



I hereby give notice that a Special Meeting of Council will be held on:

Date: Wednesday, 22 February 2023
Time: 5.30pm
Location: Council Chamber
Minlaton Town Hall
57 Main Street
Minlaton

AGENDA

Special Council Meeting

22 February 2023

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.

Agenda

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1 WELCOME AND ACKNOWLEDGEMENT BY MAYOR

Meeting declared open

2 OPENING PRAYER

3 PRESENT

4 LEAVE OF ABSENCE

Nil

5 APOLOGIES

Nil

6 CONFLICT OF INTEREST

INFORMATION AGENDA

INFORMATION AGENDA

DEBATE AGENDA

DEBATE AGENDA

7 CHIEF EXECUTIVE OFFICER

7.1 VACANCY IN THE OFFICE OF MEMBER OF COUNCIL

Document #: 23/17765

Department: Executive Services

PURPOSE

To notify Elected Members that the office of ward councillor for the Kalkabury Ward, formerly occupied by Richard Carruthers and the office of ward councillor for the Innes Pentonvale Ward, formerly occupied by Kristin Murdock, became vacant by operation of section 54(1)(h) of the Local Government Act 1999.

RECOMMENDATION

That Council note that the office of ward councillor for the Kalkabury Ward, formerly occupied by Richard Carruthers, and the office of ward councillor for the Innes Pentonvale Ward, formerly occupied by Kristin Murdock, became vacant by operation of section 54(1)(h) of the Local Government Act 1999.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance and Leadership

Strategy: 5.2 Effective leadership and informed decision making

BACKGROUND

Under the Local Government (Elections) Act 1999 all elected members are required to submit a campaign donations return *within 30 days after the conclusion of the election*.

DISCUSSION

The Electoral Commissioner, Mick Sherry, notified the Chief Executive Officer by letter dated 9 February 2023 that Mr Richard Carruthers and Ms Kristin Murdock are no longer members of the council due to their failure to lodge their second campaign donation form on time in accordance with the Local Government (Elections) Act 1999. A copy of this correspondence is attached for Elected Members' ease of reference.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Nil

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

- Nil

POLICY IMPLICATIONS

PO015 – Access to Council and Committee Meetings and Documents Code of Practice

PO088 – Elected Members use of Council Supplied Electronic Equipment

PO089 – Elected Member Allowances and Benefits Policy

PO135 – Elected Members Training and Development Policy

BUDGET AND RESOURCE IMPLICATIONS

Council may be required to undertake two supplementary elections if Mr Richard Carruthers and Ms Kristin Murdock are not reinstated.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

This recommendation ensures Council is compliant with provisions under the Local Government (Elections) Act 1999, and the Local Government Act 1999.

ATTACHMENTS

1. Notification - Electoral Commissioner  

OFFICIAL

In reply please quote: ECSAF21/00132
Your ref:



9 February 2023

Level 6, 60 Light Square
Adelaide SA 5000
GPO Box 646
Adelaide SA 5001
T +61 8 7424 7400
W ecsa.sa.gov.au
ABN 99 891 752 468

Mr Andrew Cameron
Chief Executive Officer
Yorke Peninsula Council

By email

Dear Mr Cameron

Re: 2022 Local Government Periodic Elections – disclosure returns

I am now reporting to you the outcome of the campaign donation returns required to be lodged by candidates.

Unfortunately, a small number of elected members have not lodged their second donation return on time in accordance with the *Local Government (Elections) Act 1999* (LGE Act). These returns were due in December 2022. The consequence of doing so is to cause certain provisions in the *Local Government Act 1999* (LG Act) to take effect.

Section 54(1)(h) in Chapter 2, Part 2 of the LG Act provides that the office of a member of a council becomes vacant if the member fails to submit a return under Part 14 of the LGE Act before the expiration of one month from the end of the period allowed under that Act for the submission of the return.

It is my view that Mr Richard Carruthers and Ms Kristin Murdock required to vacate their offices in accordance with the 'casual vacancy' provisions set out in section 54.

These members are no longer members of the council. This has occurred by automatic operation of the LG Act and is not the result of a decision by me as Electoral Commissioner or Returning Officer or by any other person.

Next Steps

Please note that section 54(4)(a) of the LG Act provides that if a member's office becomes vacant because of the member's failure to submit a return under Part 14 of the LGE, the South Australian Civil & Administrative Tribunal (SACAT) may, on application made within one month after the vacation of office, restore the member to office if satisfied that the failure arose from circumstances beyond the member's control.

OFFICIAL

Please note that this one month period to apply to SACAT for reinstatement applies from the date that the casual vacancy was created. ECSA is not in a position to provide legal advice concerning the timing of any application that a member may wish to make to SACAT. However, it seems that on our calculations, an application by this member would need to be lodged by **Monday 13 February 2023**.

Applications to SACAT can be made online to: <https://www.sacat.sa.gov.au/applications-and-hearings/how-to-apply-to-sacat>

You may wish to contact Mr Carruthers and Ms Murdock to ensure that they are aware of these timing requirements should they wish to make an application to SACAT to be reinstated.

Steps taken to notify candidates of their disclosure obligations

Section 80 in Part 14, Division 1 of the LGE Act prescribes certain times for the lodgement of two campaign donation returns during and after the conclusion of the election. In simple terms, one donation return is due during the election period (after the close of nominations) and one return is due after the conclusion of the election.

Candidates are required to comply with the legislation in relation to the completion of these returns (including where relevant the lodgement of a nil campaign donation return) and required to observe the legislated time limits for the lodgement of these returns with the Electoral Commissioner (as the Returning Officer).

Significant steps were taken by ECSA to advise candidates of the requirement to lodge their campaign donation returns by these legislated dates. Information on campaign donation returns is made available to candidates in several mediums, including:

- Information including a returns timetable is available on ECSA's website.
- Extensive information about disclosure returns is in the candidate handbook.
- Information was delivered in the candidate briefing sessions held in person and via webinar.
- Information was included in the online pre-recorded candidate briefing session.
- The letter sent to candidates following close of nominations included instructions on campaign donation returns requirements. Most candidates would have received this letter via email on 7 September 2022.
- The attachment on illegal practices to the above letter included information on campaign donation returns requirements.
- The gazette notice published on 15 September 2022 following close of nominations included dates for submitting campaign donation returns.
- A results letter which included reminders on campaign donation returns requirements.

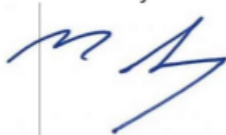
OFFICIAL

- An email dated 23 November 2022 was issued to candidates reminding them of their obligation to lodge their second campaign donation return.
- An auto-generated system email was issued by ECSA's systems to candidates who had not yet lodged their second campaign donation return by a certain date.
- A letter was issued by registered post and email on or about 12 January 2023 to those candidates who had not lodged their second campaign donation return as at that date. The letter included a reference to section 85 of the LGEA as well as the notes to section 86 referring to the creation of a casual vacancy if the member failed to submit a return before the expiration of one month from the end of the period allowed under the Act for the submission of a return.

The majority of candidates lodged their required campaign donation returns as required, either in compliance with the Act or information provided by ECSA or following reminders issued to ensure compliance.

A letter advising the members in question will be issued.

Yours sincerely



Mick Sherry
ELECTORAL COMMISSIONER

8 DEVELOPMENT SERVICES

8.1 REGISTRATION OF INTEREST - PROPOSED POWER LINE UNDERGROUNDING PROJECT - POWER LINE ENVIRONMENT COMMITTEE (PLEC) - YORKETOWN

Document #: 23/12646

Department: Development Services

PURPOSE

To seek approval from Elected Members for the Chief Executive Officer to lodge a Registration of Interest to the Power Line Environment Committee for financial funding for a proposed Power Line Undergrounding Project at Yorketown.

RECOMMENDATION

That Council authorise the Chief Executive Officer to lodge a Registration of Interest for financial funding for a proposed Power Line Undergrounding Project at Yorketown.

LINK TO STRATEGIC PLAN

Goal: 2 Community Connected through Infrastructure

Strategy: 2.4 Explore provision of new infrastructure

BACKGROUND

In 2012 Council engaged WAX Designs to undertake the Yorketown Urban Design Framework, to which it was endorsed by Council in December 2013. The development of this framework provides specific guidance for strategic direction and urban design initiatives over a 20-30 year period.

The masterplan illustrates future land uses, transport and pedestrian connections, open space provision, visual character and culture within Yorketown and provides an implementation plan for the revitalisation of the Warooka, Edithburgh, Stansbury, Minlaton Roads intersection and business precinct.

The current situation of the overhead power line infrastructure prevents Council and the community from implementing any of the key revitalisation projects outlined in the masterplan. Unless the power is undergrounded, projects such as installing kerbs, protuberances, paving, trafficable roundabouts, landscaping cannot be undertaken.

In May 2018 Yorketown Progress Association corresponded with Council *“respectfully requesting that this item be given due consideration for future upgrades within Council’s forward budgeting capacity and be kept at the forefront of Councils priorities”*. (Refer attachment 1).

DISCUSSION

Correspondence dated 18 August 2022, was received from the Chair of the PLEC, Mr Kim Steinle advising that the PLEC continue to offer funding opportunities to undertake projects to underground power lines and that the PLEC programme for the financial periods 2022-2023 and 2023-2024 is now at capacity. (Refer attachment 2).

Further correspondence dated 11 January 2023 was received from the Chair of the PLEC advising that the PLEC programme for the financial periods 2023-2024 and 2024-2025 is also at capacity (Refer attachment 3).

Registration of Interest (ROI) for projects to be on a standby or a wait list is now open for consideration in the 2024-2025 financial year. The close off date for ROI for projects in the first round

is 28 February 2023. It is to be noted that if the application was successful, the proposed project could potentially commence at the earliest in 2024-2025 or later in 2025-2026 and be funded over two financial years.

In November 2022, Council's Corporate Management Team conducted a walkover in Yorketown with staff from PLEC, SA Power Networks (SAPN) and Department for Infrastructure and Transport (DIT) to investigate the likelihood of undergrounding of power lines and the extent of the proposal.

Funding for projects are offered on a 2/3 PLEC and 1/3 Council basis. A high level concept of the project has been provided indicating a possible two stage proposal. Early indicative costings are provided based on Council's contribution to the project;

Stage 1A: 600 meters - \$660,000 - \$720,000

Stage 1B: 220 meters - \$198,000 - \$220,000

Attached is a copy of the street plan and email with indicative costings from (SAPN). (Refer attachments 4 & 5).

Costs are based on 2022-2023 market prices and will need to be amended to reflect the year of construction. It is also recommended that Councillors allow a budget line of 10% for contingencies.

Stage 1A comprises of high and low voltage cabling and high voltage assets. Stage 1B works is costed at a cheaper per metre rate due to this section being all low voltage, resulting in a narrower trench and shallower depth to comply with reinstatement specifications. Reinstatement of footpaths and roads is included in the indicative costings.

Should Council consider that the project has merit, a formal registration of interest would need to be lodged to the PLEC and work with their Executive Officer, SAPN and DIT to obtain accurate project cost estimates prior to bringing a detailed plan back to Council to consider a formal application.

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:

- PLEC Executive Officer
- SA Power Networks

POLICY IMPLICATIONS

Not Applicable

BUDGET AND RESOURCE IMPLICATIONS

Project funding is based 2/3 PLEC and 1/3 Council partnership to potentially commence 2024-2025.





The Long Term Financial Plan, Capital Works Budget and project timelines would be further developed in detail should PLEC endorse the project.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Risk, legal and legislative implications would be developed and actioned if and whether the project proceeds.

ATTACHMENTS

1. **Correspondence - Yorketown Progress Association - Powerline Undergrounding Request** [!\[\]\(18b76a301ae77870cb68015f15138f3c_img.jpg\)](#) [!\[\]\(50b19aa6df65ab64f26b6d4e3672182c_img.jpg\)](#)

2. **Correspondence Invitation - Registration of Interest - PLEC** [↓](#) 
3. **Correspondence - Funding Application - PLEC** [↓](#) 
4. **Email Correspondence - Indicative Costings - SA Power Networks** [↓](#) 
5. **Street Plan - Sages 1A & 1B - PLEC** [↓](#) 



YORKETOWN PROGRESS ASSOCIATION INC



Chairperson
Mrs Jenny Voigt
P O Box 208
YORKETOWN SA 5576

Mobile 0408 163 905

27 May, 2018

Mr Andrew Cameron
Chief Executive Officer
Yorke Peninsula Council
PO Box 57
MAITLAND SA 5573

Dear Mr Cameron

PLEC Scheme – Yorketown

I write on behalf of the Yorketown Progress Association Inc to request that Yorketown be considered for future funding to enable the PLEC scheme to be undertaken in Yorketown.

For many years now Yorketown residents have been aware that once the PLEC scheme had been finalised in Minlaton the township of Yorketown would be next to have their power lines redirected underground.

This infrastructure upgrade for Yorketown has been highlighted in the Yorketown Urban Design Framework, 21st Century and Beyond which was undertaken in 2012, a joint project with Council, which offers the potential to underground power lines and remove Stobie poles which will eliminate the visual clutter and improve the panoramic views across the landscape.

We would respectfully request that this item be give due consideration for future infrastructure upgrades within Council's forward budgeting capacity and be kept at the forefront of Council's priorities.

If you would like to discuss this matter further, or require any further information, please do not hesitate to contact me.

Yours faithfully

SUZ' ANNE WARREN
Vice Chair

OFFICIAL

Government of South Australia
Department for Energy and Mining

Our Ref: 2022D087721

Mayor Darren Braund
Yorke Peninsula Council
PO Box 57
Maitland SA 5573

Dear Mayor Darren Braund

POWER LINE ENVIRONMENT COMMITTEE - REGISTRATION OF INTEREST FOR PROJECT PROPOSALS

I am pleased to advise the Power Line Environment Committee (PLEC) will continue to offer funding opportunities to individual Councils throughout South Australia to undertake projects to underground power lines.

The PLEC programme for the financial periods 2022-2023 and 2023-2024 is now at capacity. Whilst the funding is competitive and we have several significant projects currently underway, we have a rolling programme to seek applications from Councils for PLEC funding.

Early registration of projects are now open for the financial year 2024-2025.

If the Yorke Peninsula Council has power lines and a streetscape that meets the criteria, and Council is considering an undergrounding project, we would be very happy to discuss your project proposal with you.

You don't need firm, fully prepared plans at this early stage.

I have attached a copy of the PLEC funding application form for your consideration. If you have any queries or would like to make a submission for funding, please contact the PLEC Secretariat at DEM.PLEC@sa.gov.au or telephone the Executive Officer PLEC, Ms Loan Vu on (08) 8226 5667.

Further information about PLEC can also be found at the following website:

<http://www.energymining.sa.gov.au/plec>

Yours sincerely

Kim Steinle
CHAIR
POWER LINE ENVIRONMENT COMMITTEE



18 August 2022

ENERGY & TECHNICAL REGULATION

Level 8, 11 Waymouth Street, Adelaide SA 5000 | GPO Box 320 Adelaide SA 5001

OFFICIAL

Government of South Australia
Department for Energy and Mining

Our Ref: 2023D001719

Mayor Darren Braund
Yorke Peninsula Council
PO Box 57
Maitland SA 5573

Dear Mayor Darren Braund

POWER LINE ENVIRONMENT COMMITTEE - REGISTRATION OF INTEREST FOR PROJECT PROPOSALS

I am pleased to advise the Power Line Environment Committee (PLEC) will continue to offer funding opportunities to individual Councils throughout South Australia to undertake projects to underground power lines.

The PLEC programme for the financial periods 2023-2024 and 2024-2025 is at capacity. Whilst the funding is competitive, we have several significant projects currently underway and we have a rolling programme to seek applications from Councils for PLEC funding.

Registration of interest (ROI) for projects to be on a standby or wait list is now open for consideration in the financial year 2024-2025. The close off date for ROI of projects in this first round of call out will close on 28 February 2023.

If the Yorke Peninsula Council has power lines and a streetscape that meets the criteria, and Council is considering an undergrounding project, we would be very happy to discuss your project proposal with you.

You don't need firm, fully prepared plans at this early stage.

I have attached a copy of the PLEC funding application form for your consideration. If you have any queries or would like to make a submission for funding, please contact the PLEC Secretariat at DEM.PLEC@sa.gov.au or telephone the Executive Officer PLEC, Ms Loan Vu on (08) 8226 5667.

Further information about PLEC can also be found at the following website:

<http://www.energymining.sa.gov.au/plec>

Yours sincerely

Kim Steinle
CHAIR
POWER LINE ENVIRONMENT COMMITTEE



11 January 2023

ENERGY & TECHNICAL REGULATION

Level 8, 11 Waymouth Street, Adelaide SA 5000 | GPO Box 320 Adelaide SA 5001

Maddy Pulling

From: Charles Donovan <Charles.Donovan@sapowernetworks.com.au>
Sent: Wednesday, 1 February 2023 3:29 PM
To: Roger Brooks; Vu, Loan (DEM); Emmanuel Papazoglou
Subject: RE: Yorketown PLEC - High Level Concept and Estimate
Attachments: Concept as of 1st Feb 2023.pdf

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, please contact the Council's IT Team.

Hello Roger,

Please find attached a high level scope of the sections we discussed to underground the powerline.

The Stage 1A section would be approx \$1,100/m - \$1,200/m and require a High Voltage Switching Cubicle near Existing Transformer 33468 on Waterloo Bay Rd. Council contribution in the order of 600m = \$660,000 - \$720,000.

The Stage 1B section is an option to extend the Stage 1A section and would be approx \$900 - \$1000/m. Council contribution in the order of 220m = \$198,000 – \$220,000. (this cost may vary if done in isolation to the Stage 1A).

Assumption is that the majority of the street lighting will be provided by DIT.

The costs are based on current 2022/2023 market prices and will need to be amended to reflect the year of construction.

I would highly recommend that Council allow a budget line for soil contamination due to being a latent condition, I typically normally advise 10%.

Sorry for the delay in providing the information, if you require any clarification, please don't hesitate to call me.

Regards

Charles Donovan
Major Customer Business Partner

PLEC - YORKTOWN



CONFIDENTIAL AGENDA**9 CONFIDENTIAL ITEMS****9.1 ENTERPRISE RESOURCE PLANNING (ERP) REPLACEMENT PROJECT****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 9.1 Enterprise Resource Planning (ERP) Replacement Project, with the exception of the following persons:

- Chief Executive Officer
- 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 9.1 Enterprise Resource Planning (ERP) Replacement Project, 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

10 NEXT MEETING

Wednesday 8 March 2023

11 CLOSURE