



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

Date: Wednesday, 24 May 2023
Time: 5.30pm
Location: Council Chamber
Minlaton Town Hall
57 Main Street
Minlaton

AGENDA

Special Council Meeting

24 May 2023

A handwritten signature in blue ink, appearing to read "A. Cameron".

**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

1	Welcome and Acknowledgement of Country by Mayor	5
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9	Next Meeting	125
	Wednesday 14 June 2023	
10	Closure	125

1 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY BY MAYOR

Meeting declared open

2 OPENING PRAYER

3 PRESENT

4 LEAVE OF ABSENCE

Nil

5 APOLOGIES

Nil

6 CONFLICT OF INTEREST

INFORMATION AGENDA

DEBATE AGENDA

DEBATE AGENDA

7 CHIEF EXECUTIVE OFFICER**7.1 POLICY UPDATE - PO015 ACCESS TO COUNCIL AND COMMITTEE MEETINGS AND DOCUMENTS CODE OF PRACTICE****Document #:** 23/48951**Department:** Executive Services**PURPOSE**

To seek endorsement for the proposed update of PO015 Access to Council and Committee Meetings and Documents Code of Practice.

RECOMMENDATION

That Council endorse and adopt the updated PO015 Access to Council and Committee Meetings and Documents Code of Practice for inclusion in Council's Policy Manual and on Council's website.

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

Section 92 of the Local Government Act 1999 requires Council to prepare and maintain a code of practice to:

- Facilitate public access to Council and Council committee (Committee) meetings, minutes and documents.
- Inform and educate the community about public access to Council and Committee meetings, minutes and documents.

Council is also required to review its code of practice within twelve (12) months after the conclusion of each periodic election.

Council's PO015 Access to Council and Committee Meetings and Documents Code of Practice (Policy) has undergone a full review in consideration of the legislative changes introduced by the Statutes Amendment (Local Government Review) Act 2021 (Amendment Act), the new Local Government Association (LGA) Access to Council and Committee Meetings and Documents Model Code of Practice and the cessation of the relevant COVID-19 notices that varied or suspended provisions of the Local Government Act 1999 (Act).

DISCUSSION

The Amendment Act changed the provisions in the Act relating to meeting and document access including:

- Simplifying the documents that must be published on Council's website to a single list.
- No longer requiring documents to be available for public inspection in hard copy (printed copies must be provided upon request and a fee may be charged).
- Only requiring Council and Committee meeting notices and agendas to be publicly displayed at the principal office of Council and until the completion of the relevant Council/Committee meeting, in addition to being published on Council's website.

- Requirements for additional documents to be published on Council's website, such as information and briefing session papers and behavioural management policies.
- Introducing procedures for closing information and briefing sessions to the public.
- Removing the requirement for Council/Committee meeting minutes to be displayed at the principal office of Council (printed copies must be provided upon request and a fee may be charged).

Variations and suspensions to certain provisions of the Act enacted by the COVID-19 notices have ceased and Council meetings are no longer permitted to be conducted electronically.

The Policy has been extensively updated, the bulk of which relates to the above-mentioned legislative changes, with other alterations made to simplify the content and improve formatting.

The proposed updated Policy includes provisions for electronic participation in Committee meetings as the Act permits Committees to hold meetings electronically, providing there is a Council policy that allows it.

The Audit and Risk Committee endorsed the proposed updated Policy and recommend it proceed to public consultation at its meeting held on 21 February 2023. Additionally, subject to there being no public objection to the proposed updated Policy after public consultation and no further major changes, the Audit and Risk Committee determined (at the same meeting) that the proposed updated Policy would proceed straight to Council for endorsement, rather than returning to the Audit and Risk Committee for further consideration.

At its meeting held on 8 March 2023, Council endorsed the proposed updated Policy to proceed to public consultation.

Public consultation commenced on 21 March 2023, by way of a public notice on Council's website and in the Yorke Peninsula Country Times. Due to an error in the consultation closing date published on Council's website, the consultation period closed on 14 May 2023. One submission was received dated 14 May 2023 and is provided as attachment 1 for information.

In relation to the community member's comment relating to releasing the agenda ten (10) days prior to a meeting, please note that the three (3) clear days is within the requirements of section 84 of the Local Government Act 1999.

The timeframe for distributing minutes to the public has been removed from the proposed updated Policy in accordance with the Statutes Amendment (Local Government Review) Act 2021 which removed the requirement to make a hardcopy available at the principal office of Council within five (5) days of a meeting and instead inserts that, in accordance with section 132(1) of the Local Government Act 1999, minutes (and other Schedule 5 documents) be made available on Council's website. No timeframe is identified. However, Council's usual practice is to have minutes available within two (2) days following a Council meeting.

A copy of the proposed updated Policy is provided in attachment 2 with the changes shown in colour. A copy without mark-up is also provided as attachment 3 for ease of reference.

COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

Public consultation commenced on 21 March 2023, by way of a public notice on Council's website and in the Yorke Peninsula Country Times. One (1) submission was received.

CONSULTATION PROCESS

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

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

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

- Nil

POLICY IMPLICATIONS

PO037 Internal Review of a Council Decision Policy

PO057 Community Engagement Policy

PO147 Complaints Policy

R011 Fees and Charges Register

R031 Confidential Orders Register

BUDGET AND RESOURCE IMPLICATIONS

The resource and budget implications relate to the equipment required to facilitate meetings via electronic means, which is minimal.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

It is essential that Council meets its legislative obligation to prepare and adopt a code of practice that sets out the principles and procedures for public access to Council and Committee meetings and documents.

Local Government Act 1999




Freedom of Information Act 1991

Planning, Development and Infrastructure Act 2016

LGA Access to Council and Committee Meetings and Documents Model Code of Practice

Ombudsman's "In the Public Eye" audit report

ATTACHMENTS

1. **Submission - Public Consultation - PO015 Access to Council and Committee Meetings and Documents Code of Practice** [↓](#) 
2. **Attachment - PO015 Access to Council and Committee Meetings and Documents Code of Practice - Draft - Markup** [↓](#) 
3. **Attachment - PO015 Access to Council and Committee Meetings and Documents Code of Practice - Draft - No Markup** [↓](#) 

Heinrich Wiechers
[REDACTED]
[REDACTED]

Yorke Peninsula Council
att: Elected Members
PO Box 57
Maitland SA 5573
08 8832 0000
admin@yorke.sa.gov.au

14 May 2023

Dear Mayor, dear Deputy Mayor, dear Councillors,

Re: Public Consultation PO015 – Access to Council and Committee Meetings and Documents
Code of Practice Policy

Council invited public comment on its revised PO015 – Access to Council and Committee Meetings and Documents Code of Practice Policy.

The consultation process will end 5pm on the 14 May 2023, contrary to the date 14 April 2023 published in the Yorke Peninsula Country Times.

First matter of concern:

4.1. Public Access to the Agenda for Meetings

At least three (3) Clear Days before a Council/Committee meeting (unless it is a special Council/Committee meeting), the Chief Executive Officer (CEO) must give written notice of the meeting to all Council/Committee members setting out the date, time and Place of the meeting. The notice must contain or be accompanied by the agenda for the meeting.

Items listed on the agenda will be described accurately and in reasonable detail.

The agendas for council meetings contain a significant amount of information the public and Elected Members have to absorb. Agendas of more than 100 pages are not uncommon. The Agendas are published on council's website Friday afternoon before 5pm for the council meeting on Wednesday 4 days later. Recent council meeting agendas (without additional attachments) consisted

- o of 361 pages in October 2022
- o of 159 pages in January 2023
- o of 108 pages in February 2023
- o of 264 pages in March 2023
- o of 282 pages in May 2023.

Members of the public which are busy with work or other commitments, are not given the

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opportunity to read and consider the agenda due to the very limited time frame of 4 days. It takes away their opportunity to ask an Elected Member before the meeting for further information relating to an agenda item.

4 days is an inadequate time frame to encourage the public to participate in local affairs as intended by the Local Government Act.

Information provided in the agenda is known to the CEO for an extended period of time before the release of the agenda. Therefore there is no reason that the notice for the meeting and the agenda could not been given 10 days before the meeting.

Second matter of concern:

Availability of minutes to the public

The current policy's time frame makes the minutes available to Elected Members **and** the public within 5 days

The proposed policy has no time frame at all for the release of the minutes to the public.

The proposed new policy has removed the time line of '*5 days*' for the release of the minutes to the public.

There is no reason why the minutes should not be provided to the public at the same time as the minutes are provided to the Elected Members in line with the Local Government Act within 5 days.

I would like to ask the Elected Members to amend the policy, that

- meeting agendas must be available to the public 10 clear days before the meeting
- meeting minutes must be available to the public 5 days after the meeting

Thank you for your consideration.

Kind regards

Heinrich Wiechers



COUNCIL POLICY

Access to Council and Committee Meetings and Documents Code of Practice

Policy Number:	PO015		
Strategic Plan Objective:	5. Responsible Governance and Leadership		
Policy Owner:	Chief Executive Officer	Record Number:	16/13889[v7]
Responsible Officer:	Governance Officer	Minute Reference:	046/2020
Date Adopted:	08/04/2020	Next Review Date:	March 2023

1. POLICY OBJECTIVES

Yorke Peninsula Council (Council) is fully committed to the principles of open, accountable, transparent and informed decision-making and encourages appropriate community participation in its affairs.

Accordingly, this policy has been developed to:

- ensure appropriate public access to Council/Committee meetings and documents;
- inform the community about public access to Council/Committee meetings and documents.

Alterations to Policy

~~On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the South Australian Public Health Act 2011, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.~~

~~On 22 March 2020, the State Co-ordinator for the State of South Australia declared pursuant to section 23 of the Emergency Management Act 2004, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.~~

~~On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the Local Government Act 1999 (Notice No 1) (Notice No 1) varying or suspending the operation of the specified provisions of the Local Government Act 1999 as set out in Schedule 1 to Notice No 1. Notice No 1 commenced operation on 31 March 2020.~~

~~This Policy has been amended to take into account Notice No. 1.~~

2. SCOPE

This policy applies to:

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

- a) Council;
- b) All committees of Council (Committee(s));
- ~~c) All Council/Committee meetings and documents;~~
- ~~d) All committee_s of Council meetings and documents.~~
- ~~e)c)~~

3. DEFINITIONS

Refer to Attachment 1.

4. POLICY STATEMENT

This policy sets out the way in which meetings and documents can be accessed and includes information about:

- The relevant provisions of the Local Government Act 1999 (~~the Act~~);
- Public access and participation;
- Access to meeting agendas;
- Access to meetings;
- Access to documents;
- Accountability and reporting;
- Availability of the code;
- ~~Complaint procedures;~~
- The process for restricting public access to a meeting or a document;
- ~~Access to meeting agendas;~~
- ~~Access to meetings;~~
- The process for excluding the public from meetings;
- When the public can be excluded;
- ~~How the Council uses of the Confidentiality Provisions in the Act;~~
- ~~Access to documents;~~
- Review of confidentiality orders;
- How to make a Complaint.
- ~~Accountability and reporting;~~
- ~~Availability of the code.~~

4.1. Public Access to the Agenda for Meetings

At least three (3) Clear Days before a Council/Committee meeting (unless it is a special Council/Committee meeting), the Chief Executive Officer (CEO) must give written notice of the meeting to all Elected Council/Committee Members-members setting out the date, time and Place of the meeting.- The notice must contain or be accompanied by the agenda for the meeting.

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Items listed on the agenda will be described accurately and in reasonable detail.

Notice of the meeting and an agenda will be placed on public display at ~~each office of the Council that is open to the public for the general administration of Council business~~ the principal office of Council, until the completion of the relevant Council/Committee meeting. ~~Copies will also be and available published on Council's website (www.yorke.sa.gov.au) until the completion of the relevant Council meeting.~~ A reasonable number of copies will be available for public inspection as soon as practicable after they are supplied to Elected Members.

~~Non-confidential agenda documents and reports supplied to Council/Committee members before the meeting, which are to be considered at the meeting, will be published on Council's website (www.yorke.sa.gov.au), as soon as practicable after being supplied to the Council/Committee members.~~

~~In the case where non-confidential agenda documents and reports are supplied to Council/Committee members at the meeting, for consideration during the meeting, a reasonable number of copies will be made available to members of the public at the meeting as soon as practicable after they are supplied to Council/Committee members. These documents will also be subsequently published on Council's website (www.yorke.sa.gov.au).~~

~~A reasonable number of copies of agenda documents and non-confidential reports, that are to be considered at the meeting, will be made available to members of the public in attendance at meetings.~~

Members of the public may also obtain hardcopies of non-confidential agendas and relevant documents/reports for which a fee may be payable, in accordance with a Council's Fees and Charges Register, —available on Council's website (www.yorke.sa.gov.au).

~~Agenda papers provided to the Council/Committee, may include notice from the CEO that the Council/Committee may determine to consider an item in confidence, with the public to be excluded from the meeting during discussion of that item. Where such an indication is made, the CEO must specify why the confidentiality order could be made in accordance with the Confidentiality Provisions.~~

~~Where the CEO, after consultation with the Mayor or in the case of a Committee, the presiding member, believes that a document or report should be considered in confidence and the public excluded, the basis under which the order could be made, in accordance with section 90(3) of the Act, will be specified. Council cannot consider a matter in confidence, unless the matter is one that falls within section 90(3) of the Act. For the period of the operation of Notice No 1 the requirement that the CEO give notice to the public of the times and places of council meetings by placing the notice of meeting and agenda on public display at each office of the Council that is open to the public for the general administration of Council business within its area is **suspended**.~~

~~For the period of the operation of Notice No 1:~~

- ~~• the requirement that the CEO must ensure that a reasonable number of copies of any document or report supplied to members of the Council for consideration at a meeting of the Council are available for inspection by members of the public at the principal office of the Council or at the meeting is **suspended**.~~
- ~~• the CEO (or nominated person) will ensure that any document or report supplied to members of the Council for consideration at a meeting of the Council is available for inspection by members of the public—~~
 - ~~○ in the case of a document or report supplied to members of the Council before the meeting—on a website determined by the chief executive officer~~

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~~as soon as practicable after the time when the document or report is supplied to members of the Council; or~~

- ~~○ in the case of a document or report supplied to members of the Council at the meeting – on a website determined by the chief executive officer as soon as practicable after the time when the document or report is supplied to members of the Council.~~

4.2. Public Access to Meetings

~~Subject to the matters discussed below regarding Notice 1, Council/Committee meetings are open to the public and attendance is encouraged, except where the Council believes it is necessary, in the broader community interest, to exclude the public from the discussion and, if necessary, the decision.~~

The public will only be excluded when considered proper and necessary in the case where the need for confidentiality outweighs the principle of open decision-making.

4.2.1. Information and Briefing Sessions

~~Council/Committee or the CEO are permitted to facilitate an Information and Briefing Session where more than one Council/Committee member is invited. A matter must not be dealt with at an Information and Briefing Session in such a way so as to obtain, or effectively obtain, a decision outside of a formally constituted Council/Committee meeting.~~

~~An Information and Briefing Session on a matter that will be included on a Council/Committee agenda must be open to the public, however, the Council/Committee or the CEO may order that the Information and Briefing Session be closed to the public if the matter listed for discussion falls within the Confidentiality Provisions.~~

~~An Information and Briefing Session will be taken to be conducted in a Place open to the public if one (1) or more Council/Committee members participate in the meeting by electronic means, provided that members of the public can hear the discussion between all Council/Committee members and subject to a Council direction that electronic means are not to be used for the purposes of Information and Briefing Session.~~

~~Whether or not an Information and Briefing Session has been open to the public, the following information must be published as soon as practicable after the holding of the session:-~~

- ~~• The Place, date and time of the session;~~
- ~~• The matter discussed at the session;~~
- ~~• Whether or not the session was open to the public.~~

4.2.2. Committees Meetings and Electronic Participation

~~Elected Members and Employees may lawfully participate in informal gatherings/discussions including:~~

~~Planning sessions;~~

~~Development of policies and strategies;~~

~~Briefing or training sessions;~~

~~Workshops;~~

~~Social gatherings to encourage informal communication between Elected Members and staff;~~

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~~provided that a matter which would ordinarily form part of the agenda for a formal meeting is not dealt with in such a way as to obtain, or effectively obtain, a decision outside of a formally constituted meeting.~~

~~Notice No 1~~

~~Notice No 1 provides that a Council/Committee meeting will be taken to be conducted in a Place/Place open to the public even if one (1) or more Council/Committee members participate in the meeting by electronic means, provided that -~~

~~the CEO (or a person nominated by them in writing) makes available to the public a Live Stream of the meeting on a website determined by the CEO and ensures that members of the public can hear the discussion between all Council/Committee members present at the meeting via the Live Stream; or~~

~~if the CEO (or nominated person) has taken reasonable steps to make available a Live Stream of the meeting but is unable to make available a Live Stream of the meeting, the CEO (or Nominated Person) makes available to the public a recording of the meeting as soon as practicable after the meeting on a website determined by the CEO and ensures that members of the public can hear the discussion between all Council members present at the meeting via the recording.~~

~~If the CEO (or Nominated Person) has taken reasonable steps to make available to the public a Live Stream of the meeting or, (if unable to make available a Live Stream of the meeting) a recording of the meeting but is unable to comply, the CEO (or Nominated Person) must publish on a website determined by the CEO the steps taken to comply and the requirement will be suspended and subject to a Council direction that a Committee is not to use electronic means for the purposes of its meeting(s).~~

~~Council's Informal Gatherings Policy PO017, provides further information about the requirements for informal gatherings.~~

4.3. Confidentiality and Matters Where the Public can be Excluded

~~In accordance with section 90(2) of the Act Council may order that the public be excluded from attendance at a meeting, to the extent that the Council considers it to be necessary and appropriate in order to receive, discuss or consider in confidence a particular matter.~~

~~Before a meeting ordersing that the public be excluded to enable consideration of a particular matter in confidence, the Council/Committee/CEO meeting must, in public, formally determine if this is necessary and appropriate, and if so, in the case of a meeting where it is deemed appropriate to exclude the public, then pass a resolution to exclude the public is then required while dealing with that matter.~~

~~This means that a~~ All members of the public (including Employees/staff) are required to leave the room, unless exempted by being named in the resolution as entitled to remain or, in the case of an information and briefing session, as named by the Council/Committee/CEO. The grounds on which an order to exclude the public is made will be conveyed to the public at the time of them being ordered to leave the meeting.

~~Notice No 1~~

~~Notice No 1 provides that a~~ All members of the public (including Employees) who are participating in Aa Council or Council/Committee meeting or information and briefing session by electronic means must disconnect/Disconnect and leave the any

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~~Live Stream or recording of a meeting or information and briefing session for the period that the meeting unless exempted by being named in the resolution or, in the case of an information and briefing session, as named by the Council/Committee/CEO as entitled to remain is closed to the public pursuant to an order made under section 90(2).~~

~~The Council can, by inclusion within the resolution, permit a particular person or persons to remain in the meeting (i.e. a ratepayer who is suffering personal hardship whilst the circumstances concerning the payment of rates is being discussed). For the operation of section 90(2) a member of the public does not include an Elected Member.~~

Once the Council/Committee/CEO order has been made, it is an offence for a person, who knowing that an order is in force, to enter or remain in ~~a room in which such at the meeting or information and briefing session room or to Connect to a Committee meeting or information and briefing session by electronic means, or fail to Disconnect from a Committee meeting or information and briefing session~~ is being held.

It is lawful for an employee of Council or a member of the police to use reasonable force to remove the person from the room if he or she fails to leave upon request.

Further, Notice 1 provides that it is also an offence for person who, knowing that an order is in force under section 90(2), to connect¹ to a meeting of the Council or Council committee by electronic means, or fail to disconnect² from a meeting of the Council or Council committee.

Once discussion on that particular matter is concluded, the public are then permitted to re-enter, or reconnect, to the meeting. The decision of the meeting will be made publicly known unless the Council/Committee has resolved to order that information relating to the matter remain confidential.

If there is a further matter that needs to be considered in confidence, it is necessary to repeat the process to exclude the public again.

For the convenience of the public present at meetings, matters to be considered in confidence are contained within the last section of the agenda (wherever possible), to allow other business to be dealt with and avoid the public having to leave the meeting then return with the possibility of the same process being repeated again.

A report on the use of the Confidentiality Provisions by the Council/Committee must be included in Council's annual report, as required by Schedule 4 of the Act and Regulation 35 of the Local Government (General) Regulations 2013.

~~In accordance with the requirements of section 90(3) of the Act, Council may only order that the public be excluded in the following circumstances:~~

- ~~a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);~~
- ~~b) information the disclosure of which—

 - could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and
 - would, on balance, be contrary to the public interest;~~
- ~~e) information the disclosure of which would reveal a trade secret;~~

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- d) ~~commercial information of a confidential nature (not being a trade secret) the disclosure of which—~~
- ~~• could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and~~
 - ~~• would, on balance, be contrary to the public interest;~~
- e) ~~matters affecting the security of the Council, members or employees of the Council, or Council property, or the safety of any person;~~
- f) ~~information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;~~
- g) ~~matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;~~
- h) ~~legal advice;~~
- i) ~~information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the Council or an employee of the Council;~~
- j) ~~information the disclosure of which—~~
- ~~• would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and~~
 - ~~• would, on balance, be contrary to the public interest;~~
 - ~~• tenders for the supply of goods, the provision of services or the carrying out of works;~~
 - ~~• deliberately left blank~~
 - ~~• information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act;~~
 - ~~• information relevant to the review of a determination of a Council under the Freedom of Information Act 1991.~~
 - ~~• Any consideration of the use of the confidentiality provisions to exclude the public from the discussion of a particular matter at a meeting will require the identification of one or more of the grounds listed within section 90(3) and the factual reasons for the relevance and application of the ground(s) in the circumstances.~~
 - ~~• In considering whether an order should be made, it is irrelevant that discussion of a matter in public may:~~
 - ~~• Cause embarrassment to the Council, Elected Members or employees of the Council;~~
 - ~~• Cause a loss of confidence in the Council.~~
- ~~Further, in accordance with section 91(8), the Council must not make an order to prevent:~~
- ~~• The disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined;~~
 - ~~• The disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected;~~
 - ~~• The disclosure of the amount(s) payable by the Council under a contract for the supply of goods or the provision of services (including the carrying out of~~

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works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract;

- The disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.

If a decision to exclude the public is taken, the Council is required to record the making of the order in the minutes and provide sufficient detail of the grounds on which the order was made.

Once discussion of the matter is concluded, the meeting will then consider if it is necessary to make an order that a document associated with this agenda item (including minutes) remain confidential. In determining this, the meeting will have regard to the provisions of section 91 and, in particular, section 91(8) which details when a Council must not order that a document remain confidential.

If the meeting determines that it is proper and necessary to keep a document confidential, then a resolution for an order to this effect is required by the meeting, in accordance with section 91(7) of the Act, which will also be made known to the public.

If an order to keep a document confidential is made, the meeting must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. If an order is to apply for over twelve months, then the order must be reviewed every twelve months from the date it was made.

A decision of the meeting will also be made publicly known unless the Council has resolved to order that some information remain confidential.

The Council cannot delegate the power to apply sections 90(3) and 91(7) of the Act.

4.4. Public Access to Documents Minutes

Minutes and non-confidential Council/Committee meeting documents will be available within five days (which is different to "Clear Days" and includes weekends and public holidays) after the meeting. Various other documents, including this policy, are available for inspection at Council offices during office hours, can be purchased (for a fee) or provided in various electronic formats, including via Council's website (www.yorke.sa.gov.au).

Members of the public may also obtain hardcopies of non-confidential minutes for which a fee may be payable in accordance with Council's Fees and Charges Register, available on Council's website (www.yorke.sa.gov.au).

Notice No 1 provides that a copy of the minutes of a meeting of the Council must be placed on public display on a website determined by the CEO within five days after the meeting and kept on display for a period of one month.

Alternatively, requests to access other Council documents can be made under the Freedom of Information (FOI) Act 1991 and inquiries relating to this process can be directed to Council's accredited Freedom of Information Officer on 8832 0000.

4.5. Review of Confidentiality Orders

An order made under the Confidentiality Provisions must specify the duration of the order and the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. A review of the reports or documents that were considered under the provision of sections 90(3) and 91(7) of the Act will be conducted each month to ensure that items are released in accordance with the resolution of Council, when the confidential provision no longer applies.

An order will lapse if the time or event specified has been reached or carried out. Once the order expires or ceases to apply, the documents automatically become public.

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

Orders that exceed 12 months must be reviewed annually and the Council/Committee must assess whether the grounds for non-disclosure are still relevant. A Council may resolve to exclude the public from a meeting to discuss and undertake consideration of the recommendations arising from the annual review in confidence, subject to the Confidentiality Provisions. If there is more than one confidential order to be considered, each order must be dealt with separately and it is necessary to repeat the process.

If there are any items that require a fresh confidentiality order because the original order is about to expire, the Council/Committee must consider each matter separately against the Confidentiality Provisions and provide the reasons for the documents remaining confidential.

The conduct of the annual review can be delegated to the CEO and sub-delegated to an Employee if the Council/Committee deems it appropriate. While a Council may delegate the power to undertake an annual review, the Council cannot delegate the power to apply the Confidentiality Provisions. Orders that exceed twelve months will be considered annually by the CEO to assess whether the grounds for non-disclosure, in the CEO's view, are still relevant. If the CEO is of the view that there are items that require a fresh confidentiality order (because the original order is about to expire) and that the grounds for non-disclosure are still relevant, then the CEO will prepare a report to Council making recommendations with respect to each item that is recommended be retained in confidence.

Council's Confidential Orders Register R031, available via Council's website (www.yorke.sa.gov.au), has been established to assist in monitoring order expiration and review dates (in accordance with the Ombudsman SA's recommendations).

Council must assess each item separately against sections 90(3) and 91(7) of the Act to determine if the grounds for non-disclosure are still relevant.

Council may resolve to exclude the public from a meeting to discuss and undertake consideration of the recommendations arising from the annual review in confidence, subject to the application of the relevant ground under section 90(3) of the Act. Section 90(3) of the Act must be applied separately to each item.

If there is no longer any need for the confidentiality order then the Council will revoke the order made in accordance with section 91(7) of the Act. If it is determined that a fresh confidentiality is required, Council must again provide the grounds and reasons for the minutes and/or documents remaining confidential.

An order will lapse if the time or event specified has been reached or carried out and the Council will not need to resolve that the confidential order is lifted. Once the order has lapsed, the minutes and/or documents automatically become public.

4.6. Public Access to Documents

The Act requires Councils to make available a large number of documents. Many of these are set out in 'Schedule 5', with further requirements also contained within other sections of the Act.

'Schedule 5' documents must be published on Council's website (www.yorke.sa.gov.au). Council must also provide a person with a printed copy of any document referred to in Schedule 5 upon request, for which a fee may be payable in accordance with Council's Fees and Charges Register, available on Council's website (www.yorke.sa.gov.au).

Requests to access Council/Committee documents that are not otherwise publicly available, can be made under the Freedom of Information Act 1991. Enquiries relating to this process can be directed to Council's accredited Freedom of

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~~Information Officer on 8832 0000 or via email to Accredited FOI Officer admin@yorke.sa.gov.au. Council's Freedom of Information Statement is available on Council's website (www.yorke.sa.gov.au).~~

~~Accountability and Reporting~~

~~A report on the use of sections 90(2) and 91(7) by the Council must be included in the Council's annual report, as required by Schedule 4 of the Act. The reporting should include the following information (separately identified for the Council and Committees of Council):~~

~~Number of occasions each of the provisions of sections 90(2) and 90(3) were utilised;~~

~~Number of occasions each of the provisions of sections 90(2) and 90(3) and section 91(7) were utilised, expressed as a percentage of total agenda items considered;~~

~~An indication of any particular issues that contributed to the use of Confidentiality Provisions on more than one occasion e.g. a proposal to acquire a parcel of land was considered on three separate occasions;~~

~~Number of occasions that information originally declared confidential has subsequently been made publicly available;~~

~~Number of occasions that information declared confidential has not been made publicly available and the reason for this in each case.~~

4.7. Availability

~~A copy of this policy is available on Council's website (www.yorke.sa.gov.au). Council will also provide a person with a printed copy upon request, for which a fee may be payable in accordance with Council's Fees and Charges Register, available on Council's website (www.yorke.sa.gov.au).~~

5. COMPLAINTS

~~Complaints about this policy or access to either a meeting or a document can be made in writing to the Council's Governance Officer via Council's principal office. - Complaints will be managed in accordance with Council's Complaints Policy PO147.~~

6. REVIEW

~~The Council must review this code of practice policy within twelve 12 months after of the conclusion of a periodic election and as deemed necessary in consideration of any changes to legislation, relevant standards, codes and guidelines, audit findings and/or any corrective actions/controls arising from risk assessment.~~

~~Notice No 1~~

~~Notice No 1:~~

- ~~• provides that a Council is not required to adopt any provision in a code of practice that would prevent or inhibit members from participating in Council meetings or Council committee meetings by electronic means;~~
- ~~• provides that Council members may meet by electronic means to alter the code of practice of the Council, or substitute a new code of practice of the Council, even if the existing code of practice prevents or inhibits the Council members from meeting by electronic means;~~

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- ~~suspends the requirement in section 92(5) that before a Council adopts, alters or substitutes a code of practice it make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection and purchase at the principal office of the Council and on a website determined by the Council and that the Council follow the steps set out in its public consultation policy.~~

7. TRAINING

Council is committed to supporting ~~Elected Members, members of Council/e~~Committees ~~members of Council~~ and ~~E~~employees in complying with this policy.

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

~~Elected Members, members of Council/e~~Committees ~~of Council~~members and ~~E~~employees will actively participate in training.

8. RECORDS

Records ~~shall~~will be maintained as required by Council's Records Management Policy (PO063) and relevant legislation.

9. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS

~~PO014 Employee Code of Conduct Policy~~

~~PO017 Informal Gatherings Policy~~

PO037 Internal Review of a Council Decision Policy

PO057 Community Engagement Policy

PO147 Complaints Policy

R011 Fees and Charges Register

R031 Confidential Orders Register

Yorke Peninsula Council Freedom of Information Statement

10. REFERENCES AND LEGISLATION

~~Development Act 1993~~

Freedom of Information Act 1991

~~Independent Commissioner Against Corruption Act 2012~~

Local Government Act 1999

Planning, Development and Infrastructure Act 2016

~~Code of Conduct for Council Members~~

~~Ombudsman's "In the Public Eye" audit report~~

LGA Access to Council and Committee Meetings and Documents Model Code of Practice

~~Local Government (Public Health Emergency) Amendment Act 2020~~

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[Ombudsman's "In the Public Eye" audit report](#)

[Electronic Participation in Council Meetings Notice \(No-1\) 2020](#)

11. COUNCIL DELEGATION

Details of Delegation:	Multiple
Delegate:	CEO

12. VERSION HISTORY

Version No	Issue Date	Description of Change
1	07/04/2003	New Policy.
2	08/04/2008	Full Revision.
3	08/06/2010	Full Revision.
4	12/02/2014	Full Revision.
5	08/04/2015	Full Revision.
6	12/06/2019	Full Revision.
7	08/04/2020	Legislative Update due to COVID-19.
8		Full Revision.

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ATTACHMENT 1: DEFINITIONS

Term/Reference	Definition
Clear Days	<p>The time between the giving of the notice of a meeting and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, e.g. notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday. <u>Saturdays, Sundays and public holidays are taken into account. If notice is given after 5:00pm on a day, the notice will be taken to have been given on the next day. For example, notice given on a Thursday at 2:00pm for a meeting to be held on the following Monday, the Clear Days are Friday, Saturday and Sunday.</u></p>
<u>Confidentiality Provisions</u>	<p><u>In accordance with the requirements of section 90(2) and 91(7)90(3) of the -Act a Council/Committee may order that the public be excluded in order to receive, discuss or consider any of the following information or matters in confidence (references to Council below also include Committees):</u></p> <p><u>(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);</u></p> <p><u>(b) information the disclosure of which—</u></p> <p style="padding-left: 20px;"><u>(i) could reasonably be expected to confer a commercial advantage on a person with whom Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of Council; and</u></p> <p style="padding-left: 20px;"><u>(ii) would, on balance, be contrary to the public interest;</u></p> <p><u>(c) information the disclosure of which would reveal a trade secret;</u></p> <p><u>(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—</u></p> <p style="padding-left: 20px;"><u>(i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and</u></p> <p style="padding-left: 20px;"><u>(ii) would, on balance, be contrary to the public interest;</u></p> <p><u>(e) matters affecting the security of the Council, members or Employees of the Council, or Council property, or the safety of any person;</u></p> <p><u>(f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the</u></p>

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Term/Reference	Definition
	<p><u>prevention, detection or investigation of a criminal offence, or the right to a fair trial;</u></p> <p>(g) <u>matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;</u></p> <p>(h) <u>legal advice;</u></p> <p>(i) <u>information relating to actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an Employee of the Council;</u></p> <p>(j) <u>information the disclosure of which—</u></p> <p style="padding-left: 20px;">(i) <u>would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an Employee of the Council, or a person engaged by the Council); and</u></p> <p style="padding-left: 20px;">(ii) <u>would, on balance, be contrary to the public interest;</u></p> <p>(k) <u>tenders for the supply of goods, the provision of services or the carrying out of works;</u></p> <p><u>(the Act does not contain an “l”)</u></p> <p>(m) <u>information relating to a proposed amendment to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act;</u></p> <p>(n) <u>information relevant to the review of a determination of a Council under the Freedom of Information Act 1991;</u></p> <p>(o) <u>information relating to a proposed award recipient before the presentation of the award.</u></p> <p><u>The Local Government Act provides a definition of “personal affairs” which includes a person’s:</u></p> <ul style="list-style-type: none"> • <u>financial affairs</u> • <u>criminal records</u> • <u>marital or other personal relationships</u> • <u>personal qualities, attributes or health status</u> • <u>employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person,</u>

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Term/Reference	Definition
	<p><u>but it does not include the personal affairs of a body corporate.</u></p> <p><u>This is an inclusive (not exhaustive) list of personal affairs matters and other matters may also constitute a person's personal affairs.</u></p> <p><u>With respect to matters on a Council agenda, where a person provides information to the Council and requests that it be kept confidential, Council is not able to even consider this request unless the matter is one that falls within section 90(3). If this is the case, Council will then be in a position to consider the request on its merits.</u></p> <p><u>In considering whether an order should be made under section 90(2), it is irrelevant that discussion of a matter in public may-:</u></p> <ul style="list-style-type: none"> <u>• cause embarrassment to the Council or Committee concerned, or to members or Employees of the Council;</u> <u>• cause a loss of confidence in the Council or Committee;</u> <u>• involve discussion of a matter that is controversial within the Council area; or</u> <u>• make the Council susceptible to adverse criticism.</u> <p><u>If a decision to exclude the public is taken, the Council/ Committee is required to minute the making of the order and specify:</u></p> <ul style="list-style-type: none"> <u>• the grounds on which it was made;</u> <u>• the basis on which the information or matter falls within the ambit of each confidentiality ground; and</u> <u>• (if relevant) why receipt, consideration or discussion of the information or matter in public would be contrary to the public interest.</u> <p><u>Once discussion of the matter is concluded, the meeting must then consider if it is necessary to make an order identifying the document(s) (or parts of the document(s)) associated with that item (including minutes) that are to remain confidential.</u></p> <p><u>If the meeting determines that it is necessary to keep a document(s) (or parts of document(s)) confidential, then a resolution for an order to this effect is required in accordance with section 91(7) of the Local Government Act.</u></p> <p><u>The Council/Committee can only resolve to keep minutes and/or documents confidential under section 91(7) if they were considered in confidence at a Council/Committee Meeting pursuant to sections 90(2) and 90(3).</u></p>

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

Term/Reference	Definition
	<p><u>The Council will not consider a number of agenda items “in confidence” together i.e. en bloc. It will determine each item separately and consider the exemptions relevant to each item.</u></p> <p><u>Once discussion of the matter is concluded and the public have returned, the decision in relation to the matter will be communicated unless Council has resolved to order that the resolution remain confidential. Details relating to any order to keep information or a document confidential in accordance with section 91(7) will also be made known.</u></p> <p><u>In accordance with section 91(8), the Council/Committee must not make an order to prevent:</u></p> <ul style="list-style-type: none"> <u>• the disclosure of the remuneration or conditions of service of an Employee of the Council after the remuneration or conditions have been set or determined; or</u> <u>• the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or</u> <u>• the disclosure of the amount or amounts payable by the Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or</u> <u>• the disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.</u> <p><u>Where keeping a document confidential is considered necessary, a resolution to this effect is required which shall include:</u></p> <ul style="list-style-type: none"> <u>• the grounds for confidentiality; and</u> <u>• the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed – if the order has a duration of more than 12 months, the order must be reviewed at least once in every year; and</u> <u>• (if applicable) whether the power to revoke the order will be delegated to an Employee of the Council.</u> <p><u>In all cases the objective is that the information be made publicly available at the earliest possible opportunity and that the community is informed of any Council/Committee order and the associated implications.</u></p>

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Term/Reference	Definition
	<u>There is no legal requirement to resolve to “come out of confidence” or to go back into “public session”. The public may and should be invited to re-enter the meeting when consideration of the relevant agenda item has concluded. The public are also entitled to be present for the debate and decision on whether any subsequent item should be considered in confidence.</u>
Connect	Means being able to hear and/or see the meeting, including via a live stream or recording of the meeting.
Disconnect	Means to remove the connection so as to be unable to hear and see the meeting <u>or make a recording of the meeting.</u>
Employee(s)	All personnel undertaking tasks/duties for and/or on behalf of the Council, including persons employed directly by the Council in a full time, part-time or casual basis under an employment contract, volunteers, contractors, agency personnel and work experience placements.
Nominated P person	A person nominated in writing by the Chief Executive Officer.
Place	Includes an electronic location (such as a virtual meeting room).



COUNCIL POLICY

Access to Council and Committee Meetings and Documents Code of Practice

Policy Number:	PO015		
Strategic Plan Objective:	5. Responsible Governance and Leadership		
Policy Owner:	Chief Executive Officer	Record Number:	16/13889[v7]
Responsible Officer:	Governance Officer	Minute Reference:	046/2020
Date Adopted:	08/04/2020	Next Review Date:	March 2023

1. POLICY OBJECTIVES

Yorke Peninsula Council (Council) is committed to the principles of open, accountable, transparent and informed decision-making and encourages appropriate community participation in its affairs.

Accordingly, this policy has been developed to:

- ensure appropriate public access to Council/Committee meetings and documents;
- inform the community about public access to Council/Committee meetings and documents.

2. SCOPE

This policy applies to:

- a) Council;
- b) All committees of Council (Committee(s));
- c) All Council/Committee meetings and documents.

3. DEFINITIONS

Refer to Attachment 1.

4. POLICY STATEMENT

This policy sets out the way in which meetings and documents can be accessed and includes information about:

- The relevant provisions of the Local Government Act 1999 (Act);
- Public access and participation;
- Access to meeting agendas;
- Access to meetings;

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

- Access to documents;
- Accountability and reporting;
- Availability of the code;
- The process for restricting public access to a meeting or a document;
- The process for excluding the public from meetings;
- When the public can be excluded;
- Use of Confidentiality Provisions;
- Review of confidentiality orders;
- How to make a Complaint.

4.1. Public Access to the Agenda for Meetings

At least three (3) Clear Days before a Council/Committee meeting (unless it is a special Council/Committee meeting), the Chief Executive Officer (CEO) must give written notice of the meeting to all Council/Committee members setting out the date, time and Place of the meeting. The notice must contain or be accompanied by the agenda for the meeting.

Items listed on the agenda will be described accurately and in reasonable detail.

Notice of the meeting and an agenda will be placed on public display at the principal office of Council until the completion of the relevant Council/Committee meeting and published on [Council's website](http://www.yorke.sa.gov.au) (www.yorke.sa.gov.au).

Non-confidential agenda documents and reports supplied to Council/Committee members before the meeting, which are to be considered at the meeting, will be published on [Council's website](http://www.yorke.sa.gov.au) (www.yorke.sa.gov.au) as soon as practicable after being supplied to the Council/Committee members.

In the case where non-confidential agenda documents and reports are supplied to Council/Committee members at the meeting, for consideration during the meeting, a reasonable number of copies will be made available to members of the public at the meeting as soon as practicable after they are supplied to Council/Committee members. These documents will also be subsequently published on [Council's website](http://www.yorke.sa.gov.au) (www.yorke.sa.gov.au).

Members of the public may also obtain hardcopies of non-confidential agendas and relevant documents/reports for which a fee may be payable in accordance with Council's Fees and Charges Register, available on [Council's website](http://www.yorke.sa.gov.au) (www.yorke.sa.gov.au).

Agenda papers provided to the Council/Committee may include notice from the CEO that the Council/Committee may determine to consider an item in confidence, with the public to be excluded from the meeting during discussion of that item. Where such an indication is made, the CEO must specify why the confidentiality order could be made in accordance with the Confidentiality Provisions.

4.2. Public Access to Meetings

Council/Committee meetings are open to the public and attendance is encouraged, except where the Council believes it is necessary, in the broader community interest, to exclude the public from the discussion and, if necessary, the decision.

The public will only be excluded when considered proper and necessary in the case where the need for confidentiality outweighs the principle of open decision-making.

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4.2.1. Information and Briefing Sessions

Council/Committee or the CEO are permitted to facilitate an Information and Briefing Session where more than one Council/Committee member is invited. A matter must not be dealt with at an Information and Briefing Session in such a way so as to obtain, or effectively obtain, a decision outside of a formally constituted Council/Committee meeting.

An Information and Briefing Session on a matter that will be included on a Council/Committee agenda must be open to the public, however, the Council/Committee or the CEO may order that the Information and Briefing Session be closed to the public if the matter listed for discussion falls within the Confidentiality Provisions.

An Information and Briefing Session will be taken to be conducted in a Place open to the public if one (1) or more Council/Committee members participate in the meeting by electronic means, provided that members of the public can hear the discussion between all Council/Committee members and subject to a Council direction that electronic means are not to be used for the purposes of Information and Briefing Session.

Whether or not an Information and Briefing Session has been open to the public, the following information must be published as soon as practicable after the holding of the session:

- The Place, date and time of the session;
- The matter discussed at the session;
- Whether or not the session was open to the public.

4.2.2. Committee Meetings and Electronic Participation

A Committee meeting will be taken to be conducted in a Place open to the public if one (1) or more Committee members participate in the meeting by electronic means, provided that members of the public can hear the discussion between all Committee members and subject to a Council direction that a Committee is not to use electronic means for the purposes of its meeting(s).

4.3. Confidentiality and Matters Where the Public can be Excluded

Before ordering that the public be excluded to enable consideration of a particular matter in confidence, the Council/Committee/CEO must, in public, formally determine if this is necessary and appropriate. In the case of a meeting where it is deemed appropriate to exclude the public, a resolution to exclude the public is then required.

All members of the public (including Employees) are required to leave the room, unless exempted by being named in the resolution as entitled to remain or, in the case of an information and briefing session, as named by the Council/Committee/CEO. The grounds on which an order to exclude the public is made will be conveyed to the public at the time of them being ordered to leave the meeting.

All members of the public (including Employees) who are participating in a Committee meeting or information and briefing session by electronic means must Disconnect and leave the meeting or information and briefing session unless exempted by being named in the resolution or, in the case of an information and briefing session, as named by the Council/Committee/CEO as entitled to remain.

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Once the Council/Committee/CEO order has been made, it is an offence for a person, who knowing that an order is in force, to enter or remain in the meeting or information and briefing session room or to Connect to a Committee meeting or information and briefing session by electronic means, or fail to Disconnect from a Committee meeting or information and briefing session.

Once discussion on that particular matter is concluded, the public are then permitted to re-enter, or reconnect, to the meeting. The decision of the meeting will be made publicly known unless the Council/Committee has resolved to order that information relating to the matter remain confidential.

If there is a further matter that needs to be considered in confidence, it is necessary to repeat the process to exclude the public again.

For the convenience of the public present at meetings, matters to be considered in confidence are contained within the last section of the agenda (wherever possible), to allow other business to be dealt with and avoid the public having to leave the meeting then return with the possibility of the same process being repeated again.

A report on the use of the Confidentiality Provisions by the Council/Committee must be included in Council's annual report, as required by Schedule 4 of the Act and Regulation 35 of the Local Government (General) Regulations 2013.

4.4. Public Access to Minutes

Minutes and non-confidential Council/Committee meeting documents will be available via [Council's website](http://www.yorke.sa.gov.au) (www.yorke.sa.gov.au).

Members of the public may also obtain hardcopies of non-confidential minutes for which a fee may be payable in accordance with Council's Fees and Charges Register, available on [Council's website](http://www.yorke.sa.gov.au) (www.yorke.sa.gov.au).

4.5. Review of Confidentiality Orders

An order made under the Confidentiality Provisions must specify the duration of the order and the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. An order will lapse if the time or event specified has been reached or carried out. Once the order expires or ceases to apply, the documents automatically become public.

Orders that exceed 12 months must be reviewed annually and the Council/Committee must assess whether the grounds for non-disclosure are still relevant. A Council may resolve to exclude the public from a meeting to discuss and undertake consideration of the recommendations arising from the annual review in confidence, subject to the Confidentiality Provisions. If there is more than one confidential order to be considered, each order must be dealt with separately and it is necessary to repeat the process.

If there are any items that require a fresh confidentiality order because the original order is about to expire, the Council/Committee must consider each matter separately against the Confidentiality Provisions and provide the reasons for the documents remaining confidential.

The conduct of the annual review can be delegated to the CEO and sub-delegated to an Employee if the Council/Committee deems it appropriate. While a Council may delegate the power to undertake an annual review, the Council cannot delegate the power to apply the Confidentiality Provisions.

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

Council's Confidential Orders Register R031, available via [Council's website \(www.yorke.sa.gov.au\)](http://www.yorke.sa.gov.au), has been established to assist in monitoring order expiration and review dates (in accordance with the Ombudsman SA's recommendations).

4.6. Public Access to Documents

The Act requires Councils to make available a large number of documents. Many of these are set out in Schedule 5, with further requirements also contained within other sections of the Act.

Schedule 5 documents must be published on [Council's website \(www.yorke.sa.gov.au\)](http://www.yorke.sa.gov.au). Council must also provide a person with a printed copy of any document referred to in Schedule 5 upon request, for which a fee may be payable in accordance with Council's Fees and Charges Register, available on [Council's website \(www.yorke.sa.gov.au\)](http://www.yorke.sa.gov.au).

Requests to access Council/Committee documents that are not otherwise publicly available, can be made under the Freedom of Information Act 1991. Enquiries relating to this process can be directed to Council's accredited Freedom of Information Officer on 8832 0000 or via email to Accredited FOI Officer admin@yorke.sa.gov.au. Council's Freedom of Information Statement is available on Council's website (www.yorke.sa.gov.au).

4.7. Availability

A copy of this policy is available on [Council's website \(www.yorke.sa.gov.au\)](http://www.yorke.sa.gov.au). Council will also provide a person with a printed copy upon request, for which a fee may be payable in accordance with Council's Fees and Charges Register, available on [Council's website \(www.yorke.sa.gov.au\)](http://www.yorke.sa.gov.au).

5. COMPLAINTS

Complaints about this policy or access to either a meeting or a document can be made in writing to Council's Governance Officer via Council's principal office. Complaints will be managed in accordance with Council's Complaints Policy PO147.

6. REVIEW

Council must review this policy within 12 months of the conclusion of a periodic election and as deemed necessary in consideration of any changes to legislation, relevant standards, codes and guidelines, audit findings and/or any corrective actions/controls arising from risk assessment.

7. TRAINING

Council is committed to supporting Council/Committee members and Employees in complying with this policy.

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

Council/Committee members and Employees will actively participate in training.

8. RECORDS

Records will be maintained as required by Council's Records Management Policy PO063 and relevant legislation.

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9. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS

PO037 Internal Review of a Council Decision Policy
 PO057 Community Engagement Policy
 PO147 Complaints Policy
 R011 Fees and Charges Register
 R031 Confidential Orders Register
 Yorke Peninsula Council Freedom of Information Statement

10. REFERENCES AND LEGISLATION

Freedom of Information Act 1991
 Local Government Act 1999
 Planning, Development and Infrastructure Act 2016
 LGA Access to Council and Committee Meetings and Documents Model Code of Practice
 Ombudsman's "In the Public Eye" audit report

11. COUNCIL DELEGATION

Details of Delegation:	Multiple
Delegate:	CEO

12. VERSION HISTORY

Version No	Issue Date	Description of Change
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3	08/06/2010	Full Revision.
4	12/02/2014	Full Revision.
5	08/04/2015	Full Revision.
6	12/06/2019	Full Revision.
7	08/04/2020	Legislative Update due to COVID-19.
8		Full Revision.

P0015 – Access to Council and Committee Meetings and Documents Code of Practice Policy

ATTACHMENT 1: DEFINITIONS

Term/Reference	Definition
Clear Days	The time between the giving of the notice of a meeting and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting. Saturdays, Sundays and public holidays are taken into account. If notice is given after 5:00pm on a day, the notice will be taken to have been given on the next day. For example, notice given on a Thursday at 2:00pm for a meeting to be held on the following Monday, the Clear Days are Friday, Saturday and Sunday.
Confidentiality Provisions	<p>In accordance with the requirements of section 90(2) and 91(7) of the Act a Council/Committee may order that the public be excluded in order to receive, discuss or consider any of the following information or matters in confidence (references to Council below also include Committees):</p> <ul style="list-style-type: none"> (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); (b) information the disclosure of which— <ul style="list-style-type: none"> (i) could reasonably be expected to confer a commercial advantage on a person with whom Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of Council; and (ii) would, on balance, be contrary to the public interest; (c) information the disclosure of which would reveal a trade secret; (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which— <ul style="list-style-type: none"> (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest; (e) matters affecting the security of the Council, members or Employees of the Council, or Council property, or the safety of any person; (f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;

P0015 – Access to Council and Committee Meetings and Documents Code of Practice Policy

Term/Reference	Definition
	<p>(g) matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;</p> <p>(h) legal advice;</p> <p>(i) information relating to actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an Employee of the Council;</p> <p>(j) information the disclosure of which—</p> <p style="padding-left: 20px;">(i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an Employee of the Council, or a person engaged by the Council); and</p> <p style="padding-left: 20px;">(ii) would, on balance, be contrary to the public interest;</p> <p>(k) tenders for the supply of goods, the provision of services or the carrying out of works;</p> <p>(the Act does not contain an “l”)</p> <p>(m) information relating to a proposed amendment to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act;</p> <p>(n) information relevant to the review of a determination of a Council under the Freedom of Information Act 1991;</p> <p>(o) information relating to a proposed award recipient before the presentation of the award.</p> <p>The Local Government Act provides a definition of “personal affairs” which includes a person’s:</p> <ul style="list-style-type: none"> • financial affairs • criminal records • marital or other personal relationships • personal qualities, attributes or health status • employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person, <p>but it does not include the personal affairs of a body corporate.</p>

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

Term/Reference	Definition
	<p>This is an inclusive (not exhaustive) list of personal affairs matters and other matters may also constitute a person's personal affairs.</p> <p>With respect to matters on a Council agenda, where a person provides information to the Council and requests that it be kept confidential, Council is not able to even consider this request unless the matter is one that falls within section 90(3). If this is the case, Council will then be in a position to consider the request on its merits.</p> <p>In considering whether an order should be made under section 90(2), it is irrelevant that discussion of a matter in public may:</p> <ul style="list-style-type: none"> • cause embarrassment to the Council or Committee concerned, or to members or Employees of the Council; • cause a loss of confidence in the Council or Committee; • involve discussion of a matter that is controversial within the Council area; or • make the Council susceptible to adverse criticism. <p>If a decision to exclude the public is taken, the Council/Committee is required to minute the making of the order and specify:</p> <ul style="list-style-type: none"> • the grounds on which it was made; • the basis on which the information or matter falls within the ambit of each confidentiality ground; and • (if relevant) why receipt, consideration or discussion of the information or matter in public would be contrary to the public interest. <p>Once discussion of the matter is concluded, the meeting must then consider if it is necessary to make an order identifying the document(s) (or parts of the document(s)) associated with that item (including minutes) that are to remain confidential.</p> <p>If the meeting determines that it is necessary to keep a document(s) (or parts of document(s)) confidential, then a resolution for an order to this effect is required in accordance with section 91(7) of the Local Government Act.</p> <p>The Council/Committee can only resolve to keep minutes and/or documents confidential under section 91(7) if they were considered in confidence at a Council/Committee Meeting pursuant to sections 90(2) and 90(3).</p> <p>The Council will not consider a number of agenda items "in confidence" together i.e. en bloc. It will determine each item</p>

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

Term/Reference	Definition
	<p>separately and consider the exemptions relevant to each item.</p> <p>Once discussion of the matter is concluded and the public have returned, the decision in relation to the matter will be communicated unless Council has resolved to order that the resolution remain confidential. Details relating to any order to keep information or a document confidential in accordance with section 91(7) will also be made known.</p> <p>In accordance with section 91(8), the Council/Committee must not make an order to prevent:</p> <ul style="list-style-type: none"> • the disclosure of the remuneration or conditions of service of an Employee of the Council after the remuneration or conditions have been set or determined; or • the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or • the disclosure of the amount or amounts payable by the Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or • the disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council. <p>Where keeping a document confidential is considered necessary, a resolution to this effect is required which shall include:</p> <ul style="list-style-type: none"> • the grounds for confidentiality; and • the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed – if the order has a duration of more than 12 months, the order must be reviewed at least once in every year; and • (if applicable) whether the power to revoke the order will be delegated to an Employee of the Council. <p>In all cases the objective is that the information be made publicly available at the earliest possible opportunity and that the community is informed of any Council/Committee order and the associated implications.</p> <p>There is no legal requirement to resolve to “come out of confidence” or to go back into “public session”. The public</p>

P0015 – Access to Council and Committee Meetings and Documents Code of Practice Policy

Term/Reference	Definition
	may and should be invited to re-enter the meeting when consideration of the relevant agenda item has concluded. The public are also entitled to be present for the debate and decision on whether any subsequent item should be considered in confidence.
Connect	Means being able to hear and/or see the meeting.
Disconnect	Means to remove the connection so as to be unable to hear and see the meeting or make a recording of the meeting.
Employee(s)	All personnel undertaking tasks/duties for and/or on behalf of the Council, including persons employed directly by the Council in a full time, part-time or casual basis under an employment contract, volunteers, contractors, agency personnel and work experience placements.
Nominated Person	A person nominated in writing by the Chief Executive Officer.
Place	Includes an electronic location (such as a virtual meeting room).

8 CORPORATE AND COMMUNITY SERVICES

8.1 PRICE PROGRESS ASSOCIATION - COMMUNITY GRANT EXTENSION

Document #: 23/48883

Department: Corporate and Community Services

PURPOSE

For Council to consider an extension for the acquittal of the Community Grant received by Price Progress Association in 2022/2023.

RECOMMENDATION

That Council endorse an extension until 30 November 2023 for the acquittal of the \$5,000 Community Grant awarded to Price Progress Association in August 2022; to purchase an air jumper for an inclusion recreational space.

LINK TO STRATEGIC PLAN

Goal: 4 Community Engaged and Supported

Strategy: 4.3 Continue providing community grants, donations and sponsorships

BACKGROUND

At the August 2022 meeting, Council approved Price Progress Association (PPA) community grant application to purchase an air jumper for an inclusion recreational space.

The PPA were awarded \$5,000 under this program.

Due to manufacturing timelines, unexpected roadworks blocking off access to the site and engaging contractors to install the unit in accordance with Australian Standards, they are unable to spend the funds during the allocated 2022/2023 financial year. These delays have impacted PPA's ability to complete their project in time to acquit the grant by 31 May 2022, as specified in Council's Policy PO149 Community Grants Scheme Policy.

DISCUSSION

Due to the abovementioned reasons PPA have therefore requested an extension until 30 November 2023 for acquittal. The request is outlined in Attachment 1.

As per Section 4.1(p) of Council's PO149 Community Grants Scheme Policy, exceptional circumstances for late lodgement of acquittals will be considered on a case by case basis.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Manager Financial Services

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

- Price Progress Association

POLICY IMPLICATIONS

PO149 Community Grants Scheme Policy

BUDGET AND RESOURCE IMPLICATIONS

The \$5,000 allocation will be rolled over from 2022/2023 into the 2023/2024 budget. No additional funding is required.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Local Government Act 1999

ATTACHMENTS

1. Request for Community Grant Extension 2022/2023 - Price Progress Association [↓](#) 



PRICE PROGRESS ASSOCIATION INC

c/- POST OFFICE

PRICE South Aust. 5570

Email priceprogress@gmail.com

ABN 29 791 173 897

YP Council
Maitland Office
PO Box 57
Maitland SA 5573

Ref: 22/83186

9th May 2023

2022/23 Community Grants Application – Air Jumper for an Inclusive recreational space

Price Progress Assoc would like to seek a 6-month extension for our Community Grant project. We were notified of the outcome of this grant in August 2022 and ordered the air jumper on 1st Sept. The air jumpers are manufactured once the order has been received. There is a 12 week turnaround for manufacture. We received the air jumper in December 2022.

Roadworks commenced on Fowler Tce, Price in October 2022 and access to the site for installation of the air jumper was blocked off. We have been waiting for the roadworks to be completed before installing our project. The site has been accessible since April.

To ensure the air jumper is installed by professionals and in accordance with Australian Standards we have engaged Dirtworks Landscaping to install the unit and complete the necessary drainage and softfall requirements. Dirtworks Landscaping are now engaged in another project and cannot complete installation until October 2023. Therefore we are seeking an extension until November 2023.

Regards
Karen Newbold
Secretary
Price Progress Assoc

8.2 PROPOSED RATING MODELS 2023/2024

Document #: 23/46049

Department: Corporate and Community Services

PURPOSE

To provide Elected Members with details of indicative Capital Valuations and Rates modelling options for 2023/2024, to raise General Rate revenue to fund Council's Annual Business Plan (ABP) and Budget.

RECOMMENDATION

That Council endorse Model ____ as presented and attached to this report for the proposed raising of General Rates revenue in 2023/2024.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance and Leadership

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

5.4 Seek alternate income streams and ensure financial sustainability

BACKGROUND

Council currently raises rates for individual properties based on capital value i.e. value of land plus capital improvements. General rates (excluding service charges for waste collection, water, CWMS and Landscape levy) for a property consist of a fixed charge (\$410) plus a component of rates calculated by multiplying the capital value of the property by the rate in the dollar set by Council. Council has two (2) rates in the dollar - one for residential, commercial, vacant, industrial and other properties, and one for primary production.

Property Valuations

Updated property valuation data is provided to Council by the Valuer General (VG) on a weekly basis. The capital valuations for 2023/2024 supplied on 3 March 2023 have been used in calculating the rating model attached to this report. These valuations are only preliminary and final valuations used for setting and adoption of rates are normally received in June each year. Valuations will be formally considered for adoption by Council on Wednesday, 12 July 2023.

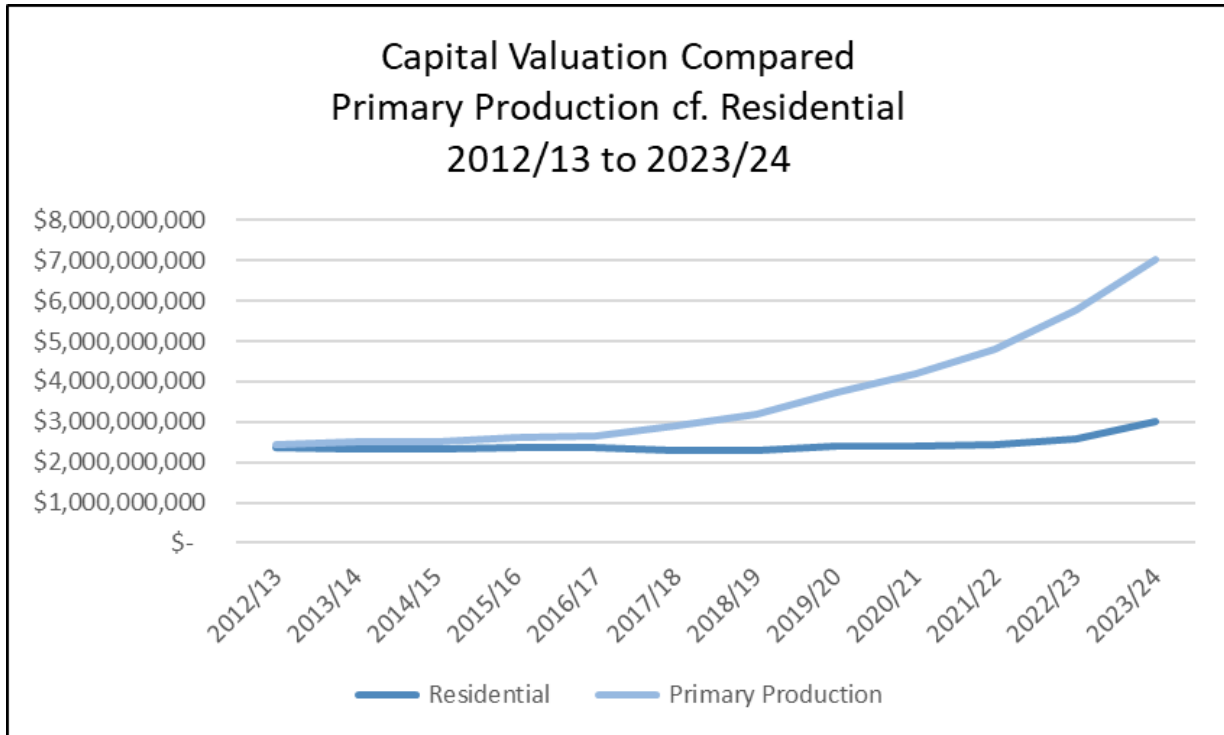
This report asks for formal endorsement by Council of the proposed Rates model. The information from the endorsed model will be included in the publicly advertised 2023/2024 draft ABP and Budget.

DISCUSSION

While capital valuations do not influence the total amount of rates that need to be raised to fund Council's budget to provide services and infrastructure to the Community, they do impact the value of rates contributed by individual ratepayers and various land use categories i.e. Residential, Primary production etc. Therefore, for the purposes of equity it is important that rates contributed by the ratepayers of a particular land use category in total are generally consistent with the capital valuations for that land use category.

For example, if the Residential land use category is valued at \$3.0b or 28.7% of the total rateable capital valuation (\$10.5b) in the Council area in 2023/2024, it would be fair to assume they should generally contribute at least 28.7% if not more of the total general rate income of \$22.09m required

to fund the 2023/2024 Budget. The same equity principle when applied to all land use categories when setting rates in 2023/2024, shows that except for Primary Production and Residential, all other categories generally meet this principle. The inequity between Primary Production and Residential land use categories is not a one-off occurrence and has been more than a decade in the making. This is highlighted in the graph below, which compares the change in property valuations over the last 11 years (primary production growth of 190.4%; residential growth 27.1%). The preliminary valuations for 2023/2024 only increase this inequity.



Capital Valuation and Rates Paid

The table below highlights the inequity between valuations and total rates paid by land use as modelled for 2023/2024 based on preliminary valuations received from the VG.

Land Use Category	Rates Contribution	Valuations (% of total)	Gap
Residential	51.9%	28.7%	23.2%
Commercial	2.6%	1.4%	1.2%
Industrial	0.4%	0.2%	0.2%
Primary Production	39.4%	67.2%	-27.8%
Vacant Land	4.9%	2.1%	2.8%
Other	0.9%	0.4%	0.5%

From the table and graph above, it is evident that as the Primary Production valuations have increased significantly over the last decade, the total rates contributed by this land use category has remained constant resulting in other land use categories, in particular Residential ratepayers, footing a greater portion of the annual rates increase. The preliminary modelling for 2023/2024 in the table above shows that Primary Production ratepayers make up 67.2% of the total valuations of the

Council area, however, will only pay 39.4% of the total general rates income (a gap of -27.8%). Residential ratepayers on the other hand make up 28.7% of the total valuations, however, will pay 51.9% of the total general rates income (a gap of +23.2%).

Based on the indicative capital values for 2023/2024, Primary Production valuations are forecast to increase 21.6% or \$1.25b, while Residential valuations are forecast to increase by 16.2% or \$419.8m, which will only serve to increase this gap and subsequently the inequity between valuations and rates paid across Residential and Primary Production land use categories.

In April 2021, representatives from the South Australian Local Government Grants Commission (SALGGC) presented to Elected Members. In its presentation, the SALGGC provided general information about the operations of the Commission and how Council's annual grant funding is calculated. They also stated that Council's future General Purpose Financial Assistance grant will reduce annually. This is primarily due to Council being paid more than their share in previous years and Council's Primary Production valuations being relatively greater than the State average, hence its increased ability to raise additional rates from Primary Production ratepayers. It is the Commission's view that, based on the formula calculation for Council, Primary Production rates are at least \$10m less than what they should be. Attachment 3 provides a summary of total rateable capital values for similar sized and like councils which at a high level explains the Commission's viewpoint. For the 2022/2023 financial year Yorke Peninsula Council had a total rateable value of \$8.75b and raised \$20.26m, Copper Coast Council's rateable value was roughly half of Yorke Peninsula Council at \$4.36b and raised \$21m, Barossa Council as another example has a rateable value of \$6.38b, nearly \$2.4b less than Yorke Peninsula Council, yet raised approximately \$9.8m more in general rates compared to Yorke Peninsula Council.

Further, in a recently released newsletter the Commission stated the following:

"In relation to General Purpose Grants, the Commission has continued its recent practice of proactively addressing changes in assessed need for assistance. Councils with increasing relative need have received increases in funding of up to 40% and Councils with decreasing relative need have seen decreases in general purpose grants of between 1% and 10%."

In line with the above statement, it has been Council's experience since 2016/2017 that the value of the general-purpose component of the financial assistance grant has reduced by an average of 4.5% year on year (attachment 4). In 2022-2023 the value of the general-purpose component of the financial assistance grant was 15% (or \$190,546) less than the prior year. Council has budgeted for further reductions to this grant in response to SALGGC advice.

Comparison to Other Councils

To further highlight the disparity in Rates, especially Primary Production rates, between Yorke Peninsula Council and other similar Councils in South Australia, information has been sourced and compared for a Residential property with capital value of \$450,000 and a Primary Production property with capital value of \$5.0m. The attached tables (Attachment 1 and Attachment 2) clearly show the disparity. Primary Production rates in YPC are significantly lower when compared with the seven other similar Councils. This continuing trend will mean that other land use categories, especially Residential, will have to bear a greater share of future rate increases.

Rates Modelling

Four models are attached to this report for Council's consideration and decision. Each model has been developed based on the following minimum parameters:

- Preliminary capital valuations received from the VG as at 3 March 2023;
- \$410 fixed charge (unchanged since 2017/2018);
- 3% (approximately \$0.6m) additional increase to total rate income compared to 2022/2023 borne entirely by Primary Production (PP) ratepayers to fund maintenance and renewal of rural roads and intersections and to assist in addressing entrenched inequity which is evident in Council's historical rating methodology;
- Rate in the \$ adjusted to reflect movements in capital valuations.

	MODEL 1	MODEL 2	MODEL 3	MODEL 4
Increase in total rates income – funded by all ratepayers	5.0% (\$1.01m)	6.0% (\$1.22m)	7.0% (\$1.42m)	8.0% (\$1.62m)
Increase in total rates income – funded by PP ratepayers – in addition to increase above (quarantined for expenditure on rural roads)	3.0% (\$0.61m)	3.0% (\$0.61m)	3.0% (\$0.61m)	3.0% (\$0.61m)
TOTAL INCREASE IN RATES INCOME – COMPARED TO 2022/23	\$1.63m	\$1.83m	\$2.03m	\$2.24m
Total Rates Income Generated	\$21.89m	\$22.09m	\$22.29m	\$22.49m
2022/23 Budget Operating Surplus – Forecast	\$0.12m	\$0.32m	\$0.52m	\$0.72m

Historical movements in the 'rate in the \$' for Residential and Primary Production ratepayers reflective of the change in capital valuations can be found in Attachment 5.

Full details regarding the outcomes of the Rates modelling are available in Attachments 6 to 9.

Capital Valuation Movements 2023/2024

Preliminary capital valuations supplied by the VG as at 3 March 2023, are shown in the table below. The data shows that total valuations for rateable properties are forecast to increase by 19.5% or \$1.7b with \$1.25b of this increase being for Primary Production.

CAPITAL VALUATION CHANGES - 2023-2024						
LAND USE CATEGORY	2023-2024		2022-2023		VARIATION	
	\$	% of rateable value	\$	% of rateable value	\$	% increase in value
Residential	\$ 3,004,193,010	28.7%	\$ 2,584,402,428	29.5%	\$ 419,790,582	16.2%
Commercial	\$ 150,516,984	1.4%	\$ 141,766,211	1.6%	\$ 8,750,773	6.2%
Industrial	\$ 21,725,543	0.2%	\$ 20,680,756	0.2%	\$ 1,044,787	5.1%
Primary Production	\$ 7,019,018,266	67.1%	\$ 5,770,344,878	65.9%	\$ 1,248,673,388	21.6%
Vacant Land	\$ 217,073,685	2.1%	\$ 194,181,355	2.2%	\$ 22,892,330	11.8%
Other	\$ 41,979,979	0.4%	\$ 38,735,137	0.4%	\$ 3,244,842	8.4%
Total Rateable	\$ 10,454,507,467	100%	\$ 8,750,110,765	100%	\$ 1,704,396,702	19.5%
Non-rateable*	\$ 166,901,293	1.6%	\$ 161,627,175	1.5%	\$ 5,274,118	3.3%
Total Valuations	\$ 10,621,408,760		\$ 8,911,737,940		\$ 1,709,670,820	19.2%

* Proportion of total valuation provided for non-rateable land as opposed to proportion of rateable valuations per all other categories.

On closer examination of the valuations in the table above, the following changes are worth noting:

- Primary Production valuations have increased by approximately 21.6% or \$1.25b equating to 73% of the total valuation increase based on recent land sales in the area and some subdivision of land.
- Residential properties have experienced an overall increase of 16.2% or approximately \$419.8m impacted by the significant increase in the property market and subsequent value of land.

- Commercial property valuations have increased \$8.8m or 6.2% rebounding due to initial positive economic conditions following prior negative impacts of COVID restrictions.
- Vacant land is forecast to increase in value by 11.8% or \$22.9m.
- Other property valuations experienced an 8.4% increase due to reclassification from vacant land to reflect houses under construction and not quite at the stage to be classified as residential.

It should also be noted that the total General Rates income required to fund the ABP and Budget in 2023/2024 is approximately \$22.09m (9.0% or \$1.83m more than 2022/2023) and is not set by area or land use category. It is set as the total amount to be generated from all ratepayers in the entire Council area, to ensure that Council can deliver services and provide infrastructure in line with its ABP, Long Term Financial Plan (LTFP), Strategic Management Plan and Asset Management Plan (AMP).

Changes in capital valuations do not influence the overall increase to total general rates required to be raised. Changes in capital valuations do however, impact individual rates calculated. Capital valuations are set by the VG and not by Council.

As stated earlier, further valuation updates will be received from the VG between the time of preparing this report and when Council adopts valuations and declares rates in early July 2023. This additional information may result in variations to the information presented in this report. Any significant changes will be brought to Elected Members' attention prior to adoption of capital valuations and setting of rates for 2023/2024. The total amount of general rate revenue to be raised for 2023/2024 will remain unchanged.

COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

CONSULTATION PROCESS

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

- Chief Executive Officer
- Senior Rates Officer
- Manager Financial Services
- Financial Management Accountant

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

- Valuer General

POLICY IMPLICATIONS

Long Term Financial Plan 2024-2033

BUDGET AND RESOURCE IMPLICATIONS

Budget implications associated with each of the four rating models presented in this report are detailed in the body of the report and its attachments. Council's current draft ABP and Budget are based on endorsement of rating model 2. Selection of an alternative rating model will either improve (rating models 3 or 4) or weaken (rating model 1) Council's financial performance.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS










Local Government Act 1999

Local Government (Financial Management) Regulations 2011

Failure to raise the required level of rate income may result in Council being unable to fund the services and infrastructure in Council's proposed 2023/2024 draft ABP and Budget. This will most

likely lead to the inability of Council to meet its financial sustainability targets as presented in its LTFP.

ATTACHMENTS

1. Residential Rates Comparison 2022-2023 [↓](#) 
2. Primary Production Rates Comparison 2022-2023 [↓](#) 
3. Total Rateable Capital Values Summary 2022-2023 [↓](#) 
4. Financial Assistance Grants (General Purpose Component) 2016-2017 to 2023-2024 (Forecast) [↓](#) 
5. 'Rate in the \$' - Historical Analysis [↓](#) 
6. Attachment - Rating Model 1 - 8.0% Total General Rate Increase - 2023-2024 [↓](#) 
7. Attachment - Rating Model 2 - 9.0% Total General Rate Increase - 2023-2024 [↓](#) 
8. Attachment - Rating Model 3 - 10.0% Total General Rate Increase - 2023-2024 [↓](#) 
9. Attachment - Rating Model 4 - 11.0% Total General Rate Increase - 2023-2024 [↓](#) 

Residential Rates Comparison 2022/23 Financial Year

Council	Rate in the \$	Fixed Charge	Waste Collection	CWMS	General Rates on Res with CV \$450,000	Landscape Levy	Total Rates on a house worth \$450,000
Port Pirie Regional Council	0.00439300	\$565.00	\$258.00	\$478.00	\$1,976.85	\$78.66	\$3,356.51
Wakefield Regional Council	0.00410260	\$350.00	\$280.00	\$529.00	\$1,846.17	\$60.93	\$3,066.10
Adelaide Plains Council	0.00440940	\$123.20	\$172.00	\$692.00	\$1,984.23	\$36.92	\$3,008.35
Clare & Gilbert Valleys Council	0.00485300	\$0.00	\$225.00	\$465.00	\$2,183.85	\$68.18	\$2,942.03
Light Regional Council	0.00434200	\$0.00	\$323.00	\$580.00	\$1,953.90	\$37.62	\$2,894.52
Copper Coast Council	0.00292300	\$631.00	\$0.00	\$544.00	\$1,315.35	\$68.40	\$2,558.75
Barossa Council	0.00326500	\$400.00	\$247.00	\$362.00	\$1,469.25	\$39.56	\$2,517.81
Yorke Peninsula Council	0.00277166	\$410.00	\$235.00	\$547.00	\$1,247.25	\$61.59	\$2,500.84
Barunga West Council	0.00322000	\$394.00	\$0.00	\$500.00	\$1,449.00	\$54.90	\$2,397.90

Primary Production Rates Comparison 2022/23 Financial Year

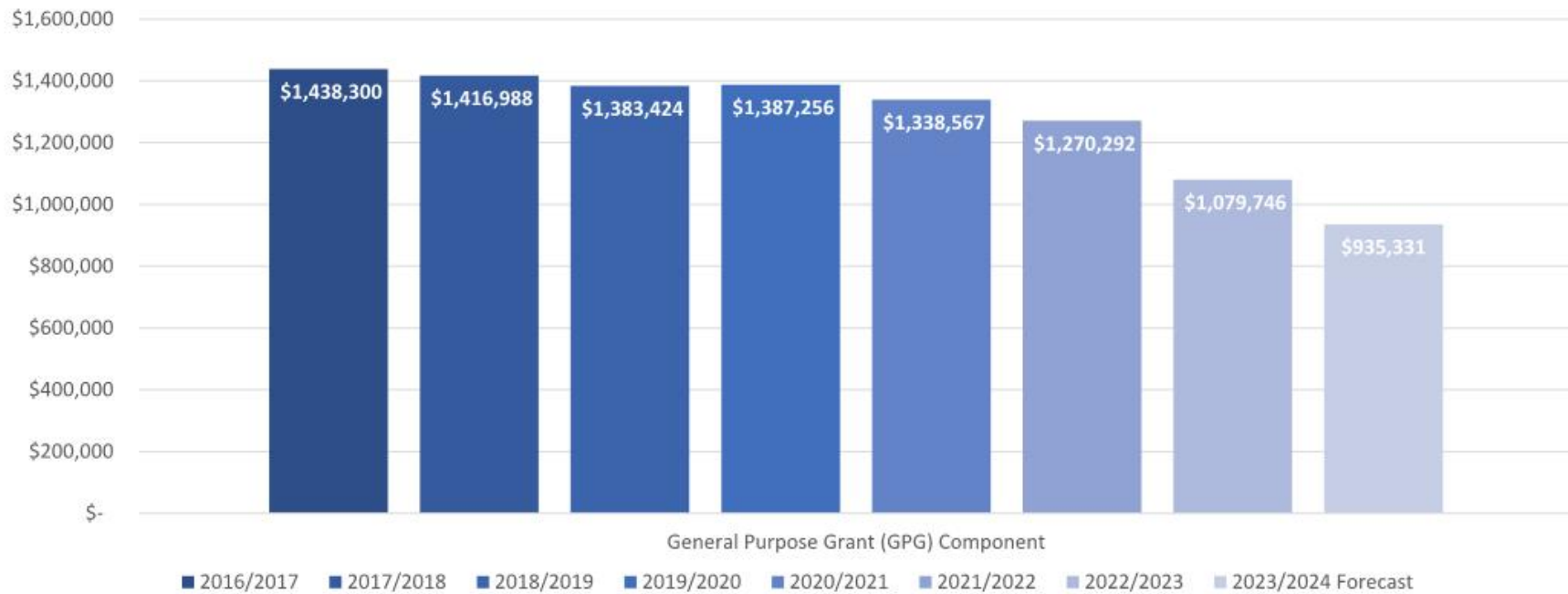
Council	Rate in the \$	Fixed Charge	Rates on PP with CV \$5,000,000	Landscape Levy	Total Rates on a Primary Production property worth \$5million
Adelaide Plains Council	0.00400865	\$123.20	\$20,043.25	\$410.20	\$20,576.65
Light Regional Council	0.00334300	\$0.00	\$16,715.00	\$418.05	\$17,133.05
Barossa Council	0.00323500	\$400.00	\$16,175.00	\$439.50	\$17,014.50
Clare & Gilbert Valleys Council	0.00275410	\$0.00	\$13,770.50	\$757.55	\$14,528.05
Copper Coast Council	0.00252600	\$631.00	\$12,630.00	\$760.00	\$14,021.00
Port Pirie Regional Council	0.00243800	\$565.00	\$12,190.00	\$874.00	\$13,629.00
Wakefield Regional Council	0.00247121	\$350.00	\$12,353.05	\$679.95	\$13,383.00
Barunga West Council	0.00162500	\$394.00	\$8,125.00	\$610.00	\$9,129.00
Yorke Peninsula Council	0.00122610	\$410.00	\$6,130.50	\$684.35	\$7,224.85

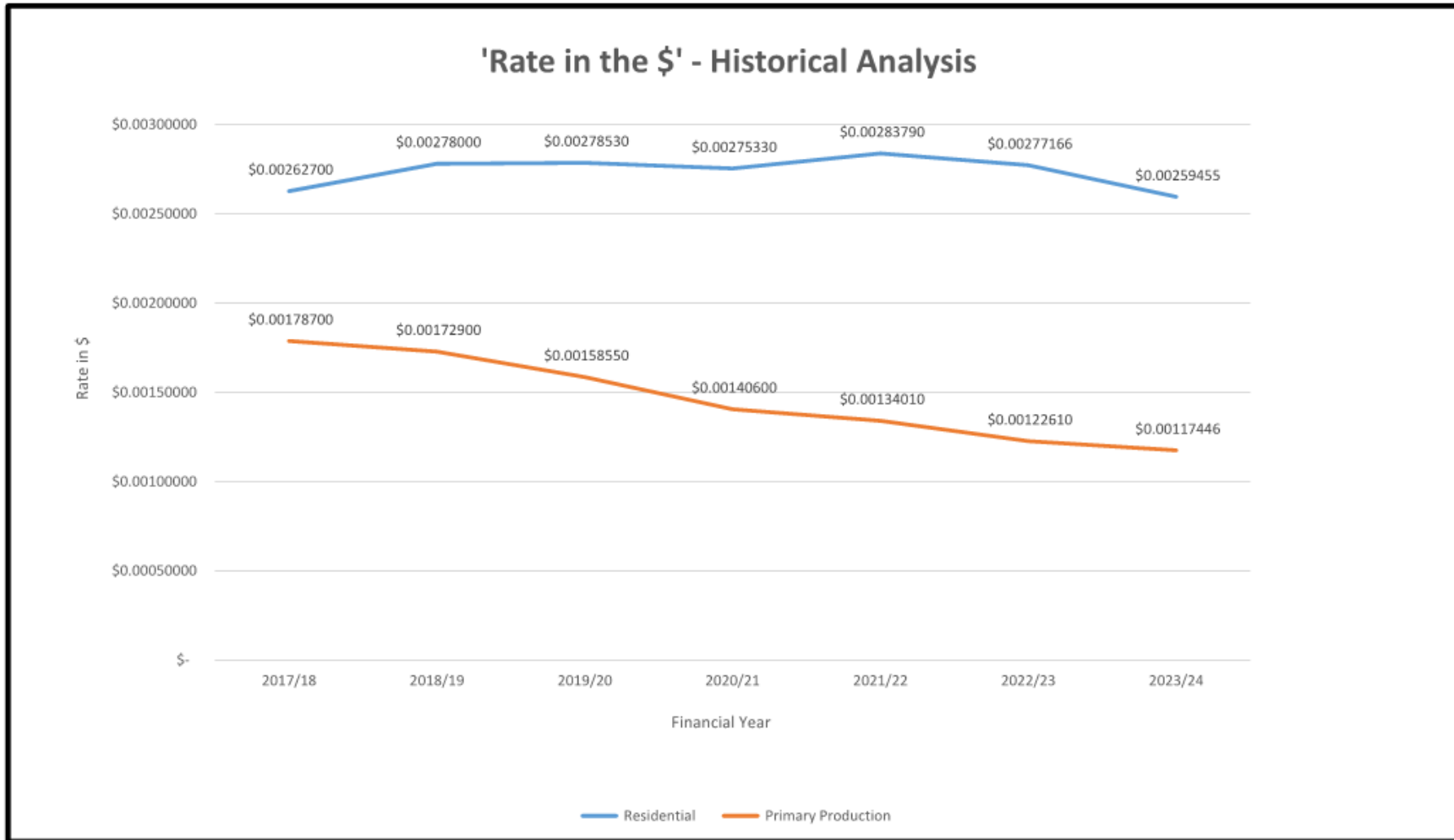
Total Rateable Capital Values 2022/23 Financial Year Summary

Council region	Rateable Land Value	Rates Raised
Yorke Peninsula Council	\$8.75B	\$20.26m
Barossa Council	\$6.38B	\$30.08m
Copper Coast Council	\$4.36B	\$21.00m
Light Regional Council	\$4.28B	\$22.27m
Clare & Gilbert Valleys Council	\$3.43B	\$12.57m
Wakefield Regional Council	\$3.00B	\$9.84m
Port Pirie Regional Council	\$2.73B	\$20.30m
Adelaide Plains Council	\$2.41B	\$11.00m
Barunga West Council	\$1.9B	\$5.44m



Financial Assistance Grants 2016/17 to 2023/24





RATING MODEL 1 - 2023-2024 - 8.0% TOTAL GENERAL RATE INCREASE

Option 1			2022/23 Raised						2023/24 Proposed Rates					Variance						
Rate Increase	5.0%	3.0%	CV % Inc	# Fixed Charges at \$410	Rates from Fixed Charges	Rates from Cents in \$	Total Rates income	Percentage of overall Rates	# Fixed Charges at \$410	Rates from Fixed Charges	Cents on \$	Rates from Cents in \$	Total Rates income	Increase in Total Rates	Increase in Total Rates	Percentage of overall Rates	Percentage change to Total Rates Paid	Number of Rateable Assessments	Avg increase per assessment	Avg Rates
Primary Production Additional Increase	CV 2022/23	CV 2023/24 @ current																		
Land Use	CV 2022/23	CV 2023/24 @ current																		
Non Rateable	\$ 161,627,175	\$ 166,901,293	3.26%				-													
Residential	\$ 2,584,402,428	\$ 3,004,193,010	16.24%	8,910	3,653,100	7,163,085	10,816,184.83	53.4%	8,917	\$ 3,655,970	0.256278714	\$ 7,699,107.21	11,355,077	538,892	4.98%	51.88%	-1.51%	9,005	\$ 60	\$ 1,261
Commercial	\$ 141,766,211	\$ 150,516,984	6.17%	420	172,200	392,928	565,127.74	2.8%	422	\$ 173,020	0.256278714	\$ 385,742.99	558,763	6,365	-1.13%	2.55%	-0.24%	468	-\$ 14	\$ 1,194
Industry	\$ 20,680,756	\$ 21,725,543	5.05%	54	22,140	57,320	79,460.02	0.4%	54	\$ 22,140	0.256278714	\$ 55,677.94	77,818	1,642	-2.07%	0.36%	-0.04%	62	-\$ 26	\$ 1,255
Primary Production	\$ 5,770,344,878	\$ 7,019,018,266	21.64%	1,128	462,480	7,075,020	7,537,499.85	37.2%	1,126	\$ 461,660	0.116114045	\$ 8,150,066.05	8,611,726	1,074,226	14.25%	39.35%	2.14%	2,860	\$ 376	\$ 3,011
Vacant	\$ 194,181,355	\$ 217,073,685	11.79%	1,269	520,290	538,205	1,058,494.69	5.2%	1,285	\$ 526,850	0.256278714	\$ 556,313.65	1,083,164	24,669	2.33%	4.95%	-0.28%	1,507	\$ 16	\$ 719
Other	\$ 38,735,137	\$ 41,979,979	8.38%	227	93,070	107,361	200,430.63	1.0%	226	\$ 92,660	0.256278714	\$ 107,585.75	200,246	185	-0.09%	0.91%	-0.07%	248	-\$ 1	\$ 807
TOTAL	\$ 8,911,737,940	\$ 10,621,408,760	19.18%	12,008	4,923,280	15,333,918	20,257,198	100%	12,030	\$ 4,932,300		16,954,494	21,886,794	1,629,596	8.04%	100.00%	0.00%	14,150		

RATING MODEL 2 - 2023-2024 - 9.0% TOTAL GENERAL RATE INCREASE

Option 2			2022/23 Raised						2023/24 Proposed Rates					Variance					
Rate Increase	6.0%	CV % Inc	# Fixed Charges at \$410	Rates from Fixed Charges	Rates from Cents in \$	Total Rates income	Percentage of overall Rates	# Fixed Charges at \$410	Rates from Fixed Charges	Cents on \$	Rates from Cents in \$	Total Rates income	Increase in Total Rates	Increase in Total Rates	Percentage of overall Rates	Percentage change to Total Rates Paid	Number of Rateable Assessments	Avg increase per assessment	Avg Rates
Primary Production Additional Increase	3.0%																		
Land Use	CV 2022/23	CV 2023/24 @ current																	
Non Rateable	\$ 161,627,175	\$ 166,901,293	3.26%				-												
Residential	\$ 2,584,402,428	\$ 3,004,193,010	16.24%	8,910	3,653,100	7,163,085	10,816,184.83	53.4%	8,917	\$ 3,655,970	0.259454562	\$ 7,794,515.82	11,450,486	634,301	5.86%	51.84%	-1.56%	9,005	\$ 70 \$ 1,272
Commercial	\$ 141,766,211	\$ 150,516,984	6.17%	420	172,200	392,928	565,127.74	2.8%	422	\$ 173,020	0.259454562	\$ 390,523.18	563,543	1,585	-0.28%	2.55%	-0.24%	468	-\$ 3 \$ 1,204
Industry	\$ 20,680,756	\$ 21,725,543	5.05%	54	22,140	57,320	79,460.02	0.4%	54	\$ 22,140	0.259454562	\$ 56,367.91	78,508	952	-1.20%	0.36%	-0.04%	62	-\$ 15 \$ 1,266
Primary Production	\$ 5,770,344,878	\$ 7,019,018,266	21.64%	1,128	462,480	7,075,020	7,537,499.85	37.2%	1,126	\$ 461,660	0.117445657	\$ 8,243,532.10	8,705,192	1,167,692	15.49%	39.41%	2.20%	2,860	\$ 408 \$ 3,044
Vacant	\$ 194,181,355	\$ 217,073,685	11.79%	1,269	520,290	538,205	1,058,494.69	5.2%	1,285	\$ 526,850	0.259454562	\$ 563,207.58	1,090,058	31,563	2.98%	4.93%	-0.29%	1,507	\$ 21 \$ 723
Other	\$ 38,735,137	\$ 41,979,979	8.38%	227	93,070	107,361	200,430.63	1.0%	226	\$ 92,660	0.259454562	\$ 108,918.97	201,579	1,148	0.57%	0.91%	-0.08%	248	\$ 5 \$ 813
TOTAL	\$ 8,911,737,940	\$ 10,621,408,760	19.18%	12,008	4,923,280	15,333,918	20,257,198	100%	12,030	\$ 4,932,300		17,157,066	22,089,366	1,832,168	9.04%	100.00%	0.00%	14,150	

RATING MODEL 3 - 2023-2024 - 10.0% TOTAL GENERAL RATE INCREASE

Option 3			2022/23 Raised						2023/24 Proposed Rates					Variance					
Rate Increase	7.0%	CV % Inc	# Fixed Charges at \$410	Rates from Fixed Charges	Rates from Cents in \$	Total Rates income	Percentage of overall Rates	# Fixed Charges at \$410	Rates from Fixed Charges	Cents on \$	Rates from Cents in \$	Total Rates income	Increase in Total Rates	Increase in Total Rates	Percentage of overall Rates	Percentage change to Total Rates Paid	Number of Rateable Assessments	Avg increase per assessment	Avg Rates
Primary Production Additional Increase	3.0%																		
Land Use	CV 2022/23	CV 2023/24 @ current																	
Non Rateable	\$ 161,627,175	\$ 166,901,293	3.26%				-												
Residential	\$ 2,584,402,428	\$ 3,004,193,010	16.24%	8,910	3,653,100	7,163,085	10,816,184.83	53.4%	8,917	\$ 3,655,970	0.262630411	\$ 7,889,924.44	11,545,894	729,710	6.75%	51.79%	-1.60%	9,005	\$ 81 \$ 1,282
Commercial	\$ 141,766,211	\$ 150,516,984	6.17%	420	172,200	392,928	565,127.74	2.8%	422	\$ 173,020	0.262630411	\$ 395,303.37	568,323	3,196	0.57%	2.55%	-0.24%	468	\$ 7 \$ 1,214
Industry	\$ 20,680,756	\$ 21,725,543	5.05%	54	22,140	57,320	79,460.02	0.4%	54	\$ 22,140	0.262630411	\$ 57,057.88	79,198	-262	-0.33%	0.36%	-0.04%	62	-\$ 4 \$ 1,277
Primary Production	\$ 5,770,344,878	\$ 7,019,018,266	21.64%	1,128	462,480	7,075,020	7,537,499.85	37.2%	1,126	\$ 461,660	0.118777268	\$ 8,336,998.16	8,798,658	1,261,158	16.73%	39.47%	2.26%	2,860	\$ 441 \$ 3,076
Vacant	\$ 194,181,355	\$ 217,073,685	11.79%	1,269	520,290	538,205	1,058,494.69	5.2%	1,285	\$ 526,850	0.262630411	\$ 570,101.51	1,096,952	38,457	3.63%	4.92%	-0.30%	1,507	\$ 26 \$ 728
Other	\$ 38,735,137	\$ 41,979,979	8.38%	227	93,070	107,361	200,430.63	1.0%	226	\$ 92,660	0.262630411	\$ 110,252.19	202,912	2,482	1.24%	0.91%	-0.08%	248	\$ 10 \$ 818
TOTAL	\$ 8,911,737,940	\$ 10,621,408,760	19.18%	12,008	4,923,280	15,333,918	20,257,198	100%	12,030	\$ 4,932,300		17,359,638	22,291,938	2,034,740	10.04%	100.00%	0.00%	14,150	

RATING MODEL 4 - 2023-2024 - 11.0% TOTAL GENERAL RATE INCREASE

Option 4			2022/23 Raised						2023/24 Proposed Rates					Variance						
Rate Increase	8.0%	3.0%	CV % Inc	# Fixed Charges at \$410	Rates from Fixed Charges	Rates from Cents in \$	Total Rates income	Percentage of overall Rates	# Fixed Charges at \$410	Rates from Fixed Charges	Cents on \$	Rates from Cents in \$	Total Rates income	Increase in Total Rates	Increase in Total Rates	Percentage of overall Rates	Percentage change to Total Rates Paid	Number of Rateable Assessments	Avg increase per assessment	Avg Rates
Primary Production Additional Increase	CV 2022/23	CV 2023/24 @ current																		
Land Use																				
Non Rateable	\$ 161,627,175	\$ 166,901,293	3.26%				-													
Residential	\$ 2,584,402,428	\$ 3,004,193,010	16.24%	8,910	3,653,100	7,163,085	10,816,184.83	53.4%	8,917	\$ 3,655,970	0.265806259	\$ 7,985,333.05	11,641,303	825,118	7.63%	51.75%	-1.64%	9,005	\$ 92	\$ 1,293
Commercial	\$ 141,766,211	\$ 150,516,984	6.17%	420	172,200	392,928	565,127.74	2.8%	422	\$ 173,020	0.265806259	\$ 400,083.56	573,104	7,976	1.41%	2.55%	-0.24%	468	\$ 17	\$ 1,225
Industry	\$ 20,680,756	\$ 21,725,543	5.05%	54	22,140	57,320	79,460.02	0.4%	54	\$ 22,140	0.265806259	\$ 57,747.85	79,888	428	0.54%	0.36%	-0.04%	62	\$ 7	\$ 1,289
Primary Production	\$ 5,770,344,878	\$ 7,019,018,266	21.64%	1,128	462,480	7,075,020	7,537,499.85	37.2%	1,126	\$ 461,660	0.12010888	\$ 8,430,464.21	8,892,124	1,354,624	17.97%	39.53%	2.32%	2,860	\$ 474	\$ 3,109
Vacant	\$ 194,181,355	\$ 217,073,685	11.79%	1,269	520,290	538,205	1,058,494.69	5.2%	1,285	\$ 526,850	0.265806259	\$ 576,995.44	1,103,845	45,351	4.28%	4.91%	-0.32%	1,507	\$ 30	\$ 732
Other	\$ 38,735,137	\$ 41,979,979	8.38%	227	93,070	107,361	200,430.63	1.0%	226	\$ 92,660	0.265806259	\$ 111,585.41	204,245	3,815	1.90%	0.91%	-0.08%	248	\$ 15	\$ 824
TOTAL	\$ 8,911,737,940	\$ 10,621,408,760	19.18%	12,008	4,923,280	15,333,918	20,257,198		12,030	\$ 4,932,300		17,562,210	22,494,510	2,237,312	11.04%	100.00%	0.00%	14,150		

8.3 DRAFT ANNUAL BUSINESS PLAN AND BUDGET 2023/2024**Document #:** 23/46053**Department:** Corporate and Community Services**PURPOSE**

Each year Council develops and adopts an Annual Business Plan (ABP) and Budget. The ABP explains the context in which the Budget has been developed, provides information on what Council plans to achieve in the coming financial year and describes how this will be funded.

RECOMMENDATION

That Council endorse the draft 2023/2024 Annual Business Plan including the draft 2023/2024 Budget for the financial year ending 30 June 2024, for public consultation.

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

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

BACKGROUND

As required by the Local Government Act 1999 (the Act) and the Local Government (Financial Management) Regulations 2011 (the Regulations), Council must prepare its ABP and Budget in a timely fashion and make both available for public consultation prior to adoption.

As part of this process, Council consults with the community and will consider all feedback prior to adoption of the ABP and Budget. As per previous years, members of the public will have the opportunity to provide verbal submissions in relation to the ABP and Budget, at its meeting on Wednesday, 28 June 2023. The opportunity to provide written submissions will also be available.

DISCUSSION

The draft 2023/2024 ABP, incorporating the draft Budget, has been developed taking into account legislative requirements, Council's 2021-2025 Strategic Management Plan, the parameters of Council's recently updated and adopted Long Term Financial Plan 2024-2033 (LTFP) and Asset Management Plans (AMP).

The draft ABP sets out all capital projects and the budgeted statutory financial statements for the 2023/2024 financial year.

2023/2024 Draft Budget

The key parameters (consistent with the LTFP) used in the development of the draft Budget were:

- Inflation (CPI) estimated to be 6.25% in June 2023 (December quarter Adelaide City Annual CPI was 8.6%; March quarter Adelaide City Annual CPI was 7.9%).
- No change in service levels other than those endorsed by Council.
- Appropriate spending on asset renewal in line with existing AMPs and funding in accordance with Council's LTFP to maintain and upgrade ageing infrastructure.
- Emphasis on achieving financial sustainability in accordance with Council's recently adopted LTFP.

The draft 2023/2024 Budget has also taken into account cost pressures and challenges, cuts to discretionary spending and 'one off' projects requiring completion.

The 2023/2024 draft Budget includes an additional 2.0% (approximately \$0.4m) in total general rate income, which is a deviation from the LTFP. The forecast rate increase in the LTFP is 7.0%. The reasons for this are detailed in the attached ABP.

The 2023/2024 draft Budget has also taken into account cost pressures and challenges, cuts to discretionary spending and 'one off' projects requiring completion. Full details can be found in the attached draft ABP.

The proposed Capital Budget of \$16.7m is \$2.0m above the funding allocation provided for in Council's recently endorsed LTFP due to changed assumptions regarding the timing of anticipated grant funded projects for new capital items. The draft Budget proposes a total of \$9.7m to be invested in renewal of assets and \$7.0m for upgrade to existing assets along with the purchase and creation of new assets.

A full list of projects is included in the attached draft ABP.

On close inspection of the draft ABP and Budget, it is evident that Council's operating surplus is \$0.6m more than that proposed in the LTFP. The LTFP forecasts an operating deficit of \$0.3m whereas the draft Budget is forecasting an operating surplus of \$0.3m. This variance is due to a number of factors including recent inflationary pressures as stated above, the full impact and reasons for which are detailed in the attached draft ABP.

Rates Income

The draft 2023/2024 Budget is based on a 9.0% increase in total general rate income, which is 2.0% higher than Council's LTFP. The total forecast general rate income is \$22.09m, which is an increase of \$1.8m when compared to 2022/2023. Based on the 9.0% rate increase, Council's operating budget surplus currently sits at approximately \$0.3m.

Of the total rate increase, 6.0% (\$1.2m) is related to the estimated CPI forecast in Council's LTFP, while the additional 3.0% (\$0.6m) is for the maintenance and capital renewal of rural roads and intersections and to assist in addressing entrenched inequity which is evident in Council's historical rating methodology. While the 6.0% increase will be spread across all rate payers, the additional 3.0% rate increase will be borne in entirety by Primary Production ratepayers.

It should be noted that while the attached ABP and Budget are based on a 9.0% total general rate increase, Council has not formally endorsed a preferred rating model. Three additional rating models are being considered by Council at a Special Council meeting on 24 May 2023. If a rating model other than the 9.0% increase the current draft ABP and Budget is based on, is adopted, the ABP and Budget will be updated prior to being publicly advertised.

Capital Expenditure

The proposed Capital Budget of \$16.7m is approximately \$2.0m over the funding allocation provided for in Council's recently endorsed LTFP due to changed assumptions regarding the timing of anticipated grant funded projects for new capital items.

The draft Budget proposes a total of \$9.7m to be invested in renewal of assets and \$7.0m for upgrades to existing assets along with the purchase and creation of new assets.

A full list of projects is included in the attached draft ABP.

ESCOSA Local Government Advice

All South Australian councils are required under section 122 of the Local Government Act 1999 to prepare several long-term strategic management plans which include (but are not limited to) LTFP and Infrastructure and Asset Management Plan (IAMP).

The Local Government Advice Scheme commenced in April 2022 (following changes to section 122) and requires councils to provide information relating to these plans to the 'designated authority' (currently the Essential Services Commission of SA (ESCOSA)), once in every 'prescribed period' (currently set as four years).

ESCOSA has developed a Schedule of Councils allocating all councils across a four-year cycle for the purposes of the SMP Advice Scheme (known as the relevant financial year). Yorke Peninsula Council is in the first round (2022/23), the next relevant financial year will be 2026/27.

Council was required to submit information to ESCOSA by the end of September 2022. ESCOSA then provided advice back to council, in late February 2023, on the appropriateness of:

- material amendments made, or proposed to be made, to the LTFP and/or IAMP;
- the revenue sources outlined in the funding plan (contained within the LTFP); and
- advice on any other aspect of the council's LTFP and/or IAMP.

Council is then required to include a copy of ESCOSA's advice and any council response to the advice in their draft and adopted Annual Business Plans (ABP) each year until their next relevant financial year. Council's 2023/2024 ABP and Budget contains both ESCOSA advice and Council's initial response to ESCOSA. It should be noted that Council is not required to accept and/or act upon ESCOSA's advice.

Community Consultation

In accordance with the Act and Regulations, Council will consult with the community on the draft 2023/2024 ABP and Budget for a minimum of 21 days.

As shown within Attachment 1, the consultation period will commence on Wednesday, 31 May 2023 and end at the close of business on Wednesday, 21 June 2023. Advertisements will be placed in the Yorke Peninsula Country Times and on Council's website and Facebook page, inviting submissions. Copies of the Draft Plan will be available on Council's website and hard copies will be available for inspection at Council offices. All Progress Associations will be contacted in accordance with the attached Community Engagement Plan alerting them to the consultation period.

All written submissions received, will be considered at a Special Council meeting on 28 June 2023. The opportunity to provide verbal submissions will also be available at this Special Council meeting.

COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

Refer to attached Community Engagement Plan (Attachment 1)

CONSULTATION PROCESS

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

- Corporate Management Team
- Manager Financial Services
- Accountant - Financial Management
- Manager Economic Development and Business Sustainability

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

- Nil

POLICY IMPLICATIONS

PO091 Risk Management Policy

PO142 Budget Reporting and Amendment Policy

BUDGET AND RESOURCE IMPLICATIONS



The draft 2023/2024 ABP and Budget generally align with Council's AMPs, LTFP and Council's key financial direction of reducing the operating deficit and maximising funds for the renewal of assets. While a 'business as usual' approach is forecast in 2023/2024, it is acknowledged that there are some deviations from the LTFP for a number of reasons as stated throughout this report and the attached ABP.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

ATTACHMENTS

1. **Community Engagement Plan - Draft Annual Business Plan 2023-2024** [↓](#) 
2. **Draft Annual Business Plan 2023-2024** [↓](#) 



COMMUNITY ENGAGEMENT PLAN - ANNUAL BUSINESS PLAN AND BUDGET 2023-24

SF215
Responsible Officer: Community Development & Engagement Officer

Issue Date: 09/12/2021

Next Review Date: December 2025

PROJECT NAME:

Stakeholders	Level 1 INFORM	Level 2 CONSULT	Level 3 PARTICIPATE	Level 4 COLLABORATE	Responsibility	Start Date	End Date	Status	Evaluation Method
Entire community		Public Notice			Community Development and Engagement Officer	31/05/2023	6/06/2023	NS	# submissions received
Entire community		Public Notice			Community Development and Engagement Officer	6/06/2023	13/06/2023	NS	# submissions received
Entire community		Website			Community Development and Engagement Officer	31/05/2023	21/06/2023	NS	# views
Entire community		Social Media			Community Development and Engagement Officer	31/05/2023	31/05/2023	NS	Post reach
Entire community		Ability to appear before Council			CEO	28/06/2023	28/06/2023	NS	# presentations

2023-2024

DRAFT ANNUAL BUSINESS PLAN

Yorke Peninsula Council



www.yorke.sa.gov.au

ACKNOWLEDGEMENT OF COUNTRY

Yorke Peninsula Council respects the fundamental role of Narungga (traditionally spelt Nharangga) people as the First Nation custodians of the Country now known as Yorke Peninsula and the surrounding seas. We pay respect to Narungga Elders past and present, to Country, and to their rich and vibrant culture.

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MAYOR'S FOREWORD

It is my pleasure to present Yorke Peninsula Council's (Council's) 2023-24 Annual Business Plan (ABP) and Budget.

Council has given much thought to this year's budget to ensure ratepayers receive the services they deserve, and have come to expect, despite cost pressures Council is facing from inflation.

We know many of our residents and ratepayers are feeling the pinch from rising costs in their day-to-day lives, from groceries to fuel to utilities bills. Our 2023-24 ABP and Budget has been developed with those considerations front of mind.

Council is not immune to these rising costs.

A rate rise is needed to ensure services such as road maintenance and rubbish collection can continue, and our infrastructure does not fall into disrepair.

Budgeting money now for asset upkeep means we will not be faced with much higher costs due to failing infrastructure in the future.

For these reasons, this year's rate rise has been set at 6% which is well below CPI, plus 3% for primary production ratepayers which will all go directly toward our rural roads.

It is important to note that:

- Rate rises are driven primarily by property valuations (assessed independent from Council) which this year have increased dramatically, Council has actually eased the burden on ratepayers rather than pass on the full valuation increase
- Council has continually ensured our ratepayers do not bear the full brunt of property value rises over many years
- 3% of the total rate rise is being borne by farmers, for farmers, to be used on improving rural roads
- Your Council rates make up less than 4% of the total taxes you pay

How have we kept rate rises so far below property valuation increases?

1. Frugal spending. Council has been careful with how it spends money across the next 12 months.
2. Grants. Council staff have worked hard to attain grant funding for local projects and initiatives.

3. Common sense. We know that just because the average house is now worth 16% more than it was last year, and the average farm 21% more, it does not mean people can afford rate rises of 16% or 21% on average. Through sensible and professional budgeting, we can keep rate rises far below those levels while still delivering for our community and achieving a healthy financial result for Council.



Darren Braund
MAYOR



EXECUTIVE SUMMARY

This ABP and Budget outlines Yorke Peninsula Council's services and projects to be delivered across the 2023-24 financial year.

The document was developed in close consultation with Elected Members and key staff, and with due consideration given to Council's Long-Term Financial Plan (LTFP) and Asset Management Plans (AMPs).

The upcoming budget delivers on Council's key objectives of achieving an operating surplus and continuing our focus on asset renewal.

Key parameters used in developing the Annual Business Plan and Budget

- Inflation (CPI) 7.9% (Adelaide City Annual March Quarter 2023)
- Service levels maintained
- Emphasis on achieving financial sustainability in accordance with Council's recently updated LTFP
- Spending on asset renewal in line with existing AMPs and funding in accordance with Council's LTFP to maintain and upgrade infrastructure
- Property valuation increases of approximately 16.2% for residential and 21.6% for primary production
- Rate rise of 6%, with an additional 3% for primary production (of which 3% will be spent on improving rural roads)

Due to the large number of assets requiring maintenance and upgrades, and cost pressures associated with electricity, fuel and more, Council has limited its spending on new projects for 2023-24. The focus is instead on maintaining services to meet community expectations, and looking after existing assets, including our extensive rural road network which will be the single biggest beneficiary of this year's budget.

All asset renewal efforts are consistent with Council's AMPs. The rate model will result in Council collecting \$22.09m which is slightly higher than projected in the LTFP due to efforts made to keep pace with inflation. This year's capital budget of \$16.65m is consistent with the LTFP and is primarily devoted to renewing

assets. \$6.96m is being allocated to new assets for our community.

As is the case each year, staff have utilised zero-based budgeting to develop this ABP. This means all budgets start at \$0 and are then formulated using historical known costs, anticipated increases and quotations. This method ensures all aspects of the budget are scrutinised for maximum value to ratepayers, as opposed to Council simply doing what has worked in the past.



Andrew Cameron
Chief Executive Officer



PUBLIC CONSULTATION & REVIEW

The Draft 2023-24 Yorke Peninsula Council Annual Business Plan and Budget is exhibited for public consultation as prescribed by the Local Government Act 1999.

During this time the public are invited to comment on the Draft Plan and Budget.

The consultation period will open on Wednesday 31 May 2023 and conclude at 5pm Wednesday 21 June 2023.

Interested persons are invited to make written submissions on the Annual Business Plan and Budget including any of the key strategies outlined in the Plan.

All feedback received will be presented at a Special Council Meeting on Wednesday 28 June 2023.

The community are also advised that the opportunity to speak before Council at the 28 June 2023 Special Council Meeting on the Draft Annual Business Plan and Budget is available.

ELECTED MEMBERS

MAYOR



Darren Braund

KALKABURY WARD COUNCILLORS



Deputy Mayor Richard Carruthers



Roger Johns



Alan Headon



Tania Stock

GUM FLAT WARD COUNCILLORS



Naomi Bittner



Scott Hoyle



Trevor Clerke

INNES PENTONVALE WARD COUNCILLORS



Kylie Gray



Adam Meyer



Kristin Murdock



Michael O'Connell

COUNCIL SUMMARY



Operating Revenue

\$28m

Rates and service charges

\$5.1m

User pay charges

\$4.2m

Grants and subsidies

\$0.4m

Statutory charges

\$0.46m

Investment, reimbursements and other income



Operating Expenditure

\$14.8m

Materials, contracts and other

\$11.5m

Depreciation

\$11.3m

Employee costs

\$0.28m

Finance costs

Other Activities

4

Joint use libraries

8

Depot libraries

5

Swimming pools

2

Toddler Wading pools



District Statistics



11,922

Estimated population



2.0/km²

Estimated population density



5,900 km²

Total Council area



485km

Council coastline

MAJOR EXPENDITURE



Council Statistics



12

Elected Members



9,181

Enrolled Electors



14,150

Total rateable properties



116.54

Full-time equivalent Council staff



Roads

3,890km

of Council roads

\$13.6m

Road network improvements
(Maintenance, renewals and sealing)



Footpaths & Stormwater

23km

Constructed footpaths & sealed walking trails

28km

of pipes and drains

\$0.7m

To upgrade and maintain assets to a community standard



CWMS & Water Schemes

18

CWMS Sites

4

Potable water sites

(Including Marion Bay Desal Plant)

3

Stormwater Reuse Sites

\$1.7m

To maintain these community assets



Council Caravan Parks

6

Council owned and managed

\$2.8m / \$3.5m

Expenditure / Income

(Operations and capital upgrades)

BUDGET HIGHLIGHTS



\$13.6m
Roads



\$0.8m
Environment



\$2.9m
Waste Operations

\$2.0m

Parks & Gardens



\$1.7m

CWMS & Water Schemes

\$0.5m

Community Support



\$0.4m

Street Lighting

\$0.7m

Footpaths & Stormwater



\$0.2m

Tourism & Economic Development

\$0.7m

Cleaning of Council
Buildings, Toilets Etc



STRATEGIC DIRECTION

The 2023-24 Annual Business Plan sets out the specific projects Council proposes to deliver for its community.

The Annual Business Plan, as required by Section 123 (2) (a) of the Local Government Act 1999, must include a summary of the Council's long-term objectives per its Strategic Management Plan (SMP).

The draft 2021-2025 SMP was adopted by Council on 14 October 2020. The most significant change from the earlier SMP was the development of a new vision.

A summary of the 2021-2025 strategic directions are provided on the following pages.

For a full copy of the 2021-2025 SMP, visit the corporate publications section of our website, www.yorke.sa.gov.au. Please note, Council's Strategic Management Plan will be reviewed in the near future.

STRATEGIC DIRECTION

Goal 1

Economically Prosperous Peninsula

Create an environment that encourages and supports a strong, diverse economy that attracts more businesses, residents and visitors. Success will mean revitalisation of our towns and retaining young, active and working future generations.

Goal 2

Community Connected through Infrastructure

Maintain and expand the connectivity of our community through a sustainable road network and planning for the necessary infrastructure that allows our multi-generational community to learn, work and live here.

Goal 3

Valued & Restored Environment

Council will be an investor, activator and custodian of our spectacular coastline and pristine environment. We will promote sustainable development and encourage the conservation of water, energy, the natural environment and minimise waste.

Goal 4

Community Engaged & Supported

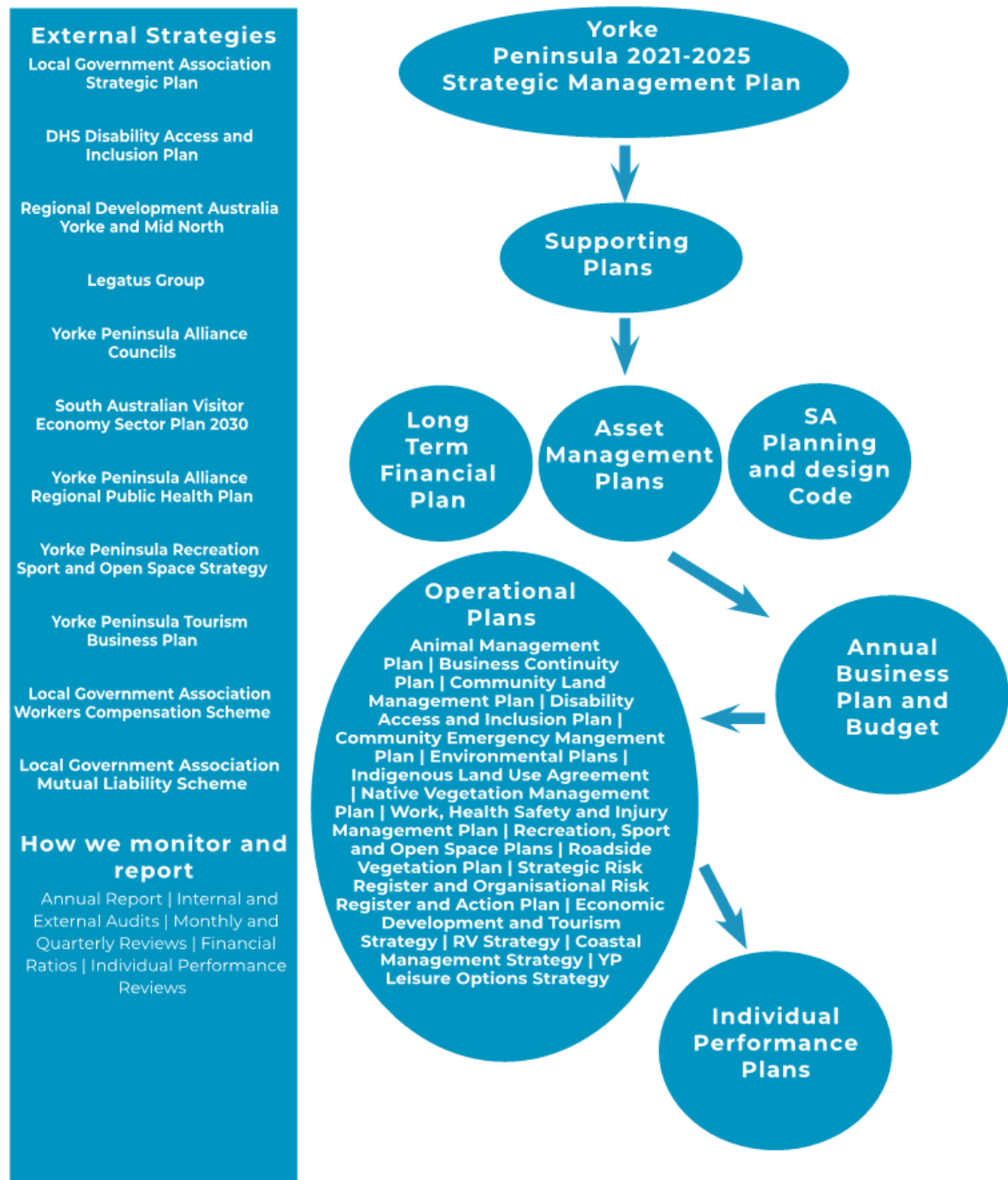
Council will continually seek innovative ways to engage and support our community and improve the quality of life on Yorke Peninsula. Council will continue to work in partnership with progress associations and other key stakeholders to achieve this goal.

Goal 5

Responsible Governance & Leadership

Council will demonstrate leadership, improve service delivery and ensure its business is conducted in a compliant, transparent, accountable, sustainable and efficient way using technology as an enabler.

STRATEGIC DIRECTION FRAMEWORK





LEGISLATIVE COMPLIANCE

Section 123 of the Local Government Act 1999 states each Council must have a plan for each financial year. The Annual Business Plan must be adopted by Council between 31 May and 31 August for the ensuing year and must undergo a minimum of 21 days public consultation.

In addition, Council must at least provide for:

- A public notice in a local newspaper informing the public of the preparation of the Draft Annual Business Plan and inviting interested persons to make written submissions in relation to the matter

The Council must also ensure copies of the Draft Annual Business Plan are available:

- For inspection at the principal office of the Council
- For purchase at a fee fixed by Council from its principal office
- On the Council's website
-

Section 123 requires the Yorke Peninsula Council Annual Business Plan includes the following:

- An outline of Council's objectives for the year
- The activities Council intends to undertake to achieve those objectives
- The measures (financial and non-financial) Council intend to use to assess its performance
- An assessment of the financial requirements of Council for the financial year
- A summary of its proposed operating expenditure, capital expenditure and sources of revenue
- The rates structure and policies for the financial year
- The impact of the rates structure on the community, based on the modelling used

The Annual Business Plan must also take into account Council's Long Term Financial Plan and relevant issues relating to the management and development of infrastructure and major assets by the Council.

ONGOING SERVICES

All Councils have basic responsibilities under the Local Government Act 1999, and other relevant legislation. These include:

- Regulatory activities (maintaining voters' rolls and supporting elected members)
- Setting rates, preparing an annual budget and determining longer-term strategic management plans for the area
- Management of basic infrastructure including roads, footpaths, parks, public open space, street lighting and stormwater drainage
- Street cleaning and rubbish collection
- Development planning and control, including building safety assessment
- Various environmental health services
- Protection of natural resources
- Animal management

Yorke Peninsula Council provides further services and programs to support the community, including:

- Beach access facilities
- Boat ramps
- Camping reserves
- Cemeteries
- Civic and community halls
- Community events
- Fire prevention
- Leasing of various other Council-owned assets
- Leisure Options
- Library services
- Recreational reserves and open spaces
- Recycling facilities
- Sporting facilities
- Support for youth services
- Tourist facilities
- Walking trails
- Six Council-owned and managed caravan parks on a fee for service basis

INFLUENCES, PRIORITIES & CHALLENGES

Current Economic Climate

Council seeks to ensure the Annual Business Plan and Budget delivers financial sustainability in accordance with the adopted targets within the 2024-33 Long Term Financial Plan (LTFP) and Council's Asset Management Plans (AMPs). A key focus of the LTFP is to ensure there is appropriate spending on asset renewal in line with these AMPs.

Council's LTFP is based on a "business as usual" model as far as practicable, including any impacts of completed service level reviews, increased inflation, variations to current levels of service and Council's current asset stock. Based on the most recent ABS Census results for the Council area, it has been assumed growth in the area will be minimal.

Funding from State and Federal Governments has been inconsistent over the years and cannot be relied upon as a consistent substitute for other income streams. As an example, Council's general purpose grant allocation from the Local Government Grants Commission was reduced by \$191,546 (15%) in 2022-23 and Council anticipates that further cuts are likely in future years.

Council has reduced costs in some areas through service level reviews and retendering of major contracts. Renewal of Information Technology hardware and telecommunications contracts are also likely to result in savings in the short to medium term.

Cleaning of Council facilities has increased due to cleaning requirements of bush camping toilets; Council has received funding to install additional toilets at bush camping sites so this needs to be factored into future site cleaning. A significant increase in bush camping, while generating more revenue, has also meant increased costs for rubbish collection, repairs and maintenance.

Increases in inflation trending in line with LTFP projections continue to impact Council operations, in particular the cost of fuel, salaries and wages, cost of construction materials, etc. Further, insurance costs continue to rise due to increased adverse weather events and revaluation of Council's land, building and other structures' asset class.

Council will continue to undertake reviews during the coming financial year and budgets will be updated to reflect any further cost savings or increases. Some of the above cost pressures and impacts are factored into Council's LTFP which is available on Council's website.

In addition, Council faces several key challenges and has some opportunities available which will impact its short to medium term financial position.

As detailed in the current LTFP these include:

- Ensuring ongoing financial sustainability of Council
- Meeting ongoing expectations of our community for increased or new services

- Maximising funding for renewal and replacement of ageing assets in line with improved asset management principles and practices
- Improved data for Council's asset base and ongoing review of asset inventory
- Managing the impact of cost shifting from other levels of Government
- Managing political and legislative changes and their impact
- Minimising the impact of economic instability
- Monitoring the impact of decisions made outside the LTFP
- Rationalisation of underutilised or surplus assets to provide one-off capital injections and reduce maintenance and other operating costs
- Responsible use of debt to leverage funding for asset renewal and acquisition of assets
- Review of services to reduce expenditure, increase efficiency and effectiveness and increase value for money to ratepayers
- Investment in new technology to reduce costs, increase productivity, efficiency and effectiveness
- Explore ways to increase existing revenue streams and find new ones by taking a commercial approach to Council business
- Environmental impacts.

INFLUENCES, PRIORITIES & CHALLENGES

Budget Strategy

Council's LTFP guides the development of the Annual Business Plan and Budget. The key goal of the LTFP is to ensure Council achieves and maintains financial sustainability over the life of the plan while ensuring at least the current levels of service and infrastructure are maintained for the community.

Council's LTFP has been reviewed in detail and many factors considered such as current income and expenditure trends, forecast data, CPI and indexation factors, updated asset information, current environment, etc.

After community consultation, the LTFP was adopted by Council in April 2023.

Continuing with the increased focus on renewal of existing assets, Council over the life of the LTFP proposes to allocate \$146.9m towards renewal and replacement of existing assets, with 76.3% or \$112.2m specifically for transport assets (mainly roads). An additional \$8.7m over 10 years is allocated for upgrades to existing assets and acquisition of new assets.

This plan represents Year 1 of the LTFP. It should be noted there have been some variations from the LTFP, to address recently identified inflationary cost pressures and priorities. It reflects current information and take up of recently announced grant funding opportunities.

Council's forecast operating surplus in 2023-2024 is \$0.3m compared to a \$0.3m deficit in Council's LTFP. This is an improvement of \$0.6m and can be explained as the net impact of Council's operating expenditure being \$0.5m (1.3%) greater than the LTFP forecast while income is \$1.1m (3.0%) more.

The primary reason for this is the net difference between increased rates and grant income less increased expenditure on various one-off operating projects not included in the LTFP.

Detailed reasons for these variations are in the Key Financial Measures section on pages 24-26.

The LTFP is scheduled to be reviewed annually in October and will include strategies to continue to achieve the objectives of the LTFP.

Key Long Term Financial Plan Targets



Positive Operating Surplus Ratio

Positive Operating Surplus Ratio (OSR) i.e. operating surplus, in the medium term.



Asset Renewal

Spending on asset renewal consistent with Asset Management Plan (AMP) identified needs and LTFP set Asset Renewal Funding Ratio (ARFR) minimum (100%) target.



Net Financial Liabilities Ratio

Net Financial Liabilities Ratio (NFLR) to be below Council's LTFP target of 100% of Operating Income.



Long Term Financial Plan

No new services or assets or increases to existing services to be introduced without consideration of the impact on the LTFP.

INFLUENCES, PRIORITIES & CHALLENGES

Setting the Rates

Consistent with previous years, rates income continues to be the major source of revenue for Council making up approximately 73% of operating income.

Each year the impact of rate increases is reviewed in line with Council's Strategic Management Plan and LTFP. In 2023-24 the increase to total general rate income will be 9.0% to deliver approximately \$22.09m in total general rate revenue to enable Council to provide services and infrastructure as detailed in this plan. This is an increase of approximately \$1.83m compared to 2022-23 and is 2.0% or approximately \$0.41m greater than that forecast in Council's LTFP. Council's LTFP forecast a total rate income increase of 7.0%.

A rate increase of 6.0% will be funded by all ratepayers, with the additional 3.0% paid entirely by Primary Production ratepayers. The full amount of the 3.0% additional increase (\$0.6m) will be allocated to maintenance and capital works on rural roads and intersections within the Council area. Due to significant reductions in Financial Assistance Grants, which are largely driven by the increasing value of Primary Production land, expansion of this rate loading has become essential to Council's financial sustainability. Further, any additional rate increase for Primary Production ratepayers will go some way

towards reducing the inequity between the proportion of overall rates paid by Primary Production ratepayers when compared to all other rate payer categories (refer to Valuation v Rate Contribution on page 20 for a detailed discussion).

The structure of the rating system will remain consistent with previous financial years and includes:

- Continued use of a fixed charge of \$410 (unchanged since 2017-18);
- Differential rates for various land use categories which have been set based on modelling, to raise the budgeted total general rates revenue of approximately \$22.09m to provide the various Council services and infrastructure spend detailed in this plan. This has resulted in residential ratepayers paying approximately 51.9% of total general rates revenue, with primary production ratepayers paying approximately 39.4% which is 2.2% more than 2022-23;
- Reduction in differential rates (cents in the dollar) to adjust for increasing capital valuations to generate the required total general rate revenue;
- A comprehensive set of rebates.

A detailed explanation of the rates structure is described on the following page.

VALUATION INCREASES				
Land Use	2023-24	2022-23	Variance (\$)	Variance (%)
Residential	\$3.00b	\$2.58b	+\$0.42b	+16.2%
Commercial	\$151m	\$142m	+\$9m	+6.3%
Industrial	\$22m	\$21m	+\$1m	+4.8%
Primary Production	\$7.02b	\$5.77b	+\$1.25b	+21.6%
Vacant Land	\$217m	\$194m	+\$23m	+11.9%
Other	\$42m	\$39m	+3m	+7.7%
TOTAL	\$10.46b	\$8.75b	+1.71b	+19.2%

RATING STRATEGIES

Capital property value (value of land plus capital improvements) is the major determinant of how much each individual ratepayer contributes to general rates. Rates paid do not directly relate to the services used by each ratepayer. In general, the higher the value of the property, the higher the rates paid.

Council uses capital values provided by the Valuer General (VG) to value all properties. The table on page 18 shows the change in capital valuations by land use category for all rateable properties as at 3 March 2023. These valuations are only preliminary at this stage with final valuations available in June 2023. These will be used to adopt and set valuations and rates for 2023-24. The valuations in the table below show that once again primary production valuations and now residential valuations are forecast to increase significantly.

While capital valuations do not influence the total amount of rates that need to be raised, they do impact the amount of rates contributed by individual ratepayers and various land use categories.

In determining how rates are applied, Council uses a differential rating system with a fixed charge. Differential rates are applied depending on the use to which the land is put, whether it be residential, commercial, primary production etc.

The fixed charge is a declared amount all ratepayers contribute in addition to differential rates which are applied directly against the property capital value.

The rate-in-the-dollar to be applied each year is determined during the annual budget process. Put simply, the differential rate is calculated by dividing the required rates revenue by the total rateable capital value for the Council area, after accounting for the total fixed charge contribution from all properties.

Based on the principal use of each property, Council rates properties in six different land use categories.

The key components of the rating model for 2023-24 are:

- To raise \$22.09m in total general rates (before rebates and remissions) excluding the Landscape levy, waste management, CWMS and water service charges;
- No change to the fixed charge of \$410;
- Compared to 2022-23, total rate contribution by ratepayers in the residential land use category to decrease by 1.6% while primary production will increase by 2.2%, with all other land use categories to remain almost unchanged;
- Adjustments to the 2022-23 differential rates to accommodate the variances in capital values to

ensure the required amount of general rate revenue is raised;

While rate increases for individual ratepayers will vary due to differing capital values, compared to 2022-2023 residential properties can expect to pay on average an extra \$70 (\$1.35 / week) per assessment, primary production an extra \$408 (\$7.85/ week) per assessment, vacant land an extra \$21 (40 cents/ week) per assessment and other land use an extra \$5 (9 cents/week) per assessment. Commercial and industrial properties are likely to see either a very small increase or a decrease per assessment;

Differential rate of 0.259454562 cents in the dollar (6.4% less than 2022-23) for residential, commercial, industrial, vacant land and other land use categories;

Differential rate of 0.117445657 cents in the dollar (4.2% less than 2022-23) for primary production;

14,150 total rateable assessments of which 12,030 pay the fixed charge.

Mandatory and discretionary rebates for general rates (as specified in the Local Government Act 1999) totalling approximately \$0.147m have been provided for in the 2023-24 budget.

RATING STRATEGIES

Fixed Charges

Council has set a fixed charge for the 2023-24 year. The fixed charge has remained at \$410 (unchanged since 2017-18) and will be levied uniformly on all non-contiguous assessments.

The fixed charge is levied against the whole of an allotment (including land under a separate lease or licence) and only one fixed charge is levied against two or more pieces of adjoining land (whether intercepted by a road or not) if these are owned and occupied by the same owner.

The reasons for imposing a fixed charge include:

- It is appropriate that all rateable properties make a base contribution to the cost of administering the Council's services;
- It is appropriate that all rateable properties make a contribution to the cost of creating and maintaining the physical infrastructure that supports each property;
- A fixed-charge system generally creates a lesser burden on lower valued properties than a minimum rate system would.

Valuation v Rate Contribution

While capital valuations do not influence the total amount of rates that need to be raised to fund Council's budget to provide services and infrastructure to the community, they do impact the amount of rates contributed by individual ratepayers and various land use categories i.e. residential, primary production etc. Therefore, for the purposes of equity it is important that the total rates contributed by ratepayers in a particular land use category are generally consistent with the capital valuations for that land use category. This has not been the case over the last decade or so, due to the significant increase in primary production capital valuations.

While primary production valuations have seen on average double-digit growth over the last decade, the share of total rates paid by ratepayers in the primary production category has remained relatively constant. This has resulted in ratepayers in the residential category, and to a lesser extent other land use categories, paying more than their fair share of annual rates. This is demonstrated by the increasing gap between valuations as a percentage of total Council valuations versus total rates paid by individual land use categories. The gap and resultant inequity for 2023-24 is demonstrated in the table below.

VALUATION V RATE CONTRIBUTION				
Category	Assessments	Rates Contribution	Valuations (% of Total)	Gap
Residential	9,005	51.9%	28.7%	+23.2%
Commercial	468	2.6%	1.4%	+1.2%
Industrial	62	0.4%	0.2%	+0.2%
Primary Production	2,860	39.4%	67.2%	-27.8%
Vacant Land	1,507	4.9%	2.1%	+2.8%
Other	248	0.9%	0.4%	+0.5%
TOTAL	14,150	100%	100%	

RATING STRATEGIES

Valuation v Rate Contribution (cont.)

Since 2016-17 the value of the general-purpose component of the financial assistance grant has reduced by an average of 4.5% year on year. In 2022-2023 the value of the general-purpose component of the financial assistance grant was 15% (or \$190,546) less than the prior year. The South Australian Local Government Grants Commission (SALGCC), which administers the financial assistance grants, has previously indicated that Council's future General Purpose Financial Assistance grant will reduce annually. This is primarily due to Council being paid more than their share in previous years and Council's primary production valuations being relatively greater than the State average, hence its increased ability to raise additional rates from primary production ratepayers.

Hardship and Postponement of Rates

In accordance with provisions of the Local Government Act 1999, Section 182A, persons who hold a current seniors card could be eligible to postpone any amount in excess of \$500 (\$125 per quarter). Interest will accrue on postponed balances as per Section 182A (12) of the Local Government Act 1999.

Any ratepayer experiencing difficulties in meeting rates payments, or experiencing financial hardship, may be able to access payment plans tailored to meet their particular circumstances. All arrangements are strictly confidential.

Council's PO060 Rates Relief Policy details the specific situation of when rebates or postponements can be applied.

RATING STRATEGIES

Waste Collection and Recycling

In May 2012, the state government introduced regulations that determine how Council charges for its waste collection service based on distance from collection points. These regulations impact only on the rural two-bin service offered by Council.

The regulations state:

- A property which has a collection point within 500 metres of their primary access point will be charged the full service charge;
- Properties whose collection point is more than 500 metres but no more than two kilometres from their primary access point will pay 75% of the full service charge;
- Properties whose collection point is more than two kilometres but no more than five kilometres from their primary access point will pay 50% of their full service charge;
- Properties whose collection point is more than five kilometres to their primary access point will not pay a service charge unless

a service is requested, and an appropriate service charge has been negotiated with Council.

For the purpose of the regulations a collection point is defined as the point on a waste collection route closest to the property's primary access point. The primary access point is defined as the same point as the rural property address for a property.

The service charge is set to recover the full cost of providing the waste and recycling service. The three-bin service is not offered to rural ratepayers.

These charges are driven by detailed modelling undertaken by Council based on a variety of costs such as fuel, labour, materials, collection and disposal, state government levies and taxes in particular the Solid Waste Levy etc.

Council completed this modelling and determined the annual charges for 2023-24 will need to increase in order to recover the full costs of delivering this service. These service charges have not increased since 2019-20, when Council was able to

apply a significant decrease from previous years.

The annual service charges in 2023-24 are set out in the table below.

Community Wastewater Management Schemes

Council operates 18 Community Wastewater Management Systems (CWMS) that are situated in townships and holiday settlements throughout the district.

Income received via the CWMS annual service charges is based on full-cost recovery calculations which seek to ensure that the costs of operating the schemes are recovered by its users alone.

The CWMS annual service charges for 2023-24 are: \$635 (compared to \$547 in 2022-23) for occupied land and \$471 (compared to \$406 in 2022-23) for vacant land.

The annual service charges are set with reference to external requirements regulated by the Essential Services Commission of SA (ESCOSA) using an LGA SA supplied pricing model.

Service	Distance from rural collection point	2023-24 Charges (\$)	2022-23 Charges (\$)
3 Bins	(not applicable)	\$265.00	\$235.00
2 Bins	Up to 500m	\$226.00	\$187.00
2 Bins	Greater than 500m-2km	\$169.50	\$140.25
2 Bins	Greater than 2km-5km	\$113.00	\$93.50

RATING STRATEGIES

Northern and Yorke Landscape Region

The Yorke Peninsula Council falls within the Landscape South Australia Northern and Yorke region and as such Council is required, pursuant to the Landscape South Australia Act 2019, to raise funds by way of a Regional Landscape Levy (previously known as the NRM levy). The levy is imposed as a separate rate upon all properties within the area.

Council remits all revenue collected under this Act to the Landscape SA Northern and Yorke Board. The amount to be raised in 2023-24 is \$1.15m representing a \$43,000 or 3.6% decrease from 2022-23.

Council effectively operates as a revenue collector for the board, as the revenue from the levy is not retained by Council and Council does not determine how the revenue is spent.

Water Charges

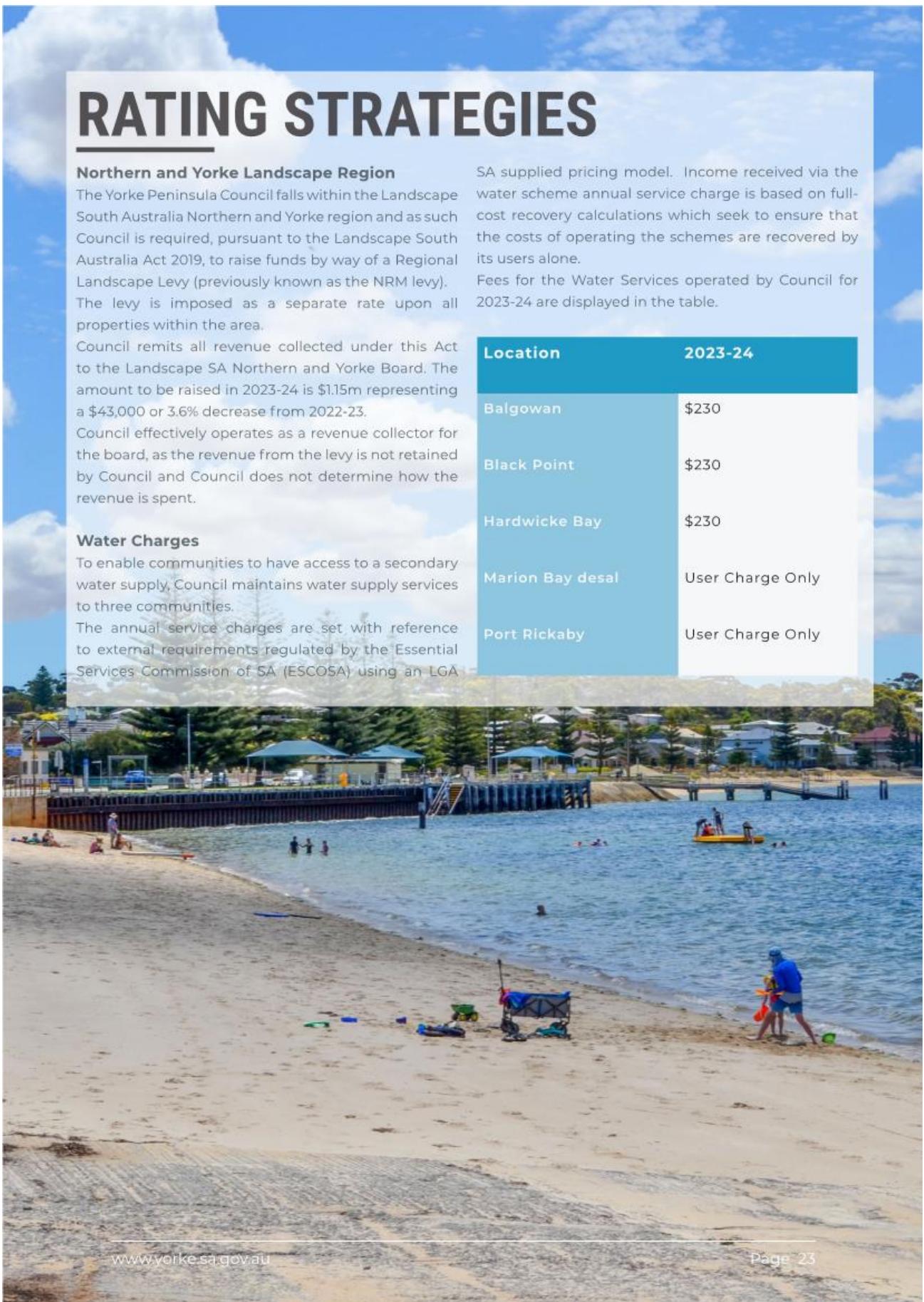
To enable communities to have access to a secondary water supply, Council maintains water supply services to three communities.

The annual service charges are set with reference to external requirements regulated by the Essential Services Commission of SA (ESCOSA) using an LGA

SA supplied pricing model. Income received via the water scheme annual service charge is based on full-cost recovery calculations which seek to ensure that the costs of operating the schemes are recovered by its users alone.

Fees for the Water Services operated by Council for 2023-24 are displayed in the table.

Location	2023-24
Balgowan	\$230
Black Point	\$230
Hardwicke Bay	\$230
Marion Bay desal	User Charge Only
Port Rickaby	User Charge Only



KEY FINANCIAL MEASURES

Council has adopted a set of key financial indicators (ratios) in line with the targets set in its recently adopted 2024-2033 LTFP.

These financial ratios are a key measure in assessing Council's performance and financial sustainability. They have been calculated in accordance with Information Paper 9 – Local Government Financial Indicators prepared as part of the LGA Financial Sustainability Program for the Local Government Association of SA.

The LTFP, adopted by Council in April 2023, is based on a 'business as usual' model, as far as practicable in the current economic climate. The plan includes known impacts of completed service level reviews, variations to current levels of service and Council's current asset stock.

Operating Surplus Ratio (OSR)

The OSR is the operating surplus (deficit) expressed as a percentage of operating income. A positive ratio indicates the percentage of operating income available to help fund proposed capital expenditure. A negative ratio indicates the percentage increase in operating income, or approximate decrease in operating expenses, required to achieve a breakeven operating result.

Council's forecast operating surplus in 2023-24 is \$0.3m compared to a deficit of \$0.3m in Council's LTFP. This is \$0.6m better than the LTFP and is the net impact of Council's operating expenditure being \$0.5m (1.3%) greater than the LTFP forecast while income is \$1.1m (3.0%) more.

The primary reason for this is the difference between additional grant and rates income not forecast in Council's LTFP, various one-off operating projects and other factors outside Council's direct control which were not included in the LTFP.

In 2023-24 this ratio is proposed to be 0.8% which compared to Council's LTFP is 1.6% better. Council's LTFP target for this ratio is between 0% (breakeven) and 10%. This is based on SA Local Government recommended sector targets.

The improvement in this ratio is a combination of various one-off and recurrent income and expenditure items not factored into Council's LTFP, adjustments required based on recent Council decisions and information made available to Council during the budget development process.

	2023-2024 BUDGET	2024-2033 LTFP
Operating Surplus Ratio	0.8%	(0.8%)
Net Financial Liabilities Ratio	23.9%	23.7%
Asset Renewal Funding Ratio	55%	53%

KEY FINANCIAL MEASURES

Operating Surplus Ratio (OSR) (cont.)

- ◊ \$0.41m additional rates income based on Council's decision to increase rates by 6.0% compared to the LTFP forecast of 7.0% total. The additional rates income will fund increased expenditure not forecast in the LTFP but included in the draft 2023-24 budget;
- ◊ \$0.41m in Supplementary Local Road Funding not included due to notification not available at the time of LTFP update;
- ◊ \$0.17m in CWMS annual service charge income greater based on full cost recovery modelling; and
- ◊ \$0.59m additional expenditure of one-off projects identified as essential in 2023-24 and included in the budget which were not provided for in the LTFP:
 - \$50,000 towards plant and machinery maintenance contract;
 - \$18,000 for repainting exterior of Edithburgh Institute;
 - \$10,000 to undertake an intersection safety audit;
 - \$7,950 to address erosion to Jetty Road, Port Julia;
 - \$20,000 allocation for emergency works in Council's leased caravan parks;
 - \$20,000 to fund mandatory playground audits;
 - \$60,000 for sealed road pavement investigations;
 - \$50,000 for engineering designs to assist in application for funding to renew Clinton Road;
 - \$150,000 to fund CWMS capacity investigations; and
 - \$200,000 unallocated operating expenditure.
- ◊ \$0.18m net reduction to operating expenditure due to refinement of plant and machinery costs and internal recovery estimates for the 2023-24 financial year.
- ◊ \$24,000 reduction to operating expenditure due to reduced salaries and wages in relation to Council's Arts Officer role.
- ◊ \$0.09m additional expenditure on waste collection and disposal costs based on full cost recovery modelling reflective of inflationary impact.

KEY FINANCIAL MEASURES

Net Financial Liabilities Ratio (NFLR)

The net financial liabilities ratio is calculated by expressing net financial liabilities at the end of a financial year as a percentage of operating income for the year. If the ratio falls, over time, this indicates that the Council's capacity to meet its financial obligations from operating income is strengthening.

Council's forecast for this ratio in 2023-24 is 23.7% which is well below Council's LTFP maximum target of 100% of total operating income. Compared to the LTFP it is 0.2% lower.

This ratio indicates Council has the capacity to borrow for capital projects especially for those focused upon renewal and replacement of existing assets which may be overdue as long as it can afford to pay back the loans and its operating bottom line is heading towards a surplus in the medium to long term.

One new loan for a total of \$0.76m is included to be drawn down in 2023-24, with repayments to commence in 2024-25 for a fixed ten-year term. This new loan is Council's contribution to the \$3.8m Marion Bay Boat Ramp project. The remaining portion is anticipated to be grant funded. This project was originally budgeted at

3.0m prior to cost revision and was set to commence in 2024-25 in the LTFP pending successful grant application. However, Council has since been able to apply for the grant funding with the result of its application to be determined in 2023-24.

Asset Renewal Funding Ratio (ARFR)

This ratio indicates the extent to which existing assets are being renewed and replaced, compared with the asset renewal and replacement expenditure identified as warranted in Council's Asset Management Plans (AMPs).

It is calculated by measuring capital expenditure on renewal or replacement of assets for a period, divided by the level of such expenditure proposed in the AMPs. Alternatively where AMPs for all asset classes are not available or up to date, depreciation can be used as a comparison. Council currently uses levels of expenditure proposed in its AMPs as a measure. Council's LTFP minimum target is 100% assuming Council has no backlog of existing assets requiring replacement and renewal. The LTFP forecasts a 53% renewal ratio in 2023-24; however, in the 2023-24 budget the ratio is forecast to be slightly higher at 55%. Council's forecast of 55% is well

below its LTFP minimum target of 100%. This is because the required expenditure on asset renewal in 2023-24 determined by Council's AMPs is approximately \$17.5m of which transport assets account for \$11.7m. This required annual asset renewal expenditure is calculated through Council's asset management system and based on useful lives, condition and expiration of assets.

The ARFR is calculated using this annual asset renewal required expenditure target which tends to fluctuate significantly from one year to the next. Hence the ratio also tends to fluctuate significantly from year to year as there will be years when Council will not have enough funds to meet the asset renewal expenditure requirements of its AMPs and then in other years the required expenditure will be low, hence Council will spend more than is required that year.

In 2023-24 Council is proposing to spend \$16.65m on capital projects with \$9.7m of this to be spent on renewal and replacement of existing assets. The remaining \$6.9m is for upgrades to existing assets and acquisition of new assets.

Council's proposed total capital expenditure of \$16.65m in the 2023-24 budget is approximately \$2.0m more than provided for in the LTFP.

ANALYSIS OF OPERATING BUDGET

Operating Income

This section of the Annual Business Plan provides an analysis of the planned Council expenditure for the 2023-24 financial year and the sources of funding for the budget.

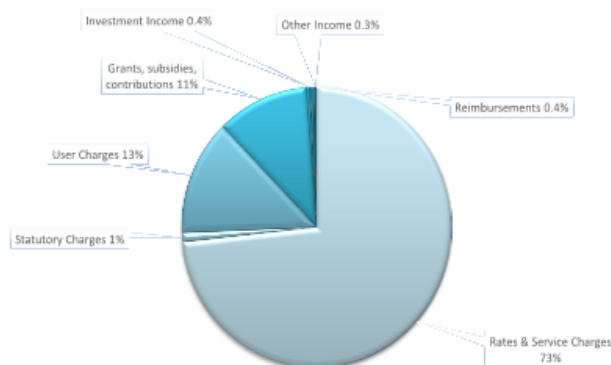
Council has budgeted for a total of \$38.2m in operating income. This is approximately \$1.1m or 3.0% more than projected in Council's LTFP. The variation can be attributed to the following significant items:

- \$0.41m additional rates income based on Council's decision to increase rates by 6.0%, plus 3.0% for primary production, compared to the LTFP forecast of

7.0%. The additional rates income will fund increased expenditure not forecast in the LTFP but included in the draft 2023-24 budget;

- \$0.41m in Supplementary Local Road Funding not included due to notification not available at the time of LTFP update;
- \$0.17m in CWMS annual service charge income greater based on full cost recovery modelling; and
- \$0.09m in waste collection and disposal annual service charge income greater based on full cost recovery modelling.

Operating Income 23-24



Totals

- Rates & service charges: \$28m
- Grants, subsidies & contributions: \$4.2m
- User charges: \$5.1m
- Statutory charges: \$0.4m
- Other income: \$0.1m
- Investment income: \$0.2m
- Reimbursements: \$0.2m

DESCRIPTOR	
General Rates and Service Charges	General rates on properties as well as service charges (i.e. sewerage, water and refuse/recycling charges).
Statutory charges set by State Government	Fees and charges set by State Government regulation and received by the Council for regulatory functions undertaken such as assessment of development and building applications and animal control.
User Pay Charges set by Council	Charges for the Council's fee-based facilities and services such as caravan parks, community halls, cemeteries, bush camping etc.
Grants and Subsidies	Council seeks to attract as much grant funding from other tiers of government as possible, thereby reducing the reliance on other revenue streams.
Investment, Reimbursements & Other Income	Interest received on Council's internal cash reserves and deposits. Reimbursements for work undertaken and other income.

ANALYSIS OF OPERATING BUDGET

Operating Expenses

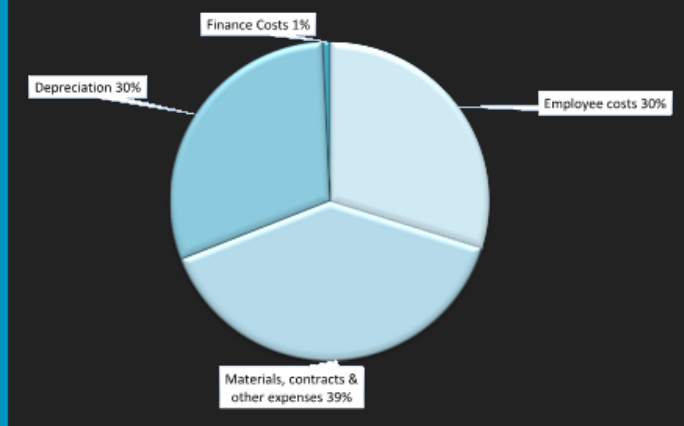
Operating expenses of \$37.9m budgeted for in 2023-24 are summarised below by major category. This is \$0.5m or 1.3% greater than the projected operating expenses within the LTFP.

As detailed on page 25 of this Plan the additional \$0.5m in operating expenses is primarily due to the following significant items:

- \$0.39m additional expenditure of one-off projects identified as essential in 2023-24 and included in the budget which were not provided for in the LTFP. While reviewing the LTFP these one-off projects had not

- been individually identified, hence were not included;
- \$0.09m additional expenditure on waste collection and disposal costs based on full cost recovery modelling;
- \$0.18m net reduction to operating expenditure due to refinement of plant and machinery costs and internal recovery estimates for the 2023-24 financial year;
- \$24,000 reduction to operating expenditure due to reduced salaries and wages in relation to Council's Arts Officer role;
- \$0.2m unallocated operating expenses.

Operating Income 23-24



Totals

- Employee Costs: \$11.3m
- Materials, Contracts & Other Expenses: \$14.9m
- Depreciation, Amortisation & Impairment: \$11.4m
- Finance Costs: \$0.3m

DESCRIPTOR	
Employee Costs	All labour related expenses such as wages and salaries, and on-costs such as allowances, leave entitlements, employer superannuation, workers compensation and income protection insurance.
Contractual Services	Payments for services provided by contractors i.e. waste collection and disposal, electrical and plumbing etc
Materials & Others	Payments for physical goods such as water, fuel, energy, road materials, office consumables, stationery, insurances, postage, telephone, government levies, contributions and donations.
Depreciation	Annual consumption of Council's fixed assets (e.g. infrastructure, equipment, buildings etc.) over their useful lives
Finance Costs	Costs of financing Council's activities through borrowings or other types of financial accommodation and merchant fees.

CAPITAL WORKS PROGRAM

Council has developed a suite of Asset Management Plans for the various categories of assets such as Community Wastewater Management Systems, stormwater infrastructure, transport, water infrastructure, major plant and buildings and other structures.

These plans identify costs required to ensure assets will be maintained in a sustainable condition over the long term. There will always be a community desire for the provision of new and upgraded assets; however, it is important

that priority is given to the replacement and sustainable renewal of existing assets.

The following table provides a complete list of all capital projects funded through the 2023-24 Annual Business Plan. Council's performance will be assessed by the timely completion of these projects within the stated budget.

Note: The below totals represent total cost of projects exclusive of any external funding (e.g. grants, trade-ins).

CAPITAL WORKS PROGRAM 2022-23	RENEWAL/ REPLACEMENT	NEW/ UPGRADED
CARAVAN PARKS	\$147,735	\$111,315
Port Vincent Caravan Park Beach Wheelchair	\$0	\$6,100
Marion Bay Caravan park new mattresses	\$9,735	\$0
Point Turton Caravan Park Storage Shed	\$0	\$40,000
Marion Bay Caravan Park Mobility Mat	\$0	\$15,795
Port Rickaby Caravan Park Water Supply Upgrade	\$138,000	\$0
Port Rickaby Caravan Park Dump Point	\$0	\$49,420
COMMUNITY WASTEWATER MANAGEMENT SYSTEMS	\$234,221	\$160,500
Maitland wwtp Pump Station and Buffer tank odour control system install	\$0	\$26,500
Maitland wwtp new waste tank roofing	\$12,000	\$0
Maitland wwtp install new roller door to pump shed	\$0	\$10,000
Maitland wwtp AAT tank new Aerators	\$37,000	\$0
Point Turton wwtp replacement of AAT tank aerators	\$33,000	\$0
Yorke town Minlaton Road CWMS pump station switchboard renewal and flowmeter	\$28,000	\$12,000
Yorke town CWMS Warooka Road pump station switchboard renewal and new flowmeter	\$28,000	\$12,000
Maitland CWMS Gravity drain replacement	\$30,000	
Balgowan public toilets and camp ground connection to foreshore CWMS	\$0	\$20,000
Port Vincent caravan park main pump station monitoring system and valve replacement	\$10,625	\$0
Port Vincent marina pump station replacement of pump 2	\$7,986	\$0
Port Vincent Ventnor Street pump station valve replacement	\$1,660	\$0
Port Julia jetty pump station pump replacement	\$7,700	\$0
Stansbury Oyster Court pump station pump replacement	\$9,200	\$0
Port Victoria pump station 2 monitoring system and valve replacement	\$2,700	\$0
Chinamans wells pump station 1 replacement of monitoring system and plc	\$4,830	\$0
Port Vincent wwtp waste pump replacement	\$4,980	\$0

CAPITAL WORKS PROGRAM

CAPITAL WORKS PROGRAM 2022-23	RENEWAL/ REPLACEMENT	NEW/ UPGRADED
Port Victoria wwtp waste pump replacement	\$4,980	\$0
Point Turton wwtp replacement of irrigation pump 2	\$5,790	\$0
Port Victoria wwtp chlorine dosing pump replacement	\$5,770	\$0
Point Turton wwtp Install pre-treatment filtration system	\$0	\$80,000
FURNITURE AND FITTINGS	\$5,000	\$0
Furniture purchases	\$5,000	\$0
INFORMATION TECHNOLOGY	\$37,199	\$6,000
Monitors refresh	\$6,600	\$0
DJI Mavic 3 drone - renewal	\$3,999	\$0
Laptop - video editing capable	\$0	\$6,000
Mobile phone refresh	\$3,500	\$0
Computers refreshing	\$23,100	\$0
MAJOR PLANT, EQUIPMENT, FLEET VEHICLES AND MINOR PLANT	\$959,560	\$120,000
Traffic counters	\$11,200	\$0
Vibratory roller	\$195,000	\$0
Patrol grader	\$515,000	\$0
Utes	\$66,000	\$0
Semi water tanker	\$0	\$120,000
Magnet frame	\$20,000	\$0
Annual replacement of program of Council vehicles for 2023-24.	\$152,360	\$0
TRANSPORT INFRASTRUCTURE	\$8,243,110	\$0
Extend the median strip 30 meters to the East, Edith Street Edithburgh	\$64,000	\$0
Remove and relay 32 meters of lifted kerb and reinstate adjoining road	\$28,000	\$0
Gleasons Rd - Marion Bay Rd to Liddiards Rd	\$123,511	\$0
South Coast Rd - Yorke Hwy to Meehan Hill	\$293,093	\$0
Heel Rd - Sheoak Beach Rd to Goldsmith Beach Rd	\$454,888	\$0
Town Rehabilitation South	\$659,522	\$0
New Honiton Rd - Troughbridge Hill Rd to Goldsmith Beach Rd	\$128,849	\$0
Corny Point Rd - Brutus Rd to Turton Rd	\$331,019	\$0
Dust suppression	\$50,000	\$0
Nalyappa Rd - Coopers Rd to Barnes Rd	\$406,199	\$0
Melton South Road - Upper Yorke Rd to Wayside Rd	\$676,013	\$0

CAPITAL WORKS PROGRAM

CAPITAL WORKS PROGRAM 2022-23	RENEWAL/ REPLACEMENT	NEW/ UPGRADED
Sandy Church Rd - Spencer Hwy to 3.45 Km	\$501,229	\$0
Patch Work North - various rds	\$791,981	\$0
Patch Works South - various rds	\$476,670	\$0
Dowlingville Slant Rd - Yorke Hwy to Cook Rd	\$200,421	\$0
Reseal allocation	\$1,700,000	\$0
Intersection upgrades	\$607,716	\$0
Rubble raising	\$500,000	\$0
Sealed road rehabilitation stabilisation works	\$250,000	\$0
WATER INFRASTRUCTURE	\$6,150	\$80,000
Hardwicke Bay water scheme increased storage capacity	\$0	\$80,000
Marion Bay desal plant distribution pumps repairs	\$6,150	\$0
STORMWATER DRAINAGE	\$62,000	\$50,000
Edithburgh - Gillerton terraces drainage works stage 3	\$62,000	\$0
Maitland Western stormwater dam spillway installation stage 2	\$0	\$50,000
GRANT FUNDED ONE-OFF PROJECTS	\$331,000	\$5,300,000
Stansbury seawall	\$0	\$331,000
Marion Bay boat ramp	\$0	\$3,800,000
North Coast Road upgrade stage 2	\$0	\$2,300,000
TOTAL CAPITAL EXPENDITURE	\$9,694,975	\$6,598,815

ANALYSIS OF TOTAL BUDGET

The following table provides a breakdown of total expenditure (operating and capital) by function (excluding depreciation).

%	FUNCTION	DESCRIPTION
31.5%	Road Maintenance	Expenses relating to the cost of maintaining and renewing Council's road network, including materials, labour related expenses, patrol grading and vegetation management.
10.8%	Community Asset Maintenance	General maintenance costs, including materials and labour related expenses related to assets such as sporting ovals, swimming centres, halls, airstrips, public conveniences, cemeteries and war memorials.
6.7%	Caravan Park Operation	Expenses relating to the cost of running Council owned caravan parks, including capital expenditure and labour related expenses.
6.7%	Refuse Collection & Disposal	Contractual and local expenses, including materials and labour related expenses.
3.1%	Finance, Business, Corporate and Community Relations	Expenses relating to financial administration, business and community relations and corporate services, including labour related expenses.
4.5%	Parks and Gardens	Expenses relating to the maintenance of all open space parks and gardens, including materials and labour related expenses.
11.5%	Governance	Expenses relating to governing the organisation, including organisational compliance and Elected Member related expenses and cost of office furniture.
0.4%	Information Services	Expenses incurred in providing information technology, including projects and labour related expenses.
1.4%	Development Services	Expenses relating to the cost of planning and development, including labour related expenses.
1.9%	People and Culture	Expenses relating to Human Resources, Payroll, Staff Training, Work Health & Safety and Risk Management.
3.9%	CWMS and Water Schemes	Expenses relating to the cost of running water and waste-water management schemes, including materials and labour related expenses.
2.7%	Regional Landscape Levy	A compulsory levy payable to the Northern and Yorke Landscape Region Board. Refer page 23.
1.6%	Street Cleaning and Cleaning Council Buildings	Contractual and local expenses to clean all streets and Council buildings across the district including public conveniences.
1.8%	Environmental Management	Expenses relating all foreshore maintenance plus maintenance of walking trails, contribution to Northern and Yorke Landscape Region Board projects, protection of crown lands and land rehabilitation.

ANALYSIS OF TOTAL BUDGET

%	FUNCTION	DESCRIPTION
1.1%	Community Support	Expenses relating to youth services, libraries, Leisure Options and other community support programs (e.g. YP Community Transport, grants and donations), including materials and labour related expenses.
1.6%	Footpaths and Stormwater	Capital expenses relating to maintenance of existing footpaths and stormwater systems, including materials and labour related expenses
0.6%	Tourism and Economic Development	Expenses relating to tourism including the Visitor Information Provision and other economic development expenses (e.g. Regional Development Australia, Art Exhibition etc.), including labour related expenses.
5.0%	Regulatory, Animal and Fire Control Services	Includes expenses relating to fire safety and prevention, health inspections, dog control and impounding and other regulatory functions, including labour related expenses.
0.9%	Street Lighting	Expenses relating to maintenance of street lighting, including materials and labour related expenses.
1.0%	Asset Management	Asset Management Systems, Asset Management Plans and Asset Condition Assessments, including labour related expenses.
1.3%	Plant and Equipment	Includes all expenses related to purchase/replacement of all plant and equipment, including fleet vehicles – offset by all trade-in income.



2023-24 BUDGETED FINANCIAL STATEMENTS

A. Budgeted Statement of Comprehensive Income

This statement outlines:

- All sources of Council's income (revenue)
- All operating expenses. These expenses relate to operations and do not include capital expenditure although depreciation of assets is included.

The net operating surplus/(deficit) for the year is a measure of Council's financial performance. This figure is determined by deducting total operating expenses from total operating revenue.

B. Budgeted Statement of Financial Position

The statement of financial position outlines what Council owns (assets) and what it owes (liabilities) at a point in time.

Council's net worth is determined by deducting total liabilities from total assets – the larger the net equity, the stronger the financial position.

C. Budgeted Statement of Cash Flows

This summarises the actual flows of cash for a period and explains the change in the cash balance held from the start of the period through to the end of the reporting period. This shows where Council received its cash from and then what it was spent on.

D. Budgeted Statement of Changes in Equity

A statement of changes in equity shows the movements of equity in addition to accumulated earnings and losses for a reporting period. This statement summarises the change in Council's real worth throughout the financial year. Council's net worth can change as a result of:

- The net result as recorded in the Statement of Comprehensive Income; or
- An increase or decrease in the net value of non-current assets resulting from a revaluation of those assets.

E. Budgeted Uniform Presentation of Finances

This is a high level summary of both operating and capital investment activities of the Council prepared on a simplified Uniform Presentation Framework basis. All councils in South Australia have agreed to summarise annual budgets and long-term financial plans on the same basis. The arrangements ensure all councils provide a common 'core' of financial information, which enables meaningful comparisons of each Council's finances.

Budgeted financial statements for 2023-24 can be found on the following pages.

A. BUDGETED STATEMENT OF COMPREHENSIVE INCOME

	2023-2024 Budget	2023-2024 LTFP	2022-2023 Revised Budget (March Quarter)
	\$('000)	\$('000)	\$('000)
INCOME			
Rates	28,021	27,367	25,649
Statutory Charges	408	426	556
User Charges	5,101	5,059	5,317
Grants, subsidies, contributions	4,235	3,810	6,714
Investment Income	167	163	447
Reimbursements	171	139	249
Other Income	124	146	196
Total Income	38,227	37,110	39,128
EXPENSES			
Employee costs	11,290	11,133	10,493
Materials, contracts & other expenses	14,880	14,590	16,481
Depreciation	11,461	11,410	11,116
Finance Costs	279	275	331
Total Expenses	37,910	37,408	38,421
OPERATING SURPLUS/ (DEFICIT)	317	(298)	707
Asset disposal and fair value adjustments	0	0	0
Amounts received specifically for new or upgraded assets	2,952	1,632	5,103
NET SURPLUS/ (DEFICIT)	3,269	1,334	5,810
Changes in revaluation surplus - I,PP&E	0	17,085	0
Total Other Comprehensive Income	0		0
TOTAL COMPREHENSIVE INCOME	3,268	18,419	5,810

B. BUDGETED STATEMENT OF FINANCIAL POSITION

	2023-2024 Budget	2023-2024 LTFP	2022-2023 Revised Budget (March Quarter)
	\$('000)	\$('000)	\$('000)
ASSETS			
Current Assets			
Cash & Equivalent Assets	1,124	694	3,791
Trade & Other Receivables	1,803	1,718	1,908
Inventories	439	427	479
Total Current Assets	3,366	2,839	6,178
Financial Assets	146	146	246
Infrastructure, Property, Plant & Equipment	294,173	311,679	290,129
Total Non-Current Assets	295,319	311,825	290,375
Total Assets	298,685	314,664	296,553
LIABILITIES			
Current Liabilities			
Trade & Other Payables	3,115	2,994	3,715
Borrowings	1,372	1,311	1,256
Provisions	2,289	2,289	2,289
Total Current Liabilities	6,776	6,594	7,260
Trade & Other Payables	62	73	98
Borrowings	5,190	4,494	5,805
Provisions	193	194	194
Total Non-Current Liabilities	5,445	4,760	6,097
Total Liabilities	12,221	11,355	13,357
NET ASSETS	286,464	303,309	283,196
EQUITY			
Accumulated Surplus	(4,436)	(8,612)	(7,614)
Asset Revaluation Reserve	286,700	307,811	286,700
Other Reserves	4,110	4,110	4,110
TOTAL EQUITY	286,464	303,309	283,196

C. BUDGETED STATEMENT OF CASH FLOWS

	2023-2024 Budget	2023-2024 LTFP	2022-2023 Revised Budget (March Quarter)
	\$('000)	\$('000)	\$('000)
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts			
Operating Receipts	27,940	27,306	25,471
Statutory Charges	414	425	574
User Charges	5,109	5,046	5,467
Grants, Subsidies, contributions	3,931	3,772	5,709
Investment Receipts	167	164	446
Reimbursements	172	140	253
Other Income	51	171	211
Employee Costs	(11,254)	(11,104)	(10,425)
Materials, contracts & other expenses	(14,965)	(14,665)	(16,686)
Finance Costs	(279)	(275)	(331)
Net Cash provided by (or used in) Operating Activities	11,286	10,980	10,689
CASH FLOWS FROM INVESTING ACTIVITIES			
RECEIPTS			
Amounts Specifically for New/Upgraded Assets	2,952	1,632	5,103
Sale of Renewed/Replaced Assets	149	300	448
Sale of Surplus Assets	0	0	0
Repayments of Loans by Community Groups	95	95	91
Expenditure on Renewal/Replacement of Assets	(9,695)	(9,300)	(16,512)
Expenditure on New/Upgraded Assets	(6,959)	(5,338)	(8,895)
Net Cash Provided by (or used in) Investing Activities	(13,458)	(12,611)	(19,764)
CASH FLOWS FROM FINANCING ACTIVITIES			
RECEIPTS			
Proceeds from Borrowings	760	0	0
Repayments of Borrowings	(1,256)	(1,256)	(1,229)
Repayment of Finance Lease Liabilities	0	0	0
Net Cash provided by (or used in) Financing Activities	(496)	(1,256)	(1,229)
Net Increase/ (Decrease) in Cash held	(2,668)	(2,887)	(10,304)
plus: Cash & Cash Equivalents at beginning of period	3,791	3,581	14,096
Cash & Cash equivalents at end of period	1,123	694	3,793

D. BUDGETED STATEMENT OF CHANGES IN EQUITY

	2023-2024 Budget	2023-2024 LTFP	2022-2023 Revised Budget (March Quarter)
	\$('000)	\$('000)	\$('000)
Balance at end of previous reporting period	283,196	284,891	277,386
Net Surplus/ (Deficit) for Year	3,268	1,333	5,810
Gain (Loss) on Revaluation of IPPE		17,085	
Total Comprehensive Income	3,268	18,418	5,810
Balance at the end of period	286,464	303,309	283,196

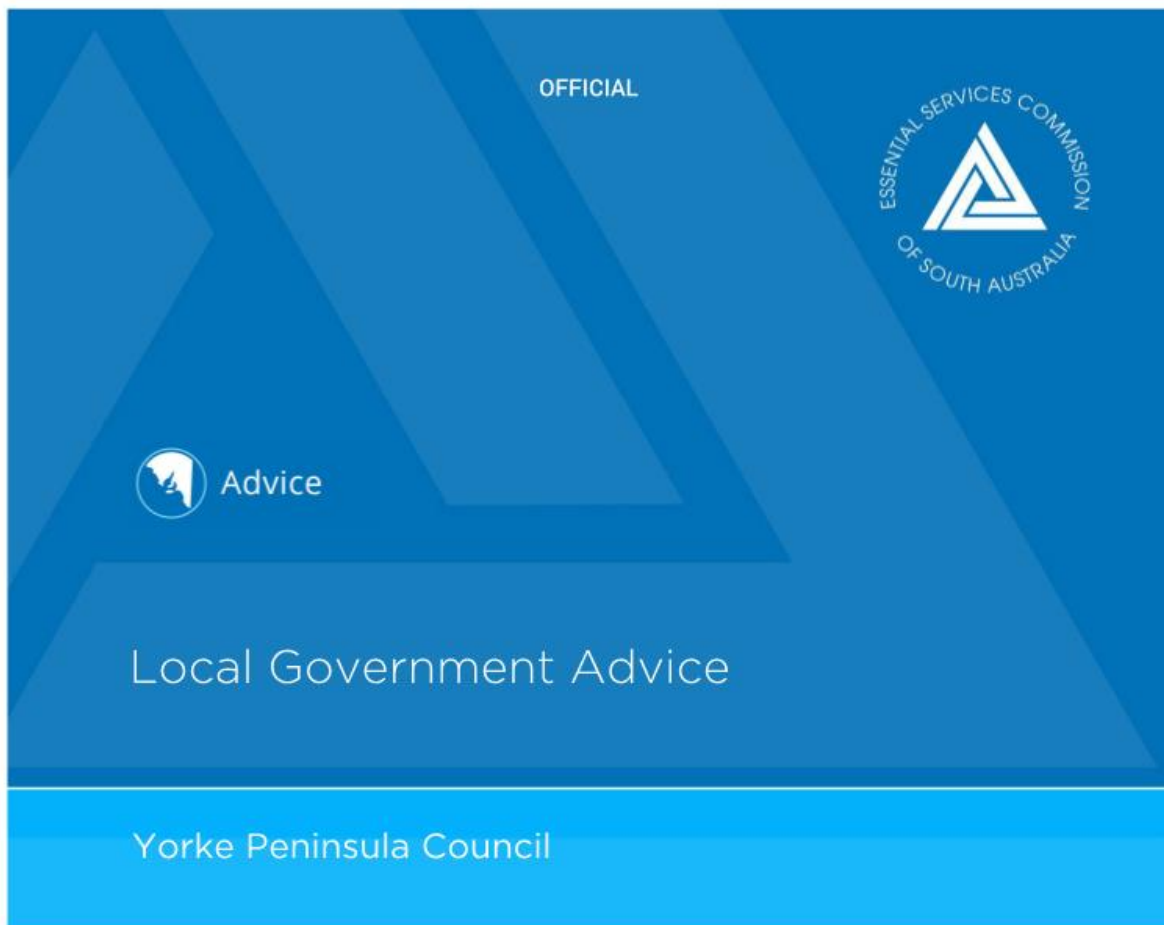
NB: Totals may not add due to rounding

E. BUDGETED UNIFORM PRESENTATION OF FINANCES

	2022-2023 Budget	2022-2023 LTFP	2021-2022 Revised Budget (March Quarter)
	\$('000)	\$('000)	\$('000)
Operating Income	38,227	37,110	39,128
<i>less Operating Expenses</i>	<i>(37,910)</i>	<i>(37,408)</i>	<i>(38,421)</i>
Operating Surplus/ (Deficit)	317	(298)	707
Net Outlays on Existing Assets			
Capital Expenditure on Renewal and Replacement of Existing Assets	(9,695)	(9,300)	(16,512)
less Depreciation, Amortisation and Impairment	11,461	11,410	11,116
<i>less Proceeds from Sale of Replaced Assets</i>	<i>149</i>	<i>300</i>	<i>448</i>
<i>(Net Outlays) on Existing Assets</i>	<i>1,914</i>	<i>2,410</i>	<i>(4,947)</i>
Net Outlays on New and Upgraded Assets			
Capital Expenditure on New and Upgraded Assets	(6,959)	(5,338)	(8,895)
less Amounts Specifically for New and Upgraded Assets	2,952	1,632	5,103
less Proceeds from Sale of Surplus Assets	0		0
<i>(Net Outlays) on New and Upgrade Assets</i>	<i>(4,007)</i>	<i>(3,706)</i>	<i>(3,792)</i>
Net Lending / (Borrowing) for Financial Year	(1,776)	(1,594)	(8,033)

NB: Totals may not add due to rounding

Appendix 1: Essential Services Commission of South Australia - Local Government Advice



February 2023



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Enquiries concerning this advice should be addressed to:

Essential Services Commission
GPO Box 2605
Adelaide SA 5001

Telephone: (08) 8463 4444
Freecall: 1800 633 592 (SA and mobiles only)
E-mail: advice@escosa.sa.gov.au
Web: www.escosa.sa.gov.au

The Essential Services Commission is an independent statutory authority with functions in a range of essential services including water, sewerage, electricity, gas, rail and maritime services, and also has a general advisory function on economic matters. For more information, please visit www.escosa.sa.gov.au.



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Glossary of terms

ABS	Australian Bureau of Statistics
AMP	Asset management plan (also called an IAMP)
Commission	Essential Services Commission, established under the <i>Essential Services Commission Act 2002</i>
CPI	Consumer Price Index (Adelaide, All Groups)
Council	Yorke Peninsula Council
CWMS	Community Wastewater Management System
ESC Act	<i>Essential Services Commission Act 2002</i>
F&A	Local Government Advice: Framework and Approach – Final Report
FTE	Full Time Equivalent
IAMP	Infrastructure and asset management plan (also called an AMP)
LG Act	<i>Local Government Act 1999</i>
LGA SA Financial Indicators Paper	Local Government Association of South Australia, Financial Sustainability Information Paper 9 - Financial Indicators Revised May 2019
LGGC	Local Government Grants Commission
LGPI	Local Government Price Index
LTFP	Long-term financial plan
Regulations	<i>Local Government (Financial Management) Regulations 2011</i>
RBA	Reserve Bank of Australia
SACES	The South Australian Centre for Economic Studies
SEIFA	Socio-Economic Indexes for Areas
SMP	Strategic management plan
SG	Superannuation Guarantee
The scheme or advice	Local Government Advice Scheme

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1 The Commission's key advice findings for the Yorke Peninsula Council

The Essential Services Commission (**Commission**) finds the Yorke Peninsula Council's (**Council's**) short-term financial position potentially unsustainable but notes that it has taken steps to achieve a sustainable position in the medium to long-term. The Council's projected improvement to its financial performance is reliant on the renewal of its asset stock and a period of service consolidation, at a minimum, continued cost control, and further rate increases.

Acknowledging the Council's outlook, the Commission considers it would be appropriate for it to undertake the following steps to ensure it budgets prudently and transparently, continues to manage its cost base efficiently, renews its asset base to meet sustainable service levels, plans its asset needs appropriately and constrains the extent of further rate increases:

Budgeting considerations

1. **Continue** to review its inflation forecasts in its budget and forward projections from 2023-24, given the potential for higher short-term inflation outcomes, followed by a return to long-term averages.
2. **Consider** including its most up to date long-term financial plan projections in its annual business plan and budget to provide more transparency to the community about any changes to forward projections, including rate projections, and the longer-term impacts of its short-term decisions.

Continuing to provide evidence of ongoing cost efficiencies

3. **Continue** to monitor cost growth in its budgeting, where possible, including related to employee expenses.
4. **Continue** its good practice of reporting any actual and projected cost savings in its annual budget (and long-term financial plan, as appropriate), to provide evidence of constraining cost growth and achieving efficiency across its operations and service delivery.

Refinements to asset management planning

5. **Adhere** to the principles underpinning its long-term financial plan projections to provide more funding to the renewal of its assets, rather than prioritising initiatives which involve new or upgraded infrastructure.

Containing rate levels

6. **Review** and **consider** limiting any further average rate increases above inflation, to help reduce any emerging affordability risk in the community.

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2 About the advice

The Essential Services Commission (**Commission**), South Australia's independent economic regulator and advisory body, has been given a role by the State Government to provide advice on material changes proposed by local councils in relation to elements of their strategic management plans (**SMPs**) and on the proposed revenue sources, including rates, which underpin those plans.¹

One of the main purposes of the Local Government Advice Scheme (**advice or the scheme**) is to support councils to make 'financially sustainable' decisions relating to their annual business plans and budgets in the context of their long-term financial plans (**LTFPs**) and infrastructure and asset management plans (**IAMPs**)² – both required as part of a council's SMP.³ Financial sustainability is considered to encompass intergenerational equity,⁴ as well as program (service level) and rates stability in this context.⁵ The other main purpose is for the Commission to consider ratepayer contributions in the context of revenue sources, outlined in the LTFP.⁶ In addition, the Commission has discretion to provide advice on any other aspect of a council's LTFP or IAMP it considers appropriate, having regard to the circumstances of that council.⁷

The first cycle of the scheme extends over four years from 2022-23 to 2025-26, and the Commission has selected 15 councils for advice in the first scheme year (2022-23), including the Yorke Peninsula Council (**Council**).

This report provides the Local Government Advice for the Yorke Peninsula Council in 2022-23.

The Council is obliged under the *Local Government Act 1999 (LG Act)* to publish this advice and its response, if applicable, in its 2023-24 Annual Business Plan (including any draft Annual Business Plan) and subsequent plans until the next cycle of the scheme.⁸ It does not need to publish the attachment to the advice (these will be available with the advice on the Commission's website⁹), nor is it compelled under the LG Act to follow the advice. The Commission thanks the Yorke Peninsula Council for providing relevant information to assist the Commission in preparing this advice.

2.1 Summary of advice

In general, the Commission finds the Yorke Peninsula Council's short-term financial position potentially unsustainable but notes that it has taken steps to achieve a sustainable position in the medium to long-term, following a period of high operating deficits and spending on new capital initiatives. Historically, the Council has demonstrated more effective cost constraint to reduce its deficits over time, but it has also struggled to meet the ongoing renewal needs of its existing infrastructure base.¹⁰ This now presents a backlog of deferred renewal and rehabilitation it needs to address in the future.

¹ Amendments to the LG Act (s122(1c) to (1k) and (9)) specify the responsibilities for the Commission and local councils for the Local Government Scheme Advice. The Commission must provide advice to each council in accordance with the matters outlined in s122(1e), (1f) and (1g).

² Commonly referred to as asset management plans.

³ The objectives of the advice with reference to a council's LTFP and IAMPs are presented under LG Act, s122(1g). LG Act s122(1) specifies the requirements of a council's SMP, including the LTFP and IAMPs.

⁴ 'Intergenerational equity' relates to fairly sharing services and the revenue generated to fund the services between current and future ratepayers.

⁵ Commission, *Framework and Approach – Final Report*, August 2022, pp. 2-3, available at www.escosa.sa.gov.au/advice/advice-to-local-government.

⁶ LG Act s122(1f)(a) and (1g)(a)(ii).

⁷ LG Act s122(1f)(b) and (1g)(b).

⁸ LG Act s122(1h).

⁹ The Commission must publish its advice under LG Act s122(1i)(a).

¹⁰ As recommended by its AMPs.

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The past rate increases above inflation, together with higher user charges income, have been necessary to increase the Council’s financial capacity to cover its operating and service sustainability requirements.

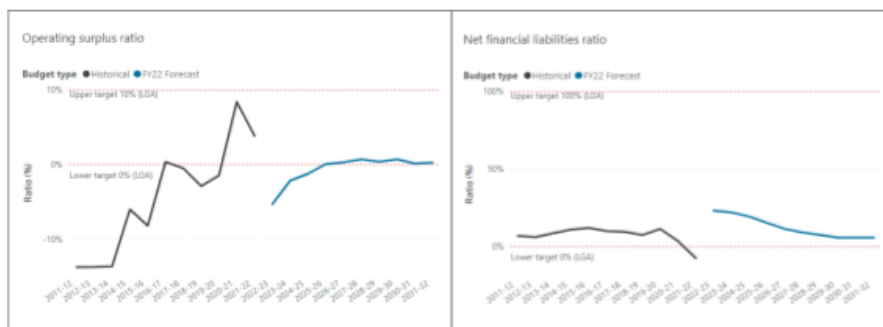
Its forward projections from 2022-23 (in its LTFP) forecast an improving financial sustainability outlook as a result of the forecast rate of operating revenue growth set to outpace expense growth but with:

- ▶ continued average rate increases below the Reserve Bank of Australia (RBA)-based forecast inflation rate (and generally aligned with the Council’s forecast inflation) although it has levied an additional 1 percent per annum increase on primary production ratepayers, to help fund upgrades to unsealed roads intersections due to heavy vehicle access
- ▶ continued cost constraint with lower average cost growth than it has experienced over the past 10 years (and half the rate of RBA-based forecast inflation), and
- ▶ low spending on new or upgraded capital works with higher asset spending on renewal and rehabilitation capital works, including to partially address the accumulation of deferred renewals over the next 10 years.

The Commission considers that the Council is demonstrating good practice regarding the formulation of its financial projections in its LTFP, and transparency around its assumptions and directions, including the ratepayer impact. It is also reporting genuine savings through operational efficiencies achieved in its annual budget, and the Commission encourages it to continue this approach. However, the Commission has identified an improvement opportunity in aligning the estimates (or explaining the variances) in the LTFP and annual business plan.

The charts below of the Yorke Peninsula Council’s past and projected operating surplus ratio, net financial liabilities ratio, asset renewal funding ratio and average rate revenue per property, together support these findings.

The 'heat map' diagram over the page summarises the Commission's findings with reference to whether the Council has met the suggested Local Government Association (LGA) target ranges for the three main financial sustainability indicators¹¹ and the level of cost control and affordability risk identified for the Council over time.



¹¹ The suggested LGA target range for the ratios are discussed in more detail in the attachment.

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Summary of the Yorke Peninsula Council’s financial sustainability performance and the Commission’s risk assessment

Financial sustainability indicators:	Last 10 years from 2011-12 (Actual performance)	2021-22 estimate	Next 10 years from 2022-23 (Council forecasts)	
Operating surplus ratio (target 0-10%)	Ratio below target or cumulative deficits →	Ratio within target	Operating deficits to 2024-25	Operating surpluses forecast within target range →
Net financial liabilities ratio (target 0-100%)	Ratio met historically →	Ratio below 0% →	Ratio projected within the target range	
Asset renewal funding ratio (target 90-110%)	Below target range	Some years marginally below or above target range →	Progressive trend to achieve a cumulative target by 2029-30 →	
Identified Risks:				
Cost control risk	Moderate operating expenses per property average growth of 3.1% p.a. to 2016-17 →	Low average growth in operating expense per property (0.9% p.a.)	Operating expenses per property average growth of 1.4% p.a. to 2031-32 (below forecast CPI of 2.8%) →	
Affordability risk	High rate revenue per property average growth of 4.4% p.a. to 2021-22 (CPI of 2.0%) →		Rate revenue per property average growth of 2.0% p.a. to 2031-32 (below forecast CPI of 2.8%) →	

- Ratio outside suggested LGA target range or higher risk
- Ratio close to suggested LGA target range or medium risk
- Ratio within suggested LGA target range or lower risk

2.2 Detailed advice findings

The next sections summarise the Commission’s more detailed observations and advice findings regarding the Yorke Peninsula Council’s material changes to its 2022-23 plans (compared with the previous year’s plans), its financial sustainability (in the context of its long-term operating performance, net financial liabilities, and asset renewals expenditure) and its current and projected rate levels.

In providing this advice, the Commission has followed the approach it previously explained in the Framework and Approach – Final Report (F&A). The attachment explores these matters further.¹²

¹² The attachment will be available on the Commission’s website with the Advice.

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2.2.1 Advice on material plan amendments in 2022-23

The Yorke Peninsula Council's 2022-23 LTFP includes an improvement to its projected operating performance, and increases to its projected capital expenditure estimates, compared with the 2021-22 forecasts,¹³ as follows:

- ▶ An improvement in operating performance by \$0.9 million or by 28 percent, resulting in the Council bringing forward, by two years, its projected operating surplus to 2025-26. This is mainly driven by a further 1.0 percentage point rates increase (in addition to the general rates increase) applied to primary production ratepayers over the first five years of the 2022-23 LTFP.
- ▶ An additional \$5.8 million (or 6 percent) for asset renewals, and an additional \$0.5 million (or 28 percent) for new and upgrade capital works. Much of the increases are being driven by the partial funding of the accumulation of deferred renewal expenditure, and the allocation of funds for water and community wastewater management system asset upgrades, as identified in the respective asset management plans (AMPs).

Targeting an earlier surplus, compared with its 2021-22 estimates, in part addresses the accumulation of deferred renewal expenditure and accounts for the current inflationary environment.

The Council has adjusted its operating income and expense forecasts by lower amounts (both with increases of 2 percent on 2021-22 estimates¹⁴) compared to its adjusted inflation forecasts. Based on updated inflation assumptions in its 2022-23 LTFP, an increase in its cost and revenue estimates by up to 5 percent over the 2022-23 to 2030-31 forecast period,¹⁵ compared with the same estimates in its 2021-22 LTFP, could account for higher inflation forecasts.

It assumed Consumer Price Index (CPI) inflation increases of 2.5 percent in 2022-23 and 2023-24, 2.25 percent for the next two years and 2.0 percent annually from 2026-27. This is an upward revision to its assumptions in its 2021-22 LTFP estimates (of average CPI growth of 1.45 percent annually).

The Council has factored several genuine savings into its LTFP projections, discussed in the operating performance section below. However, its current inflation forecasts do present a risk to its cost and income projections in the current inflationary environment. The RBA currently forecasts the CPI (Australia-wide) to increase by 6.7 percent in the year to the June 2023 quarter and by 3.0 percent in the year to June 2025. Thereafter, it is reasonable to anticipate a return to long-run averages (and growth of 2.5 percent per annum from 2025-26, based on the midpoint of the RBA's 2 to 3 percent target range).¹⁶

The Commission notes that the Council's stated assumptions for indexation in its 2022-23 LTFP are transparent and based on its annual review of these forecasts, but notes that there is still uncertainty around the assumptions. Notwithstanding the need for the Council to endeavour to find savings and reduce any inflationary impact on its community, the Commission has found that it would be appropriate for it to:

1. **Continue** to review its inflation forecasts in its budget and forward projections from 2023-24, given the potential for higher short-term inflation outcomes, followed by a return to long-term averages.

¹³ The overlapping forecast period in both LTFPs (2021-22 to 2030-31 and 2022-23 to 2031-32).

¹⁴ See footnote 13.

¹⁵ The set of nine years forecast in both the 2021-22 and 2022-23 LTFP projections.

¹⁶ RBA, Forecast Table - February 2023, available at <https://www.rba.gov.au/publications/smp/2023/feb/forecasts.html>.

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The Yorke Peninsula Council adopted its annual business plan and budget in June 2022, two months after it adopted its LTFP 2022-23 in April 2022. The Council proposed further material amendments to its 2022-23 estimates for the financial year from those proposed in its LTFP, although the net changes to estimates were relatively minor and its proposed rate increases did not change.¹⁷

The Commission observes that the Council's LTFP identifies the risks to the financial estimates (due to economic factors, for example) and that the annual business plan also includes its 2022-23 estimates (from the LTFP) to show any further budget amendments to those estimates. In addition, there is no current regulatory requirement for a council to publish its LTFP projections with its annual business plan and budget.

However, many councils do coordinate their long-term financial projections with their annual budget process, and it might be useful for the Yorke Peninsula Council to republish the 10-year financial estimates with the adjusted annual budget estimate for 2022-23, particularly if the extent of revisions to estimates in its annual business plan and budget are substantial. To this end, the Commission considers that it would be appropriate for the Council to:

2. **Consider** including its most up to date long-term financial plan projections in its annual business plan and budget to provide more transparency to the community about any changes to forward projections, including rate projections, and the longer-term impacts of its short-term decisions.

Additionally, the Council advised the Commission of material increases to its capital expenditure budget and subsequent 'carry overs' occurring outside of the Council's annual planning cycle. The Council further advised that these 'carry overs' were not incorporated into its 2022-23 budget initially because the extent of grant funding and works deferrals was not known at that time. The Commission encourages the Council to monitor these matters, and where required, ensure that the community is consulted on material budget adjustments.

2.2.2 Advice on financial sustainability

Operating performance

The Yorke Peninsula Council has predominantly run operating deficits from 2011-12 to 2019-20, with the operating surplus ratio¹⁸ averaging negative 5.2 percent over this period; however, in 2020-21, it achieved an operating surplus of \$3.1 million. In its forward projections, the operating surplus ratio is not forecast to meet the suggested LGA target range (with a surplus) until 2025-26 (when it will be 0.1 percent).

One of the reasons for the persistent deficits is that the Council had a high deficit in 2011-12 (of \$3.3 million) and difficulty in meeting its operating capacity requirements at that time. This has taken some time for it to rectify. Operating income growth averaged 4.9 percent per annum from 2011-12 to 2020-21, almost double the rate of operating expense growth (which was relatively conservative, averaging 2.4 percent per annum).¹⁹ It has taken the Council until 2020-21 to generate a sustained operating surplus (based on an average operating balance over three years).

¹⁷ Applies to 'general rates and other' revenue as per the annual business plan.

¹⁸ The operating surplus ratio is defined as: Operating Surplus (Deficit) ÷ Total Operating Income. The general target is to achieve, on average over time, an operating surplus ratio of between zero and 10 percent (Local Government Association of South Australia, *Financial Sustainability Information Paper 9 - Financial Indicators Revised*, May 2019 (**LGA SA Financial Indicators Paper**), p. 6).

¹⁹ Based on the compound average annual growth rate formula (which is the adopted approach to calculating average annual growth rates throughout the Commission's advice).

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The Council received a combination of additional rates, statutory charges, user charges and 'grants, subsidies and contributions' income over this period to generate its relatively strong operating income growth.

On the cost side, its 'materials, contracts and other' and 'depreciation' expenses both increased at conservative levels (averaging 2.2 and 1.5 percent per annum respectively) from 2011-12 to 2020-21, given average annual CPI growth of 1.7 percent.²⁰ On the other hand, its 'employee' expenses increased by an average of 3.9 percent per annum (or approximately 0.8 full-time equivalent (FTE) staff per year).

The estimated reduction in the rate of growth in operating expenses projected over the next 10 years (to an average of 1.5 percent per annum, which is approximately half RBA-based forecast inflation²¹), combined with rates and user charges revenue growth (also below the RBA-based forecast inflation), is expected to slowly improve the Council's operating performance. The associated impact on ratepayers is discussed further below.

The Commission has observed the current good practice of the Yorke Peninsula Council in conducting regular service level reviews of its operations, focused on achieving increased productivity, efficiency and effectiveness, and ultimately, real savings.²² As an example, it has factored in savings of approximately \$0.4 million to its expense estimates in 2022-23, compared to these items in 2021-22, as a direct result of its service level reviews.²³

To ensure the Council is positioned to achieve the real terms reduction in its cost base that it has forecast and improve its operating performance (without the need for further rate increases above inflation), the Commission encourages it to:

3. **Continue** to monitor cost growth in its budgeting, where possible, including related to employee expenses.
4. **Continue** its good practice of reporting any actual and projected cost savings in its annual budget (and long-term financial plan, as appropriate), to provide evidence of constraining cost growth and achieving efficiency across its operations and service delivery.

Net financial liabilities

Despite the Council's frequent operating deficits from 2011-12 (including depreciation expenses), its net cash flows after operating and investing (that is, capital-related) activities has averaged \$0.2 million per annum between 2011-12 and 2020-21. The Council has relied primarily on rates revenue and supplementary grant funding to fund its capital expenditure program over this period.

The Council has also consistently used borrowings to finance (in part) its renewal of existing assets and acquisition of new and upgraded assets, and over time, this has been within the suggested LGA target range for the net financial liabilities ratio (averaging 8.6 percent from 2011-12 to 2020-21).²⁴ The

²⁰ CPI (All groups). Average annual growth in the LGPI published by the South Australian Centre for Economic Studies was similar (at 1.9 percent), available at <https://www.adelaide.edu.au/saces/economic-and-social-indicators/local-government-price-index>.

²¹ The forecast average annual growth in the CPI from 2022-23 to 2031-32 is estimated to be 2.8 percent based on the RBA forecasts for the CPI (Australia-wide) to June 2025 (and the Commission's calculations of average annual percentage growth) and the midpoint of the RBA's target range (2.5 percent) from 2025-26.

²² Yorke Peninsula Council, *2023 – 2032 Long Term Financial Plan*, April 2022, pp. 7 and 14, available at <https://yorke.sa.gov.au/content/uploads/2022/04/Long-Term-Financial-Plan-2023-2032-Adopted-Version-13-04-2022.pdf>.

²³ Yorke Peninsula Council, *2023 – 2032 Long Term Financial Plan*, April 2022, p. 21.

²⁴ The net financial liabilities ratio is defined as: Net financial liabilities ÷ Total operating income. This ratio measures the extent to which a council's total operating income covers, or otherwise, its net financial liabilities.

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Council continues to meet the suggested LGA target range under its 2022-23 forecasts and projects a reduction in the ratio from a peak of 23 percent in 2022-23 to an average of 7 percent in the five years to 2031-32. The reduction in the ratio from 2022-23 to 2031-32, comes from progressive repayment of total borrowings (of \$7.3 million over the next five years to 2026-27), via operating income growth.

Based on the Council's projected repayment of borrowings, and relatively low forecast net financial liabilities ratio in the longer-term, the Commission notes that it might have the opportunity to utilise more debt to further address its asset renewal expenditure requirements. However, its forecast annual end of year cash position is below \$1 million from 2024-25, and it would need to consider its operating capacity for further borrowing repayments, given its forecast continuation of operating deficits in the short-term.

Asset renewals expenditure

Between 2011-12 and 2020-21 the Council's total capital expenditure averaged \$9.6 million per annum (including \$6.8 million on asset renewals and \$2.8 million on new and upgraded assets) but this was not sufficient to cover the asset renewal and rehabilitation requirements specified in its AMPs. The Council's asset renewal funding ratio (IAMP-based) was below the suggested LGA target range of 90 to 110 percent over these years,²⁵ and averaged 76 percent between 2011-12 and 2020-21. This indicates that the Council underperformed in meeting its asset service sustainability requirements over this period, as it utilised grant funding for service expansion while it also sought to address its recurring operating deficits.

From 2022-23, the Council is adjusting its asset renewals spending profile (with higher projected annual renewal expenditure averaging \$11.5 million to 2031-32, in nominal terms). As a result, its asset renewal funding ratio (IAMP-based) is expected to trend above the suggested LGA target range (averaging 141 percent from 2025-26 to 2031-32), reflecting the Council's intention to address the accumulation of deferred renewals. This coincides with much lower forecast spending by the Council on new or upgraded assets (estimated to average \$0.3 million per annum to 2031-32), and an accompanying period of service consolidation as the value of its asset base per property is forecast to decline in real terms. The Council has identified that there will remain a \$10 million shortfall in asset renewal expenditure (or approximately 9 percent of the total renewal budget), which will not be covered over the 10-year projections in the 2022-23 LTFP.

Acknowledging this significant shift in proposed asset spending priorities by the Council, which is reflected in its LTFP projections and to reduce any further accumulation of asset renewal backlogs, the Commission considers that it would be appropriate for it to:

5. **Adhere** to the principles underpinning its long-term financial plan projections to provide more funding to the renewal of its assets, rather than prioritising initiatives which involve new or upgraded infrastructure.

With the Council's projected spending on asset renewals, the depreciation expenses (which represent the rate of asset consumption) are projected to broadly track in line with renewal spending. Renewal spending is forecast to account for 93 percent of depreciation expenses on average to 2031-32.²⁶

The suggested LGA target range is between zero and 100 percent of total operating income, but possibly higher in some circumstances (LGA SA Financial Indicators Paper, pp. 7-8).

²⁵ The IAMP-based method is the current industry standard whereby asset renewal/replacement expenditure is divided by the recommended expenditure in the IAMP (or AMP). Ideally, this will show the extent to which a council's renewal or replacement expenditure matches the need for this expenditure, as recommended by the plan. The suggested LGA target range for the ratio is 90 to 110 percent (LGA SA Financial Indicators Paper, p. 9).

²⁶ The Council's asset renewal funding ratio by the depreciation-based method (where asset renewal/replacement expenditure is divided by depreciation expenses) is forecast to average 93 percent to 2031-32. This ratio shows

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This demonstrates a sound alignment between the average rate of consumption of its assets, as indicated by its depreciation expenses, and the annual spending on the renewal of its asset base, over time.

2.2.3 Advice on current and projected rate levels

The Yorke Peninsula Council's rate revenue per property growth has averaged 4.6 percent or \$62 per annum for each property in the period between 2011-12 and 2020-21, which has exceeded CPI growth of an average of 1.7 percent per annum over this period. However, the Council still has relatively low-rate levels for non-residential categories, compared to average rates for residential ratepayers.²⁷

In 2022-23 the Council's rate increases are estimated to result in a 4.8 percent increase to its rates revenues, which is consistent with its forecast in the 2022-23 LTFP. The increase is due to the Council's estimate of higher inflation and to improve financial sustainability.²⁸ On average the Council has implemented a 2.5 percent rate increase for residential ratepayers, and a 5.0 percent rate increase for primary producers (with 1 percent of this increase allocated specifically for upgrading unsealed roads intersections due to heavy vehicle access).²⁹

Its 2022-23 LTFP forecasts an average increase of \$344 to existing rates in total to 2031-32 (to \$2,121 per annum), which is consistent with the Council's assumed inflation growth over this period,³⁰ but is also below the RBA-based forecast of average inflation (2.8 percent).³¹ In the last five years of its LTFP (from 2027-28 to 2031-32) the Council is projecting rate increases below its own CPI forecasts by approximately 0.5 percentage points per annum.³²

Primary production ratepayers are forecast to experience a 1.0 percentage point per annum higher increase than other general ratepayers over the first five years of the 2022-23 LTFP (higher than the Council's CPI forecast). However, affordability risk among the community for the further rate increases appears to be low based on a range of factors including the existing relatively low rate levels (for rural rates),³³ and an assessment of the economic resources available to the community.³⁴ The Council has

the extent to which capital expenditure on the renewal and replacement of assets matches the estimated rate at which these assets are used or consumed.

²⁷ Refer to Councils in Focus rates data for 2019-20 available at https://councilsinfocus.sa.gov.au/councils/yorke_peninsula_council. The Commission is not relying on these rate comparisons for its advice; the data source provides just one indicator, among many, which has informed its advice on the appropriateness of the rate levels.

²⁸ Yorke Peninsula Council, *2022-23 Annual Business Plan*, July 2022, p. 5, available at <https://yorke.sa.gov.au/content/uploads/2022/07/Annual-Business-Plan-Final.pdf>.

²⁹ Yorke Peninsula Council, *2022-23 Annual Business Plan*, July 2022, p. 18.

³⁰ The Council's projected CPI inflation in 2023-24 is 2.50 percent and then 2.25 percent between 2024-25 to 2025-26, and then 2.00 percent per annum thereafter (Yorke Peninsula Council, *2023 – 2032 Long Term Financial Plan*, April 2022, p. 6). This is different to the CPI line in charts throughout this Advice which are based on RBA forecasts and then, a return to long run averages from 2025-26 (with growth of 2.5 percent per annum).

³¹ The forecast average annual growth in the CPI from 2022-23 to 2031-32 is estimated to be 2.8 percent based on the RBA forecasts for the CPI (Australia-wide) to June 2025 (and the Commission's calculations of average annual percentage growth) and the midpoint of the RBA's target range (2.5 percent) from 2025-26.

³² Yorke Peninsula Council, *2023 – 2032 Long Term Financial Plan*, April 2022, p. 6.

³³ See footnote 27.

³⁴ The Yorke Peninsula Council area is ranked 34 among 71 South Australian 'local government areas' (including Anangu Pitjantjatjara and Maralinga Tjarutja Aboriginal community areas and 'unincorporated SA') on the Australian Bureau of Statistics Socio-Economic Indexes for Areas Index of Economic Resources (2016), where a lower ranking (eg, 1) denotes relatively lower access to income and other economic resources, compared with other areas, available at <https://www.abs.gov.au/ausstats/subscriber.nsf/log?openagent&2033055001%20-%20Iga%20indexes.xls&2033.0.55.001&Data%20Cubes&5604C75C214CD3D0CA25825D000F91AE&0&2016&2.7.03.2018&Latest>.

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also received a written submission on the additional increase for primary production ratepayers,³⁵ however is allocating 1 percent of the increase to works which will directly benefit primary producers (these ratepayers also have a relatively lower rate revenue contribution compared to residential ratepayers³⁶).

Nonetheless, given historical rate increases and the current economic conditions affecting many communities' capacity to pay, it would be appropriate for the Yorke Peninsula Council to:

6. **Review** and **consider** limiting any further average rate increases above inflation, to help reduce any emerging affordability risk in the community.

2.3 The Commission's next advice and focus areas

In the next cycle of the scheme, the Commission will review and report upon the Yorke Peninsula Council's:

- ▶ potential integration of its annual updates to its LTFP projections with its annual business plan process
- ▶ ongoing performance against its LTFP estimates
- ▶ achievement of cost savings and efficiencies and its continued reporting of these in its plans
- ▶ reprioritisation of its capital spending towards asset renewal and rehabilitation works and how it has addressed the backlog of asset renewal expenditure, and
- ▶ how it has sought to minimise any emerging affordability risks.

³⁵ Yorke Peninsula Council, *Ordinary Council Meeting Agenda -29 June 2022, Item 7.1 Draft 2022/2023 Annual Business Plan, Budget and Fees and Charges – Public Consultation*, available at <https://yorke.sa.gov.au/content/uploads/2022/06/Agenda-Special-Council-Meeting-29-June-2022.pdf>

³⁶ On a capital valuation basis (in 2022-23), primary production land use represents 66 percent of the aggregate capital value in the Council area, while on a revenue basis, primary production ratepayers accounts for 37 percent of total rates revenue.



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Appendix 2: Council Response to Essential Services Commission of South Australia - Local Government Advice

LOCAL GOVERNMENT ADVICE SCHEME

Background of the Local Government Advice Scheme

All South Australian councils are required under section 122 of the Local Government Act 1999 to prepare a number of long-term strategic management plans which include (but are not limited to):

- **Long-term Financial Plan (LTFP)** – this document covers a period of (at least) 10 years and outlines council’s approach to funding services and infrastructure of the Council; sets out the Council’s projected total revenue; and outlines the intended sources of that total revenue (such as revenue from rates, grants and other fees and charges); and
- **Asset Management Plans (AMP)** – these documents also cover a period of (at least) 10 years and relates to the management and development of infrastructure and major assets by the Council.

These documents are publicly available on Council’s website at (<https://yorke.sa.gov.au/about-us/forms-plans-and-publications/corporate-publications/>).

The Local Government Advice Scheme commenced in April 2022 (following changes to section 122) and requires councils to provide information relating to these plans to the ‘designated authority’ (currently the Essential Services Commission of SA (ESCOSA), once in

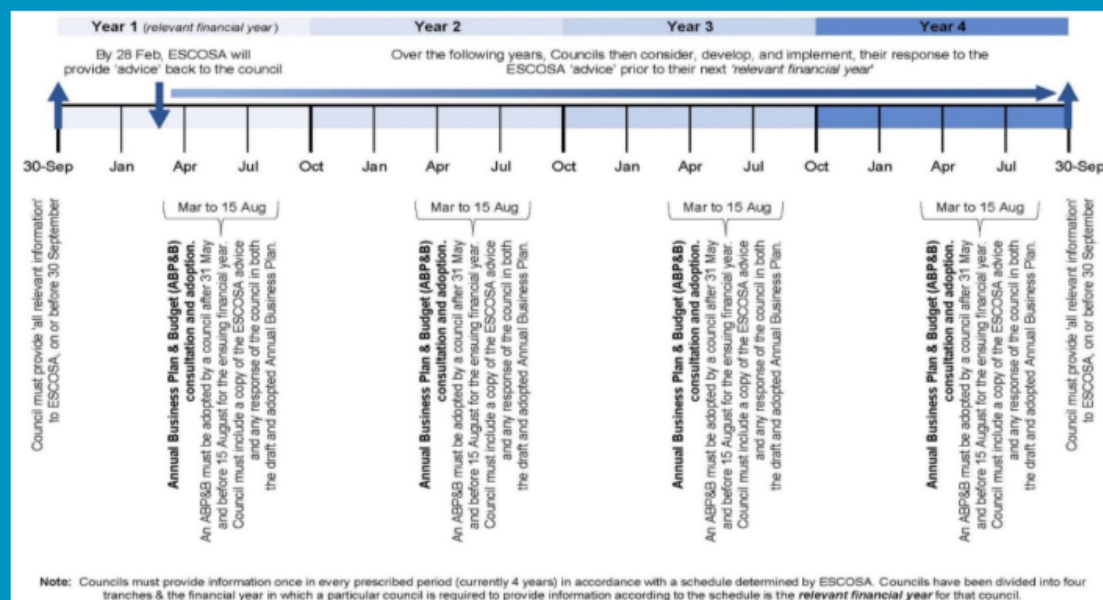
every ‘prescribed period’ (currently set as four years). ESCOSA has developed a Schedule of Councils allocating all councils across a four-year cycle for the purposes of the Local Government Advice Scheme (known as the relevant financial year).

Councils are required to submit information to ESCOSA by the end of September in their relevant financial year. ESCOSA must then provide ‘advice’ back to Council, by the end of the following February, on the appropriateness of:

- Material amendments made, or proposed to be made, to the LTFP and/or IAMP;
- The revenue sources outlined in the funding plan (contained within the LTFP); and
- May also provide advice on any other aspect of the council’s LTFP and/or IAMP.

Councils are then required to include a copy of ESCOSA’s advice and any council response to the advice in their draft and adopted Annual Business Plans (ABP) each year until their next relevant financial year.

Yorke Peninsula Council is in the first round (2022-23), the next relevant financial year will be 2026-27. The below timeline demonstrates the long-term focus of the Local Government Advice scheme:



LOCAL GOVERNMENT ADVICE SCHEME

Yorke Peninsula Council's response to the SMP Advice

Yorke Peninsula Council acknowledges receipt of ESCOSA's Local Government Advice dated 28 February 2023.

As required by section 122(1h) of the Local Government Act, a copy of ESCOSA's advice is provided at (appendix 1).

Yorke Peninsula Council has reviewed the advice provided by ESCOSA and makes the following general observations:

- Yorke Peninsula Council's short-term financial position is deemed to be potentially unsustainable, though the report notes that Council has taken steps to achieve a sustainable position in the medium-to-long-term.
- It is noted in accordance with the summary advice that projected improvement to Council's financial performance is multifaceted and is reliant on the renewal of its asset stock, a period of service consolidation, continued cost control, and further rate increases.
- The cost to ratepayers for this mandated advice was \$40,000.

Continuous Improvement Plan

The Local Government Advice Scheme is intended to support Councils' decision-making processes, affording ratepayers increased transparency and greater confidence that Council operations are being undertaken on a long-term financially sustainable basis.

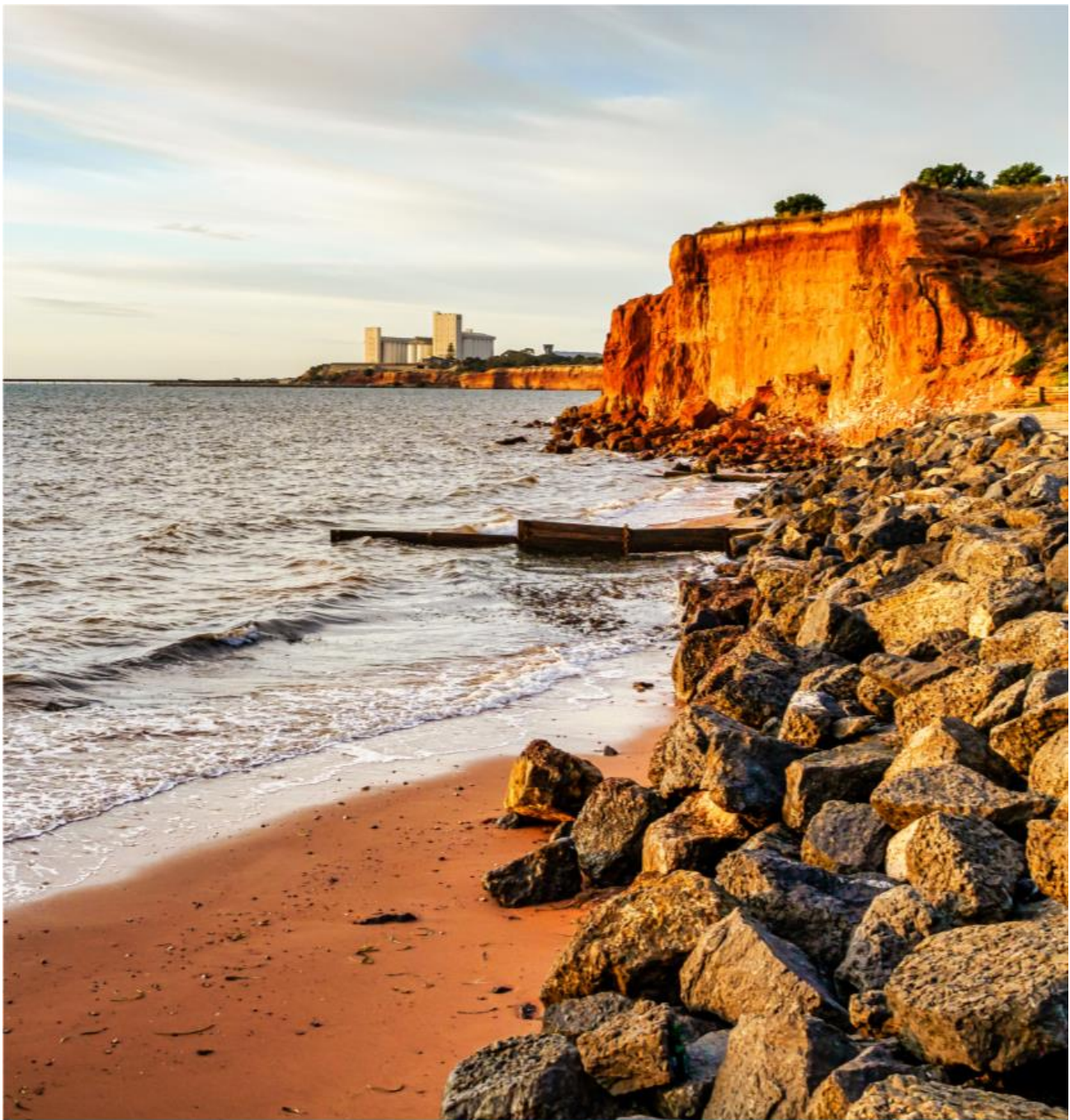
The Local Government Advice Scheme currently operates on a four-yearly cycle (councils make submissions and receive 'advice' once in every 'prescribed period'). In this context, any adjustments, or changes that (Yorke Peninsula Council) might make in response to ESCOSA's advice will be considered and implemented with reference to the longer-term nature of the Scheme (i.e. shorter-term actions may be implemented within twelve months through to longer-term actions where implementation may take several years).

Yorke Peninsula Council will continue to review ESCOSA's advice over the coming months and consider what actions may be appropriate to address matters Council considers relevant and necessary, and this information together with updates on progress will be provided in future Annual Business Plans.

It should be noted that Yorke Peninsula Council is not required to accept and/or act upon ESCOSA's advice.

LOCAL GOVERNMENT ADVICE SCHEME

ESCOSA Advice or Comment	Council Comment or Proposed Action	Implementation Timeframe	Status
Continue to review inflation forecasts from July given potential for short-term higher inflation followed to a return of the long-term average.	Inflationary forecasts are reviewed annually as part of the annual LTFP review. Credible external sources are relied upon in formation of the LTFP.	N/A	No new action required as already in place. Continue present practice.
Consider including its most up-to-date LTFP in the ABP and budget to provide transparency to the community about any changes made.	High level comparison between financial projections contained in Council's ABP and budget and the first year of Council's most up to date LTFP are presently provided in the annual business plan. Any changes to the timing of the LTFP would require further consideration. Council currently utilises the LTFP as a base for formation of its annual budget.	Medium (Within 2-4 year period)	An update will be provided in the 2024-25 ABP.
Continue to monitor rising costs in its budget, particularly employee expenses.	Noted.	N/A	No new action required as already in place. Continue present practice.
Continue its good practice of projected and actual cost savings to its budget to show it is achieving efficiency across operations and service delivery.	Noted.	N/A	No new action required as already in place. Continue present practice.
Adhere to LTFP principles to fund more asset renewal rather than new or upgraded infrastructure.	Over the life of its LTFP Council has sought to increase funding to renew assets and has identified achieving 100% Asset Renewal Funding Ratio annually as a key target. In addition to capital renewal targets Council identifies opportunities to secure grant funding to assist in initiatives which involve new or upgraded infrastructure in accordance with the community's desires.	N/A	No new action required as already in place. Continue present practice.
Review and consider limiting average rate increases above inflation to reduce emerging cost-of-living pressure on the community.	Council considers the requirements and desires of its community for services and infrastructure and then seeks to set rates accordingly to meet these service and infrastructure requirements in a financially sustainable manner. Rate increases above CPI may be required from time to time to meet community expectations and infrastructure funding requirements.	N/A	No new action required. Council members are elected to make decisions in relation to the services and infrastructure provided to the community. ABPs and budgets, which include information in relation to rate setting, are subject to community consultation providing an effective means of feedback in relation to service, infrastructure and rate setting activities.



Get In Touch



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9 NEXT MEETING

Wednesday 14 June 2023

10 CLOSURE