximately three times any income to support this work, with capital works trebling since 2011-12 , again with supporting income remaining static.

Funding for coast protection works is managed through the South Australian Coast Protection Board. The board receives an annual budget allocation of approximately half a million dollars, of which around 75%, or $350,000 is provided to Coastal Councils for priority works[3] .

Allocation of funds is based on a long-standing, rigorous risk assessment methodology that considers the public benefit of the project, anticipated likelihood and time criticalness, along with anticipated losses and consequences if the proposed project is not implemented. A co-contribution of a minimum 20% towards the cost is expected from Councils. Projects typically funded include levee banks, revetment and seawalls, general foreshore protection, flood

[2] Data from Local Government Grants Commission codes 71, 72, 94, 2007/08 to 2016/17
[3] Does not include ad hoc Ministerial budget commitments

Draft

mitigation works, erosion control, cliff stabilisation, groynes, regional beach replenishment, coastal settlement protection strategies.

A small amount (approximately $50,000-$100,000 per annum) is also allocated by the Coast Protection board for ongoing monitoring, data collection and coastal research initiatives. In addition, the State Treasurer currently holds $2.02m in the Coast Protection Fund.

Separate to this, the South Australian Government has, for over a decade, fully funded - via the Adelaide/Mt Lofty Ranges NRM levy - the 'Adelaide Living Beaches' sand transfer scheme along the metropolitan coast. Prior to this, metropolitan beach management was fully funded through the Coast Protection Board, averaging approximately 70% of Board expenditure between 1975 and 1989, rising to over 90% of the budget in the 1990's[4].

A new allocation of $48.4 million has recently been announced by the Minister for Environment, comprising $20 million for a short-term injection of additional sand for the metropolitan coast and $28.4 million for the longer term completion of a sand recycling pipeline from Semaphore to West Beach, as well as sand dune restoration and revegetation in partnership with local councils and community groups.

Funding of this sand transfer initiative will come from the $120 million Green Industries Fund, which is sourced from a levy charged on all rural and metropolitan Councils and private waste operators across the state for all waste to landfill.

In addition to coast protection, there are also a range of additional grant programs that support Council activities and facilities along the coast, including for example, the Boating Facilities grants, managed through the Department of Planning, Transport and Infrastructure. This program is funded through a levy collected on the registration, inspection or survey of marine vessels and held in the Marine Facilities Fund ($8.7 million balance at 30/06/18).

Most of the boat ramps in South Australia are owned by local councils, who are responsible for making sure the facilities under their care are kept in safe working order. Exceptions to this include the North Haven, Outer Harbor, Garden Island, West Beach Adelaide Shores and Wirrina boat launching facilities, which are either privately or state government owned and managed.

Councils and community groups can apply for grant assistance to establish and improve boating facilities, including boat ramps; temporary mooring facilities or wharves; channel improvements; aids to navigation; or emergency marine radio services. Grant funding is conditional on the Council or grantee accepting on-going ownership, operation and maintenance of the facility. The annual allocation for 2018/19 to 2021/22 towards these projects is $2.1 million. Funding assistance can be

[4] Caton B; 2003: Coastal management Strategy for LGA

Draft

provided at up to 80% of the total project costs depending upon the strategic importance of the project when assessed against the SA Boating Facilities Strategic Plan.

Other funding sources include the former $2.25 million SA Recreational Fishing Grants programme (managed by DEW), which was available from 2014-2017 during the transition to the new Marine Parks system. This program assisted 107 projects to enhance recreational fishing, including jetty and wharf upgrades, access stairways and boardwalks, fishery restocking, breakwater and lighting, fish cleaning/cooking facilities, educational programs.

In addition to specific recurrent grant programs, by far the largest source of funding for coastal infrastructure and management come from ad-hoc Government commitments.

Following the 2016 storms for example, the State Government provided $3.5 million[5] to repair a number of recreational jetties, including state managed jetties and those under Council care and control, where costs were not covered by insurance.

More recently, $20 million has been allocated towards repair of the state owned and managed Granite Island causeway and a commitment by the Liberal Party in the lead up to the 2018 state election[6] of $20 million to reinvigorate the Council owned Glenelg Jetty as a key piece of tourism infrastructure. In addition, special budget allocations for large, priority coast protection works are often made, including for example, the 2017-18 contribution of $600,000 towards the Wyomi Beach sea wall in Kingston and $1.25 million towards Charles Sturt Council's $5.2 million West Beach Rock wall.

Support for managing and preserving coastal biodiversity and landscapes rest mainly with the regional Natural Resource Management Boards (to be replaced by Landscape Boards). Following the introduction of the South Australian Natural Resources Management Act in 2004, the key source of state-based environment funding (including coastal) was, and remains, through NRM levies, which are collected by Councils on behalf of the State Government for allocation and expenditure by each regional NRM board. As such, the level of engagement, funding and support to Councils and communities around coastal management varies across the state.

Notwithstanding these regional variations, the overall level of state funding into local environment management, including coastal, has declined significantly since the introduction of the NRM Act. For example, between 2008/09 and 2011/12, the regional NRM levy collected from communities across the state rose from $20.9 million to $28.8 million. Last year, it was $46.6 million. In that same period, State Government funding into regions via the 'NRM fund' declined from $15.5 million to $7.9 million. It is now $2.4 million.

[5] PIRSA; 7 October 2016;Government to fund $3.5 million repair of storm damaged jetties, marine infrastructure https://www.pir.sa.gov.au/alerts_news_events/news/regions_sa/government_to_fund_3.5_million_repair_of_storm-damaged_jetties,_marine_infrastructure

[6] Liberal SA; Reinvigorating Glenelg – Jetty and Foreshore Redevelopment

Draft

Whilst the Commonwealth – as the collector of over 80% taxation revenue - have also historically played a role in funding of coastal management, the level of contribution and focus has varied significantly over the years. The Howard Government's $125 million 'Coast and Clean Seas' program (1996-2002) as part of the Natural Heritage Trust was arguably the most substantial and sustained investment into coastal management and included $27.3 million for Coastcare, along with a range of local community capacity building, coastal monitoring and vulnerability assessment initiatives. The Coastcare program was designed around a small grant scheme, with community groups and Councils supported by a network of regional facilitators and a state coordinator. In South Australia the state coordinator position was funded by the state (through Coast Protection Board) and based within the Local Government Association.

Since that time, serious Commonwealth investment into coastal issues has been sporadic. From 2002-2008 Commonwealth funding was reduced and channelled through regional NRM bodies for allocation against regional priorities. From 2008-2013 funding and priorities were determined on national priorities and environmental hotspots, and included a strong focus on better understanding of vulnerability and building resilience to sea level rise and climate change risk. The view of the current Federal Government is that coastal management is 'a state issue'.

Discussion

Active and well considered investment into the coast - be it to provide asset protection, recreational infrastructure, environmental management – also contributes to a wider range of more intangible benefits including public health and wellbeing, local placemaking and liveability and ecosystem services. These benefits are often not often well considered or integrated under the various, disparate grant and funding streams.

Perhaps over-riding all of these considerations, the impact of climate change and sea level rise and resultant increasing storm surge, erosion and coastal flooding events must be more strongly integrated into future decisions about when, how and if, public funds should be invested into the coast, and who should be the beneficiaries when this occurs.

Whilst considerations about the relative share of public and private benefit from taxpayer funded investment are well documented, the increasing threat of harm arising from legacy decisions by all levels of government, necessitate a re-evaluation. Most critically for example, past decisions by planning authorities to approve private development in areas subject to coastal hazards are now being challenged, not just in this state, but across the nation and the globe. Similarly, providing 'safe' public access to the coast is becoming increasingly complex and costly for Councils.

Draft

Managing risk is now a rapidly escalating feature of coastal management for local government as much as is a focus on the benefits. This multitude of risk and benefit considerations add further weight to the need for a thorough review of coastal funding approaches and methodologies.

The 1995 South Australian/Local Government Accord on Coastal Management recognised there are both local and state benefits in sustainable coastal management, and that taken overall, these benefits are approximately equal[7]. Therefore expenditure by State and Local Government should overall, be approximately equal, with each sphere of government funding the tasks they can achieve most efficiently.

Two decades later, it is clear that Local Government is carrying the greater burden of coastal management as both State and Commonwealth Governments have shifted more costs and responsibilities to Councils, and reduced funding and resourcing to support this task.

Next Steps

As a priority, the current funding arrangements for coastal management must be reviewed and a new model developed that explores and takes into account current, emerging and best practice across other jurisdictions in relation to:

1. The roles and most appropriate cost-sharing and resourcing contribution towards future coastal management by all levels of Government (local-state-federal);
2. Establishment of a rolling, long-term forward program of works, rather than the current year to year and ad-hoc grant arrangements;
3. More streamlined funding mechanisms to encourage and facilitate multiple outcomes for our coast, including protection, tourism, health, recreational and environmental benefits) and minimise unintended or cumulative impacts;
4. Appropriate cost-sharing and proportion of public vs private benefit gained from investment of public funding into coastal management and protection
5. Principles and thresholds for triggering Government financial intervention/support vs default market/insurance driven response

This funding review will be a key focus of the SA Coastal Councils Alliance during the first half of 2020 calendar year and supported by the Metropolitan Seaside Councils, Limestone Coast, Eyre Peninsula, Southern and Hills, Legatus Group and Spencer Gulf Cites, along with the Coast Protection Board, Local Government Mutual Liability Scheme and LGA, and the Local Government Research and Development Scheme.

[7] Caton Environmental Planning; LGA Coastal Management Strategy August 2003

22.2 CHRISTMAS OFFICE CLOSURE 2019

Document #: 19/83553

Department: Executive Services

PURPOSE

To seek approval from Council for a closure period of all Council office locations for the 2019 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 two (2) Branch Offices from 12:30pm on Tuesday 24 December 2019 and reopen at 8:30am on Thursday 2 January 2019, 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 and two 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

22.3 DELEGATIONS REGISTER UPDATE

Document #: **19/84628**

Department: **Executive Services**

PURPOSE

Council has conducted a review of its Delegations Register in response to legislative change and there is a need to update the existing Delegations Register.

RECOMMENDATION

That having considered its Delegations Register in response to legislative change the Council:

1. Delegate Powers of the Council as a Council, Designated Authority and Designated Entity Under the Planning Development and Infrastructure Act 2016

1.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning Development and Infrastructure Act 2016 contained in the proposed Instrument of Delegation Appendix 40 (attached) are hereby delegated this 9th day of October 2019 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

1.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

2. Delegate Powers of the Council as a Relevant Authority under the Planning Development and Infrastructure Act 2016

2.1 In exercise of the power contained in Section 100 of the Planning Development and Infrastructure Act 2016 the powers and functions under the Planning Development and Infrastructure Act 2016 contained in the proposed Instrument of Delegation Appendix 41 (attached) are hereby delegated this 9th day of October 2019 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

2.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

3. Revocations

3.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

3.1.1 Development Act 1993, Development (Development Plan) Amendment Act 2006, Development Regulations 2008

3.1.2 Liquor Licensing Act 1997

3.1.3 Local Government Act 1999

3.2 Hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and Development Regulations 2008

4. Delegations made under the Development Act 1993

4.1 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993, Development (Development Plans) Amendment Act 2006, Development Regulations 2008 and Development (Waste Reform) Variation Regulations 2019 contained in the proposed Instrument of Delegation Appendix 3 (attached) are hereby delegated this 9th day of October 2019 to the person occupying the office of Chief Executive Officer of the Council, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation Appendix under the Development Act 1993.

4.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

4.3 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993 the powers and functions under the Development Act 1993, Development (Development Plans) Amendment Act 2006, Development Regulations 2008 and Development (Waste Reform) Variation Regulations 2019 contained in the proposed Instrument of Delegation Appendix 3 (attached) are hereby delegated to the Council's Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation Appendix under the Development Act 1993.

5. Delegations made under the Local Government Act 1999

5.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 14, 15 and 42 (attached) (each of which is individually identified as indicated below) are hereby delegated this 9th day of October 2019 to the person occupying the office of Chief Executive Officer of the Council subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

5.1.1 Liquor Licensing Act 1997 (Appendix 14)

5.1.2 Local Government Act 1999 (Appendix 15)

5.1.3 State Records Act 1997 (Appendix 42).

5.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

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

BACKGROUND

Significant powers and functions have been introduced under the Planning Development and Infrastructure Act 2016. Additionally new powers have been introduced by the State Records Act 1997 and Development (Waste Reform) Variation Regulations 2019, along with amendments having been made to the Local Government Act 1999 and Liquor Licensing Act 1997.

Accordingly, there is a need to update the existing delegations to the Chief Executive Officer (CEO) and subsequent the sub-delegations to enable Council personnel to undertake their duties effectively and without hindrance whilst enabling legislative compliance.

DISCUSSION

The Local Government Act 1999 provides that the Council may delegate a power or function vested or conferred under this or another Act. The Planning Development and Infrastructure Act 2016 and Development Act 1993 also contain specific powers of delegation. Section 101 of the Local Government Act 1999 also allows the CEO to delegate (or sub-delegate) a power or function vested or conferred in or on the CEO. A delegation made by the CEO can be made to an employee of the Council or to the employee for the time being occupying a particular office or position, a committee comprising employees of the Council, or an authorised person. The Local Government Association delegations templates have been utilised to review these delegations.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

A copy of the Delegations Register is placed on the Council's website for public information.

CONSULTATION PROCESS

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

- Governance Officer

In preparing this report, the following external parties were consulted:

- LGA Instrument of Delegations templates

POLICY IMPLICATIONS

Relevant to most Council and administrative policies (Local Government Act 1999).

BUDGET AND RESOURCE IMPLICATIONS

Nil.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

It is important that Council has updated and appropriate delegations in place to ensure legislative compliance and that appropriate persons with appropriate qualifications are carrying out Council functions.

Development Act 1993

Development (Development Plans) Amendment Act 2006

Local Government Act 1999

Liquor Licensing Act 1997

Planning Development and Infrastructure Act 2016

State Records Act 1997

ATTACHMENTS

1. **Appendix 40 - Instrument of Delegation - Planning Development and Infrastructure Act 2016 - Powers as a Council a Designated Authority a Designated Entity as at 9 October 2019 (under separate cover)**
2. **Appendix 41 - Instrument of Delegation - Planning Development and Infrastructure Act 2016 - Council As Relevant Authority as at 9 October 2019 (under separate cover)**
3. **Appendix 3 - Instrument of Delegation - Development Act 1993 as at 9 October 2019 (under separate cover)**
4. **Appendix 14 - Instrument of Delegation - Liquor Licensing Act 1997 as at 9 October 2019 (under separate cover)**
5. **Appendix 15 - Instrument of Delegation - Local Government Act 1999 as at 9 October 2019 (under separate cover)**
6. **Appendix 42 - Instrument of Delegation - State Records Act 1997 as at 9 October 2019 (under separate cover)**

22.4 DRAFT PUBLIC INTEREST DISCLOSURE POLICY

Document #: 19/86422

Department: Executive Services

PURPOSE

To seek endorsement of the newly developed Public Interest Disclosure Policy and supporting Public Interest Disclosure Procedure.

RECOMMENDATION

That Council endorse and adopt the draft Public Interest Disclosure Policy and supporting procedure.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

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

BACKGROUND

Amendments to the Public Interest Disclosure Act 2018 (PID Act) mean that Councils are now required to have a document(s) setting out the council's procedures for making, receiving and addressing appropriate disclosures for the purposes of the PID Act 2018.

DISCUSSION

The Chief Executive Officer is required to ensure that a document(s) setting out the Council's procedures for making, receiving and addressing appropriate disclosures is prepared and maintained in accordance with the Public Interest Disclosure Guidelines prepared by the Independent Commissioner Against Corruption (the Guidelines).

This policy and the supporting procedure (PR152 Public Interest Disclosure Procedure) set out the obligations of Council in relation to appropriate public interest information disclosures. Further, these documents include a range of additional matters as required by the Guidelines.

The policy and the supporting procedure have been developed based upon the Local Government Association's (LGA) Model Public Interest Disclosure Policy and Model Public Interest Disclosure Procedure.

The Whistleblower's Act 1993 has been repealed by the PID Act.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Governance Officer
- Manager People and Culture
- Chief Executive Officer

In preparing this report, the following external parties were consulted:

- (LGA) Model Public Interest Disclosure Policy and Model Public Interest Disclosure Procedure

POLICY IMPLICATIONS

PO014 Code of Conduct for Council Employees

PO037 Internal Review of Council Decisions Policy

PO063 Records Management Policy

PO123 Code of Conduct for Council Members

PO146 Support Disciplinary and Performance Management Policy

PO147 Complaints Policy

PO148 Fraud and Corruption Prevention Policy

PO150 Gifts and Benefits Policy

PR152 Public Interest Disclosure Procedure

BUDGET AND RESOURCE IMPLICATIONS

Nil.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

It is essential that Council has the appropriate document(s) in place, setting out the council's procedures for making, receiving and addressing appropriate disclosures for the purposes of the PID Act to ensure legislative compliance and appropriate public interest disclosure management.

Independent Commissioner Against Corruption Act 2012

Local Government Act 1999

Local Government Association Model Public Interest Disclosure Policy

ATTACHMENTS

1. **PO171 Public Interest Disclosure Policy - Draft**
2. **PR152 Public Interest Disclosure Procedure- Draft**

COUNCIL POLICY

Public Interest Disclosure

Policy Number:	PO171		
Strategic Plan Objective	Goal 5 – Responsible Governance		
Policy Owner:	Chief Executive Officer	**Record Number:**	
Responsible Officer:	Governance Officer	**Minute Reference:**	
Date Adopted:		**Next Review Date:**	2022

DRAFT

1 POLICY OBJECTIVES

This policy aims to ensure that Council:

- Properly fulfils its responsibilities under the Public Interest Disclosure Act 2018 (PID Act);
- Encourages and facilitates Disclosures of Public Interest Information in accordance with the objects and requirements of the PID Act ;
- Ensures there is appropriate oversight of Public Interest Information disclosures about corruption, misconduct and maladministration in public administration;
- Provides appropriate protection for those who make Disclosures in accordance with the PID Act;
- Acknowledges the need to appropriately support Informants, Responsible Officer(s) and, as appropriate, those Public Officers affected by any appropriate Disclosure.

2 SCOPE

This policy applies to appropriate Disclosures of Public Interest Information that are made in accordance with the PID Act by Public Officers including Elected Members, officers and Employees of the Council, and by members of the public.

3 DEFINITIONS

Definitions are provided in Attachment 1.

4 POLICY STATEMENT

Council is committed to:

- Upholding the principles of transparency and accountability in its administrative and management practices;
- The protection of informants who make Public Interest Information Disclosures;
- The genuine and efficient consideration and action in relation to information provided in a Public Interest Information Disclosure.

Council will:

- Refer, as necessary, appropriate Disclosures to another Relevant Authority;

- Where the Disclosure relates to Corruption, or serious or systemic Misconduct or Maladministration in public administration, report the Disclosure directly to the Office for Public Integrity (OPI) in accordance with the Directions and Guidelines and the requirements of the Independent Commissioner Against Corruption Act 2012 (ICAC Act);
- Otherwise manage appropriate Disclosures in a manner which promotes fair and objective treatment of those involved;
- Rectify any substantiated wrongdoing to the extent practicable.

This policy is intended to complement the reporting framework under the Independent Commissioner Against Corruption Act 2012 (ICAC Act) and Council's existing systems and policies, including:

- PO148 Fraud and Corruption Prevention Policy;
- PO015 Code of Conduct for Council Employees;
- PO123 Code of Conduct for Council Members;
- PO037 Internal Review of Council Decisions Policy.

4.1 Confidentiality

The identity of an Informant will be maintained as confidential in accordance with the PID Act.

A recipient of an appropriate Disclosure may only divulge the identity of an Informant where:

- The recipient believes on reasonable grounds that it is necessary to divulge the identity of the Informant in order to prevent or minimise an imminent risk of serious physical injury or death to any person. The identity of the Informant can then be divulged to a person or authority that the recipient believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious physical injury or death to any person;
- The recipient has been issued with a notice from the OPI advising that the identity of the Informant is required by the OPI, in which case the recipient must disclose the identity of the Informant to the OPI;
- Doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation);
- The Informant consents to his/her identity being disclosed.

The PID Act does not expressly require any other information relating to a Disclosure (including, for example, the nature of the allegations) to be maintained as confidential.

An Informant may wish to remain anonymous, but in that event must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated.

4.2 Disclosures

Disclosures will to be managed in accordance with PR152 Council's Public Interest Disclosure Procedure (the Procedure).

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4.2.1 Environmental and Health Information

Anyone can make a Disclosure of Environmental and Health Information. However to gain the protections provided under the PID Act, a person who makes a Disclosure of Environmental and Health Information:

- Must believe on reasonable grounds that the information is true: or
- Not being in a position to form such a belief, 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.

4.2.2 Public Administration Information

While anyone can make a Disclosure of Public Administration Information only Public Officers who make such a Disclosure are eligible for the protections provided by the PID Act.

Elected Members, Employees or officers of the Council must immediately refer any Disclosure of Environmental snd Health Information made to them by a member of the public, or any Disclosure of Public Interest Information made to them by a Public Officer, to a Responsible Officer.

Nothing in this policy prevents a person from making a Disclosure to a Relevant Authority external to the Council (i.e. the Ombudsman or the OPI). This is a choice to be made by the Informant at his/her discretion.

4.3 **Responsible Officer Role**

A Disclosure may be made to the Council's designated Responsible Officer in person, by telephone or in writing. A person designated as a Responsible Officer for the Council:

- Must receive appropriate Disclosures relating to the Council and ensure compliance with the PID Act, and the Procedure, in relation to any such Disclosures;
- Must make appropriate recommendations to the Principal Officer of the Council in relation to dealing with Disclosures, including any suggested changes to this policy or the Procedure;
- Must provide advice to officers and Employees of the Council in relation to the administration of the PID Act;
- Must complete any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations;
- Will deal with a Disclosure in accordance with the Procedure;
- May carry out any other functions relating to the PID Act.

In making any determination or taking any action under this policy or the Procedure the Responsible Officer:

- May seek legal advice from Council's lawyers and/or guidance from SAPOL or the Ombudsman in relation to the most appropriate course of action to pursue;
- Is authorised to incur costs in accordance with the Council's Budget for that purpose.

The Responsible Officer will liaise as required with the Informant and any Independent Assessor, in relation to any investigation process, undertaken in accordance with the

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Procedure, and will ensure that the Informant is provided with support and protection as necessary and appropriate in the circumstances of the Disclosure.

4.4 Protection for the Informant

An Informant who makes an appropriate Disclosure is protected by:

- Immunity from criminal or civil liability as provided for in section 5(1) of the PID Act;
- A prohibition on disclosure of identity as provided for in section 8 of the PID Act;
- A prohibition against Victimisation as provided for in section 9 of the PID Act;
- A prohibition against hindering, obstructing or preventing an Informant from making an appropriate Disclosure as provided for in section 11 of the PID Act.

A person who personally commits an act of Victimisation against an Informant is guilty of an offence and may be prosecuted.

The Council will take action as appropriate in the circumstances of the relevant Disclosure(s) to protect Informants from Victimisation. Such action may include acting in accordance with the risk minimisation steps set out in the Public Interest Disclosure Procedure and/or referring the matter to the SAPOL.

The PID Act does not provide any protection to people who knowingly make disclosures that are false or misleading (whether by reason of the inclusion or omission).

A person who knowingly makes a Disclosure that is false or misleading is guilty of an offence and may be prosecuted.

Any Elected Member, Employee or officer of the Council who:

- Knowingly makes a disclosure that is false or misleading;
- Commits an act of Victimisation in relation to an Informant;
- Acts otherwise than in accordance with this policy or the Procedure in relation to a Disclosure

may also face disciplinary action in accordance with Council's existing systems/ policies/procedures/processes, including in relation to:

- PO123 Code of Conduct for Council Members;
- PO014 Code of Conduct for Council Employees;
- PO146 Support Disciplinary and Performance Management Policy.

4.5 Information to the Elected Members

As a matter of discretion, the Chief Executive Officer (CEO) may inform the Elected Members, on a confidential basis, of the fact that an investigation of a Disclosure took place and the outcome of the investigation. Factors the CEO will take into account in determining whether to inform the Elected Members and the level of detail provided in doing so is set out in the Procedure.

5 POLICY AVAILABILITY

This policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Fees and Charges Register.

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6 COMPLAINTS

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

7 REVIEW

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

8 TRAINING

Council will ensure that Responsible Officers are appropriately trained and is committed to supporting employees in complying with this policy.

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

9 RELATED COUNCIL POLICIES AND DOCUMENTS

PO014 Code of Conduct for Council Employees
PO037 Internal Review of Council Decisions Policy
PO063 Records Management Policy
PO123 Code of Conduct for Council Members
PO146 Support Disciplinary and Performance Management Policy
PO147 Complaints Policy
PO148 Fraud and Corruption Prevention Policy
PO150 Gifts and Benefits Policy
PR152 Public Interest Disclosure Procedure
Fees and Charges Register

10 REFERENCES AND LEGISLATION

Public Interest Disclosure Act 2018
Independent Commissioner Against Corruption Act 2012
Local Government Act 1999
Local Government Association Model Public Interest Disclosure Policy

11 COUNCIL DELEGATION

Details of Delegation:	Nil.
Delegate:	

12 VERSION HISTORY

Archived Policy Name	Policy Number	Date Adopted	Last Reviewed

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DEFINITIONS ATTACHMENT 1

Commissioner	The person holding or acting in the office of the Independent Commissioner Against Corruption.
Corruption in Public Administration	As defined in section 5(1) of the ICAC Act and means: An offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences: (i) bribery or corruption of public officers; (ii) threats or reprisals against public officers; (iii) abuse of public office; (iv) demanding or requiring benefit on basis of public office; (v) offences relating to appointment to public office; or An offence against the Public Sector (Honesty and Accountability) Act 1995 or the Public Corporations Act 1993, or an attempt to commit such an offence; or An offence against the Lobbyists Act 2015, or an attempt to commit such an offence; or Any other offence (including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935) 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 such an offence; or Any of the following in relation to an offence referred to in a preceding paragraph: (i) aiding, abetting, counselling or procuring the commission of the offence; (ii) inducing, whether by threats or promises or otherwise, the commission of the offence; (iii) being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence; (iv) conspiring with others to effect the commission of the offence

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Detriment	includes: (i) injury, harm (including psychological harm), damage (including damage to reputation) or loss; (ii) intimidation or harassment; (iii) discrimination, disadvantage or adverse treatment in relation to a person's employment; and/or (iv) threats of reprisal (which may be expressed or implied, and/or conditional or unconditional).
Directions and Guidelines	A reference to the Directions and Guidelines issued pursuant to section 20 of the ICAC Act and/or section 14 of the PID Act, which are available on the Commissioner's website (www.icac.sa.gov.au).
Disclosure	Means an appropriate disclosure of Public Interest Information made by an Informant to a Relevant Authority. A person makes an ***appropriate disclosure of*** environmental and health information if: (a) the person: (i) believes on reasonable grounds that the information is true; or (ii) 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 (b) the disclosure is made to a Relevant Authority. A person makes an appropriate disclosure of public administration information if: (a) the person: (i) is a public officer; (ii) reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration; and (b) the disclosure is made to a Relevant Authority.
Employee	All Council employees, whether they are working in a full-time, part-time or casual capacity.

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Environmental and Health Information	Information that raises a potential issue of a substantial risk to the environment and/or to the health or safety of the public generally or a significant section of the public.
Fraud	An intentional dishonest act or omission done with the purpose of deceiving.
Independent Assessor	The person designated by the Responsible Officer as being responsible for investigating a disclosure made to Yorke Peninsula Council in accordance with the Public Interest Disclosure Procedure.
Informant	A person who makes an appropriate disclosure of Public Interest Information to a Relevant Authority.
Maladministration in Public Administration	As defined in section 5(4) of the ICAC Act and means: (i) Conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or (ii) conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and (iii) includes conduct resulting from impropriety, incompetence or negligence; and (iv) is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.
Misconduct in Public Administration	As defined in section 5(3) of the ICAC Act and means: (i) 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 (ii) Other misconduct of a public officer while acting in his or her capacity as a public officer.
Office for Public Integrity (OPI)	The office established under the *ICAC Act* that has the function to: (i) receive and assess complaints about public administration from members of the public; (ii) receive and assess reports about corruption, misconduct and maladministration in public administration from the Ombudsman, the Council and public officers; (iii) refer complaints and reports to inquiry agencies, public authorities and public officers in circumstances approved by the

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	Commissioner or make recommendations as to whether and by whom complaints and reports should be investigated; (iv) give directions or guidance to public authorities in circumstances approved by the Commissioner; (v) perform other functions assigned to the Office by the Commissioner.
Public Administration	Defined at section 4 of the ICAC Act and, 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.
Public Administration Information	Information that raises a potential issue of corruption, misconduct or maladministration in public administration.
Public Interest Information	Environmental and/or health information, or public administration information.
Principal Officer	For the purposes of the PID Act means the Chief Executive Officer of the Council.
Public Officer	Has the meaning given by section 4 and Schedule 1 of the ICAC Act, and includes: (i) A Council member; and (ii) An Employee or officer of the Council.
Relevant Authority	The person or entity that receives an appropriate disclosure of Public Interest Information in accordance with the PID Act, as set out in Attachment 2 to this policy.
Responsible Officer	A person who has completed any training courses approved by the Commissioner for the purposes of the *Public Interest Disclosure Regulations 2019* and has been designated by the Council as a responsible officer under section 12 of the PID Act. For purposes of the Public Interest Disclosure Regulations 2019 the Manager People and Culture and Governance Officer have been appointed by the Council as a Responsible Officers under section 12 of the PID Act.
Victimisation	Occurs when a person causes detriment to another on the grounds, or substantially on the grounds, that the other person (or a third person) has made or intends to make an appropriate disclosure of Public Interest Information.

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RELEVANT AUTHORITIES ATTACHMENT 2

Where the information relates to…	The relevant authority is…
A public officer* *as defined and set out in Schedule 1 of the *Independent Commissioner Against Corruption Act 2012* - relevantly, this includes members, officers and employees of local government bodies	Either: the person who is designated by the Guidelines as being taken to be responsible for management or supervision of the public officer; or the person who is in fact responsible for the management or supervision of the public officer; or the relevant responsible officer (as designated by the Council in accordance with section 12 of the PID Act)
A public sector agency or public sector employee	Either: the Commissioner for Public Sector Employment; or the responsible officer for the relevant public sector agency
An agency to which the *Ombudsman Act 1972* applies	The Ombudsman
A location within the area of a particular council established under the *Local Government Act 1999*	A member, officer or employee of that Council
A risk to the environment	The Environment Protection Authority
An irregular and unauthorised use of public money or substantial	The Auditor-General
The commission, or suspected commission, of any offence	A member of the police force
A judicial officer	The Judicial Conduct Commissioner
A member of Parliament	The Presiding Officer of the House of Parliament to which the member belongs
A person or a matter of a prescribed class[1]	An authority declared by the regulations to be a relevant authority in relation to such information
Public Interest Information - being: environmental and/or health information (information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public); or public administration information (information that raises a potential issue of corruption, misconduct or maladministration in public administration)	The OPI; a Minister of the Crown; any other prescribed person or person of a prescribed class.

[1] at this stage, no prescribed persons or classes have been identified

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ADMINISTRATIVE PROCEDURE

Public Interest Disclosure

Procedure Number:	PR152		
Procedure Owner:	Chief Executive Officer	**File Number:**	
Responsible Officer:	Governance Officer	**Minute Reference:**	
Date Adopted:		**Next Review Date:**	2022

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1. PROCEDURE OBJECTIVES

This procedure explains the processes that the Yorke Peninsula Council (Council) has in place for making and dealing with appropriate Disclosures of Public Interest Information, to ensure that it properly fulfils its responsibilities under the Public Interest Disclosure Act 2018 (PID Act).

2. SCOPE

This Procedure applies to appropriate Disclosures of Public Interest Information, that are made in accordance with the PID Act, by Public Officers including Elected Members, officers and Employees of the Council, and by members of the public.

3. DEFINITIONS

Definitions are provided in Attachment 1.

4. PROCEDURE STATEMENT

This procedure is intended to compliment the reporting framework under the Independent Commissioner Against Corruption Act 2012 (ICAC Act) and Council's PO171 Public Interest Disclosure Policy (PID Policy).

4.1 Responsibilities

4.1.1 The Principal Officer is responsible for:

- Ensuring that one or more appropriately qualified officers or Employees of the Council are designated as Responsible Officers of the Council for the purposes of the PID Act and undertake any training required by the Public Interest Disclosure Regulations 2019;
- Ensuring that the name and contact details of each Responsible Officer of the Council are made available to officers and Employees of the Council;
- The preparation and maintenance of this procedure in accordance with the requirements of the PID Act and, in particular, the Directions and Guidelines.

4.1.2 Responsibilities of the Responsible Officer role are set out in clause 4.3 of the PID Policy.

4.1.3 An Elected member, Employee or officer of the Council is responsible for:

- Ensuring they comply with the Policy and this procedure when dealing with any Disclosure;
- Immediately referring any Disclosure made to them by a member of the public or a Public Officer, to the Responsible Officer.

4.2 **Procedure**

The PID Act provides for protection for Informants where public interest Disclosures are made:

- By a member of the public or a Public Officer about Environmental and/or Health Information which the Informant reasonably believes to be true or which the Informant believes may be true and is of sufficient significance to warrant Disclosure, regarding a location within the Council area;
- By a Public Officer with a reasonable suspicion about Public Administration Information regarding either a location within the Council area or a Public Officer who is an Elected Member, officer or Employee of the Council.

4.2.1 Making Disclosures

Disclosures should be directed, in the first instance to a Responsible Officer, who has the responsibility for receiving appropriate Disclosures relating to the Council.

A Disclosure may be made to a designated Responsible Officer in person, by telephone or in writing. The relevant contact details are:

Telephone	08 8832 0000
Email	admin@yorke.sa.gov.au
Address	Confidential Responsible Officer, Public Interest Disclosure Yorke Peninsula Council PO Box 57 MAITLAND SA 5573

Where a Disclosure is made by telephone, the recipient must take notes of the conversation and, where possible, should ask the Informant to verify and sign the notes.

Any Disclosure relating to Public Administration Information about a Public Officer who is an Elected Member, officer or Employee of the Council may be made to a Responsible Officer, or to the person responsible (either in fact, or as may be designated by the PID Act) for the management or supervision of the Public Officer who is the subject of the Disclosure;

Any Disclosure relating to a person appointed as a Responsible Officer should be made to the another person appointed as a Responsible Officer or, failing this, to another Relevant Authority external to the Council.

Nothing in the Policy or this procedure, however, prevents a person from making a Disclosure to another Relevant Authority, including a Relevant Authority external to the Council. This is a choice to be made by the Informant at his/her discretion.

4.2.2 Corruption, Maladministration or Misconduct

- Any Disclosure relating to Maladministration or Misconduct in Public Administration may be reported to OPI in accordance with the ICAC Act.
- If there is a reasonable suspicion of Corruption, or of Maladministration or Misconduct that is serious or systemic, it must be reported to the OPI in accordance with the Directions and Guidelines.

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4.2.3 Receipt of a Disclosure

If an Elected member, Employee or officer receives a Disclosure of Public Interest Information regarding a location within the Council area, the recipient of that Disclosure will:

- Ask the Informant whether they consent to the details of their identity being provided to the Responsible Officer and advise the Informant that a failure to provide that consent may mean that the Disclosure cannot be properly investigated;
- Refer the Disclosure to the Responsible Officer and comply with the wishes of the Informant with respect to whether details of their identity may be divulged.

Upon the receipt of a Disclosure the Responsible Officer will immediately undertake a Preliminary Assessment (Clause 4.2.4) and, as soon as practicable thereafter, notify the OPI of the Disclosure (4.2.5). Where the identity of the Informant is known to the Responsible Officer, or is reasonably ascertainable, the Responsible Officer will acknowledge receipt of the Disclosure to the Informant within ten (10) business days and will provide a copy of the Policy and this procedure to the Informant.

Subject to the outcome of the Preliminary Assessment, the Responsible Officer will then take appropriate action.

4.2.4 Preliminary Assessment of Disclosure

Upon receipt of a Disclosure, the Responsible Officer will undertake a Preliminary Assessment to determine if the content of the Disclosure:

- Suggests there is an imminent risk of serious physical injury or death to any person or the public generally;
- Involves Corruption in public administration, or serious or systemic Misconduct or Maladministration in public administration;
- Justifies further action;
- Is frivolous, vexatious or trivial (in which case, no further action will be taken in relation to the Disclosure);
- Involves a matter which has already been investigated or acted upon by a Relevant Authority and there is no reason to re-examine the matter or there is other good reasons why no action should be taken in respect of the matter (in which case, no further action will be taken in relation to the Disclosure);
- Requires referral to another Relevant Authority external to the Council;
- Warrants referral to an Independent Assessor for a formal investigation and report to Council.

Where the Disclosure relates to Public Administration Information about a Public Officer who is a member, officer or Employee of the Council and it is made to the person responsible for the management or supervision of the Public Officer who is the subject of the Disclosure (the Supervisor), the Supervisor will conduct the Preliminary Assessment instead of the Responsible Officer. The Supervisor will then report the outcome of the Preliminary Assessment to the Responsible Officer to action.

The Responsible Officer must report the outcome of the Preliminary Assessment to the Chief Executive Officer (CEO) (unless the Disclosure relates to the CEO). Particulars that will or are likely to lead to the identification of the

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Informant, unless the circumstances in Clause 4.1 of the Policy apply, will not be disclosed.

Where the Responsible Officer (or Supervisor) determines that the content of the Disclosure suggests there is an imminent risk of serious physical injury or death to any person or to the public generally, the Responsible Officer (or Supervisor) must immediately communicate such information as may be necessary to mitigate that risk to the most appropriate agency (for example, South Australia Police, SafeWork SA, SA Ambulance, Environment Protection Authority). In doing so, the Responsible Officer or Supervisor must also have regard to Clause 4.1 of the Policy.

Where the Responsible Officer (or Supervisor) forms a reasonable suspicion that the matter(s) that are the subject of the Disclosure involve Corruption in public administration, or serious or systemic Misconduct or Maladministration in public administration, the Responsible Officer (or Supervisor) must comply with the reporting obligations under the ICAC Act in accordance with the Directions and Guidelines.

Where the Responsible Officer determines the Disclosure warrants referral to an external body or another Relevant Authority, the Responsible Officer will undertake the referral, including ensuring that such information as is necessary to enable action to be taken is communicated to the most appropriate person or Relevant Authority to take that action. Where the Preliminary Assessment is being undertaken by the Supervisor, the Supervisor will include this recommendation in the Preliminary Assessment report to the Responsible Officer for the Responsible Officer to action.

Where the Responsible Officer determines the Disclosure warrants further investigation, the Responsible Officer will, having regard to available resources, appoint the Independent Assessor and refer the Disclosure to the Independent Assessor for investigation. Where the Preliminary Assessment is being undertaken by the Supervisor, the Supervisor will include this recommendation in the Preliminary Assessment report to the Responsible Officer for the Responsible Officer to action.

Where the Responsible Officer determines that the Disclosure requires any other action, to ensure the matter the subject of the Disclosure is properly addressed, the Responsible Officer will include the recommendation in the Preliminary Assessment. Where the Preliminary Assessment is being undertaken by the Supervisor, the Supervisor will include this recommendation in the Preliminary Assessment report to the Responsible Officer for the Responsible Officer to action.

4.2.5 Notification of Preliminary Assessment

So long as the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will notify the Informant of the outcome of the Preliminary Assessment, in writing, as soon as is reasonably practicable after the Preliminary Assessment has been made and in any event, within 30 days of receipt of the Disclosure or a longer period as may be specified by written notice to the Informant, given by the Responsible Officer, within that 30 day period. The Responsible Officer must advise the Informant of:

- Any action that has been, or will be, taken in relation to the Disclosure; or
- If no action is being taken in relation to the Disclosure, the reason/s why.

If the Informant is dissatisfied with the Responsible Officer's determination, the Informant may report the Disclosure to another Relevant Authority external to the Council.

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If the Responsible Officer fails to notify the Informant in accordance with the above, the Informant may be entitled to protection in relation to any subsequent Disclosure of that information to a journalist or Member of Parliament in accordance with the PID Act.

As soon as reasonably practicable, following the Preliminary Assessment and notification to the Informant, the Responsible Officer must use the dedicated online notification form at icac.sa.gov.au to notify OPI of the Disclosure (Initial Notification), and must ensure that the details required by the Public Interest Disclosure Guidelines are included.

The Responsible Officer will retain the unique reference number issued by the OPI within Council's electronic records management system, upon making the Initial Notification, and will ensure that reference number is provided to any other person or authority to whom the Disclosure is referred.

4.2.6 Investigation

Where the Responsible Officer determines, following a Preliminary Assessment, that a Disclosure warrants referral to an Independent Assessor for a formal investigation, the Responsible Officer will appoint an Independent Assessor to investigate the Disclosure.

The Independent Assessor will be appointed on a case-by-case basis depending on the nature of the Disclosure.

The objectives of the investigation process are:

- To investigate the substance of the Disclosure and to determine whether there is evidence in support of the matters raised;
- To consider and collate information relating to the allegation as quickly as possible;
- to consider the information collected and to draw conclusions objectively and impartially;
- To observe procedural fairness in the treatment of any person who is subject of the Disclosure;
- To make recommendations arising from the conclusions drawn concerning remedial or other appropriate action.

The Independent Assessor will observe the principles of natural justice throughout the investigation process. The investigation will be conducted in an efficient manner and will involve a thorough and balanced assessment of the available evidence and any other factors deemed relevant to making a fair and reasonable judgement about the matter.

Upon receipt of a Disclosure referral, the Independent Assessor will bring the fact of the Disclosure to the attention of the person who is the subject of it in writing, within 5 days, and provide them with an opportunity to respond to the Disclosure within a reasonable timeframe (either in writing or in person). The full details of any allegations contained in the Disclosure need not be brought to the person's attention if the Independent Assessor considers that doing so will compromise the investigation.

During any interview with the Independent Assessor, the person who is the subject of a Disclosure may be accompanied by any person providing support (including a lawyer) as the person who is the subject of a Disclosure considers fit. Any costs incurred in relation to obtaining the assistance of a support person are the personal expenses of the person who is the subject of the Disclosure.

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The support person is bound by a duty of confidentiality in relation to any matter discussed during such an interview.

The investigation will be undertaken in confidence. So long as the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Independent Assessor will keep the identity of the Informant confidential unless the circumstances in Clause 4.1 of the Policy apply.

The Independent Assessor will keep the Responsible Officer informed of the expected timeframes for completion of the investigation and the provision of the investigation report to the Responsible Officer.

Upon finalising an investigation the Independent Assessor must prepare an investigation report to the Responsible Officer that will contain the following details:

- The allegation(s);
- An account of the background;
- An account of all relevant information received including any rejected evidence, and the reasons why the rejection occurred;
- The conclusions reached and the basis for them;
- Any recommendations arising from the conclusions, including any remedial action that is recommended be taken by the Council.

The report is to be accompanied by:

- The transcript or other record of any verbal evidence taken, including tape recordings;
- All documents, statements or other exhibits received by the Independent Assessor and accepted as evidence during the course of the investigation.

Any investigation report prepared will not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in Clause 4 of the Policy apply.

The Responsible Officer must make a recommendation to the Principal Officer, or in the case where the Principal Officer is the subject of the Disclosure, to the Mayor, as to what action is considered appropriate in the circumstances having regard to the matters identified in the Independent Assessor's report.

The Principal Officer, or in the case where the Principal Officer is the subject of the Disclosure, the Mayor, must take whatever action is, at their discretion, considered appropriate in the circumstances having regard to the matters identified in the Independent Assessor's report.

4.2.7 Notification of Action

So long as the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will notify the Informant of the outcome of the determination in writing as soon as is reasonably practicable, within either:

- 90 days of receipt of the Disclosure; or
- Such longer period as may be specified by written notice given by the Responsible Officer within that 90 day period.

The Responsible Officer must advise the Informant of any action that has been, or will be, taken in relation to the Disclosure or if no action is being taken in relation to the Disclosure, the reason(s) why.

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If the Responsible Officer fails to notify the Informant in accordance with the requirements specified above, the Informant may be entitled to protection in relation to any subsequent Disclosure of that information to a journalist or Member of Parliament in accordance with the PID Act.

As soon as reasonably practicable following the determination of the Disclosure and notification to the Informant, the Responsible Officer must use the dedicated online notification form at icac.sa.gov.au to notify OPI of the action taken in relation to the Disclosure (Further Notification) and, in doing so, must ensure that the details required by the Public Interest Disclosure Guidelines are included.

If the Disclosure came to the Council by way of a referral from a Minister, the Responsible Officer must ensure that the Minister is also notified of the action taken and the outcomes, in relation to the Disclosure including, following the Preliminary Assessment if the Responsible Officer determines that no action is to be taken.

4.2.8 Final Report and Recommendation

The Responsible Officer must prepare a Final Report that will contain the following details:

- The subject of the Disclosure;
- An account of the background;
- An account of the steps taken by the Responsible Officer in accordance with this procedure, including, where appropriate, enclosing a copy of any Independent Assessor's report;
- An account of all relevant information received including any rejected evidence, and the reasons why the rejection occurred;
- Conclusions reached as a result of the steps taken in response to the Disclosure and the basis for them;
- Any recommendations arising from the conclusions, including any remedial action which is recommended should be taken.

The Final Report will not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in clause 4.1 of the Policy applies.

The Final Report must be provided to the CEO to action, or in the case where the CEO is the subject of the Disclosure, the Mayor, as the CEO (or the Mayor) considers is appropriate.

The CEO, or in the case where the CEO is the subject of the Disclosure, the Mayor, may at the discretion of the CEO (or the Mayor), inform the Elected Members, on a confidential basis, about a Disclosure in accordance with Clause 4.2.9 of this procedure.

4.2.9 Information to Elected Body

Factors the CEO will take into account in determining whether to inform the Elected Members and the level of detail provided in doing so are to include:

- If known, the identity of the Informant, and whether the Informant has consented to their identity being divulged;
- If applicable, the identity of any person the subject of the Disclosure;
- Any impact upon the Council's achievement of its objectives;

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- Any impact of any action taken to finalise the matter upon the Council's operations and/or budget.

In the event that the Disclosure and/or any subsequent investigation process is confined to issues that impact only upon Employees and human resource processes, the CEO will not inform the Elected Members of the fact of the Disclosure and/or investigation (since these matters fall outside the roles and responsibilities of Elected Members under the Local Government Act 1999).

4.2.10 Secure Handling and Storage of Information

The Responsible Officer must ensure accurate records of an appropriate Disclosure are securely and confidentially maintained including notes of all discussions, phone calls, and interviews.

A confidential file of information that relates to a Disclosure and/or is a product of any associated investigation/reporting process, will be maintained securely in accordance with the Council's PO063 Records Management Policy (including written documents, disks, tapes, film or other objects that contain information).

Although the Responsible Officer is ultimately responsible to ensure Public Interest Information is securely received and stored, the security and confidentiality obligations also apply to any Independent Assessor appointed in relation to any Investigation.

4.2.11 Appeal Process

If an Informant or a person who is the subject of a Disclosure believes that the Disclosure is not being dealt with appropriately or is dissatisfied with the Responsible Officer's response, determination or the action taken they should contact the Responsible Officer in the first instance.

The Informant may contact another Relevant Authority external to the Council in relation to the Disclosure at any time.

5 POLICY AVAILABILITY

This procedure will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Fees and Charges Register.

6 COMPLAINTS

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

7 REVIEW

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

8 TRAINING

Council will ensure that Responsible Officers are appropriately trained and is committed to supporting employees in complying with this procedure.

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

9 RELATED COUNCIL POLICIES AND DOCUMENTS

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Public Interest Disclosure Act 2018
Independent Commissioner Against Corruption Act 2012
Local Government Act 1999
Local Government Association Model Public Interest Disclosure Policy

11. COUNCIL DELEGATION

Details of Delegation:	
Delegate:	

12. VERSION HISTORY

Archived Procedure Name	Procedure Number	Date Adopted	Last Reviewed

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DEFINITIONS ATTACHMENT 1

Commissioner	The person holding or acting in the office of the Independent Commissioner Against Corruption.
Corruption in Public Administration	As defined in section 5(1) of the ICAC Act and means: An offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences: (i) bribery or corruption of public officers; (ii) threats or reprisals against public officers; (iii) abuse of public office; (iv) demanding or requiring benefit on basis of public office; (v) offences relating to appointment to public office; or An offence against the Public Sector (Honesty and Accountability) Act 1995 or the Public Corporations Act 1993, or an attempt to commit such an offence; or An offence against the Lobbyists Act 2015, or an attempt to commit such an offence; or Any other offence (including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935) 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 such an offence; or Any of the following in relation to an offence referred to in a preceding paragraph: (i) aiding, abetting, counselling or procuring the commission of the offence; (ii) inducing, whether by threats or promises or otherwise, the commission of the offence; (iii) being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence; (iv) conspiring with others to effect the commission of the offence
Detriment	includes: (i) injury, harm (including psychological harm), damage (including damage to reputation) or loss; (ii) intimidation or harassment;

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	(iii) discrimination, disadvantage or adverse treatment in relation to a person's employment; and/or (iv) threats of reprisal (which may be expressed or implied, and/or conditional or unconditional).
Directions and Guidelines	A reference to the Directions and Guidelines issued pursuant to section 20 of the ICAC Act and/or section 14 of the PID Act, which are available on the Commissioner's website (www.icac.sa.gov.au).
Disclosure	Means an appropriate disclosure of Public Interest Information made by an Informant to a Relevant Authority. A person makes an **appropriate disclosure of** environmental and health information if: (a) the person: (i) believes on reasonable grounds that the information is true; or (ii) 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 (b) the disclosure is made to a Relevant Authority. A person makes an appropriate disclosure of public administration information if: (a) the person: (i) is a public officer; (ii) reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration; and (b) the disclosure is made to a Relevant Authority.
Employee	All Council employees, whether they are working in a full-time, part-time or casual capacity.
Environmental and Health Information	Information that raises a potential issue of a substantial risk to the environment and/or to the health or safety of the public generally or a significant section of the public.
Fraud	An intentional dishonest act or omission done with the purpose of deceiving.
Independent Assessor	The person designated by the Responsible Officer as being responsible for investigating a disclosure made to Yorke Peninsula Council in accordance with the Public Interest Disclosure Procedure.
Informant	A person who makes an appropriate disclosure of Public Interest Information to a Relevant Authority.

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Maladministration in Public Administration	As defined in section 5(4) of the ICAC Act and means: (i) Conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or (ii) conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and (iii) includes conduct resulting from impropriety, incompetence or negligence; and (iv) is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.
Misconduct in Public Administration	As defined in section 5(3) of the ICAC Act and means: (i) 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 (ii) Other misconduct of a public officer while acting in his or her capacity as a public officer.
Office for Public Integrity (OPI)	The office established under the ICAC Act that has the function to: (i) receive and assess complaints about public administration from members of the public; (ii) receive and assess reports about corruption, misconduct and maladministration in public administration from the Ombudsman, the Council and public officers; (iii) refer complaints and reports to inquiry agencies, public authorities and public officers in circumstances approved by the Commissioner or make recommendations as to whether and by whom complaints and reports should be investigated; (iv) give directions or guidance to public authorities in circumstances approved by the Commissioner; (v) perform other functions assigned to the Office by the Commissioner.
Public Administration	Defined at section 4 of the ICAC Act and, 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.
Public Administration Information	Information that raises a potential issue of corruption, misconduct or maladministration in public administration.
Public Interest Information	Environmental and/or health information, or public administration information.

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Principal Officer	For the purposes of the PID Act means the Chief Executive Officer of the Council.
Public Officer	Has the meaning given by section 4 and Schedule 1 of the ICAC Act, and includes: (i) A Council member; and (ii) An Employee or officer of the Council.
Relevant Authority	The person or entity that receives an appropriate disclosure of Public Interest Information in accordance with the PID Act, as set out in Attachment 2 to this policy.
Responsible Officer	A person who has completed any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations 2019 and has been designated by the Council as a responsible officer under section 12 of the PID Act. For purposes of the Public Interest Disclosure Regulations 2019 the Manager People and Culture and Governance Officer have been appointed by the Council as a Responsible Officers under section 12 of the PID Act.
Victimisation	Occurs when a person causes detriment to another on the grounds, or substantially on the grounds, that the other person (or a third person) has made or intends to make an appropriate disclosure of Public Interest Information.

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RELEVANT AUTHORITIES ATTACHMENT 2

Where the information relates to…	The relevant authority is…
A public officer* *as defined and set out in Schedule 1 of the *Independent Commissioner Against Corruption Act 2012* - relevantly, this includes members, officers and employees of local government bodies	Either: the person who is designated by the Guidelines as being taken to be responsible for management or supervision of the public officer; or the person who is in fact responsible for the management or supervision of the public officer; or the relevant responsible officer (as designated by the Council in accordance with section 12 of the PID Act)
A public sector agency or public sector employee	Either: the Commissioner for Public Sector Employment; or the responsible officer for the relevant public sector agency
An agency to which the *Ombudsman Act 1972* applies	The Ombudsman
A location within the area of a particular council established under the *Local Government Act 1999*	A member, officer or employee of that Council
A risk to the environment	The Environment Protection Authority
An irregular and unauthorised use of public money or substantial	The Auditor-General
The commission, or suspected commission, of any offence	A member of the police force
A judicial officer	The Judicial Conduct Commissioner
A member of Parliament	The Presiding Officer of the House of Parliament to which the member belongs
A person or a matter of a prescribed class[1]	An authority declared by the regulations to be a relevant authority in relation to such information
Public Interest Information - being: environmental and/or health information (information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public); or public administration information (information that raises a potential issue of corruption, misconduct or maladministration in public administration)	The OPI; a Minister of the Crown; any other prescribed person or person of a prescribed class.

[1] at this stage, no prescribed persons or classes have been identified

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22.5 YORKE PENINSULA COUNCIL - REVIEW OF THE OPERATION OF THE DEVELOPMENT DEPARTMENT

Document #: 19/87958

Department: Executive Services

PURPOSE

To keep Elected Members informed of the current status of the review of the Operation of the Development Department undertaken by Holmes Deyer.

RECOMMENDATION

That the final report of the Yorke Peninsula Council's review of the Operation of the Development Department, as required by Cr Meyer's motion in March 2019 (046/2019), undertaken with the assistance of Holmes Dyer, be delayed one month and be presented at the 13th November 2019 Council meeting.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

Strategy: 5.2 Effective leadership and informed decision making

BACKGROUND

Holmes Deyer were engaged to undertake a review of the Operation of the Development Department which included a survey known as the Yorke Peninsula Council Development Survey which closed on Monday 23rd September 2019.

DISCUSSION

Holmes Deyer have advised that 219 submissions have been received with a multitude having specific feedback and commentary. Due to the large number of submissions received it is proposed to delay the presentation of the results to Council by one month so that the final report being prepared by Holmes Dyer can analyse the data and information provided by the respondants in detail.

The 13th March 2019 Council minutes – minute number 146/2019 (13/03/2019) – refers to the original motion which in part sates "that the CEO is to present results to Council prior to, or during the October 2019 Council meeting, for Council to consider the results".

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Chief Executive Officer

In preparing this report, the following external parties were consulted:

- Holmes Deyer

POLICY IMPLICATIONS

Nil.

BUDGET AND RESOURCE IMPLICATIONS

Nil.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Nil.

ATTACHMENTS

Nil

23 CORPORATE AND COMMUNITY SERVICES

23.1 FINANCIAL REPORT AS AT 30 SEPTEMBER 2019

Document #: 19/83995

Department: Corporate and Community Services

PURPOSE

For Council to consider the financial report and capital projects update report as at 30 September 2019.

RECOMMENDATION

That Council receive the financial report and capital projects update report as at 30 September 2019.

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 (UPF)**
    - Note 1 - Rates, Service Charges (Waste, CWMS and Water), NRM Levy and Rate Rebates, totalling approximately $23.3m, have been raised for the 2019/2020 financial year but are only due and payable either in full in September 2019 or by quarterly instalments in September 2019, December 2019, March 2020 and June 2020.
    - Note 1 - grants, subsidies & contributions of $350k received to date.
    - Note 1 – dog registration income for 2019/2020 of $32k received to date from Dogs and Cats Online (DACO).
    - Note 1 - income from building and planning activity of approximately $53k and septic tank registration fees of approximately $10k is included.
    - Note 1 - also included is approximately $67k of reimbursements and miscellaneous income.

- Note 1 - $621k 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 early in the 2019/2020 financial year as per the required payment terms with the goods and services to be delivered or consumed over the remainder of the financial year:
  - Memberships/Subscriptions/Contributions/Donations: $265k;
    - YP Community Transport – annual: $71k;
    - Regional Development Australia - annual: $16k;
    - Art Ark Adventure donation – one-off: $5k;
    - Progress Associations – annual: $49.5k;
    - LGA annual subscription: $31k;
    - Various staff professional accreditations/ memberships: $17k;
    - YP Tourism annual contribution: $49k;
    - Building Code online subscription – annual: $2k;
    - YP Visitor Information Service licenses, online booking system, website maintenance, memberships: $1k;
    - Caravan Parks memberships, online booking system: $21k;
    - Miscellaneous minor items: $2.5k;
  - IT Licence Fees: $150k;
  - Plant & Equipment Registration: $113k.
- Note 2 - commitments of approximately $3.2m include orders worth approximately $1.8m for waste management and refuse collection and disposal services in 2018/2019.
- Note 2 – finance costs (interest on loans) of $28k have been incurred year to date.
- Note 2 - depreciation for three (3) months of the financial year has been included in the YTD expenditure.
- Notes 3 & 4 - commitments of approximately $4.3k (including approved rollovers) 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

Level 1 - Inform

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 for the 2019/2020 financial year. At this stage financial performance remains on track against Council's endorsed Budget.

Expenditure on capital projects including commitments has increased since last month as projects advance into procurement, construction and delivery stages. After three (3) months in the 2019/2020 financial year 56% of the budgeted capital funds remain uncommitted.

There are projects that were incomplete (for various reasons) at the end of 2018/2019 which have been rolled over to 2019/2020 for completion. Council endorsed the rollover at its August 2019 meeting. These projects have been included in both the Capital Projects Update report and the UPF.

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 of 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 2019
2. Capital Projects Update Report as at 30 September 2019

YORKE PENINSULA COUNCIL
UNIFORM PRESENTATION OF FINANCES
AS AT 30TH SEPTEMBER 2019

	2019/20 YTD Actuals $'000	2019/20 Commitments $'000	2019/20 YTD Expenditure (incl Commitments) $'000	Notes	2019/20 Full Year Revised Budget $'000	2019/20 Full Year Budget Revisions $'000	2019/20 Full Year Adopted Budget $'000
Income	24,436		24,436	1	31,083		31,083
less Expenses	(6,754)	(3,220)	(9,975)	2	(32,141)	(213)	(31,928)
Operating Surplus/ (Deficit) before Capital Amounts	**17,682**	**(3,220)**	**14,461**		**(1,058)**	**(213)**	**(845)**
Net Outlays on Existing Assets							
Capital Expenditure on renewal and replacement of Existing Assets	(994)	(3,617)	(4,611)	3	(11,060)	(1,044)	(10,016)
add back Depreciation, Amortisation and Impairment	2,386		2,386		9,543		9,543
add back Proceeds on Sale of Assets	38		38		333		333
	1,430	**(3,617)**	**(2,187)**		**(1,184)**	**(1,044)**	**(140)**
Net Outlays on New and Upgraded Assets							
Capital Expenditure on New and Upgraded Assets	(183)	(645)	(828)	4	(1,140)		(1,140)
add back Amounts received specifically for New and Upgraded Assets	61		61		590		590
add back Proceeds for Sale of Surplus Assets							
	(122)	**(645)**	**(767)**		**(550)**	**00**	**(550)**
NET LENDING / (BORROWING) FOR FINANCIAL YEAR	**18,989**	**(7,483)**	**11,507**		**(2,792)**	**(1,257)**	**(1,535)**

Note : Totals may not add due to rounding

Yorke Peninsula Council
Monthly Capital Projects Update
as at 30 September 2019

** Only projects $25,000 and greater are individually listed below, however the totals shown are for the entire asset class.

LEGEND		
1		Activity currently completed or on schedule
2		Activity currently up to 2 months behind schedule
3		Activity currently more than 2 months behind schedule
0		Activity currently not started

PROJECT DETAILS BY ASSET CLASS	Responsible Directorate	Expected Finish Date	Project Management Stages Complete: Planning	Design	Approvals	Services	Procurement	Delivery	YTD Actuals	Commitments	YTD Expenditure (incl Commitments) ($)	Total Budget ($)	Budget Remaining ($)	Budget Remaining (%)	Comments
									$1,174,452	$4,259,542	$5,433,993	$12,299,582	$6,865,588	56%	TOTAL
Buildings & Other Structures															
60301 - Marion Bay Caravan Park (Cabin Furniture)	CCS	Oct-19		N/A	N/A	N/A			$4,920	$2,589	$7,509	$28,918	$21,409	74%	Commenced, now waiting for peak season to pass in order to complete.
Total Buildings & Other Structures									**$24,220**	**$53,360**	**$77,580**	**$126,170**	**$48,590**	**39%**	
CWMS Infrastructure															
44250 - Ardrossan CWMS (Manhole Rehabilitation)	AIS	Mar-20			N/A	N/A			$0	$0	$0	$25,000	$25,000	100%	
44253 - Yorketown CWMS (Replace Switchboard & Level Control/Alarm System)	AIS	Dec-19			N/A	N/A			$0	$0	$0	$50,000	$50,000	100%	Commenced, sourcing quotations.
44254 - Maitland CWMS (Gravity Drain)	AIS	Jun-20			N/A	N/A			$9,818	$9,220	$19,038	$35,000	$15,962	46%	Commenced.
44261 - Hardwicke Bay CWMS (Switchboard & Valve Chamber: Property Connections)	AIS	Mar-20			N/A	N/A			$39,500	$0	$39,500	$75,000	$35,500	47%	Portion of budget carried forward from 2018-19. Property connections project completed.
44267 - Port Julia CWMS Capital (Level Control/Alarm System: Stage 2 Connection Project)	AIS	Mar-20			N/A	N/A			$3,027	$49,296	$52,323	$75,000	$22,678	30%	Commenced.
Total CWMS Infrastructure									**$66,894**	**$72,152**	**$139,047**	**$316,000**	**$176,953**	**56%**	
Land															
45797 - Charles Street - Yorketown	AIS	Jun-20		N/A	N/A	N/A			$0	$0	$0	$100,000	$100,000	100%	
Total Land									**$0**	**$0**	**$0**	**$100,000**	**$100,000**	**100%**	
Minor Plant															
Total Minor Plant									**$0**	**$2,020**	**$2,020**	**$20,000**	**$17,980**	**90%**	
Other Assets															
40047 - Ardrossan Jetty Area (Access Stairs and Boardwalk)	AIS	Apr-20			N/A	N/A			$0	$44,109	$44,109	$50,000	$5,891	12%	Commenced, sourcing quotations for additional works.
40070 - Council Chambers Upgrade (Furniture)	ES	Jun-18			N/A	N/A			$0	$0	$0	$30,000	$30,000	100%	Budget carried forward from 2018-19.
60040 - Maitland Plane Tree Root Control	AIS	Jun-20			N/A	N/A			$0	$6,100	$6,100	$83,200	$77,100	93%	Portion of budget carried forward from 2018-19. Commenced, design plans received awaiting internal review.
60326 - Port Vincent Caravan Park (Sullage)	CCS	May-20			N/A	N/A			$35,191	$0	$35,191	$30,182	-$5,009	-17%	Completed, budget to be adjusted at first quarter review.
60410 - Bush Camping (Enviroloo Program)	DS	Jun-20		N/A	N/A	N/A			$0	$1,300	$1,300	$50,000	$48,700	97%	Commenced, pursuing grant opportunities to increase the scope of this project.
Total Other Assets									**$74,045**	**$92,152**	**$166,197**	**$378,501**	**$212,304**	**56%**	
Plant & Equipment															
40030 - Equipment (Computer)	CCS	Jun-20		N/A	N/A	N/A			$0	$2,200	$2,200	$54,600	$52,400	96%	Commenced.
40071 - Minlaton Council Chamber (Audio System)	CCS	Nov-19		N/A	N/A	N/A			$0	$0	$0	$30,000	$30,000	100%	Commenced, quotations sourced, order to be placed shortly. Budget to be adjusted at first quarter review.
61200 - Fleet Vehicles	CCS	Jun-20		N/A	N/A	N/A			$67,218	$70,813	$138,031	$467,000	$328,969	70%	Fleet vehicle replacement in accordance with budgeted renewal plan.
61229 - Leisure Options - Bus	CCS	Jun-20		N/A	N/A	N/A			$0	$55,255	$55,255	$51,000	-$4,255	-8%	Order placed, budget to be adjusted at first quarter budget review.
62003 - Tractor Purchase	AIS	Feb-20		N/A	N/A	N/A			$0	$0	$0	$80,000	$80,000	100%	
62008 - Major Plant Purchase - Prime Mover	AIS	Apr-20		N/A	N/A	N/A			$0	$193,194	$193,194	$195,000	$1,806	1%	Commenced, item on order.
62009 - Major Plant Purchase- Side Tipper	AIS	Apr-20		N/A	N/A	N/A			$0	$114,210	$114,210	$115,000	$790	1%	Commenced, item on order.
62012 - Weed Spray Ute	AIS	Feb-20		N/A	N/A	N/A			$0	$0	$0	$56,000	$56,000	100%	Sourcing quotations in Oct-19.
62013 - Major Plant Purchase - Combination Roller	AIS	Mar-20		N/A	N/A	N/A			$0	$0	$0	$150,000	$150,000	100%	Out to tender in October.
Total Plant & Equipment									**$67,218**	**$442,490**	**$509,708**	**$1,232,778**	**$723,070**	**59%**	
Road Infrastructure															
49042 - Footpath Replacement Programme	AIS	Dec-19			N/A	N/A			$157,353	$263,457	$420,810	$420,810	$0	0%	Budget carried forward from 2018-19. Construction on-going per program - Year 3 of 3
49499 - Upgrade Shoulders on Sealed Roads	AIS	May-20		N/A	N/A	N/A			$0	$0	$0	$500,000	$500,000	100%	
49500 - Reseal Allocation	AIS	Apr-20		N/A	N/A	N/A			$0	$0	$0	$215,000	$215,000	100%	
53011 - Unsealed Road - Melton South Road	AIS	Apr-20		N/A	N/A	N/A			$9,373	$236,962	$246,335	$358,114	$111,779	31%	Commenced.
53519 - Unsealed - South Coast Road	AIS	Apr-19		N/A	N/A	N/A			$8,008	$148,800	$156,808	$175,338	$18,530	11%	Portion of budget carried forward from 2018-19. Materials supply order placed.
53540 - Unsealed - Gun Club Road	AIS	Apr-20		N/A	N/A	N/A			$0	$141,840	$141,840	$226,635	$84,795	37%	Materials supply order placed.
53545 - Unsealed - Sheoak flat road (Section)	AIS	Mar-20		N/A	N/A	N/A			$0	$53,360	$53,360	$116,967	$63,607	54%	Materials supply order placed.
54008 - Unsealed - Brutus Road	AIS	Oct-19		N/A	N/A	N/A			$122,776	$92,000	$214,776	$284,620	$69,844	25%	Portion of budget carried forward from 2018-19. Commenced.
54027 - Unsealed - Nalyappa Road	AIS	Nov-19		N/A	N/A	N/A			$52,035	$666,705	$718,740	$836,489	$117,749	14%	Commenced.
54035 - Unsealed - Weavers Road North	AIS	Dec-19		N/A	N/A	N/A			$0	$83,925	$83,925	$166,880	$82,955	50%	Materials supply order placed.
54045 - Unsealed - Sturt Bay Road	AIS	Nov-19		N/A	N/A	N/A			$339,670	$249,661	$589,331	$644,681	$55,350	9%	Portion of budget carried forward from 2018-19. Commenced.
54075 - Unsealed - Gap Road	AIS	Nov-19		N/A	N/A	N/A			$190,457	$130,599	$321,056	$365,211	$44,156	12%	Commenced. Materials supply order placed.
54077 - Unsealed - Sandy Church Road	AIS	Mar-20		N/A	N/A	N/A			$0	$247,158	$247,158	$364,539	$117,381	32%	Materials supply order placed.
54081 - Unsealed - Corny Point Road	AIS	Nov-19		N/A	N/A	N/A			$13,673	$287,939	$301,612	$365,246	$63,634	17%	Materials supply order placed.
54094 - Unsealed - Old Port Vincent Road	AIS	Mar-20		N/A	N/A	N/A			$0	$111,540	$111,540	$217,917	$106,377	49%	Portion of budget carried forward from 2018-19. Materials supply order placed.
57109 - Patch Sheeting	AIS	Jun-20		N/A	N/A	N/A			$5,030	$0	$5,030	$1,157,445	$1,152,414	100%	Materials supply tender awarded, order to be placed following further assessment of works.
57112 - Patch Work (South)	AIS	Jun-20		N/A	N/A	N/A			$0	$612	$612	$1,087,718	$1,087,106	100%	Materials supply tender awarded, order to be placed following further assessment of works.
57532 - Troubridge Hill Road	AIS	Dec-19		N/A	N/A	N/A			$0	$104,400	$104,400	$176,462	$72,062	41%	Commenced.
57533 - Pine Point Road (Back Rd to Cunningham rd)	AIS	Dec-19		N/A	N/A	N/A			$15,133	$238,840	$253,973	$352,387	$98,414	28%	Commenced, budget adjusted at first quarter review.
57535 - Sealed Road - Bitumen Rehabilitation	AIS	Apr-20		N/A	N/A	N/A			$0	$0	$0	$350,000	$350,000	100%	
57536 - Corny Point Rd- Bitumen to Hayes Rd	AIS	Oct-19		N/A	N/A	N/A			$19,757	$295,550	$315,307	$447,804	$132,297	30%	Commenced.
57537 - Sandy Church - Reconstruction	AIS	Mar-20		N/A	N/A	N/A			$0	$130,721	$130,721	$260,000	$129,279	50%	Materials supply order placed. Originally budgeted to be undertaken by external contractor now to be undertaken in-house. Budget adjusted during first quarter review to reflect change in delivery arrangements.
59419 - Disabled Access (Townships)	DS	Jun-20		N/A	N/A	N/A			$0	$0	$0	$25,000	$25,000	100%	Projects to be allocated at quarterly meetings. Budget adjusted at first quarter review.
59650 - Yorketown Airstrip	AIS	Jun-20			N/A	N/A			$0	$0	$0	$590,404	$590,404	100%	Tender panel recommendation to Oct-19 Council meeting.
Total Road Infrastructure									**$942,075**	**$3,484,069**	**$4,426,143**	**$9,721,467**	**$5,295,323**	**54%**	
Stormwater Infrastructure															
59440 - Ardrossan Stormwater Harvest Project (Stage 3)	AIS	Jun-20			N/A	N/A			$0	$0	$0	$123,000	$123,000	100%	Currently out to tender.
59448 - Stormwater Stansbury (Oyster Point) (Pipe Replacement)	AIS	Jun-20			N/A	N/A			$0	$101,476	$101,476	$99,166	-$2,310	-2%	Council decision 229/2019 (11/09/2019). Commenced, budget adjusted at first quarter review.
59447 - Stormwater (Spoon Drain Replacement Program)	AIS	May-20		N/A	N/A	N/A			$0	$0	$0	$150,000	$150,000	100%	Currently out to tender.
Total Stormwater Infrastructure									**$0**	**$101,476**	**$101,476**	**$372,166**	**$270,690**	**73%**	
Water Scheme Infrastructure															
Total Water Scheme Infrastructure									**$0**	**$11,823**	**$11,823**	**$32,500**	**$20,677**	**64%**	

Note : Totals may not add due to rounding.

23.2 CERTIFICATION OF ANNUAL FINANCIAL STATEMENTS 2018-2019

Document #: 19/84194

Department: Corporate and Community Services

PURPOSE

To inform Council of the statutory requirement in relation to Council's 2018/2019 Annual Financial Statements (AFS) and the need for Council to authorise the Mayor and Chief Executive Officer (CEO) to certify the AFS in their final form when completed.

RECOMMENDATION

That Council authorise the Mayor and Chief Executive Officer to certify the Annual Financial Statements in their final form when completed.

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

BACKGROUND

Section 127 of the Local Government Act and Regulation 14 of the Local Government (Financial Management) Regulations 2011 require the preparation of Council's AFS for the year ended 30 June 2019 in the prescribed form as approved by the Minister and in readiness for external audit. Associated with this requirement is the completion of the certification statement (in the prescribed form) as attached to this report, duly signed by the Principal Member of the Council (in our case the Mayor) and the CEO forming part of the AFS.

Council's AFS were prepared in the prescribed form and audited by Dean Newbery and Partners Chartered Accountants who attended Council's principal office at Maitland, on 9 and 10 September 2019.

In previous years Council's AFS were not certified by the Mayor and the CEO until after they had been presented to Council's Audit Committee leading to a delay in receiving the Audit Opinion from Council's external Auditors. This process then often lead to very tight timelines to meet statutory deadlines in regard to submissions to the Minister and the SA Grants Commission with subsequent increased pressure on staff in this regard.

Certification of the AFS by the Mayor and the CEO ahead of presentation to Council's Audit Committee will serve to expedite the finalisation of Council's AFS, allow Councils external Auditors to complete their Audit Opinion earlier, and ensure the statutory deadline of 30 November 2019 for submission of the AFS to the Minister and SA Grants Commission is more comfortably met.

The suggested change to the process is in line with the process used by many other Council's in South Australia.

DISCUSSION

The certification statement indicates that:

1. Council's AFS:
    a. Have complied with the Local Government Act, Regulations and Accounting Standards;
    b. Present a true and fair view of the Council's financial position at 30 June 2019, results of the operations and cash flows for the financial year;
    c. Internal controls implemented by the Council provide a reasonable assurance that the Council's financial records are complete, accurate and reliable and were effective throughout the financial year;
    d. Accurately reflect the Council's accounting and other records.
2. Council has authorised the Mayor and the CEO to certify the AFS in their final form.

Council's Audit Committee will review the AFS and meet with the external auditor, at its meeting on 29 October 2019. Once the Committee are satisfied that the AFS fairly present the accounts of Council, the certifying officers mentioned above will complete and date the certificate. This will form the date of authorisation for the issue of the AFS. The Auditor will then provide their audit opinions to Council on provision of the signed certificate. The complete AFS, including audit opinions, will then be tabled at the November 2019 Council meeting for consideration and endorsement as Council's final audited AFS for 2018/2019.

The process outlined above is similar to that undertaken by other Councils in SA and helps to expedite the finalisation of Council's AFS and ensure the statutory deadline of 30 November 2019, for submission to the SA Grants Commission is met. Finalisation of the AFS also assists in the timely completion of Council's 2018/2019 Annual Report.

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 Operations

In preparing this report, the following external parties were consulted:

- Dean Newbery and Partners Chartered Accountants

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

Nil

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

ATTACHMENTS

1. Certification of Financial Statements for the year ended 30 June 2019 - Template

Yorke Peninsula Council

General Purpose Financial Statements
for the year ended 30 June 2019

Certification of Financial Statements

We have been authorised by the Council to certify the financial statements in their final form.

In our opinion:

- the accompanying financial statements comply with the *Local Government Act 1999* , *Local Government (Financial Management) Regulations 2011* and Australian Accounting Standards,
- the financial statements present a true and fair view of the Council's financial position at 30 June 2019 and the results of its operations and cash flows for the financial year,
- internal controls implemented by the Council provide a reasonable assurance that the Council's financial records are complete, accurate and reliable and were effective throughout the financial year,
- the financial statements accurately reflect the Council's accounting and other records.

Andrew Cameron
CHIEF EXECUTIVE OFFICER

Darren Braund
MAYOR

Date:

23.3 BLACK POINT SPEED LIMIT REVIEW RESULTS

Document #: 19/80615

Department: Corporate and Community Services

PURPOSE

To inform Elected Members of the outcomes of the second speed review consultation in relation to the Black Point township and to seek endorsement of these outcomes.

RECOMMENDATION

That Council endorse that the speed limits within Black Point remain at the current default speed limit of 50 kilometres per hour.

LINK TO STRATEGIC PLAN

Goal: 2 Community Connected through Infrastructure

4 Community Engaged and Supported

Strategy: 2.6 Install and upgrade appropriate traffic control device management

4.12 Continuous improvement in communicating with and engaging the community

BACKGROUND

In December 2016 a Motion on Notice was moved by an Elected Member, and subsequently carried, requesting staff conduct a review of all township speed limits which are not governed by the default speed limit of 50 kilometres per hour (kph).

> **MOTION ON NOTICE**
>
> **Cr Meyer moved Cr Headon seconded**
>
> *That Council:*
>
> 1. *staff conduct a review of the Township Speed Limits that are not governed by the Default Speed limit of 50km/hr.*
> 2. *consult with those affected communities to gain an understanding of their preferred solution being either:*
>   a. *that town speed limits be changed to the default speed limit in a built up area which is currently 50 kilometres per hour.*
>   b. *that all townships with a speed limit different to the default speed limit, have speed limits governed by an area speed limit.*
>
> **CARRIED 243/2016 (14/12/2016)**

This motion also determined that Council would consult with the community in the affected towns to establish whether they preferred to be governed by the default linear speed limit (50 kph) or prefer the application of area speed limits considered appropriate by the respective towns' ratepayers.

Subsequently, as the community became familiar with Council's 'speed review project', staff were asked to specifically include additional towns which were already governed by the default speed limit of 50 kph as some residents were concerned that default speeds were not appropriate.

The township of Black Point fell into the latter category. The Black Point review was undertaken following a request from the Black Point Progress Association (BPPA).

Ratepayers of Black Point were surveyed in 2018.

The results of that survey (as presented to Council on 12 December 2018) did not support any change to the speed limits within Black Point.

At the time of the first survey, the Black Point community were divided. One hundred and thirty five (135) submissions were received. Results showed that 47.5% of respondents voted for a reduction to 30 kph while 47.5% voted for the limit to remain at 50 kph and 5% of responses were invalid. As there was not an overwhelming support for a change and because Black Point was governed by the default speed limit, the recommendation to Council at that time was to maintain the status quo.

DISCUSSION

Following the adoption of this recommendation for no change to existing speed limits at Black Point, BPPA requested that "Council reconsider the results of the survey and possibly carry out the survey again". This request was based on the fact that, although 47.5% of the community indicated that they wanted the limit lowered, BPPA's view was that a town wide limit of 30 kph was too low. BPPA felt that had Council also offered a 40 kph option in the original survey a greater number of people may have opted to lower the limit.

The survey form was recreated with the additional option of a town limit of 40 kph. A draft copy of the survey was provided to the Progress Association and tabled at their July 2019 meeting for comment. Following approval by BPPA the survey was mailed to all Black Point ratepayers on Monday 5 August 2019 with a closing date for submissions of Friday 30 August.

The survey was also available via Council's website with multiple Facebook posts informing ratepayers of the second survey.

In total 127 valid submissions were received (representing 49% of all Black Point ratepayers). This was just 1 valid submission less than the 2018 survey results.

Refer below for a summary of the results:-

- 28 ratepayers voted for a reduction to 30 kph (22.05%)
- 41 ratepayers voted for a reduction to 40 kph (32.28%)
- 58 ratepayers voted for the limit to remain at 50 kph (45.67%).

Given that there was not a clear majority wanting a change in the first survey, nor again in this second round, it is felt that the recommendation is for the town speed limit for Black Point should be to remain at the default speed limit of 50 kph.

COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

Black Point ratepayers were provided set options via the survey forms. The outcome of the survey will be reported back to the community via a letter to the Chair of the Black Point Progress Association.

CONSULTATION PROCESS

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

- Manager Business and Public Relations

In preparing this report, the following external parties were consulted:

- Black Point Progress Association

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

This project did not have a specific budget. The cost of public notices and reply paid envelopes plus staff time was absorbed within existing budgets.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

All recommendations for change outlined within this report must be approved and gazetted by the Department of Transport, Planning and Infrastructure (DPTI) before any changes can be made by Council.

As the recommendation in this case is for the existing default speed limit to remain, the approval of DPTI will not be required on this occasion.

ATTACHMENTS

Nil

23.4 PO057 COMMUNITY ENGAGEMENT POLICY

Document #: 19/83163

Department: Corporate and Community Services

PURPOSE

To seek endorsement to proceed to public consultation for the updated PO057 Community Engagement Policy.

RECOMMENDATION

That Council endorse the draft PO057 Community Engagement Policy, as presented, for the purpose of public consultation.

LINK TO STRATEGIC PLAN

Goal: 4 Community Engaged and Supported

5 Responsible Governance

Strategy: 4.12 Continuous improvement in communicating with and engaging the community

5.8 Continuous improvement of Council processes

BACKGROUND

As part of the regular review of Council's suite of policies, the Community Engagement Policy has been reviewed and updated. It was last updated in February 2017.

DISCUSSION

The PO057 Community Engagement policy has been reviewed and is attached for Council's consideration. 'Track changes' have been enabled to show the proposed changes (Refer Attachment 1).

Minor amendments have been made to wording, grammar and formatting, with some 'tightening up' of explanations. A new clause relating to anonymous submissions and social media comments has been added as Section 5.

Some new instructions have been included. These are; phone conversations being regarded as a record, change of process in dealing with confidential records and anonymous correspondence.

The next scheduled review of this policy will be in 2023.

COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

Per Section 50 of the Local Government Act 1999:-

(5) A council may from time to time alter its public consultation policy, or substitute a new policy.

(6) However, before a council—

(a) adopts a public consultation policy; or

(b) alters, or substitutes, a public consultation policy, the council must—

(c) prepare a document that sets out its proposal in relation to the matter; and

(d) publish in a newspaper circulating within the area of the council a notice of the proposal inviting interested persons to make submissions on the proposal within a period (which must be at least one month) stated in the notice; and

(e) consider any submissions made in response to an invitation under paragraph (d).

The Act then continues:-

(7) A council is not required to comply with subsection (6) in relation to the alteration of a public consultation policy if the council determines that the alteration is of only minor significance that would attract little (or no) community interest.

To ensure complete openness and transparency of Council's processes, it is recommended that public consultation is undertaken on the draft policy presented.

CONSULTATION PROCESS

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

- Manager Business and Public Relations

In preparing this report, the following external parties were consulted:

- Nil

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

Nil

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Local Government Act 1999

ATTACHMENTS

1. **Attachment 1 - PO057 Community Engagement Policy**
2. **Attachment 2 - PO057 Community Engagement Policy Review - For Council**

~~PO057 – Community Engagement~~

COUNCIL POLICY

Community Engagement

Policy Number:	PO057		
Strategic Plan Objective	4. Community Engaged and Supported 4.12 Continuous improvement in communicating with and engaging the community		
Policy Owner:	Chief Executive Officer	**File Number:**	16/14028 [v4]
Responsible Officer:	Manager Business & Public Relations	**Minute Reference:**	~~34/2017 (08/02/2017)~~
Date Adopted:	8th February 2017	**Next Review Date:**	June ~~2019~~2023

1. POLICY OBJECTIVES

This policy aims to provide the community, stakeholders, council staff and Elected Members with an understanding of the role of community engagement in the decision making processes of the Yorke Peninsula Council (the Council). This policy also outlines ~~the minimum standard~~examples of community engagement techniques used by the Council and the circumstances of when and how each technique will be used.

2. SCOPE

This policy applies to:

i. All employees of the Yorke Peninsula Council.
ii. Elected Members.
iii. Contractors or consultants acting on behalf of Council.

3. DEFINITIONS

Act	The Local Government Act 1999 (SA)
Community	The people who; live, work, conduct business activities or use the facilities in public places in the Yorke Peninsula region.
Council	The Yorke Peninsula Council.
Policy	Refers to this Community Engagement Policy.
Community of Interest	A group of people brought together by a common interest.
~~Primary~~ Stakeholder	Is someone who may be directly affected by or have a direct or general interest in the decision or issue under consideration.
~~Secondary Stakeholder~~	~~Someone who has a general interest in the decision or issue under consideration.~~
Submissions	Written (including email) responses from the community in relation to a specific consultation which must be received by the Council within the specified timeframe. Note: Anonymous submissions will not be accepted.

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4. POLICY STATEMENT

The Council recognises that community engagement plays an important role in its decision making processes and members of the community have a right to be informed about issues affecting their lives. The intention of this policy is to provide a planned, consistent and cost effective approach to consultation (community engagement). Council will follow this policy, as a minimum standard, in all instances where consultation should occur with the community.

Community involvement ~~is~~ in Council decision making should result in greater confidence in the Council and will foster open, transparent and accountable processes.

As recommended by the Local Government Association of South Australia, this policy has been informed by the International Association for Public Participation (IAP2) products for public participation processes.

This Community Engagement Policy specifies four levels designed to suit all consultation requirements, ranging from the most basic public notification, to seeking input on a major project or issue of communitywide significance. These are:-

- **Level 1 –** we will keep you informed.
- **Level 2 –** we will keep you informed, listen to and acknowledge concerns and ~~issues~~ aspirations and provide feedback in how the ~~public~~ community's input influenced the decision.
- **Level 3 –** we will work to ensure that your concerns~~, issues~~ and aspirations are directly reflected in the alternatives developed and provide feedback on how the ~~public~~ community's influenced the decision.
- **Level 4 –** we will look for direct advice and innovation in formulating issues, alternatives and solutions.

Under the *Local Government Act 1999*, there are specific legislative requirements whereby Council **must** consult. Council is required to undertake particular types or levels of consultation (as a minimum) in relation to the following:

- Determining the manner, places and times of its principal office (section 45)
- Adopting or varying a public consultation policy (section 50)
- Altering the Code of Practice relating to the principles, policies and procedures that Council will apply to enable public access to Council and Committee Meetings, their minutes and release of documents (section 92)
- Adopting Strategic Management Plans (section 122)
- Excluding land from classification as community land (section 193)
- Revoking the classification as community land (section 194)
- Adopting, amending or revoking a management plan for community land (section 197)
- Amending or revoking a management plan for community land (section 198)
- Alienating of community land where the management plan does not allow it (section 202)
- Alienating roads (section 223)
- Planting vegetation where it will have a significant impact on residents, the proprietors or nearby residents (section 232)
- Carrying out representation reviews (section 12(5))
- Considering a change of status of Council or name change (section 13)
- Carrying out commercial activities – Prudential Arrangements (section 48)
- Making Bylaws (section 249)
- Making Orders (section 259)

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PO057 – Community Engagement Policy

Refer to ~~Appendix~~ Attachment 1 for a Schedule of Minimum Requirements per the *Local Government Act 1999* and the steps to be followed.

In regards to specific 'Development' matters, Council is also required to adhere to the practices set out in the *Planning, Development and Infrastructure Act 2016.*

Where there is no legislative requirement for consultation, selection of the appropriate level will determine the resource requirements for the consultation.

It should be noted that a certain degree of flexibility is required to suit specific situations. Therefore the following ~~sets out the minimum standards~~is a guide for each level of engagement which may apply for certain activities without being too prescriptive.

Level 1 **INFORM**	Level 2 **CONSULT**	Level 3 **PARTICIPATE**	Level 4 **COLLABORATE**
~~means~~Goal: ~~providing information to assist understanding of how decisions will be/ were made~~To provide balanced and objective information to assist community understanding of the opportunities and outcomes.	~~Means~~Goal: ~~obtaining feedback on preferences when there are options available~~To obtain feedback from the community.	~~Means~~Goal: ~~involving people to understand all needs, concerns and aspirations~~To work with the community throughout the process to ensure that concerns and aspirations are understood and considered.	~~Means~~Goal: ~~involving people and working together to seek direct advice in formulating solutions~~To partner with the community in each aspect of the decision including development of alternatives and identification of a preferred solution.
Examples of when we will use Inform: • A decision is made for legislative, financial, environmental or technical reasons. • There is no opportunity to influence the decision	**Examples of when we will use Consult:** • There are several options available. • Final decisions are being shaped. • Issues and concerns are unclear.	**Examples of when we will use Participate:** • We need community knowledge to influence the decision. • There is likely to be a high level of interest/ community impact. • There is a high degree of complexity.	**Examples of when we will use Collaborate:** • We will seek direct advice from those who possess specific knowledge or special interests.
We will explain: • How the decision was made. • What is going to happen. • Where further information can be found.	**We will ask:** • Which option is preferred? • What would the impact be? • Any suggestions for improvement?	**We will ask:** • What would the community like to see happen, or • What have we not considered or are not aware of, or • How should we proceed with this?	**We will partner to:** • Seek solutions or alternatives based on specific areas of expertise. • Gain acceptance of recommendations based on specific areas of expertise.
Our promise: We will keep you informed.	**Our promise:** We will keep you informed, listen to and acknowledge your concerns and aspirations and provide feedback on how community input influenced the decision.	**Our promise:** We will work with the community to ensure that concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how the community's input influenced the decision.	**Our promise:** Council will look to the community for direct advice and innovation in developing solutions and incorporate advice and recommendations into the decisions as much as possible.
We will do this through:			

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PO057 – Community Engagement Policy

(Please note, the following lists are only a guide. Depending on the specific situation it may be only one or more of these options used)

• Council's website. • Council's social media. • Public notices in the Country Times. • A letterbox drop. • Letter of advice to affected properties. • Letter / email to Progress Associations.	• Council's website. • Council's social media. • Media releases. • Letter or survey to primary &/or secondary properties. • Letter / email or survey to Progress Associations. • Copies of major reports or plans made available at Council offices. • Report to Council summarising submissions for formal Council decision.	• Council's website. • Council's social media. • Advertisements. • Media releases & / or briefing sessions. • Facilitated workshops or focus groups. • Community forums. • Individual Progress Association Newsletters/noticeboards. • Surveys. • Letter or survey to affected properties / community groups. • Council publications. • Copies of major reports or plans made available at Council offices. • Report to Council summarising submissions for formal Council decision.	• Public meetings or workshops. • Special interest groups. • Council's Advisory Committees. • Report to Council summarising submissions for formal Council decision. • Community partnership projects.
Within the following timeframes:			
No minimum period required. Or Compliance with statutory requirements (if applicable)	Minimum three weeks. Or Compliance with statutory requirements (if applicable)	Minimum six weeks. Or Compliance with statutory requirements (if applicable)	As required (e.g. per Terms of Reference regarding meeting schedules).

5. Accepting Community Feedback

Council cannot accept or consider anonymous feedback or submissions. Additionally, comments made on social media will not be treated as formal feedback or a submission.

5.6. COMPLAINTS

Complaints about this policy can be made in writing to the ~~Chief Executive Officer~~Manager Business and Public Relations. All complaints will be managed in accordance with Council's Complaints Policy PO147.

6.7. REVIEW

This policy will be reviewed within twelve months of a general election, in consultation with employees and/or their nominated representative(s).

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

In accordance with s.50 (6) of the *Local Government Act 1999*, before the Council adopts this policy or any future significant alterations to this policy, the community will be informed via a public notice in the Yorke Peninsula Country Times and invited to make submissions.

7.8. TRAINING

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PO057 – Community Engagement Policy

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 to engage with the community.

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

8.9. RELATED COUNCIL POLICIES AND DOCUMENTS

- Yorke Peninsula Council, Community Engagement Strategy

9.10. REFERENCES AND LEGISLATION

- Section 50 of the Local Government Act 1999
- Community Engagement Handbook; A Model Framework for leading practice in Local Government in South Australia, ~~a joint initiative of the Local Government Association of SA (LGA) and the SA Government, March 2015~~June 2016.

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PO057 – Community Engagement Policy

~~10.~~11. COUNCIL DELEGATION

Details of Delegation:	Chief Executive Officer
Delegate:	Nil

~~11.~~12. VERSION HISTORY

Archived Policy Name	Policy Number	Date Adopted	Last Reviewed
Public Consultation Policy	PO057		14/09/2010
Community Engagement Policy	PO057	10/06/2015	14/12/2016
Community Engagement Policy	PO057	08/02/2017	

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The following information sets out the Yorke Peninsula Council's minimum standards to meet the legislative requirements of the Act.

Submissions must be received by Council within the timeframes outlined in the public notice (minimum of 21 days) and can be in the form of:-

- Written submissions
- Email submissions
- Web form submissions and
- Online form submissions.

LOCAL GOVERNMENT ACT 1999 (SA)		
TOPIC	**SECTION**	**LEGISLATIVE REQUIREMENT**
Representation Reviews Review and reporting to the Electoral Commissioner.	12	**Representation Options Paper** By public notice: ◦ Inform the public of the preparation of the representation options paper; and ◦ Invite interested persons to make written submissions to the council on the subject of the review within a period specified by the council (being a period of at least 6 weeks) Publish a copy of the notice in a newspaper circulating within its area. Ensure that copies of the representation options paper are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council. **Report** Make copies of its report available for public inspection at the principal office of the council; and By public notice: ◦ inform the public of the preparation of the report and its availability; and ◦ invite interested persons to make written submissions to the council on the report within a period specified by the council (being a period of at least 3 weeks); and Publish a copy of the notice in a newspaper circulating within its area. The council must give any person who makes written submissions in response to an invitation under subsection (9) an opportunity to appear personally or by representative before the council or a council committee and to be heard on those submissions. Council must then finalise its report and refer to the Electoral Commissioner.
Status of a Council/ Change of Name • Change from a municipal council to a district council, or change from a district council to a municipal council • Alter the name of the council, the area of the council, or the name of a ward.	13(2)	• The council must give public notice of the proposal; • The notice must contain an invitation to interested persons to make written submissions to the council on the matter within a period specified by the council (being a period of at least 6 weeks); • Publish a copy of the notice in a newspaper circulating within its area; • The council must give any person who makes written submissions in response to an invitation under this section an opportunity to appear personally or by representative before the council or a council committee and to be heard on those submissions.
Principal Office – Opening hours	45 (3)	

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		A council should consult with its local community in accordance with its public consultation policy about the manner, places and times at which its offices will be open to the public for the transaction of business, and about any significant changes to these arrangements.
Commercial Activities – Prudential Requirements	48 (2) (d) 48 (5), (6)	Report addressing prudential issues to include - ° 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 ° A report under subsection (1) must be available for public inspection at the principal office of the council once the council has made a decision on the relevant project (and may be available at an earlier time unless the council orders that the report be kept confidential until that time). ° However, a council may take steps to prevent the disclosure of specific information in order to protect its commercial value or to avoid disclosing the financial affairs of a person (other than the council).
Public Consultation Policies	50	(1) For the purposes of this Act, a council must prepare and adopt a public consultation policy. (2) A public consultation policy— (a) must set out steps that the council will follow in cases where this Act requires that a council must follow its public consultation policy; and (b) may set out steps that the council will follow in other cases involving council decision-making. (3) The steps referred to in subsection (2)— (a) in a case referred to in subsection (2)(a)—must provide interested persons with a reasonable opportunity to make submissions in the relevant circumstances; and (b) may vary according to the classes of decisions that are within the scope of the policy. (4) However, a public consultation policy for a case referred to in subsection (2)(a) must at least provide for— (a) the publication of a notice— (i) in a newspaper circulating within the area of the council; and (ii) on a website determined by the chief executive officer, describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and (b) the consideration by the council of any submissions made in response to an invitation under paragraph (a). (5) A council may from time to time alter its public consultation policy, or substitute a new policy. (6) However, before a council— (a) adopts a public consultation policy; or (b) alters, or substitutes, a public consultation policy, the council must— (c) prepare a document that sets out its proposal in relation to the matter; and (d) publish in a newspaper circulating within the area of the council a notice of the proposal inviting interested persons to make submissions on the proposal within a period (which must be at least one month) stated in the notice; and (e) consider any submissions made in response to an invitation under paragraph (d). (7) A council is not required to comply with subsection (6) in relation to the alteration of a public consultation policy if the council determines that the alteration is of only minor significance that would attract little (or no) community interest. (8) A person is entitled to inspect (without charge) a public consultation policy of a council at the principal office of the council during ordinary office hours. (9) A person is entitled, on payment of a fee fixed by the council, to a copy of a public consultation policy.
Code of Practice – Access to	92 (5) (6) (7)	(5) Before a council adopts, alters or substitutes a code of practice under this section it must—

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meetings and documents		° make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection or purchase at the council's principal office and available for inspection on a website determined by the chief executive officer; and ° follow the relevant steps set out in its public consultation policy. (6) A person is entitled to inspect (without charge) the code of practice of a council at the principal office of the council during ordinary office hours. (7) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
Strategic Management Plans	122 (6)	Council must adopt a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the development and review of its strategic management plans.
Annual Business Plan	123 (4) (5)	(4) For the purposes of subsection (3)(b), a public consultation policy must at least provide for the following: (a) the publication in a newspaper circulating within the area of the council and on a website determined by the chief executive officer of a notice informing the public of the preparation of the draft annual business plan and inviting interested persons — (i) to attend— (A) a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice); or (B) a meeting of the council to be held on a date stated in the notice at which members of the public may ask questions, and make submissions, in relation to the matter for a period of at least 1 hour, (on the basis that the council determines which kind of meeting is to be held under this subparagraph); or (ii) to make written submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and (b) the council to make arrangements for a meeting contemplated by paragraph (a)(i) and the consideration by the council of any submissions made at that meeting or in response to the invitation under paragraph (a)(ii). (5) The council must ensure that copies of the draft annual business plan are available at the meeting under subsection (4)(a)(i), and for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council at least 21 days before the date of that meeting.
Change to Basis of Rating Report	151(7) (8)	(7) A public consultation policy for the purposes of subsection (5)(e) must at least provide for— (a) the publication in a newspaper circulating within the area of the council a notice describing the proposed change, informing the public of the preparation of the report required under subsection (5)(d), and inviting interested persons— (i) to attend a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; or (ii) to make written submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and (b) the council to organise the public meeting contemplated by paragraph (a)(i) and the consideration by the council of any submissions made at that meeting or in response to the invitation under paragraph (a)(ii). (8) The council must ensure that copies of the report required under subsection (5)(d) are available at the meeting held under subsection (7)(a)(i), and for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council at least 21 days before the end of the period for public consultation.
Rating – Differential Rates	156 (14a) (14d) (14e)	(14a) Before a council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraph (a), (b) or (c) of subsection (1) to a differentiating factor under another of those paragraphs, the council must – (a) prepare a report on the proposed change; and (b) follow the relevant steps set out in its public consultation policy .

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		(14d) A public consultation policy for the purposes of subsection (14a) must at least provide for— (a) the publication in a newspaper circulating within the area of the council a notice describing the proposed change, informing the public of the preparation of the report required under subsection (14a)(a), and inviting interested persons— (i) to attend a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; or (ii) to make written submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and (b) the council to organise the public meeting contemplated by paragraph (a)(i) and the consideration by the council of any submissions made at that meeting or in response to the invitation under paragraph (a)(ii). (14e) The council must ensure that copies of the report required under subsection (14a)(a) are available at the meeting held under subsection (14d)(a)(i), and for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council at least 21 days before the end of the period for public consultation.
Community Land Classification: All local government land (except a road) acquired by or brought under the care, control and management of Council is taken to have been classified as community land unless Council resolves before it becomes local government land to exclude it from classification.	193(2) (6)	(2) Before the council resolves to exclude land from classification as community land under subsection (1)(a), it must follow the relevant steps set out in its public consultation policy. (6) A council must give notice in the Gazette of a resolution— (a) to exclude land from classification as community land under subsection (4); or (b) to classify, as community land, land that had previously been excluded from classification as such under subsection (5).
Revocation of classification of land as community land.	194 (2)	Before a council revokes the classification of land as community land— (a) the council must prepare a report and make publicly available a report on the proposal containing— (i) a summary of the reasons for the proposal; and (ii) a statement of any dedication, reservation or trust to which the land is subject; and (iii) a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the council proposes to use the proceeds; and (iv) an assessment of how implementation of the proposal would affect the area and the local community; and (v) if the council is not the owner of the land—a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and (b) the council must follow the relevant steps set out in its public consultation policy.
Management Plans – Public Consultation	197 (1) (2) (3)	(1) Before a council adopts a management plan for community land it must— (a) make copies of the proposed plan available for inspection or purchase at the council's principal office; and (b) follow the relevant steps set out in its public consultation policy. (2) A council may adopt a management plan without complying with the requirements of subsection (1) if the council adopted the plan after a process of public notification and consultation before the commencement of this Act. (3) A council must give public notice of its adoption of a management plan.

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Amendment or revocation of management plans NB: A Council cannot dispose of community land until revocation of its classification as community land.	198 (2) (3) (4)	(2) A council may only adopt a proposal for amendment to, or revocation of, a management plan after the council has carried out the public consultation that would be required if the proposal were for a new management plan. (3) However, public consultation is not required if the amendment has no impact or no significant impact on the interests of the community. (4) A council must give public notice of its adoption of a proposal for the amendment or revocation of a management plan.
Alienation by lease or licence NB: Specific provisions relate to the Adelaide Park Lands – under the Parklands Act 2005.	202 (2) (3)	(2) Before the council grants a lease or licence relating to community land, it must follow the relevant steps set out in its public consultation policy. (3) However, a council need not comply with the requirements of subsection (2) if - (a) the grant of the lease or licence is authorised in an approved management plan for the land, and the term of the proposed lease or licence is five years or less; or (b) the regulations provide, in the circumstances of the case, for an exemption from compliance with a public consultation policy.
Authorisations /Permits • Where road would be fenced, enclosed or portioned so as to impede passage of traffic to a material degree • Use or activity for which public consultation required under regulations	223 (1) (2)	(1) If a council proposes to grant an authorisation or permit— (a) that would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree; or (c) in relation to a use or activity for which public consultation is required under the regulations, the council must, before granting the authorisation or permit, follow the relevant steps set out in its public consultation policy. (2) The council must also give written notice of the proposal to agencies that are, under the regulations, to be notified of the proposal.
Roads – Trees	232	Before a council plants vegetation, or authorises or permits the planting of vegetation, on a road that may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, follow the relevant steps set out in its public consultation policy.
Passing by-laws NB: No specific reference to Council's Public Consultation Policy, but minimum standards apply.	249 (1) (2)	(1) If it is proposed that a council make a bylaw, the council must, at least 21 days before resolving to make the by-law— (a) make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the council, and so far as is reasonably practicable on the Internet; and (b) by notice in a newspaper circulating in the area of the council— (i) inform the public of the availability of the proposed by-law; and (ii) set out the terms of the by-law, or describe in general terms the by-law's nature and effect. (2) A council must give reasonable consideration to a written or other acceptable submission made to the council on a proposed by-law.
Power to Make Orders Councils must take reasonable steps to prepare and adopt policies relating to the power to make orders.	259 (2)	A council must— (a) prepare a draft of a policy; and (b) by notice in a newspaper circulating in the area of the council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) and invite interested persons to make written representations on the draft within a period specified by the council (being a period of at least 4 weeks). The requirement of s.259(2) also apply to Council adopting an amendment to a policy, unless the council determines that the amendment is of only minor significance.

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COMMUNITY ENGAGEMENT PLAN

SF215
Responsible Officer: Business Improvement Officer
Issue Date: 10th June 2015
Next Review Date: June 2019

PROJECT NAME: PO057 Community Engagement Policy Review

Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status	Evaluation Method
All residents	Website	Manager Business & Public Relations	10/10/2019	1/11/2019	NS	# website hits
	Public Notice	Manager Business & Public Relations	10/10/2019	1/11/2019	NS	# submissions received
	Social Media	Manager Business & Public Relations	10/10/2019	1/11/2019	NS	# FaceBook views

24 ASSETS AND INFRASTRUCTURE SERVICES

24.1 EDITHBURGH TIDAL POOL WORKING PARTY

Document #: **19/84609**

Department: **Assets and Infrastructure Services**

PURPOSE

For Council to receive the minutes of Council's Edithburgh Tidal Pool Working Party meeting held on 11 September 2019.

RECOMMENDATION

That Council:

1. receive the Minutes of the Edithburgh Tidal Pool Working Party meeting held on 11 September 2019; and
2. commit $12,780 (GST exclusive) to the design and engineering for a proposed seawall.

LINK TO STRATEGIC PLAN

Goal: 2 Community Connected through Infrastructure

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

BACKGROUND

The Edithburgh Tidal Pool Working Party has been formed to investigate a long term Strategic Plan for future maintenance and upgrades to the Edithburgh Tidal Pool.

The minutes are provided to keep Council informed of regular Edithburgh Tidal Pool Working Party meetings and recommendations for Council consideration.

DISCUSSION

Attached are the Minutes of the Edithburgh Tidal Pool Working Party meeting held on 11 September 2019.

Item 2.1 of the Minutes recommends the following motion be adopted:

John Edwards moved Peter Bartram seconded

That the quote from Magryn Engineering Consultants be accepted subject to advice from relevant Government Authorities.

CARRIED

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

Minutes of the meetings of the Edithburgh Tidal Pool Working Party are available on Council's website.

CONSULTATION PROCESS

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

- Director Assets and Infrastructure Services

- Operations Manager
- Operations Coordinator

In preparing this report, the following external parties were consulted:

- Edithburgh Tidal Pool Working Party
- Edithburgh Progress Association

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

The $12,780 (GST exclusive) cost for a design and engineering for a proposed seawall will be met from within Council's current budget allocation for this project, including the $10,000 contribution from the Edithburgh Progress Association.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of Meeting - Edithburgh Tidal Pool Working Party - 11/09/2019

Yorke Peninsula Council

Minutes of the Meeting of the Edithburgh Tidal Pool Working Party

Held on Wednesday 11 September 2019
At the Council Chambers, Minlaton Town Hall
57 Main Street, Minlaton, commencing at 4:00pm

(Subject to confirmation)

ITEM 1 EDITHBURGH TIDAL POOL WORKING PARTY

1.1 WELCOME BY CHAIRPERSON

Chairperson Cr John Rich welcomed everyone to the meeting and declared the meeting open at 4:00pm.

1.2 PRESENT

Mayor Darren Braund	Mayor
Cr John Rich	Chairperson
Peter Bartram	Edithburgh Progress Association Inc
Kerryn Dawes	Edithburgh Progress Association Inc
John Edwards	Edithburgh Progress Association Inc
Trevor Graham	Director Assets and Infrastructure Services
Stephen Goldsworthy	Operations Manager
Nick Hoskin	Operations Coordinator
Stuart Heinrich-Smith	Leading Worker South
Shona Emery	Senior Clerical Officer – Development / Minute Taker

1.3 APOLOGIES

Nil

1.4 MINUTES OF THE PREVIOUS MEETING

Stephen Goldsworthy moved Peter Bartram seconded

That the minutes of the Edithburgh Tidal Pool Working Party meeting held on 8 May 2019 be confirmed as a true record with it being noted that Trevor Graham was an apology.

CARRIED

Trevor discussed the membership of the Tidal Pool Working Party with Cr Meyer and Cr O'Brien vacating their positions in favour of Cr Rich and Mayor Braund continuing their membership. He advised a Report with a recommendation to endorse Cr Rich and Mayor Braund as members has been submitted to tonight's Council meeting.

Trevor advised that an election for a Chairperson is recommended. He suggested the current Chair vacate the position and he would Chair the meeting while an election was undertaken.

Mayor Braund moved Kerryn Dawes seconded

That Cr John Rich be nominated as the Chairperson for the Tidal Pool Working Party. Cr Rich accepted. All members in favour.

CARRIED

1.5 BUSINESS OR ACTIONS ARISING FROM MINUTES

Mayor Braund discussed his research into the possibility of applying for Heritage Listing of the tidal pool. While it would give the tidal pool a higher status it is likely to causes challenges in any further development of the pool and associated amenities. Also advised that available grants were not particularly high and would not overly benefit the pool and amenities. This was also the feeling from other members and their research and it was decided to not pursue this idea for the time being.

ITEM 2 GENERAL BUSINESS

2.1 Quote for Breakwater

New quotes were sought for a design and engineering for a proposed seawall. Two quotes were received. One from Magryn Engineering Consultants for $12,780 and another, that has since been withdrawn as the respondent has retired.

It was decided to seek advice and input from DPTI and Coast Protection Board on the proposed seawall.

John Edwards moved Peter Bartram seconded

That the quote from Magryn Engineering Consultants be accepted subject to advice from relevant Government Authorities.

CARRIED

2.2 Heritage Listing Summary

Discussed at 1.5

2.3 BBQ Repairs and Pool Leaks

The matter of repairs to the B-B-Q's as opposed to replacement of the units was discussed with Council staff and the Edithburgh Progress Association to reach a consensus on the matter.

Peter Bartram advised that the Edithburgh Progress Association has not been invoiced for their $10k yearly donation. Stephen will request Finance to send an invoice.

Peter and Kerryn discussed the issues with the pool still leaking but unsure from where.

Nick will speak with the original contractor to help determine leakage points. Nick also has a contact that is interested in assisting with finding the leaks and possible solutions to fix.

2.4 Other Business

Mayor Braund thanked the staff who replaced the old signage with new signage particularly the rules of the pool area.

Would be good if a new welcome sign could be designed and erected. Edithburgh Progress Association will design a couple of suggestions and present at the next meeting.

Finger signs will also be erected to assist the public with directions to the pool.

ITEM 3 NEXT MEETING

TBA

ITEM 4 CLOSURE

The meeting closed at 4:34pm.

25 DEVELOPMENT SERVICES

25.1 REVOCATION OF COMMUNITY LAND CLASSFICATION - 14 OVAL AVENUE, WAROOKA

Document #: **19/85768**

Department: **Development Services**

PURPOSE

To seek Council approval to revoke the community land classification for Allotment 39, Deposited Plan 4350 in the area named Warooka, Hundred of Para Wurlie, Certificate of Title Volume 5615 Folio 481, known as 14 Oval Avenue, Warooka for the purpose of selling surplus land.

RECOMMENDATION

That Council:

1. pursuant to Section 194 (3)(b) of the Local Government Act 1999, revokes the community land classification for Allotment 39, Deposited Plan 4350 in the area named Warooka, Hundred of Para Wurlie, Certificate of Title Volume 5615 Folio 481, known as 14 Oval Avenue, Warooka for the purpose of selling surplus land.
2. authorise the Mayor and Chief Executive Officer to sign and seal any documents in relation of the transfer of the property.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

Strategy: 5.4 Seek alternate income streams and ensure financial sustainability

BACKGROUND

At the 10 July 2019 Council meeting, Council endorsed the recommendation to seek Ministerial approval for the revocation of community land classification over Allotment 39, Deposited Plan 4350 in the area named Warooka, Hundred of Para Wurlie, Certificate of Title Volume 5615 Folio 481, known as 14 Oval Avenue, Warooka for the purpose of selling surplus land.

DISCUSSION

An application was submitted to the Minister for Planning seeking approval for the revocation of the land, known as 14 Oval Avenue, Warooka. Ministerial approval to revoke the community land classification was received in writing on 30 September 2019 (see attachment 1).

If Council wish to proceed with the revocation, in accordance with Section 194 (3)(b) of the Local Government Act 1999, Council is required to carry a resolution to revoke the community land classification.

The proceeds from the sale of the land will be allocated towards community projects within Warooka, which will be determined in consultation with the Warooka Progress Association.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

The Council may choose to place a notice of the resolution in the local newspaper or in the Government Gazette, but it is not legally required under the Act to do so.

CONSULTATION PROCESS

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

- Corporate Management Team
- Property Tenure Officer

In preparing this report, the following external parties were consulted:

- Nil

POLICY IMPLICATIONS

PO057 Community Engagement Policy

PO072 Disposal of Land and other Assets

BUDGET AND RESOURCE IMPLICATIONS

Anticipated sales range	$40,000 - $50,000
Agent Fees	$1,100
Marketing	$535
Conveyancing	$1,000

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Local Government Act 1999, Division 3, Section 194 – Revocation of classification of land as community land.

ATTACHMENTS

1. Ministerial Approval - Revocation of Community Land Classification

Government of South Australia
Department of Planning, Transport and Infrastructure

In reply please quote 19MPL0591
Enquiries to David Whiterod
Telephone 7109 7142

PLANNING & LAND USE SERVICES

50 Flinders Street
Adelaide SA 5000

GPO Box 1533
Adelaide SA 5001

Telephone: 08 8343 2222

ABN 92 366 288 135

Mr Andrew Cameron
Chief Executive Officer
Yorke Peninsula Council
8 Elizabeth Street
MAITLAND SA 5573

Dear Mr Cameron

I write in response to the 15 July 2019 letter from Sue Beech, Property Tenure Officer seeking approval for the Yorke Peninsula Council's (the Council's) proposal to revoke the community land classification of 14 Oval Avenue, Warooka, Allotment 39 in Deposited Plan 4350, Certificate of Title Volume 5615 Folio 481.

I have considered the information provided to me by the Council, and in making my decision (under delegation) I have taken into account the nature of the public consultation undertaken by the Council.

After carefully considering the effect of the revocation on the area and the local community, I am of the opinion that, on balance, the revocation will be more positive than not in its effect. I approve the Council's proposal to revoke the classification as community land of 14 Oval Avenue, Warooka, Allotment 39 in Deposited Plan 4350, Certificate of Title Volume 5615 Folio 481.

If the Council wishes to proceed with the revocation it will need to pass a motion to revoke the community land classification pursuant to section 194(3)(b) of the *Local Government Act 1999*.

Yours sincerely

Sally Smith
EXECUTIVE DIRECTOR
PLANNING & LAND USE SERVICES

22 / 9 /2019

25.2 IMPLEMENTATION OF DRY AREA NEW YEAR'S EVE - STANSBURY

Document #: 19/69303

Department: Development Services

PURPOSE

To seek Council's support for the implementation of a short term Dry Area in Stansbury as part of the management arrangements for the upcoming Stansbury New Year's Eve market on 31 December 2019.

RECOMMENDATION

That Council endorse:

1. the implementation of a short term Dry Area at Stansbury foreshore and oval precinct as outlined in the draft gazette notice in Attachment 1 from 10pm on Tuesday 31 December 2019 to 8am on Wednesday 1 January 2020.
2. the terms of the prohibition as outlined in the draft gazette notice.
3. the Chief Executive Officer (who then may further delegate) to implement the required Notice of Declaration and notify the Commissioner of Police and authorise the Chief Executive Officer to make any minor amendment to the notice as required to give effect to the short term dry area.

LINK TO STRATEGIC PLAN

Goal: 4 Community Engaged and Supported

Strategy: 4.9 Continue Dry Area management

BACKGROUND

As a result of unruly behaviour and vandalism in the Stansbury foreshore area on New Year's Eve in 2011, an application from South Australian Police (SAPOL) was received to declare the foreshore and oval precinct area a Dry Area on New Year's Eve, from 10pm on 31 December 2012 to 8am on 1 January 2013.

No unruly behaviour or vandalism was reported at the 2012/2013 Stansbury New Year's Eve celebrations. The implementation of the Dry Area did not have a detrimental impact on the Stansbury Seaside Markets and therefore the Dry Area has been implemented every New Year's Eve since 2012.

DISCUSSION

In previous years to implement a short term Dry Area, Council would advise the Liquor and Gambling Commissioner that Council had the support of SAPOL and their local state Member of Parliament to implement a Dry Area on New Year's Eve. The Commissioner would then declare the Dry Area by publishing a notice in the government gazette.

Legislative changes now shifts this responsibility of implementing a short term Dry Area to the Council. A council may, by notice in the Gazette, prohibit the consumption or possession (or both) of liquor in the public place or public places within the area of the council specified in the notice during the period (not exceeding 48 hours) specified in the notice. This notice in the Gazette must appear at least 14 days prior to the event and Council must give a copy of the notice to the Commissioner of Police within 7 days after publishing the notice.

Due to the success of the family friendly Sea Side Market Event, it is again proposed to implement a Dry Area at Stansbury on New Year's Eve to reduce the likelihood of unruly behaviour and

vandalism. The implementation of the Dry Area has the support of local Police and the organisers of the Sea Side Market Event.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Manager Development Services
- Senior Compliance Officer

In preparing this report, the following external parties were consulted:

- SAPOL
- Stansbury Progress Association.

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

Council Rangers erect and remove the Dry Area signage that is required in the area. As there are no changes made to the times of the Dry Area, signage from previous years will be erected to advertise the dry area.

In previous years the gazetting of the notice was paid for by Consumer and Business Services. This is now the responsibility of Council. It is estimated that the cost of placing the notice in the Gazette is $2,100 which can be absorbed in current budget allocations.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Section 131 of the Liquor Licencing Act 1977

By introducing a Dry Area at the Stansbury foreshore and oval precinct, it is anticipated that the risk of injury to persons and damage to property, due to disorderly behaviour, is significantly reduced.

ATTACHMENTS

1. Draft - Government Gazette Notice - Stansbury Dry Area - 2019 New Year's Eve

Liquor Licensing (Dry Area) Notice 2019

Under section 131 (1ab) of the Liquor Licensing Act 1977

1. **Short title**

This notice may be cited as the Liquor Licensing Act 1977.

2. **Commencement**

This notice comes into operation on 31 December 2019.

3. **Interpretation**

(1) Pursuant to section 131 (1ab) of the Act, the Yorke Peninsula Council has declared that consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.

(2) The prohibition has effect during the periods specified in the Schedule.

(3) The prohibition does not extend to private land in the area described in the Schedule.

(4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to-

(a) A person who is genuinely passing through the area if-

(1) the liquor is in the original container in which it was purchased from licensed premises; and

(2) the container has not been opened; or

(b) a person who has possession of the liquor in the course of carrying on a business or in the course of his or her employment by another person in the course of carrying on a business: or

(c) a person who is permanently or temporarily residing in premises within the area or on the boundary of the area and who enters the area solely for the purpose of passing through it to enter those premises or who enters the area from those premises for the purpose of leaving the area.

Schedule – Stansbury Area 1 and Area 2

1. **Extent of prohibition**

The consumption of liquor and the possession of liquor is prohibited.

2. **Period of prohibition**

From 10pm on 31 December 2019 to 8am on 1 January 2020.

3. **Description of area.**

The Area 1 in Stansbury is bounded as follows: commencing at the point at which the prolongation in a straight line of the south-eastern boundary of Stormbird Street intersects the low water mark on the western side of Gulf St. Vincent, then south-westerly along that prolongation to the south-western boundary of Anzac Parade, then north-westerly along that boundary of Anzac Parade to the northern boundary of Towler Street, then westerly along that that boundary of Towler Street to the western boundary of Weaver Street, the northerly along that boundary of Weaver Street and the prolongation in a straight line of that boundary to the south-western boundary of Anzac Parade, then generally north-westerly and westerly along that boundary of Anzac Parade and the southern boundary of North Terrace to the western boundary of Parrington Street, then along the prolongation in a straight line of then western boundary of Parrington Street to the southern boundary of Dalrymple Terrace, the easterly along that boundary of Dalrymple Terrace to the western boundary of Adelaide Road, then in a straight line by the shortest route to the point at which the southern boundary of Bayview Road meets the eastern boundary of Adelaide Road,

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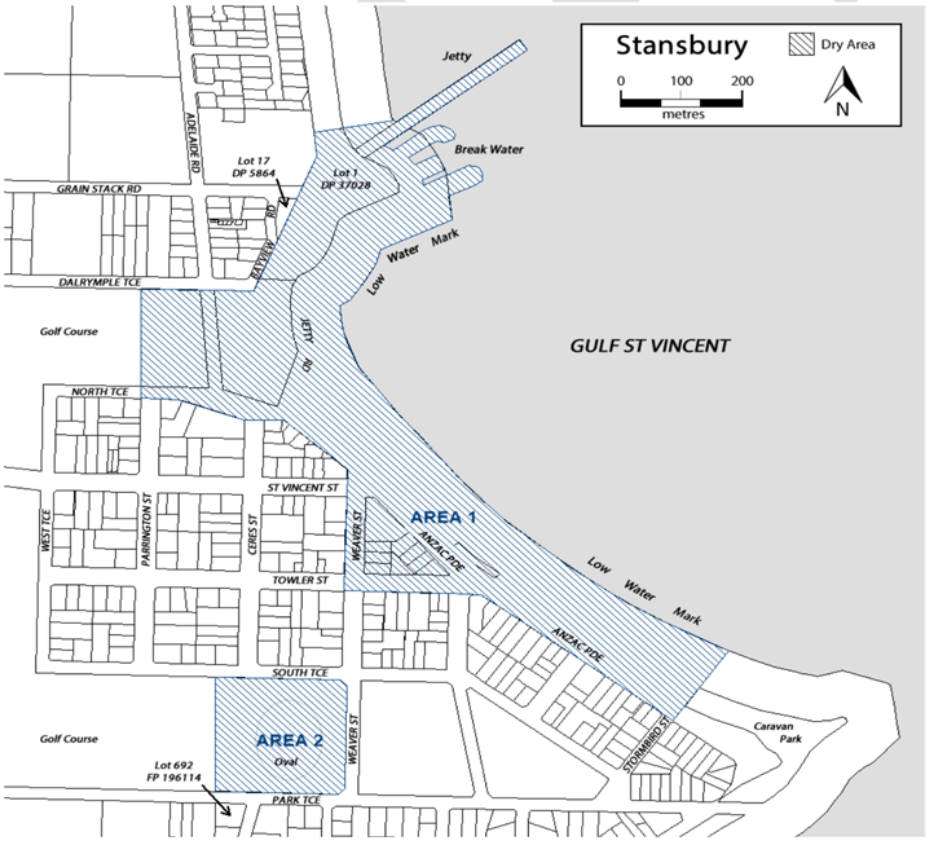
then generally easterly and north easterly along that boundary of Bayview Road to the point at which it meets the southern corner of Lot 17 DP 5864, then north-easterly and northerly along the western boundary of Lot 1 DP 37028 to the northern boundary of the Lot, then easterly along the northern boundary of Lot 1 and the prolongation in a straight line of the boundary to the low water mark on the western side of Gulf St. Vincent, then generally south-easterly along the low water mark to the northern side of Stansbury Jetty, then north-easterly south-easterly and south-westerly around the outer boundary of the jetty back to the low water mark on the southern side of the jetty (so as to include in the area the whole of the jetty and any area beneath the jetty), then south-easterly along the low water mark to the northern side of the breakwater that forms the northern wall of the enclosed boat launching facility immediately to the south-east of the jetty, then generally north-easterly, south-easterly and south-westerly around the outer boundary of the boat launching facility back to the low water mark on the shore on the southern side of the facility (so as to include in the area the whole of the facility, including the breakwaters and the area between them), then generally south-westerly and south-easterly along the low water mark on the point of commencement.

Area 2 will include the area bounded on the north by South Terrace, on the east by Weaver Street, on the south by Park Terrace and on the west by the prolongation in a straight line of the western boundary of Lot 692 FP 196114.

Dry Area Location – Area 1 and Area 2



25.3 LAND MANAGEMENT AGREEMENT

Document #: 19/83209

Department: Development Services

PURPOSE

To seek authorisation from Council for the Mayor and Chief Executive Officer to execute a Land Management Agreement relating to development at Allotment 1, Deposited Plan 45060 in the area named Edithburgh, Hundred of Melville, commonly known as Lot 1, 6450 St Vincent Highway, Edithburgh.

RECOMMENDATION

That Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal on the relevant documents relating to the Land Management Agreement over land identified as Allotment 1, Deposited Plan 45060 in the area named Edithburgh, Hundred of Melville as contained within Certificate of Title Volume 5338 Folio 883.

LINK TO STRATEGIC PLAN

Goal: 3 Valued and Restored Environment

Strategy: 3.9 Integrate environmental sustainability consideration in land use planning and development

BACKGROUND

G A Webb ("the Owner") has requested Council execute documents to permit a Land Management Agreement (LMA) to be registered on the Certificate of Title of the land subject to development application 544/1156/2018 (544/D004/18), which is for the division of land from one parcel of land into 4 allotments.

The subject land is Allotment 1, Deposited Plan 45060 in the area named Edithburgh, Hundred of Melville ("the Land"), commonly known as Lot 1, 6450 St Vincent Highway, Edithburgh.

DISCUSSION

The Land is within the Residential Zone in the Yorke Peninsula Council Development Plan and a significant portion of this land is within 100 metres of the high water mark of the coast. Due to the proximity of the land to the coast, the portion of the land within 100 metres of the high water mark of the coast is not considered suitable for on-site wastewater disposal.

As a result, the design of the proposed allotment boundaries are oddly shaped to ensure that each allotment has access to a suitable portion of land on the landward side of the 100 metres of the high water mark for the purpose of wastewater disposal.

The Owner proposes to enter into the LMA to restrict the location of wastewater disposal as well as manage the fencing of these areas by avoiding solid fencing, which may look unsightly given the long, narrow and unusually shaped sections of the allotment boundaries.

The LMA will be registered on the Certificate of Title of the Land and will be binding on the current and future owner of the Land.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Director Development Services
- Senior Development Officer
- Environmental Health Officer

In preparing this report, the following external parties were consulted:

- Nil

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

Costs associated with the registration of the LMA on the land title are borne by the land owner. There are no immediate or ongoing costs to Council other than the administration issues associated with signing the relevant documents.

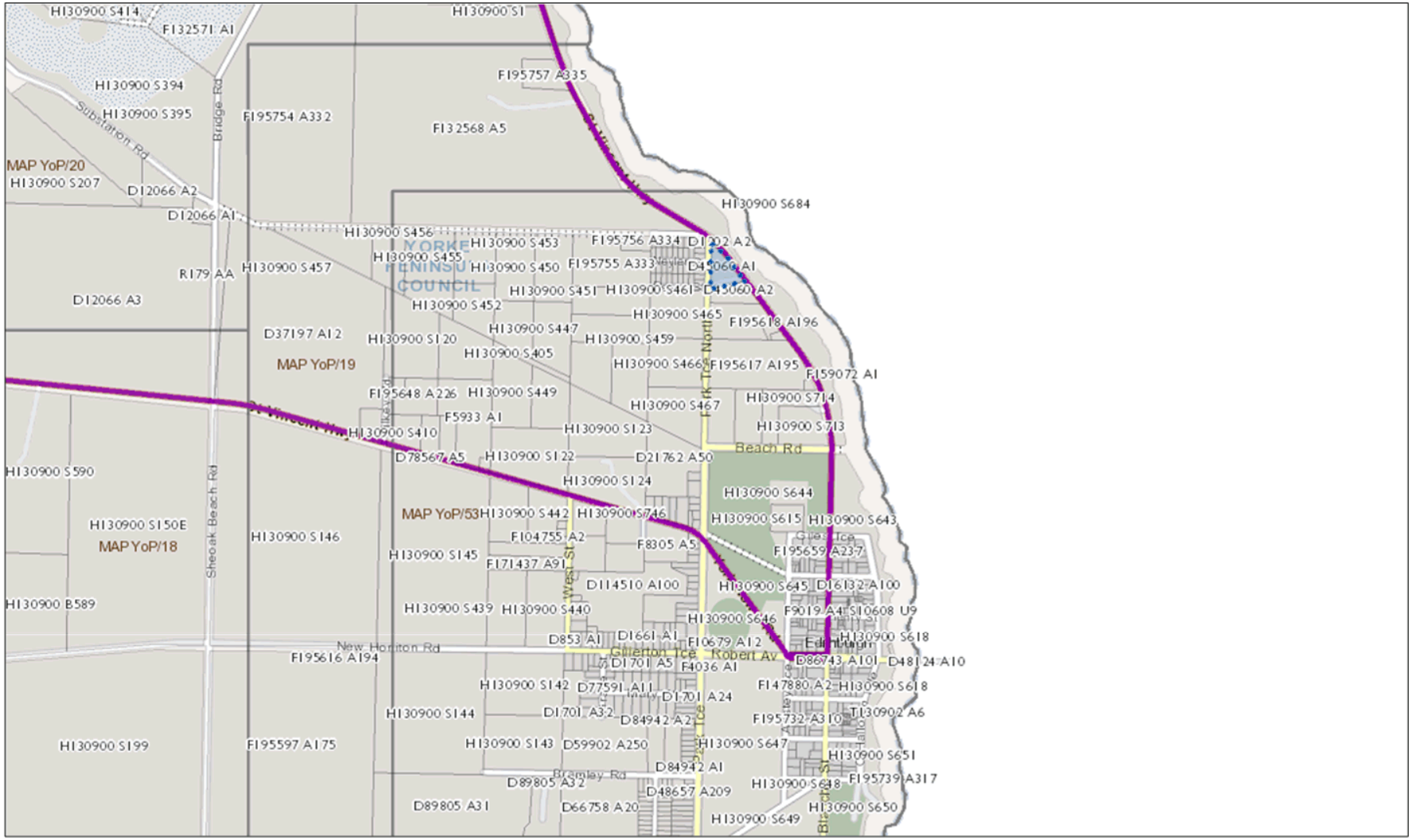
RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Development Act, section 57
Local Government Act, section 38(1)

ATTACHMENTS

1. **Location Plans**
2. **Plan of Division**
3. **Copy of Land Management Agreement (under separate cover)**

61577



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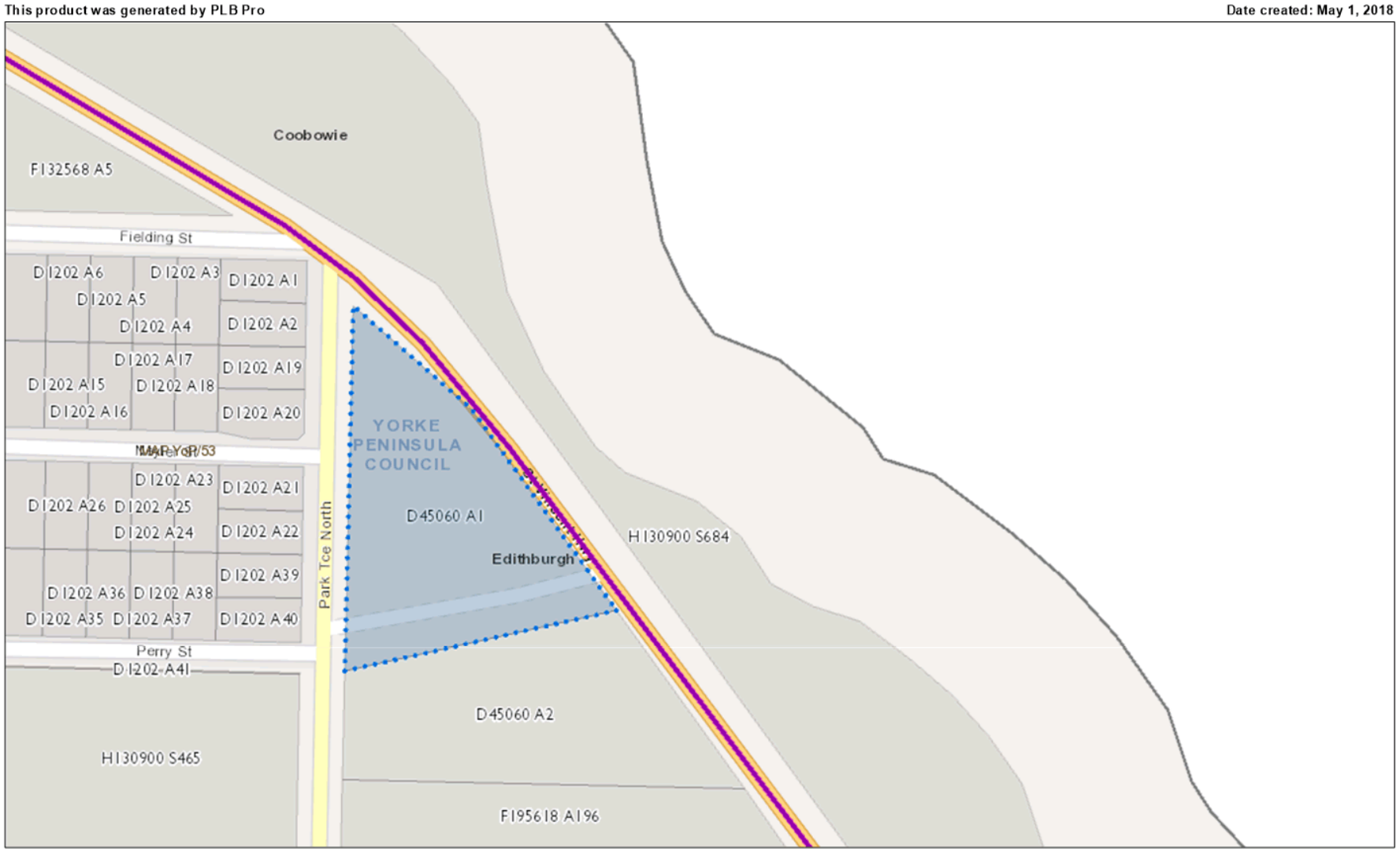
PLB Pro - developed by DPTI GIS Office

DPTI.GISOffice@sa.gov.au

Government of South Australia
Department of Planning, Transport and Infrastructure

61577


This product was generated by PLB Pro
Date created: May 1, 2018
Coobowie
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Fielding St
D1202 A6
D1202 A3
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D1202 A5
D1202 A4
D1202 A2
D1202 A17
D1202 A19
D1202 A15
D1202 A18
D1202 A16
D1202 A20
MAP YoR/53
D1202 A23
D1202 A21
D1202 A26
D1202 A25
D1202 A24
D1202 A22
D1202 A39
D1202 A36
D1202 A38
D1202 A35
D1202 A37
D1202 A40
Park Tce North
YORKE PENINSULA COUNCIL
D45060 A1
Edithburgh
H130900 S684
Perry St
D1202-A41
D45060 A2
H130900 S465
F195618 A196
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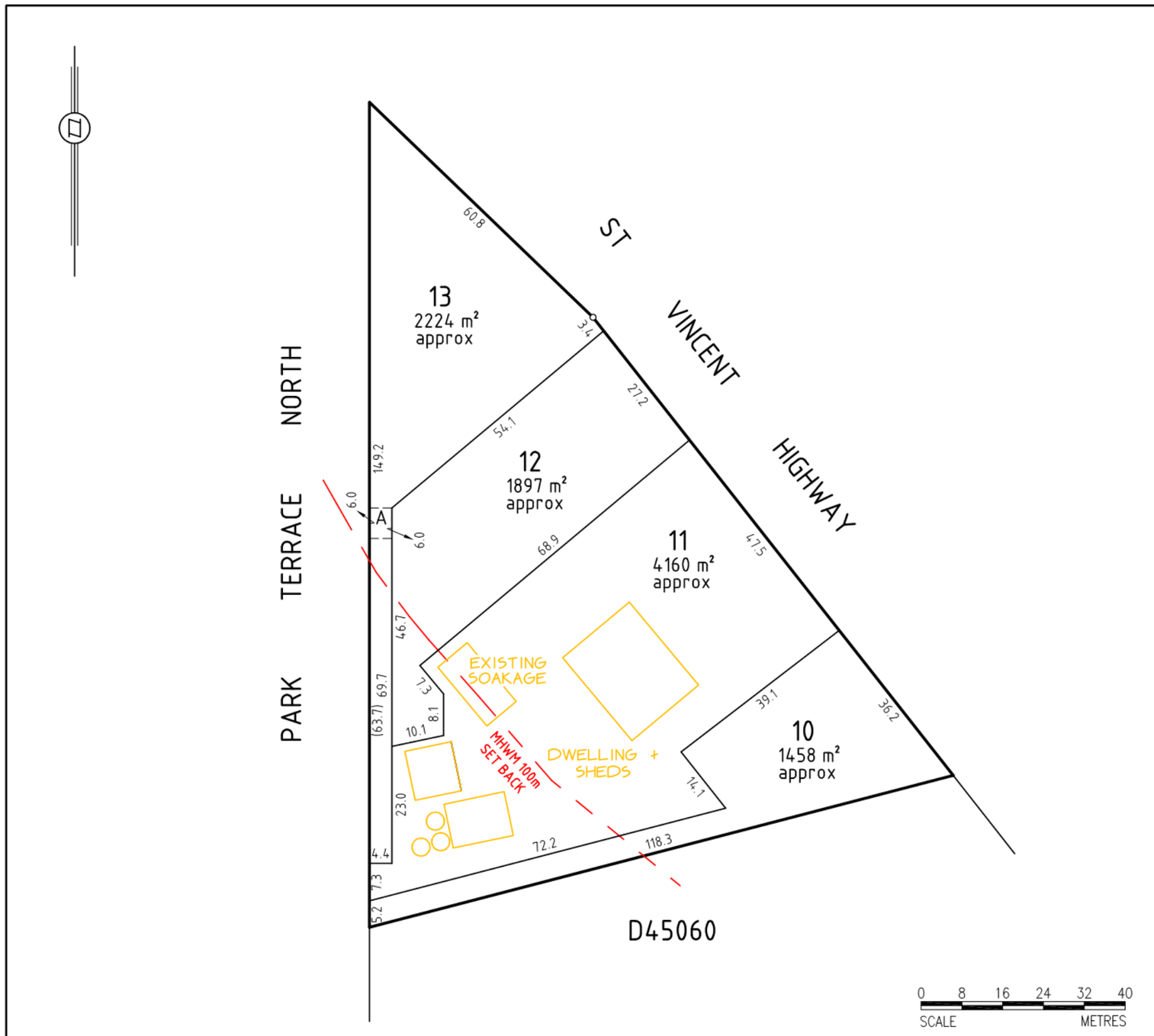


PROPOSED PLAN OF DIVISION

SHEET 1 OF 1

MAP REF: 6427-08-G | TOTAL AREA: 9739m²

HUNDRED: MELVILLE

AREA: EDITHBURGH

COUNCIL: YORKE PENINSULA

ZONING: RESIDENTIAL

TITLE REFERENCE			SUBJECT LAND		
PREFIX	VOLUME	FOLIO	PARCEL(S)	PLAN	SECTION
CT	5338	883	ALLOT 1	D45060	

AMENDMENT DATE:

DEVELOPMENT NUMBER:

EASEMENT NOTES AND OTHER ANNOTATIONS:

NOTE THIS PLAN IS TO BE READ IN CONJUNCTION WITH "ASSESSMENT FOR ON-SITE WASTEWATER MANAGEMENT" SUPPLIED BY RON SELTH & ASSOCIATES PTY LTD, CONSULTING ENGINEERS.

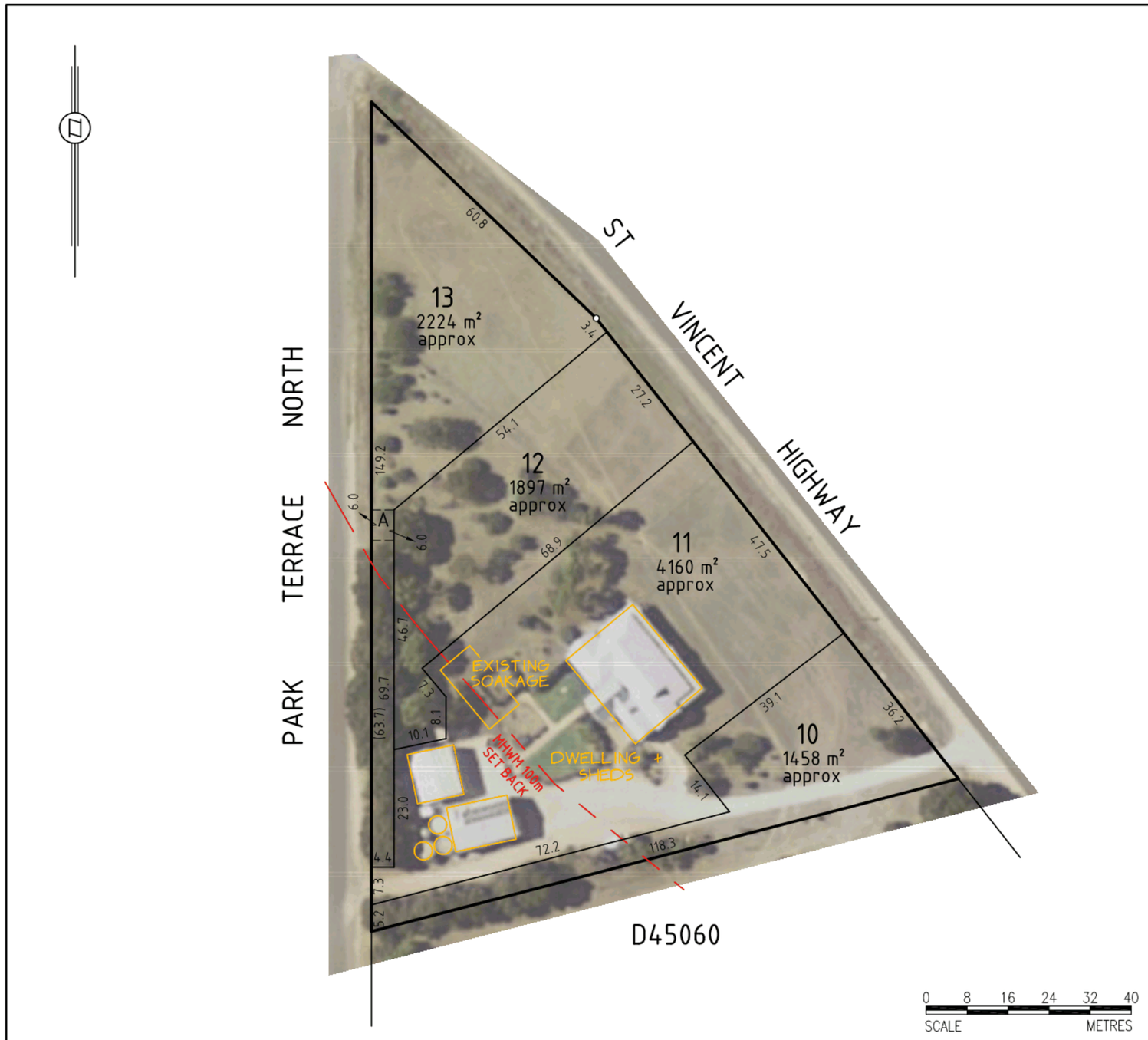
PORTION OF ALLOMENT 13 MARKED A IS TO BE SUBJECT TO FREE AND UNRESTRICTED RIGHTS OF WAY APPURTENANT TO ALLOTMENT 12.

DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.

IMPORTANT NOTE: This plan was prepared as an indicative subdivision design and is subject to approval from the Council for the area and any relevant authorities. The information shown on this plan is not suitable for any other purpose.
The dimensions and areas of allotments shown on this plan are approximate and may vary when more detailed information is available.
Where shown, structures and associated infrastructure are generally not drawn to scale.
In particular, no reliance should be placed on the information on this plan for detailed subdivision design or for any financial dealings involved in the land.
This note is an integral part of this plan.

MOSEL SURVEYORS Land Solutions
KADINA
6 Graves Street SA 5554
08 8821 3544
info@mosel.com.au
mosel.com.au
ACN 144 516 398
CLARE
08 8842 1228
ADELAIDE & MURRAY BRIDGE
1300 853 203

REFERENCE: K18004P1.2 8/1/19 CML,BAL



PROPOSED PLAN OF DIVISION

SHEET 1 OF 1

MAP REF: 6427-08-G | TOTAL AREA: 9739m²

HUNDRED: MELVILLE

AREA: EDITHBURGH

COUNCIL: YORKE PENINSULA

ZONING: RESIDENTIAL

TITLE REFERENCE			SUBJECT LAND		
PREFIX	VOLUME	FOLIO	PARCEL(S)	PLAN	SECTION
CT	5338	883	ALLOT 1	D45060	

AMENDMENT DATE:

DEVELOPMENT NUMBER:

EASEMENT NOTES AND OTHER ANNOTATIONS:

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PORTION OF ALLOMENT 13 MARKED A IS TO BE SUBJECT TO FREE AND UNRESTRICTED RIGHTS OF WAY APPURTENANT TO ALLOTMENT 12.

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CLARE
08 8842 1228
ADELAIDE & MURRAY BRIDGE
1300 853 203

REFERENCE: K18004P1.2 8/1/19 CML,BAL

25.4 APPLICATION FOR EXTINGUISHMENT OF EASEMENT - FOUL BAY

Document #: 19/83215

Department: Development Services

PURPOSE

The purpose of this report is to seek consent from Council to extinguish an existing easement registered on Certificate of Title Volume 6220 Folio 433 for Allotment 4, Deposited Plan 45061 in the area named Foul Bay, Hundred of Coonarie, which is no longer required by the relevant owners.

RECOMMENDATION

That Council:

1. consent to the extinguishment of the easement registered over the Certificate of Title for land contained in Certificate of Title Volume 6220 Folio 433, and
2. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal on the relevant documents relating to the extinguishment of the easement over land identified as Allotment 4, Deposited Plan 45061 in the area named Foul Bay, Hundred of Coonarie.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

Strategy: 5.2 Effective leadership and informed decision making

BACKGROUND

The owners of dominant (C & H Modra) and servient (Tuckokcowie Pty Ltd) tenements have agreed that the easement (formerly underlease over crown land) is no longer required. The original underlease (4400741) granting the easement was entered into in 1979 for a period of 99 years for the purpose of pipework associated with a windmill for a private water supply and involved a 10 metre wide strip of land (*refer attachment 4*).

As Council has a Land Management Agreement (8066406 – *refer attachment 5)* over one of the Titles, consent to the extinguishment is required from Council.

DISCUSSION

By Council consenting to the extinguishment of the easement, there is no effect to the existing Land Management Agreement which will still be registered over the whole of Allotment 4, Deposited Plan 45061 in the area named Foul Bay, Hundred of Coonarie.

Given the purpose of the easement was for a private water supply, its extinguishment is considered to have no bearing on Council matters.

COMMUNITY ENGAGEMENT PLAN

Not applicable

CONSULTATION PROCESS

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

- Senior Development Officer

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

- Nil

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

No cost to Council

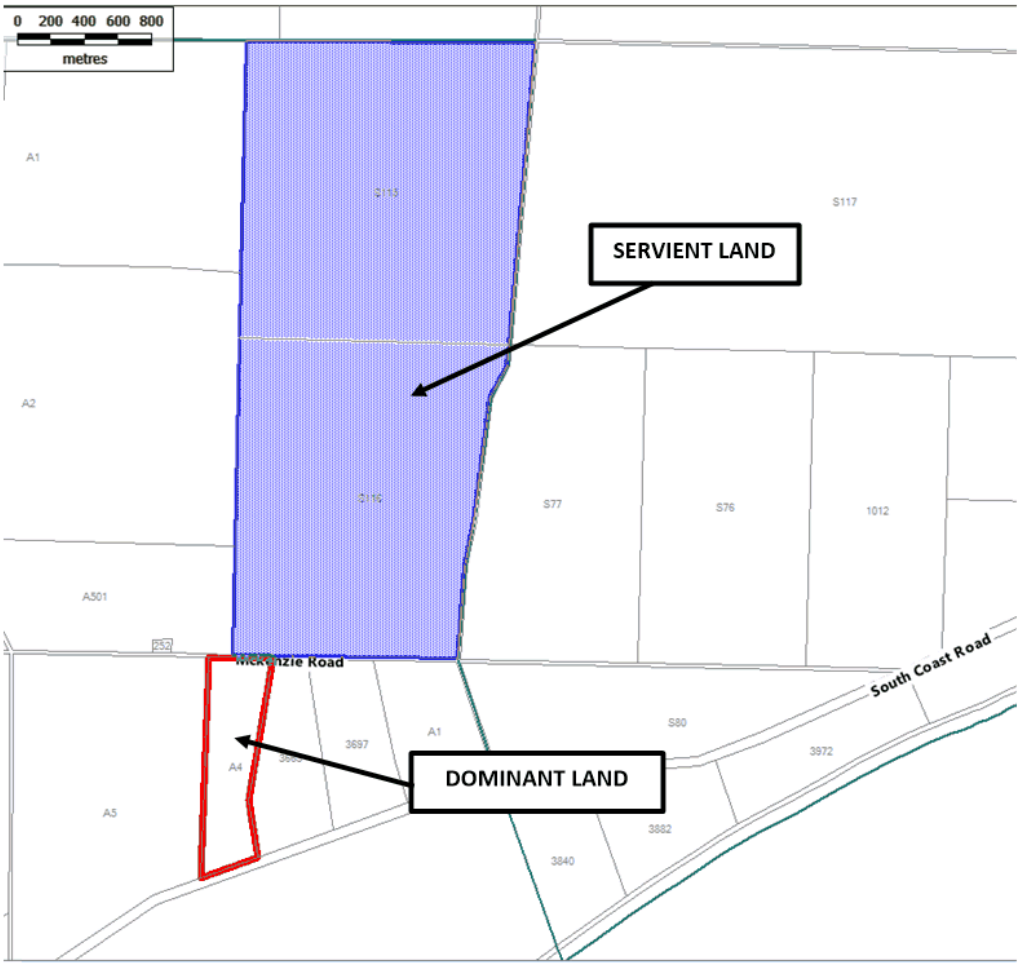
RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

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. **Application for Extinguishment of Easement**
3. **Certificate of Title**
4. **Original Memorandum of Under-lease**
5. **Land Management Agreement (under separate cover)**
6. **Consent Form**

Carterwright Road
South Coast Road


0 200 400 600 800
metres
SERVIENT LAND
DOMINANT LAND
South Coast Road

FORM VE (Version 1)
GUIDANCE NOTES AVAILABLE

LANDS TITLES REGISTRATION OFFICE

SOUTH AUSTRALIA

APPLICATION FOR EXTINGUISHMENT / VARIATION OF EASEMENT

FORM APPROVED BY THE REGISTRAR-GENERAL

PRIORITY NOTICE ID	

BELOW THIS LINE FOR OFFICE & STAMP DUTY PURPOSES ONLY

SERIES NO	PREFIX
	VE

AGENT CODE

LODGED BY:
CLEL

RevenueSA - Stamp Duty - ABN 19 040 349 865 ©
RevNetID/PRA Bundle No.: 2006B1117
Orig/Copy ——— of with ——— copies
Consideration/Value/Security: $ 0
SA Proportion (if applicable): $ ———
SD: $ ——— LTO Fees: $ ———
Int: $ ——— Pen/Add Tax: $ ———
Signature: [signature] Date: 10/6/19

CORRECTION TO:
CLEL

SUPPORTING DOCUMENTATION LODGED WITH APPLICATION (COPIES ONLY)

1
2
3
4
5

PLEASE ISSUE NEW CERTIFICATE(S) OF TITLE AS FOLLOWS:

1
2
3
4
5

CORRECTION	PASSED
REGISTERED	
	REGISTRAR-GENERAL

© LAWSOFT PTY LTD (June 2016)

Ref:

APPLICATION FOR EXTINGUISHMENT/VARIATION OF EASEMENT

* (Pursuant to Section 90B of the Real Property Act 1886)
* (Pursuant to Section 41 of the Roads (Opening and Closing) Act 1991)

** Strike through the inapplicable*

PRIVACY COLLECTION STATEMENT: The information in this form is collected under statutory authority and is used for maintaining publicly searchable registers and indexes. It may also be used for authorised purposes in accordance with Government legislation and policy requirements.

LAND DESCRIPTION (SERVIENT)

Portion of the land comprised in Certificate of Title Volume 6220 Folio 435

LAND DESCRIPTION (DOMINANT)

The whole of the land comprised in Certificate of Title Register Book Volume 6220 Folio 433

SERVIENT PROPRIETOR(S) (Full name and address)

TUCKOKCOWIE PTY LTD ACN 075 291 075 of Tuckokowie Road Warooka SA 5577

DOMINANT PROPRIETOR(S) (Full name and address)

CHRISTOPHER DON MODRA and HEIDI BIANCA MODRA both of 43 Moores Road Hardwicke Bay SA 5575

CONSIDERATION (Words and figures)

NIL

EXISTING EASEMENT TO BE EXTINGUISHED / VARIED (Describe precisely)

EASEMENT(S) WITH LIMITATIONS OVER THE LAND MARKED A ON PLAN ATTACHED TO GU 4400741 EXPIRING ON 31/10/2077 (GU 4400741)

To the Registrar-General,

We, the *Servient / *Dominant proprietor(s) above described, hereby request you to:

(a)* Extinguish the easement(s) above described

~~(b)* Vary the easement(s) above described to the position of .....~~

~~(c)* Extend the appurtenance of the easement(s) to .....~~

** Strike through the inapplicable*

DATED 10 June 2019

CERTIFICATION **Delete the inapplicable*

Dominant Proprietor(s)

*The Prescribed Person has taken reasonable steps to verify the identity of the Dominant Proprietor.

*The Prescribed Person holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.

*The Prescribed Person has retained the evidence to support this Registry Instrument or Document.

*The Prescribed Person has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Signed By:

SUSAN CLAIRE BIGGS
Solicitor
for: CLELANDS LAWYERS ADELAIDE PTY LTD
On behalf of the Dominant Proprietor

Servient Proprietor(s)

*The Prescribed Person has taken reasonable steps to verify the identity of the Servient Proprietor.

*The Prescribed Person holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.

*The Prescribed Person has retained the evidence to support this Registry Instrument or Document.

*The Prescribed Person has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Signed By:

SUSAN CLAIRE BIGGS
Solicitor
for: CLELANDS LAWYERS ADELAIDE PTY LTD
On behalf of the Servient Proprietor

CONSENT - Development Assessment Commission

Not applicable

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CONSENT FOR THE EXTINGUISHMENT / VARIATION OF EASEMENT

CONSENTING PARTY (Full Name and Address)

AUSTRALIA & NEW ZEALAND BANKING GROUP LTD. of 121 King William Street Adelaide SA 5000

NATURE OF ESTATE OR INTEREST HELD

Estate as mortgage pursuant to mortgage No 12217686 registered over the servient land

We the consenting party consent to the within *extinguishment/*~~variation~~ of easement.

** Strike through the inapplicable*

EXECUTION BY CONSENTING PARTY

DATED 14.6.19

EXECUTED for and on behalf of)
AUSTRALIA AND NEW ZEALAND)
BANKING GROUP LIMITED)
)
ABN 11 005 357 522 under Power of Attorney dated) Signature of Attorney
18 November 2002, and registered in South Australia)
9480083 by Scott Douglas Orth who certifies that he)
is a Relationship Manager and that he has not)
received notice of revocation of that Power)
in the presence of:)

Signature of Witness

44 Main Street
Minlaton SA 5575

Address of Witness

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Consent FORM VE (Version 1)

CONSENT FOR THE EXTINGUISHMENT / VARIATION OF EASEMENT

CONSENTING PARTY (Full Name and Address)

YORKE PENINSULA COUNCIL of 8 Elizabeth Street, MAITLAND SA, SA, Australia, 5573

NATURE OF ESTATE OR INTEREST HELD

LAND MANAGEMENT AGREEMENT NO 8066406

I/We the consenting party consent to the within *extinguishment/*~~variation~~ of easement.

** Strike through the inapplicable*

EXECUTION BY CONSENTING PARTY

DATED 2019

The **Common Seal** of **YORKE**

PENINSULA COUNCIL was hereunto

affixed in the presence of:

.....
Mayor

.....
Chief Executive Officer

© LAWSOFT PTY LTD (June 2016) Ref:

Page_____of_____

EASEMENT BY WAY of Lease.

No. 4400741

MEMORANDUM OF UNDER-LEASE

LEE CLAYTON DANIELL Sub-Lessor

JEFFREY CHARLES BRUNDELL Sub-Lessee

9

Memorandum.—A Memorial of the within instrument, No. was entered in the Register Book Vol. C.L. 1349 Folio 45 & 46 the 22 day of 8 1979 at 11 o'clock.

J. H. Taylor pro Registrar-General

Appeared before me at.....

the.....day of.....19....

.....

.....

(herein called the "Witness") a person known to me and of good repute attesting witness to this instrument and acknowledged the signature of the Witness to the same and did further declare that.....

.....

.....

within described (herein called "the Signatory") the party executing the same is personally known to the Witness that the signature to the said instrument is in the handwriting of the Signatory and the Signatory did freely and voluntarily sign the same in the presence of the Witness and the Signatory was at that time of sound mind.

.....J.P.

Appeared before me at YORKETOWN

the 28th day of May 1979

LEE CLAYTON DANIELL

.....

within named and described one of the parties executing the within instrument, being a person well known to me, did freely and voluntarily sign the same.

.....J.P.

Proclaimed Bank Manager
YORKETOWN

IAN R. DUNN
Licensed Land Broker
38-40 CURRIE STREET, ADELAIDE, S.A. 5000

Lodged by
Correction to I. R. Dunn
Delivery of C.T. to
Delivery of to

Correct for the purposes of "The Real Property Act of 1886- " as amended

LICENSED LAND BROKER

INSTRUMENT 5 OCT 1979 REFERRED

FEES PAID
TIME 11.50
L.T.O. FEES 9.12

NOTING
ADVERTISING

CORRECTION
S.D.R. Ref. 4300733
REFERRED RETURNED

Appeared before me at Yorketown

the 1st day of June 1979.

JEFFREY CHARLES BRUNDELL

.....

within named and described one of the parties executing the within instrument, being a person well known to me, did freely and voluntarily sign the same.

.....J.P.

SOUTH AUSTRALIA

MEMORANDUM OF UNDER-LEASE

LEE CLAYTON DANIELL of Warooka 5577 Farmer (hereinafter with his personal representatives and assigns called "the Sub-Lessor") being registered as the proprietor of an estate of leasehold subject however to such encumbrances liens and interests as are notified by memorandum underwritten or endorsed hereon in those pieces of land being Section 115 and 116 in the Hundred of Coonarie County of Fergusson and being the whole of the land comprised in and described in Crown Lease Perpetual No. 8348D entered in Crown Lease Register Book

26679 SOUTH AUSTRALIA DUTY STAMP

VOLUME 1349 FOLIO 45

DO HEREBY LEASE (by way of under-lease) to JEFFREY CHARLES BRUNDELL of Stansbury 5582 Farmer (hereinafter with his personal representatives and assigns called "the Sub-Lessee") registered as the proprietor of an estate as Lessee from the Crown of Sections 78 and 79 Hundred of Coonarie and being the land comprised in Crown Lease Perpetual No. 8348H entered in Register Book of Crown Leases Volume 1349 Folio 46 and as appurtenant thereto a full free and unrestricted right and liberty for the said JEFFREY CHARLES BRUNDELL and his agents servants and workmen from time to time and at all times hereafter to break the surface of, dig up and use a strip of the said Sections 78 and 79 with a uniform width of 10 metres and which strip of land is delineated in the plan annexed hereto and therein marked "A" for the purpose of laying down fixing taking up repairing relaying or examining pipes and windmill and for using and maintaining such pipes and windmill and for such purposes and as appurtenant as aforesaid do hereby grant to the said JEFFREY CHARLES BRUNDELL a full free and unrestricted right and liberty of entry egress and regress from time to time and at all times hereafter for him and his agents servants and workmen with or without horses carts or carriages in through over across and along the said portion of land marked "A" for a term of NINETY NINE YEARS commencing on the 1st day of November 1978 at a rental of TEN CENTS (10¢) per annum payable yearly in advance on the 1st day of November in each year if demanded by writing by the Sub-Lessors UPON the following covenants terms conditions restrictions and provisos namely:-

SUB-LESSEES COVENANTS

1. The rental shall be payable by the Sub-Lessee to the Sub-Lessor if payment is demanded in writing by the Sub-Lessor but if so demanded shall be paid within the next ensuing 14 days.
2. The Sub-Lessee will be responsible for the observance and performance of the terms and conditions of the said Crown Lease Perpetual No. 8348D so far as the same are applicable to the land hereb y demised and are required to be observed and performed by the Sub-Lessor as lessee from the Crown with respect to the land hereby demised and the Sub-Lessee will indemnify and keep indemnified the Sub-Lessor from and against all actions

/2..

suits proceedings claims and demands (including costs) which may be brought instituted or made against the Sub-Lessor in anywise relating to the neglect or failure of the Sub-Lessee to observe and perform the said terms and conditions.

3. The Sub-Lessee covenants with the Sub-Lessor as follows:-

(a) At all times during the original term or any extension thereof to keep and maintain all piping and windmill on the said demised land in good and substantial repair and condition.

(b) At all times during the original term or any extension thereof to keep the said demised land cleared clean and free from noxious weeds suckers scrub and undergrowth.

(c) To permit the Sub-Lessor and his agent and Her Majesty the Queen and Her Agents with or without miners surveyors workmen and other persons at all reasonable times to enter upon and examine the state of repair and condition and to make good all defects and want of repair which the Sub-Lessee is responsible hereunder and which the Sub-Lessor or his agents or Her Majesty the Queen and Her Agents may find on inspection.

(d) To use and adopt all such reasonable and proper means and precautions to prevent the outbreak and spread of bushfires on the said demised land and to comply with the provisions of the Bushfires Act 1960 as amended.

(e) To use all reasonable measures (by fumigating and poisoning or exterminating and keeping the said demised land free from rabbits and other vermin) to comply with the provisions of The Health Act 1935 as amended, The Local Government Act 1934 as amended, The Vermin Act 1931 as amended and The Weeds Act 1956 as amended and all amendments thereof respectively and any other Act or statute of a similar kind for the time being in force in South Australia relating to or affecting the said land or the occupier or owner thereof and with all regulations requisitions orders and notices for the time being made or given under or in pursuance thereof respectively.

4. The Sub-Lessee shall pay all costs of and incidental to this sub-lease including stamp duty, government fees and the costs of obtaining the consent of the Minister of Lands.

5. SUB-LESSOR'S COVENANTS

The Sub-Lessor will pay the Crown rentals District Council rates and State Land Tax imposed rated or taxed against the said land hereby demised during the term hereof and any extension.

6. The Sub-Lessor will allow the Sub-Lessee peaceably to use the said demised land as a means for maintaining a water pipe and windmill and to draw water from a certain bore situated within the confines of the said demised land and at the expiration or sooner determination of the term or any extension the Sub-Lessee may at his own cost and expense

/3..

remove and take away as his own property any moveable installations placed on the demised land by the Sub-Lessee prior to and subsequent to the execution of this Under-Lease the Sub-Lessee making good any damage done to the said demised land in consequence of such removal and taking away.

PROVIDED ALWAYS that if the Sub-Lessee shall fail to comply with any term or condition of this sub-lease on his part required to be complied with ot if the Sub-Lessee shall default in paying any part of the rental hereby reserved for one calendar month or longer or if the Sub-Lessee shall become bankrupt or call a meeting of creditors or suffer distress or execution to be issued against his goods then without prejudice to any other right or remedy available to him the Sub-Lessor may forthwith re-enter into and upon the said premises or any part thereof in the name of the whole and determine the tenancy hereby created.

AND I the above named JEFFREY CHARLES BRUNDELL DO HEREBY ACCEPT this lease of the above-described land to be held by me as Sub-Lessee and subject to the covenants terms conditions restrictions and provisions above set forth.

DATED the FIRST day of JUNE 1979

SIGNED by the said)
LEE CLAYTON DANIELL)
in the presence of:)
)
Proclaimed Bank Manager
YORKETOWN

L C Daniell

SIGNED by the said)
JEFFREY CHARLES BRUNDELL)
in the presence of:)
)

J Brundell

Department of Lands

144 KING WILLIAM STREET, ADELAIDE, S.A.
Box 1047, G.P.O., Adelaide, S.A., 5001

Telephone Enquiries
227 0514
When replying please quote

Mr. Burton

EYRE/YORKE REGION

15th December, 1978

D.L. 3986/78

Mr. Ian R. Dunn,
C.B.C. Bank Building,
38-40 Currie Street,
ADELAIDE. 5000

(for L.C. Daniell)

Dear Sir,

On the recommendation of the Land Board, the Minister of Lands has approved the application to sublease portion of Perpetual Lease 8348D, Hundred of Coonarie, to Jeffrey Charles Brundell for a period of 99 years commencing on the first day of November, 1978, at a rental of $0-10 per annum, if demanded.

If it is desired to register the Sublease, the parties interested should take the necessary steps to have a Memorandum of Sublease prepared, signed and forwarded to the Registrar-General accompanied by the lease, this consent and the necessary fees for registration and noting.

Yours faithfully,

A Burton
for Acting Manager, Eyre/Yorke Region

ATTACHMENT TO INSTRUMENT No. 4400741 SHEET No. 1

MORTGAGE No. 5010629 TO
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED
of the within Underlease 4400741
PRODUCED 1.3.1983 AT 12.5pm.

THE WITHIN LAND IS DISCHARGED FROM MORTGAGE
No. 5010629 VIDE 5047583
PRODUCED 19.5.1983 at 2.30pm.

TRANSFER No. 5047584 To
Brian Newman Martin and Ian Kenneth Martin both of care of Post Office Box 54 Kadina 5554 Farmers As Tenants in Common
OF THE WITHIN ~~LAND~~, PRODUCED 19.5.1983 at 2.30pm.
Underlease 4400741

MORTGAGE No. 5047585 To
Jeffrey Charles Brundell
of the within underlease 4400741
PRODUCED 19.5.1983 AT 2.30pm.
(INCLUDING OTHER LAND)

MORTGAGE No. 5047586 TO
NATIONAL COMMERCIAL BANKING CORPORATION
OF AUSTRALIA LIMITED
of the within underlease 4400741
PRODUCED 19.5.1983 at 2.30pm.
(INCLUDING OTHER LAND)

MORTGAGE No. 6224133 TO
THE MINISTER OF AGRICULTURE
of the within Lease 4400741
PRODUCED 23.9.1986 AT 14.45

L3690

OVER

ATTACHMENT TO INSTRUMENT No. 4400741 SHEET No. 1

The within Lease 4400741 is discharged from Mortgage 5047586 vide 6887903 Produced 22.3.1990 at 14:45

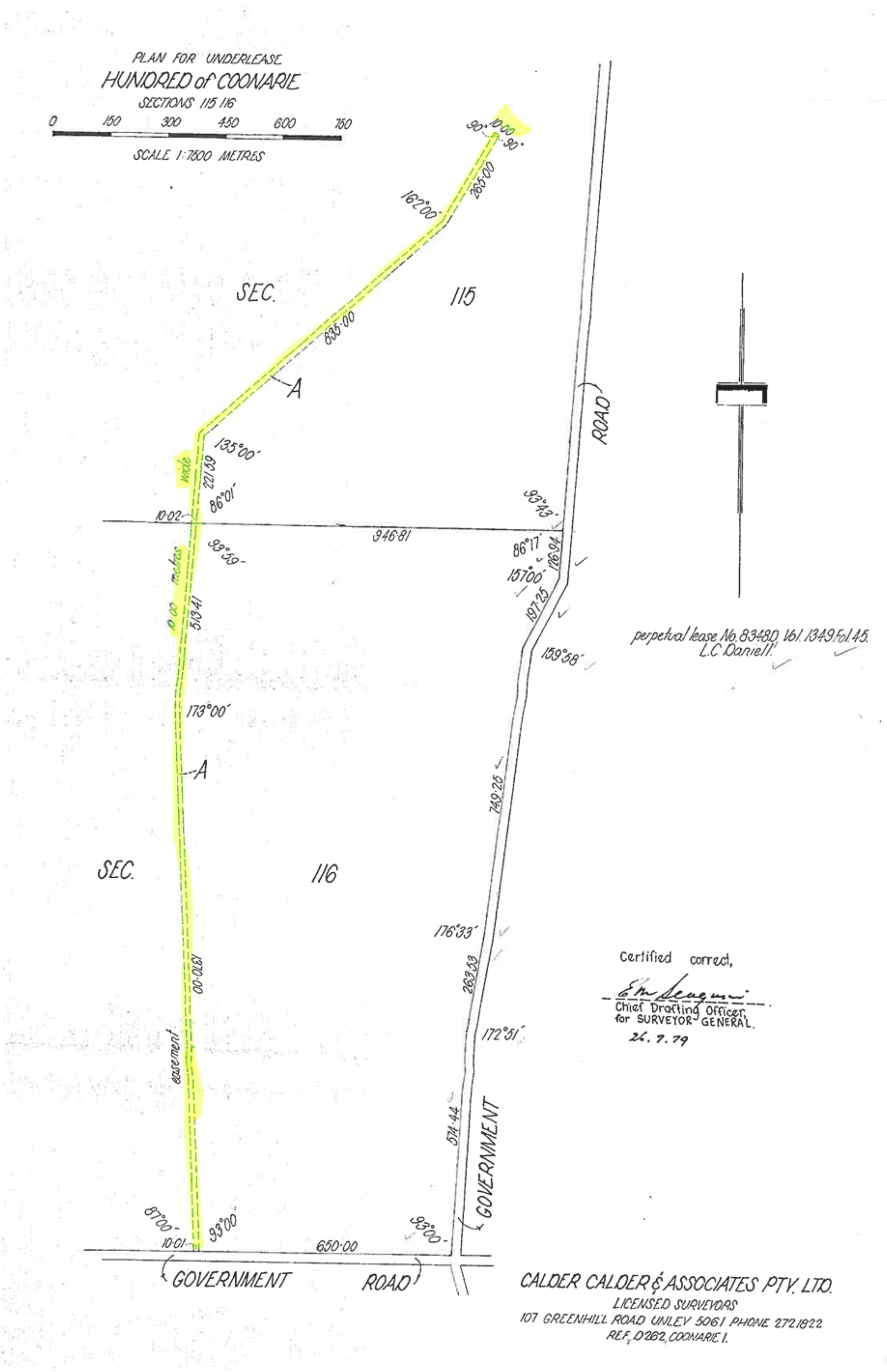
The within Lease 4400741 is discharged from Mortgage 6224133A vide 6887905 Produced 22.3.1990 at 14:45

TRANSFER 6887907 to CLIVE ASHLEY BUTLER of P.O. Box 171 Stansbury 5582 of the within Lease 4400741 Produced 22.3.1990 at 14:45

MORTGAGE 6887909 to THE MINISTER OF AGRICULTURE of the within Lease 4400741 Produced 22.3.1990 at 14:45

CL20

OVER


PLAN FOR UNDERLEASE
HUNDRED of COONARIE
SECTIONS 115 116
0 150 300 450 600 750
SCALE 1:7500 METRES
SEC. 115
SEC. 116
ROAD
GOVERNMENT ROAD
GOVERNMENT
A
10.00 metres wide easement
perpetual lease No. 83480 Vol. 1349 fol. 45.
L.C. Daniell.
Certified correct,
Chief Drafting Officer,
for SURVEYOR GENERAL.
26. 7. 79
CALDER CALDER & ASSOCIATES PTY. LTD.
LICENSED SURVEYORS
107 GREENHILL ROAD UNLEY 5061 PHONE 272 1822
REF. D262, COONARIE 1.

Consent FORM VE (Version 1)

CONSENT FOR THE EXTINGUISHMENT / VARIATION OF EASEMENT

CONSENTING PARTY (Full Name and Address)

YORKE PENINSULA COUNCIL of 8 Elizabeth Street, MAITLAND SA, SA, Australia, 5573

NATURE OF ESTATE OR INTEREST HELD

LAND MANAGEMENT AGREEMENT NO 8066406

I/We the consenting party consent to the within *extinguishment/*~~variation~~ of easement.

** Strike through the inapplicable*

EXECUTION BY CONSENTING PARTY

DATED 2019

The **Common Seal** of **YORKE**

PENINSULA COUNCIL was hereunto

affixed in the presence of:

.....
Mayor

.....
Chief Executive Officer

© LAWSOFT PTY LTD (June 2016) Ref:

Page_____of_____

26 GENERAL BUSINESS

Section 85 of the Act requires that matters on the Agenda are described with reasonable "particularity and accuracy" and reports and other documentation to be considered at a meeting are available to the public prior to the meeting. The practice of general business should be restricted to matters of urgency.

CONFIDENTIAL AGENDA

27 CONFIDENTIAL ITEMS

27.1 YORKETOWN AIRSTRIP UPGRADE TENDER 201-2019

RECOMMENDATION

Section 90 Order

That pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.1 Yorketown Airstrip Upgrade Tender 201-2019, with the exception of the following persons:

- Chief Executive Officer
- Acting Executive Assistant to CEO and Mayor
- Director Corporate and Community Services
- Director Assets and Infrastructure
- Director Development Services

The Council is satisfied that, pursuant to Section 90(2) and (3)(k) of the Act, the information to be received, discussed or considered in relation to report Item 27.1 Yorketown Airstrip Upgrade Tender 201-2019, is confidential information relating to:

(k) tenders for the supply of goods, the provision of services or the carrying out of works.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

RESUMPTION OF PUBLIC MEETING

28 NEXT MEETING

Wednesday 13 November 2019

29 CLOSURE