



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

**Date: Wednesday, 28 June 2023**  
**Time: 5.30pm**  
**Location: Council Chamber**  
**Minlaton Town Hall**  
**57 Main Street**  
**Minlaton**

# **AGENDA**

## **Ordinary Council Meeting**

**28 June 2023**

A handwritten signature in blue ink, appearing to read 'A. Cameron', is positioned above the printed name and title.

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

CONFLICT OF INTEREST

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

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

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

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

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**1 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY BY MAYOR**

Meeting declared open

**2 OPENING PRAYER**

**3 PRESENT**

**4 LEAVE OF ABSENCE**

Nil

**5 APOLOGIES**

Nil

**6 CONFLICT OF INTEREST**

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

Ordinary Council Meeting – 10 May 2023

Special Council Meeting – 24 May 2023

**8 MOTIONS ON NOTICE**

Nil

## 9 QUESTIONS ON NOTICE

### 9.1 QUESTIONS ON NOTICE RECEIVED FROM CR KYLIE GRAY

**Document #:** 23/55014

**Department:** Executive Services

The following questions on notice was received from Councillor Kylie Gray.

#### Question

1. Detailed outline of what plans have been made to increase revenue, outside of rates, long term. If no plans have been made, what options are available? Council has borrowing capacity to seriously impact its revenue through investment.
2. A synopsis of the reviews of financial plans. Does Council rely too heavily on rates revenue?
3. How/when/what in relation to the detailed review of Council's expenses. It has been mentioned a number of times in the chamber that a detailed process takes place every year to ensure that Council's budget is of utmost efficiency and there are no further ways to improve Council's bottom line prior to increasing rates revenue.

It is essential that all options have been thoroughly investigated and overtly reviewed to maintain the confidence of ratepayers in their Council.

#### Response

Please see responses in Attachment 1 of this report.

#### RECOMMENDATION

That the response to the questions regarding Financial Management raised by Councillor Kylie Gray be received and noted.

#### ATTACHMENTS

1. **Response - Questions on Notice Received from Cr Kylie Gray** [!\[\]\(5a0d662075632df1b39c9e3427a70093\_img.jpg\)](#) [!\[\]\(b9aaeddcca3b0cfd727d0e19f8b22e6b\_img.jpg\)](#)

Response to Questions on Notice received from Cr Kylie Gray

1. Detailed outline of what plans have been made to increase revenue, outside of rates, long term.

**RESPONSE**

The following list of income generating endeavors are currently in place to increase revenue, along with potential considerations for future plans and action.

**Caravan Parks:**

Council endorsed a Caravan Park Management Framework in December 2020 which came into effect in the financial year of 2021/22. This framework has had an immediate positive impact, most noticeably around the maturity of financial management of the Parks. Council receives an annual lease fee of 10% of total turnover from each of Council's Parks. This income goes directly into Council treasury to help relieve the reliance on rates.

Beyond that, Parks profits go into a specifically allocated Caravan Parks resource fund. This ensures the Parks are not upgraded at the expense of general Council projects i.e. roads. The money is allocated according to need, so all Parks are adequately maintained and upgraded – not simply the largest and most profitable Parks receiving all of the benefits.

Our Park Managers have all been educated about this framework, which is overseen by the Caravan Parks Coordinator, Manager Economic Development and Business Sustainability, Financial Services and CMT.

Excerpt from the 9 December 2020 Council Report (item 23.5; document 20/108749):

“For the 2021/2022 financial year it is recommended that a ten percent (10%) lease fee be payable to Council based on total takings (excluding GST) for the Council owned and operated caravan parks.

Remaining funds will then be applied by these parks to fund all interest and principal repayments on applicable loans; meet the employment expense of Council's Corporate Services Officer; provide all operating expenses and fund current asset renewal requirements while addressing as much of the backlog in this area as possible.”

Our Parks, taken together, *make money for Council*. They also ensure that our region has quality tourism accommodation offerings, supporting economic development.

As an aside; the caravan park sector has become increasingly institutionalised over the last few years with Australian Real Estate Investment Trusts (A-REITS) and unlisted funds deploying or raising significant volumes of capital for the acquisition of investment grade park assets. This has resulted in a great deal of consolidation within the sector, and as a result there are simply very few remaining opportunities to acquire an investment grade park asset of the scale and quality of some of our parks. We could expect interest, if Council chose to ever consider the option to divest our commercial interests in Caravan Park operations, from those dominant corporate players, but also the smaller syndicated funds, the broader hotel investment community and high net worth investors. For future consideration of Council.

**Bush Camping:**

In preparing the current financial year's budget, it was discussed that the Bush Camping fees be increased from \$10 per night. This recommendation was endorsed and has subsequently resulted in increased income to the tune of approximately \$230,000 over that realised in the previous financial year (a record at the time).

Bush Camping income	2021-22	Budgeted 2022-23	Actual 2022-23 (mid-June)
\$	\$331,493	\$220,000*	\$564,171**

\*Conservative prediction based on Covid-19 restrictions easing; in addition, Murray River flooding and impacts to our region were unknown.

\*\*\$20 per night started in September 2022

This result will, for the first time, cover all costs associated with running the service, and also allow for planned future improvements to the Bush Camping experience (pending EM support), again removing the requirement to fund from general rates.

**Active cash management to maximise interest:**

Council finance staff undertake constant monitoring of the funds available in both our Bank Accounts and Accounts sitting with the LGFA. Upcoming anticipated expenditure and payment commitments are evaluated to ensure adequate liquidity to payment commitments, payroll and debenture loan payments. Once these commitments are accounted for, we take any opportunity that we can to place funds into fixed term deposits for either 30, 60 or 90 days ensuring our ability to maximise interest. Due dates are staggered to diversify the accessibility of the funds and to take opportunity of the increasing interest rates available to maximise returns wherever possible.

**Accessing available grants, subsidies and contributions:**

Council recognised close to \$31m in grants, subsidies and contributions as income over the last five financial years.

Income Type	22/23 (\$'000)	2021/22 (\$'000)	2020/21 (\$'000)	2019/20 (\$'000)	2018/19 (\$'000)
Operating Grants	4,665	4,425	6,689	4,662	3,957
Amounts Received Specifically for New or Upgrade Assets (Capital)	4,103	1,506	86	646	36
<b>Total Recognised Grants, Subsidies and Contribution</b>	<b>8,768</b>	<b>5,931</b>	<b>6,775</b>	<b>5,308</b>	<b>3,993</b>

Council staff are proactive in seeking additional revenue sources for Council though the securing of grant funding in addition to the regular types of grant assistance received by Council (e.g. – Financial Assistance Grants, Roads to Recovery, MUNS, Libraries SA, etc). Staff are optimistic that recent applications which have been submitted for roughly \$4.5m in grant funding towards construction of the Marion Bay Boat Ramp and sealing of North Coast Road (Stage 2) will be successful.

**Fees and charges (it should be noted):**

Where possible Council should aim at setting fees and charges which reflect the cost of actually providing a good or service (where the cost can be accurately established).

Where new services are to be provided to the community which require the creation of new fees and charges (including permits) consideration is to be given in relation to the cost to provide the new service and the level of recovery to be made through fees and charges imposed on users of the service.

**Legislated fees:**

Below (indented) from June 2020 LGA Submission to SA Productivity Commission – Inquiry into Local Government: Methodology Paper (Part 1 – Technical Aspects)<sup>1</sup>

*The LGA and the South Australian Financial Management Group (FMG) has raised concerns for some years regarding fees and charges that are fixed by State Government Statute. Many of these fees and charges have not been reviewed for many years and there has been concern that the lack of review is leaving councils with a burden of legislated work without being able to charge adequate fees and charges to cover costs.*

*South Australian councils receive the lowest total revenue per capita of all mainland states and this is in part attributed to the significant gap between the fees and charges that can be raised by interstate councils for undertaking regulatory functions such as planning and building assessments and food safety inspections.*

*During 2013-14, a project was undertaken to explore issues relating to cost recovery and to determine an agreed set of principles and methodology for determining appropriate fees that would allow for cost recovery of statutory duties undertaken by councils.*

*The LGA continues to advocate, as part of our Local Government Reform agenda, for a comprehensive review of local government fees and charges regulated by the State Government to establish modern price setting principles which promote efficiency, flexibility and fairness in service delivery.*

**On borrowings:**

Council has capacity to increase its borrowings subject to its ability to repay the principal and interest on any new loans. This ability to meet the payment requirement of new loans is best evidenced through the generation of operating surpluses.

The following quote from John Comrie’s 2014 paper “Debt is not a dirty word: The role and use of debt in Local Government” provides a clarification between the use of debt contrast to the generation of income:

*“Raising debt does not generate income. Additional debt does not allow a council to acquire things it could not otherwise afford. Debt is a financing option, not a funding one. It simply enables the borrower to accommodate timing mismatches between spending and income. If an entity’s long-run income projections are less than its projected outlays, then raising more debt won’t solve the problem. The additional interest expenses incurred will only make matters worse.”*

Council has made plans to utilise debt in its most recent strategic and financial documents. The 2023-2024 draft annual business plan makes provision for one new 10-year fixed interest loan for \$760,000 to fund Council’s contribution towards construction of the Marion Bay Boat Ramp should the grant application be successful. Further, Council’s 2024-2033 Long Term Financial Plan provides for additional use of debt in 24/25 to assist in funding North Coast Road (Stage 3) \$2.05m loan and Yorketown Power Line Underground Project \$600,000 loan. The three projects mentioned above represent a significant sacrifice of staff time to acquire external grant funding before any major project is to proceed as Council does not have the financial capacity to fund these projects on its own.

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<sup>1</sup> Source: [https://www.lga.sa.gov.au/\\_data/assets/pdf\\_file/0029/472268/ECM\\_682133\\_v10\\_SA-Productivity-Commission-LGA-Submission-to-Methodology-Paper-technical-aspects.pdf](https://www.lga.sa.gov.au/_data/assets/pdf_file/0029/472268/ECM_682133_v10_SA-Productivity-Commission-LGA-Submission-to-Methodology-Paper-technical-aspects.pdf)

In addition to raising debt to fund specific projects, Council has a \$3m cash advance debenture facility which can be drawn upon to manage cash flow, much like an overdraft, when undertaking significant capital works. Borrowing is not encouraged to be used to fund day-to-day operations.

**Lease Agreements:**

The recent successful Minlaton Childcare Centre is an example of a community led project requiring \$2m of funding through general rate revenue, supported by Council receiving a grant of around \$2.2m of the \$4.2m project.

Staff scrutinised heavily to optimise financial outcomes, to this end, staff have recently established a lease agreement for the running of the SYP Childcare Facility (Minlaton) which has the potential to realise annualised income potentially recovering the investment from general rates.

Council has several leases with Progress Associations in relation to Caravan Parks. These leases, historically negotiated, provide well below a commercial rate of return to Council. Should Council so desire these leases could be renegotiated (subject to the terms of the existing lease) to provide a commercial return to Council. Such a move would likely negatively impact the income earning potential of several Progress Associations but provide additional funds to Council for the benefit of the wider Yorke Peninsula Community.

**Liquidity of Assets:**

Investigation into the existence of assets surplus to requirements is currently being undertaken by Council staff. It is possible that assets such as land, buildings, roads and Caravan Parks may be identified or deemed surplus to requirements by Council staff based upon factors such as level of utilization, geographic location, duplication of assets and the potential to raise significant additional income. Decisions to realise assets may require public consultation and in some cases a line will need to be drawn between the historical significance of an asset and its present-day utilization and cost to the community to maintain (e.g. – under-utilised public buildings in small communities). These scenarios may require difficult decisions to be made for the benefit of the future of the wider community.

**Special and separate rates:**

Where new/upgraded infrastructure is requested by ratepayers which is deemed over and above the level of service required/decided to be provided by Council, consideration should be given to the potential for Council to provide the infrastructure based on payment of a special or separate rate. For instance: the upgrade of an unsealed road to a sealed road at the request of ratepayers could be funded by the specific ratepayers who have requested the upgrade via a special rate to recover the full-cost of construction.

The formal process to review and scrutinise long-term revenue streams and visions of the Council is part of the Strategic Management Plan (SMP) development. The feedback and commentary on these areas is timely as the review of the SMP will commence later this year.

**Economic Development:**

Council is also heavily focussed on increasing revenue for the region with an increased focus on economic development. Economic development plays a vital role in fostering growth, job creation, and improving the overall wellbeing of a community or region. Listed are a number of key areas where Council has focused in recent years to drive economic development:

- **Business Attraction and Retention:** The Council has worked on attracting new businesses to the area by offering incentives, promoting the region's advantages, and providing support for start-ups and entrepreneurs. Additionally, efforts have been made to retain existing

businesses by addressing their needs, offering resources, and creating a favourable business environment.

- Infrastructure Development: Developing and maintaining robust infrastructure is crucial for economic growth. Council has collaborated with the RDAYMN & LEGATUS to prioritise infrastructure projects such as broadband connectivity to attract businesses and support their operations.
- Workforce Development: A skilled and qualified workforce is essential for attracting businesses and promoting economic development. Council has collaborated with educational institutions, vocational training centres, and industry leaders to align workforce development programs with the needs of the local businesses and industries.
- Support for Small and Medium-sized Enterprises (SMEs): SMEs are often the backbone of local economies. Council has provided resources, training, and financial assistance programs specifically tailored to support the growth and development of small businesses.
- Collaboration and Partnerships: Economic development efforts are most effective when different stakeholders collaborate. Council has fostered and strengthened partnerships with local businesses, chambers of commerce, community organisations, and other levels of government with the goal to leverage collective resources and expertise.
- Marketing and Promotion: Council has proactively promoted the region as an attractive destination for businesses, investors, and tourists. This has included targeted marketing campaigns and showcasing success stories of local businesses.

It's important for the Council to have a comprehensive strategy (YPC Economic Development and Tourism Strategy 2022-2026 endorsed by Council 10/2021 – Tramy Ngo) that encompasses these areas and aligns with the specific goals and characteristics of the community. By focusing on economic development, Council can continue to stimulate growth, create jobs, and improve the overall prosperity of the region. The one-year report into, and review of, the Economic Development and Tourism Strategy 2022-2026 was endorsed by Council in April 2023.

## **2. A synopsis of the reviews of financial plans. Does Council rely too heavily on rates revenue?**

### **RESPONSE**

SA councils combined spend over \$2 billion a year servicing the state. This can include infrastructure renewal, community programs or maintaining parks and reserves. On average 70% of all SA council revenue comes from rates, with YPC average of 74% for rates and service charges. Rates income is the main source of income for South Australian Councils. Section 150, paragraph A of the Local Government Act 1999 states that "rates constitute a system of taxation for local government purposes (generally based on the value of land)". Yorke Peninsula Council raises several different types of rates: General, Landscape Levy, Waste Collection, Water Supply, Community Wastewater Management Scheme, Separate and Special Rates.

Council has varying level of control around the exercise of its power to determine rates. Rates raised in relation to the landscape levy is determined external of Council. Rates raised in relation to Waste Collection, Water Supply, Community Wastewater Management Scheme whilst set by Council, are required to be set for full-cost recovery. Separate and Special Rates are determined by Council at a point in time, though the effect of these decisions may be felt over several years. Considering this information, it can be concluded that it is via General rates that Council has the greatest ability to determine the level of income raised to fund the services and facilities it provides for the community.

To assist in answering the question “does Council rely too heavily on rates income?” a comparison has been made between several Councils on the level of general rates raised as a proportion of overall operating income. Comparison is best undertaken when one can compare “apples with apples” and one may assume that all Council’s are alike though the following explanation provided by the LGA to why Council rates are different across South Australia should be considered in reaching a conclusion on this matter.

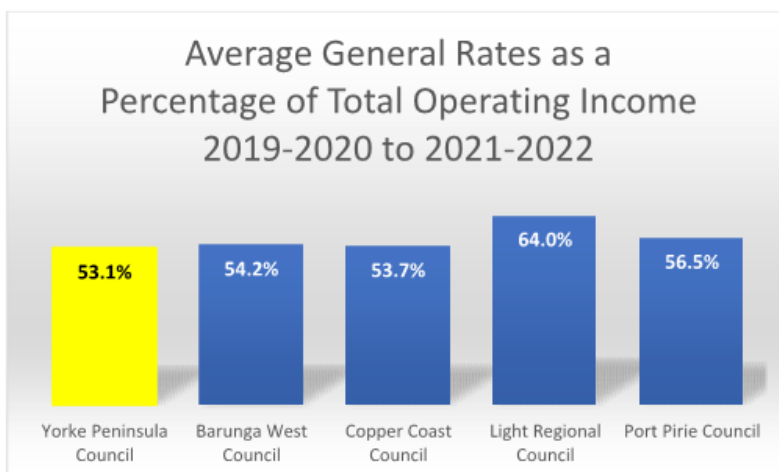
*Each South Australian council is unique and has its own requirements. Councils can also set rates in different ways. This allows councils to tailor their rates to their community’s needs. Councils plan rates based on the services, programs and facilities they deliver. This means council rates are different across councils, because every council is different.*

*Some councils in SA have more residential areas, and some have more commercial properties. The size and population of a council area can also impact rates. Property values in one council area can also be different from another.*

*Location can also affect rates. For example, a regional coastal area and a busy suburban area will have very different needs.*

*These factors all contribute to different rates for each council.<sup>2</sup>*

The table below relies upon audited financial statements data to present the average general rates over the last 3 completed financial years as a percentage of total operating income for several regional Councils.



Barunga West Council and Copper Coast Council may include Waste Levy income in the General Rate figures listed in their audited General Purpose Financial Statements.

Other funding comes from state and federal government grants (as outlined earlier), and fees and charges.

When considering rate increases, council seeks to strike a balance with community needs/expectations and with the potential impact on ratepayers. Above all else, council works hard to keep rates affordable

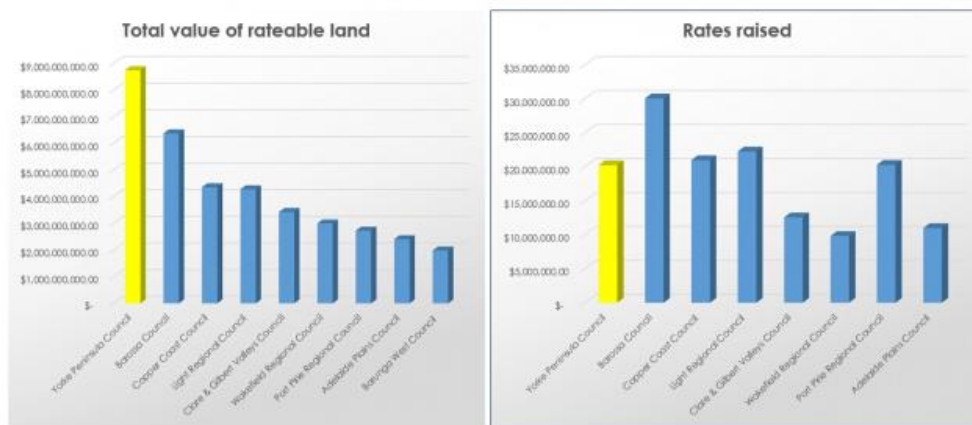
<sup>2</sup> Source: <https://www.lga.sa.gov.au/sa-councils/sa-council-services/council-rates>



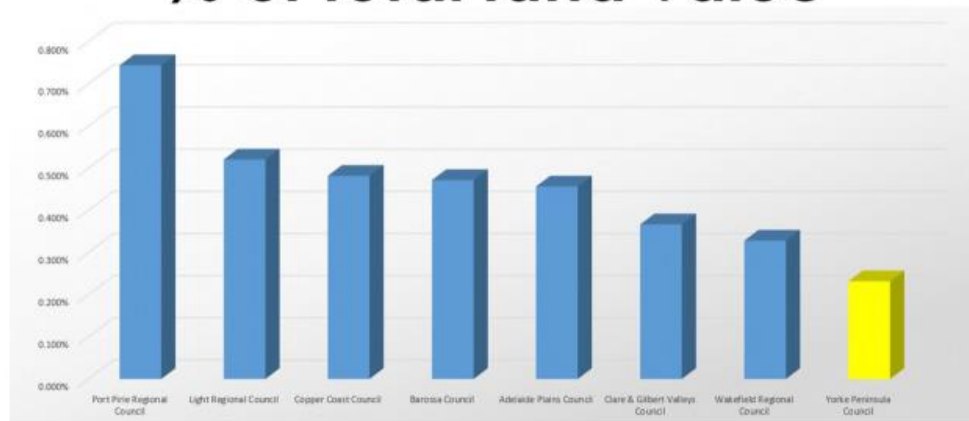
for residents whilst remaining financially sustainable and providing adequate infrastructure and services.

It is with this in mind that Council staff continues to benchmark itself against other Councils of relativity (see table's below). Yorke Peninsula Council is the lowest rating Council by a significant amount, when compared against similar Councils, when reviewing the percentage of rates collected verses land value. Staff have also undertaken a thorough assessment of independent general rate modelling reviews of similar Councils. Staff have concluded that it is a project that should be undertaken and have selected a preferred consultant based on this review. This independent general rate review will commence in the coming months and allow a considerable number of potential options moving forward, including but not limited to land categories such as vacant land, extractive industries etc.

## Land value v rates raised



## Rates collected as a % of total land value



Elected Member Information & Briefing Session presentation – Rates at a glance 2022/23, 19.04.2023

Similarly, staff are/have undertaken an extensive review of Council's current discretionary rate relief position. A presentation will be brought to Council at the July information and briefing session to provoke thought discussion on considered actions.

### 3. How/when/what in relation to the detailed review of Council's expenses.

**It has been mentioned a number of times in the chamber that a detailed process takes place every year to ensure that Council's budget is of utmost efficiency and there are no further ways to improve Council's bottom line prior to increasing rates revenue.**

#### RESPONSE

Budget preparations commence in December and are initiated by a memo to staff through the CEO (an excerpt from the memo sent to staff from the CEO dated Friday 9 December 2022):

***"More than ever before we face a challenging economic climate, please keep this in mind as you draft your budget".***

Finance then reiterated this message, outlining the process (see below) to be followed stringently:

***"Please note data entry for capital and one-off operating projects will be undertaken through the online 'Project Budget Bid' form. Instructions for this will be emailed separately. Please do not enter these items into MAGIQ (Council's IT budgeting application).***

- *Data entry in Magiq - Instructions*
  - *Select "Budget 23/24" from the dropdown in the top right corner*
  - *In the data entry screen worksheets & budgets should be entered in the "23/24 Total Budget" column*
- *Budgets must be entered through worksheets wherever possible & practical, with **meaningful** comments included, especially where the total budget is made up of several parts i.e. events, projects, types of expenditure, income etc.*
- *The following will apply:*
  - *Zero based budgeting (ZBB)*
  - *No increase to levels of service unless otherwise endorsed by CMT*
  - *Any new/increased expenditure compared to 22/23 must be justified via sufficient detail in Magiq worksheets*
  - *All service level review savings endorsed by Council or CMT must be included*
  - *CPI (where applicable) to be used is 6.25% [Reserve Bank of Australia, Inflation Forecast for 30 June 2023 - Statement on Monetary Policy – November 2022]. Note; this will be revisited in the future given the current economic climate as budget development progresses.*
- *Finance (in consultation with Budget managers) will enter the budgets listed below:*
  - *Employee Costs*
  - *Depreciation*
  - *Plant hire including major plant expenditure i.e. fuel, servicing and repairs, rego etc.*
  - *Insurance*
  - *Utilities*
    - *Electricity*
    - *Water*
    - *Telephones*

- Mobiles
- Internet
- CWMS charges
- Office equipment rental/ leases and associated printing charges
- Bank charges/fees/interest on loans
- Elected Members Allowances
- Waste Management & Transfer Station contracts
- Cleaning contracts
- Electrical Test and Tag
- Subscriptions (excluding Caravan Parks)

**Magiq will be closed for data entry on Friday, 9 February 2023 unless extension has been negotiated with me prior to the cut-off.**

*Please forward this email onto staff in your teams that require this information. As always the Finance team are available to assist at every step. Please contact Chloe, Peter and I for assistance and one-on-one training”.*

#### **Timeline of review of Council's expenses and budgeting process FY2023**

Below is a brief timeline and description of the steps and reiterations involved in Council's budgeting process. There are numerous reviews and reiterations that are provided to CMT and subsequently the Elected Body and Community for feedback.

#### **December 2022**

- Commencement of budget preparation by administration staff
- Invitation to submit budget requests sent to Staff, Elected Members and Community Groups.

#### **February 2023**

- Budget formation is closed off. This provides the basis for further scrutiny and discussion by the Finance department and budget Managers.

#### **March 2023**

- Departmental capital budget meetings held with Finance and CEO
- CMT capital budget meeting
- Workshop 1 - Draft capital budget workshop held with Elected Members
- Draft 2023/2024 caravan park budget – capital and operating held with Elected Members.

#### **April 2023**

- CMT operating budget meeting and discussions
- Workshop 2 - Draft operating budget workshop held with Elected Members
- Workshop 2 - Initial 2023/2024 Rating Models presented to Elected Members workshop.

#### **May 2023**

- Special Council Meeting held to present Draft 2023-24 Annual Business Plan and Budget for endorsement to go to public consultation.

#### **June 2023**

- Draft 2023-24 Annual Business Plan and Budget is provided to the community for public consultation and time allocated for submissions at a special Council budget meeting.

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**Ongoing (2022 – 2023)**

- Quarterly budget reviews are reported to Council and the Audit and Risk Committee three (3) times each year requesting endorsement of changes to the budget based on revised circumstances. Report prepared by Finance staff in consultation with all budget managers. Council's budget is a fundamental instrument of accountability and an essential pre-requisite to deciding the annual rate impost on the community. As such, it is important that material variations compared with the original budget be disclosed and explained.
- Annual review and update of the Long Term Financial plan also drives the year-on-year budgeting process.

Through this process, numerous cost saving initiatives have been realised, notably; material cost savings of approximately \$1m a year through the implementation of alternate quarry material spec & resurfacing methodologies (enabling other projects to become realised on Councils road network such as reseals); telecommunications savings in the vicinity of \$30,000 per annum by utilising modern cloud based calling technologies; mobile carrier contract renegotiations realising \$12,000 in nett savings.

Council's 2023/2024 budget has been presented on a "business as usual" basis whilst seeking to address current and forecast inflationary pressures. The budget was developed following a robust process. However, the assertion that staff have communicated to the elected body that "there are no further ways to improve Council's bottom line other than increase rates" is incorrect.

Increases to rates form a part of the overall progression of Council's financial position from potentially unsustainable to sustainable. The requirement for a multifaceted response to Council's present financial status is displayed in the high-level advice issued by ESCOSA to Council which highlights asset renewal, service consolidation, cost control and future rate increases as elements to be addressed moving forward.

*"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."*

**Asset Base as at 30 June 2022**

Local Government is highly asset intensive. As at 30 June 2022 Yorke Peninsula Council had assets with a written down value of approximately \$276.3m – compared to an annual operating income of \$35.6m with a current rate payer base of approximately 14,150 assessments. That's roughly \$19,500 worth of assets in their current state to each rateable assessment.

Council needs to ensure it has access to adequate funds to ensure assets can operate at desired service levels for its community. Annual Budgets, Long-Term Financial Plans and Asset Management Plans assist in providing Council with information in relation to the timing and expenditure required to operate, maintain and renew existing assets. Increases to Council's asset base through the construction of new assets or upgrades to existing assets increase the overall burden to ratepayers.

Over the next two years all major asset classes of Council will be revalued, and their associated asset management plans updated. It is probable that Council will need to consider a reduction to levels of service provided to the community through its asset base to ensure its long-term financial sustainability. Consideration around affordability and the setting of revised service levels in relation

to transport, building and structural assets may provide scope for Council to reduce its expenditure requirements into the future. Any such change would require community consultation as part of the asset management plan review process.

**Potential to decrease asset insurance costs**

As part of the current Land, Buildings and Structures revaluation for financial statement and asset insurance purposes Council staff have requested the asset insurance valuations be provided for the following levels of reinstatement:

- Reinstatement with New
- Reinstatement Value
- Functional Replacement
- Removal of Debris of Demolition Cost

Following adoption of the revaluation Council staff will commence the process of reviewing Council buildings and structures to identify and recommend to Council assets which may be able to be insured at a level lower than reinstatement with new (i.e. – like for like) to make savings on insurance premiums. It is envisaged that this process will require community consultation. For reference Council’s asset insurance expenditure over the last three years and forecast expenditure for 2023/2024 has been included below.

Year	2020/21 Actual	2021/22 Actual	2022/23 Actual	2023/24* Budget
Asset Insurance Expense	\$231,274	\$245,063	\$279,005	\$334,364
Annual Increase (\$)	N/A	\$13,789	\$33,942	\$55,359
Annual Increase (%)	N/A	6.0%	13.9%	19.8%

\* Council anticipates a significant increase to asset insurance in 2023/2024 based on the current revaluation of Building and Structures Assets. The actual cost to Council will not be known until after the 2023/2024 financial year has commenced.

**Increased compliance cost and cost-shifting<sup>3</sup>**

Cost shifting

Cost shifting happens when councils have to fund an activity previously funded by state or federal governments, or are required to take responsibility for new functions or policies that should be funded by another sphere of government.

Local government is required under the Local Government Act 1999 to use its resources fairly, effectively and efficiently and to ensure that its long-term financial performance is sustainable. Cost shifting works against these requirements and is inconsistent with open, responsive and accountable government.

The growing burden of state government costs shifted to local government continues to put upward pressure on council rates. Cost shifting creates uncertainty for local government and makes planning and budgeting for delivery of facilities and services more difficult.

The following are examples of cost shifting that are impacting on local government in South Australia.

Solid Waste Levy

The Solid Waste Levy is a tax paid to the State Government by councils, industry and households on the waste that goes to landfill. The State Government’s 40% increase on the Solid Waste Levy will

<sup>3</sup> Source: [https://www.lga.sa.gov.au/\\_data/assets/pdf\\_file/0029/472268/ECM\\_682133\\_v10\\_SA-Productivity-Commission-LGA-Submission-to-Methodology-Paper-technical-aspects.pdf](https://www.lga.sa.gov.au/_data/assets/pdf_file/0029/472268/ECM_682133_v10_SA-Productivity-Commission-LGA-Submission-to-Methodology-Paper-technical-aspects.pdf)

cost South Australian councils and ratepayers an extra \$8.5 million in 2019/20, bringing the total contribution by local government to approximately \$42.5 million next year. For metropolitan councils, the levy increase equates to a 0.5-1% increase in rates and many councils have no choice but to pass the cost of this State Government tax on to their ratepayers.

The Levy was introduced in 2003/2004 at \$5 per tonne. The latest increase to \$140 per tonne<sup>4</sup> in the metro area equates to a 2700% increase in the levy since its introduction. This continues to be a significant cost impost to councils and their ratepayers.

#### NRM levy

Councils are currently required under State legislation to collect the NRM Levy on behalf of the State Government. The levy appears as a separate line on council rates notice, but some ratepayers mistake this for council revenue.

In 2016/17, the State Government collected more than \$44 million for NRM Levy through council rates. This was a 25 per cent increase on the previous year.

There are hidden administrative costs to councils in collecting the Levy on behalf of the State Government, particularly in relation to non-payment and rebates. A survey of councils in 2015/16 indicated there was more than \$690,000 in unpaid NRM levies across the local government sector in South Australia. That's state tax that is owed to councils – and ratepayers bear the impact of this missing revenue.

Councils believe that the full costs of collecting the Levy are not recovered through the payments received from the State Government to provide this service. This cost shifting has been imposed since 2004 and it has now become untenable for councils to continue to act as the NRM Levy collection agent.

#### **Procurement**

Potential financial benefits could be obtained by Council through continued improvement to procurement practice and revision of supporting policies and procedures. It is to be noted that Council's purchasing and procurement policy is due for revision in late 2023. Some of the ways Council can seek to obtain purchasing efficiencies involve:

- Increasing utilisation of broad sector supply arrangements over individual Council deals where able. It should be acknowledged that Council's geographical location may impact on its ability to gain the full benefit of sector wide arrangements but generally "whole of sector" agreements provide the best price.
- Decreasing the number of tenders undertaken by a) increasing purchasing limits, and b) tendering for multiyear contracts for recurrent services where possible (e.g. – road reseals).
- Local Government Association Procurement (LGAP) estimate the cost to undertake a standard tender is anywhere from \$10,000 to \$25,000 with complex tenders costing much more. Council's current purchasing and procurement policy requires Council to tender for purchases over \$100,000<sup>5</sup>. Given the estimated cost to Council to undertake a tender and similar level of cost born by suppliers to submit a tender it is evident that the value in conducting a tender can only be realised with a much higher threshold. As such, Council staff will seek to amend this limit on revision of the policy in line with the latest LGAP template.

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<sup>4</sup> Solid waste levy rates for 2022-2023 (Metropolitan Adelaide \$149/tonne; Non-Metropolitan \$74.50 per/tonne).

<sup>5</sup> Source: <https://www.lga.sa.gov.au/lgaprocurement/resources/documents/for-councils/further-reading/lgap-is-tendering-a-waste-of-money.pdf>

- Multiyear contracting for regular services is the current practice of Council in relation to several services (e.g. – waste collection, transfer station management, cleaning services). Though further co-ordination of asset management plans, long-term financial plans and annual budgets, additional multi-year contracting may be sought by Council with the view to achieving cost savings which are available under long-term arrangements with suppliers (e.g. – road reseals, tree-trimming).
- Considering employment of a procurement specialist to further bolster Council’s capacity to access the greatest level of savings to Council and comply with procurement related requirements. It is possible that a positive finance and risk-based business case could be made for creation of a new specialist procurement role with Council. A specialist procurement position was on the unfunded list of 2021-2022 budget bids.

#### **Operational savings / productivity improvements**

Staff regularly undertake service level reviews outside of the usual budget preparation process. Both legislative and discretionary services are put under the microscope assessing appropriate levels of budget expenditure, appropriateness of current service levels, relevant service provisions, alignment to Council’s endorsed LTFP/SMP’s, contract reviews and (re)negotiations, fees & charges rates, process improvements and value for money.

#### **ESCOSA Local Government Advice**

Acknowledging the Commissions advice from its recent review of Council’s financial position (noting that Council was billed \$40,000 for this compulsory review), and our ability to meet sustainable service levels on our assets:

##### Budget Considerations

- **Continue** to review inflation forecasts from July given potential for short-term higher inflation followed to a return of the long-term average.
- **Consider** including its most up-to-date long-term financial plan in the annual budget and business plan to provide transparency to the community about any changes made.  
Continuing to provide evidence of ongoing cost efficiencies
- **Continue** to monitor rising costs in its budget, particularly employee expenses.
- **Continue** its good practice of projected and actual cost savings to its budget to show it is achieving efficiency across operations and service delivery.  
Refinements to asset management planning
- **Adhere** to long-term financial plan principles to fund more asset renewal rather than new or upgraded infrastructure.  
Containing rate levels
- **Review** and **consider** limiting average rate increases above inflation to reduce emerging cost-of-living pressure on the community.

**“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.”**

10 QUESTIONS WITHOUT NOTICE

11 PETITIONS

Nil



**12 MAYOR****12.1 MAYOR'S MONTHLY REPORT MAY 2023****Document #:** 23/47572**Department:** Executive Services**PURPOSE**

To keep Elected Members updated on Mayoral activities during the month of May 2023.

**RECOMMENDATION**

That the report be received.

**DISCUSSION**

- |           |  |
|-----------|--|
| 7 May     | Attend Nharangga Minlagawi Cultural Day – Minlaton.  |
| 10 May    | Monthly Council Meeting – Minlaton.  |
| 16 May    | Host Volunteers Morning Tea – Minlaton.  |
| 17-18 May | Tour of District with the Governor of South Australia Her Excellency the Honourable Frances Adamson AC.                        |
| 24 May    | Roads Working Party Meeting – Minlaton.<br>Special Council Meeting – Minlaton.<br>Information and Briefing Session – Minlaton. |
| 25 May    | Volunteer Morning Tea – Edithburgh Progress Association – Edithburgh.  |
| 26 May    | SA Coastal Councils Alliance Strategic Planning Workshop – Adelaide.   |

**ATTACHMENTS****Nil**

**13 COUNCILLORS' REPORT**

Nil

# INFORMATION AGENDA

**INFORMATION AGENDA**

**14 ITEMS FOR EXCLUSION**

**15 RECEIPT OF INFORMATION REPORTS**

**16 CHIEF EXECUTIVE OFFICER****16.1 ACTION LIST REPORT****Document #:** 23/53749**Department:** Executive Services**PURPOSE**

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

**RECOMMENDATION**

That the report be received.

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

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

**DISCUSSION**

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

**ATTACHMENTS**

1. **Council Meeting Action List - June 2023**  
2. **Council Meeting Completed Action List - June 2023**  

## Council Meeting Action List

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
12/04/2023	Assets and Infrastructure Services	24.5	087/2023	That Council endorse to name a portion of an unmade, ungazetted, unmaintained Council road reserve known as Coonarie East Road, Foul Bay.	13/12/2023
10/05/2023	Assets and Infrastructure Services	24.1	112/2023	Food Organics Green Organics Service - Council did not endorse any option at this point in time. Staff to review further options in relation to same.	13/12/2023
10/05/2023	Development Services	25.1	113/2023	Proposed Community Land Management Plan Amendments - Community Engagement - Council deferred from making a decision to reclassify the land until a Wharf Structures Condition Assessment Manual load rating has been carried out by the State Government. Council is awaiting receipt of report.	12/07/2023

## Council Meeting Completed Action List

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
10/05/2023	Executive Services	11.1	103/2023	The Petition - Support for Commercial use of Port Vincent Wharf was received.	24/05/2023
10/05/2023	Executive Services	22.1	106/2023	Policy Update - PO015 Access to Council and Committee Meetings and Documents Code of Practice - This matter was adjourned to the 24 May 2023 Special Council Meeting.	24/05/2023
10/05/2023	Executive Services	22.2	107/2023	Policy update - PO156 Internal Financial Control Policy was endorsed by Council and included in Council's Policy Manual and updated on Council's website.	24/05/2023
10/05/2023	Executive Services	22.3	108/2023	Consideration of adoption of Behavioural Support Policy - Council did not adopt this policy at this time.	24/05/2023
10/05/2023	Corporate and Community Services	23.1	109/2023	Council endorsed an extension to the Pines Community Association for their Community Grant 2022/2023. The Pines Community Association has been notified.	24/05/2023
10/05/2023	Corporate and Community Services	23.2	110/2023	Council received the financial report and capital projects update report as at 30 April 2023.	24/05/2023
10/05/2023	Corporate and Community Services	23.3	111/2023	Council endorsed the 2022/2023 March Quarterly Budget Review changes as presented in the report.	24/05/2023
10/05/2023	Development Services	25.2	114/2023	Commenced the community engagement process for a proposed new lease to be issued to Terry and Rosemary Bormann for the Port Victoria Kiosk located at Section 1, Victoria Terrace, Port Victoria for five (5) years and a further three (3) by five (5) year rights of renewal, being a total of twenty (20) years.	24/05/2023
10/05/2023	Development Services	25.3	115/2023	Commenced the community engagement process for Permits to use Public Roads, for cropping and grazing purposes.	24/05/2023
10/05/2023	Development Services	25.4	116/2023	PO126 Street Road and Public Place Naming Policy has been updated and included in Council's Policy Manual and on Council's website.	24/05/2023
24/05/2023	Executive Services	11.1	117/2023	Policy PO015 Access to Council and Committee Meetings and Documents Code of Practice was endorsed and adopted by Council and has been included on Council's Policy Manual and on Council's website.	7/06/2023

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
24/05/2023	Corporate and Community Services	12.1	118/2023	Council endorsed a 6-month extension to the Price Progress Association for their 2022/2023 Community Grant. Price Progress Association has been notified of this outcome.	7/06/2023
24/05/2023	Corporate and Community Services	12.2	119/2023	Proposed Rating Models 2023/2024. Council endorsed Model 4 for the raising of General Rates revenue in 2023/2024.	7/06/2023
24/05/2023	Corporate and Community Services	12.3	120/2023	Council endorsed the draft 2023/2024 Annual Business Plan (ABP) including the draft 2023/2024 Budget for the financial year ending 30 June 2024, for public consultation. Advertisement in the Yorke Peninsula Country Times on 30/05/2023 and 06/06/2023.	7/06/2023



**16.2 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - 2023 NATIONAL GENERAL ASSEMBLY - CANBERRA - MAYOR BRAUND, CR CARRUTHERS AND CR STOCK****Document #:** 23/57891**Department:** Executive Services**PURPOSE**

To provide Elected Members with an overview of the Australian Local Government Association's 2023 National General Assembly held in Canberra from 13 to 15 June 2023.

**RECOMMENDATION**

That the report be received.

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

The National General Assembly is convened annually by the Australian Local Government Association (ALGA). The National General Assembly is the peak annual event for Local Government, this year attracting in excess of 1,100 participants.

We attended, together with the CEO, the 2023 National General Assembly in Canberra from 13-15 June 2023 (including attendance at the Regional Cooperation and Development Forum). This event provides a wonderful networking opportunity and also a unique opportunity for Local Government to engage directly with the Federal Government.

**DISCUSSION**

The ALGA hosted the largest Regional Forum in its history on 13 June, which saw more than 450 local government leaders travel vast distances to Canberra from right across the country. The delegates – which included regional mayors, councillors and shire presidents – discussed a wide range of issues including regional connectivity, road maintenance, healthcare, climate resilience, natural disasters and skills shortages.

The forum was opened by ALGA President Linda Scott, presenting to a record crowd of leaders representing 537 councils to share their solutions to the range of challenges facing rural and regional local governments. There was a wide range of guest speakers for the historic forum, including Federal Local Government Minister Kristy McBain, who discussed disaster migration and rural and regional health issues. Shadow Local Government Minister Darren Chester also addressed the conference and highlighted the importance of regional development and connectivity to support local communities. To which he urged council leaders to work closer together to advocate for more support and funding for regional areas.

After the regional forum, we visited Rowan Ramsay's office in Parliament House with five other regional councils in Rowan's electorate of Grey and Shadow Local Government Minister, Darren Chester. This provided a great networking opportunity.

This year's assembly theme was 'Our Communities, Our Future' with a focus on partnerships, particularly between the Australian Government and local governments. The forum was well attended by approximately 1,100 local government representatives and was a good opportunity for councils to tackle local issues at a national level, engaging with ministers, federal members and senior bureaucrats in the Australian Public Service.

The program also included several keynote speakers, including:

- The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government
- His Excellency Vasyl Myroshnychenko, Ambassador of Ukraine
- The Hon Peter Dutton MP, Leader of the Opposition

**ATTACHMENTS**

Nil

**16.3 CEO ACTIVITIES - MAY 2023****Document #:** 23/47577**Department:** Executive Services**PURPOSE**

To keep Elected Members informed of meetings during the month of May 2023.

**RECOMMENDATION**

That the report be received.

**DISCUSSION**

- |           |   |
|-----------|---|
| 1 May     | Executive Services Team Meeting – Maitland.<br>Meeting with inside staff re EBA negotiations.<br>Meeting with Daniel Wilson and Jo-anne Buchanan – RRDAYMN Catch-up – Maitland. |
| 2 May     | Meeting with DIT re Yorketown PLEC Proposal (Via Teams).<br>Meeting with DIT re Maitland Main Street – Maitland.  |
| 8 May     | Meeting with outside staff re EBA negotiations (Via Teams).   |
| 9 May     | Meeting with inside staff re EBA negotiations – Maitland.   |
| 10 May    | Monthly Council Meeting – Minlaton.   |
| 16 May    | Coast Protection Board – District Visit – Moonta.   |
| 17-18 May | Tour of District with the Governor of South Australia Her Excellency the Honourable Frances Adamson AC  |
| 19 May    | Meeting with LGA and CEOs in relation to divested jetties.<br>LG Professionals – 22 <sup>nd</sup> Annual Leadership Excellence Awards.  |
| 23 May    | Corporate Management Team Meeting – Maitland.   |
| 24 May    | Leadership Development Workshop with Council Staff – Maitland.<br>Special Council Meeting – Minlaton.<br>Information and Briefing Session – Minlaton.                           |
| 25 May    | Meeting with CEO of DIT in relation to Councils Divested Jetties – Adelaide.  |
| 29 May    | Meeting with RLB re Minlaton Childcare Centre Landscaping (Via Teams)   |

**ATTACHMENTS****Nil**

**16.4 UPDATE - SOUTHERN YORKE PENINSULA COMMUNITY AND MAITLAND CHILDCARE CENTRES****Document #:** 23/52401**Department:** Executive Services**PURPOSE**

To provide Elected Members with a progress report in relation to the construction of the Southern Yorke Peninsula Community Childcare Centre (Centre) in Minlaton, and to also provide Elected Members with a progress report in relation to enrolments and staffing levels at the Centre and the Maitland Childcare Facility.

**RECOMMENDATION**

That the report be received.

**LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula

2 Community Connected through Infrastructure

4 Community Engaged and Supported

5 Responsible Governance and Leadership

**Strategy:** 1.5 Partner and build positive relationships with key stakeholders to progress tourism and business growth

1.7 Explore opportunities for 'missing or sub-standard' infrastructure (e.g. freight movement, function centre, large accommodation etc.)

1.9 Seek out, develop and deliver on economic development opportunities

4.9 Engage and advocate for improvements to community health and social outcomes

5.2 Effective leadership and informed decision making

**BACKGROUND**

The Centre is the outcome of co-efforts between Council and the community across several years. Council successfully secured \$2,250,000 to construct the Centre through the Black Summer Bushfire Recovery Grants Program.

A tender for the construction of the Centre at 11 North Terrace, Minlaton, opened via the Tenders SA website on 2 September 2022 and closed on 10 October 2022, with Romaldi Constructions being successful. The project includes demolition of the old tennis courts and clubrooms, the construction of the new 730 square-metre Centre, carpark, external service yard, landscaping, septic soakage area and stormwater management. The Centre will have the capacity for 80 long-day care places for children aged zero to five and will require approximately 20 full-time equivalent employees. Construction began on Monday, 9 January 2023.

Following a period of public consultation, Elected Members at the 12 April Ordinary Council Meeting endorsed the terms and conditions of the proposed lease agreement between Council and Jawbem Group for the Centre. The lease includes an initial period of two years, with an additional four by five year rights of renewal resulting in an overall lease term of 22 years. At the same meeting, Elected Members also endorsed the terms and conditions of the proposed lease agreement between Council

and Jawbem Group for the Maitland Childcare Facility. This included an ongoing annual lease agreement with reviews to be conducted biannually.

## **DISCUSSION**

Jawbem Group, operating under the business name Yorke Peninsula Learning and Care, have had a steady number of expressions of interest for enrolments of children at both locations (Minlaton & Maitland) and employment opportunities (staff) since being announced as the operator on 10 March 2023.

The Group has mainly focussed its attention on the Maitland Centre during the past month with the official opening on Monday, 22 May.

A community busy bee was held at the Centre on Sunday, 21 May, to ensure it was ready to open to the public the following day.

Member for Narungga Fraser Ellis and State Minister for Education, Training and Skills Blair Boyer visited the Centre on Wednesday, 23 May.

The Centre hit the ground running during its first week of operation with 25 children in attendance. There are 65 care places available with numbers expected to grow in the coming months.

Romaldi Constructions have provided the following build progress update for the Minlaton Centre (past month, as of 26 May 2023):

- Roof has been installed
- All internal 1st fix services have been installed
- External and Internal aluminium have been/are being installed
- External in-ground services are installed
- External claddings to the building are installed
- Internal wall and ceiling linings happening in the next month

## **ATTACHMENTS**

1. **Photos - Maitland and Minlaton Childcare Centre Update**  







Maitland Centre - State MP Visit | 23 May





Minlaton Centre | 26 May







Minlaton Centre | 26 May





Minlaton Centre | 26 May







Minlaton Centre | 26 May

**16.5 CORRESPONDENCE RECEIVED FROM HER EXCELLENCY THE HONOURABLE FRANCES ADAMSON AC, GOVERNOR OF SOUTH AUSTRALIA****Document #:** 23/54918**Department:** Executive Services**PURPOSE**

To provide Elected Members with correspondence received from Her Excellency the Honourable Frances Adamson AC, Governor of South Australia.

**RECOMMENDATION**

That the report be received.

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

Her Excellency the Honourable Frances Adamson AC, Governor of South Australia visited the Yorke Peninsula Council region on Wednesday 17<sup>th</sup> and Thursday 18<sup>th</sup> May 2023. Leadership, Civics and Citizenship are the Governor's major focus points and she was particularly interested in engagements within the Council region that were related to industry focus, new developments, women's leadership, indigenous affairs, youth engagement and interacting with the local community.

**DISCUSSION**

Her Excellency expressed sincere gratitude to Mayor Braund and Chief Executive Officer (CEO), Andrew Cameron for hosting her during her visit and she appreciated the time spent with her.

Her Excellency valued visiting three schools, meeting with Community members at the Minlaton Town Hall and the SYP Community Hub in Yorketown along with meeting local indigenous leaders at Maitland.

**ATTACHMENTS**

1. Letter of Appreciation - Governor of South Australia [↓](#) 



GOVERNOR OF SOUTH AUSTRALIA

Friday, 26 May 2023

Dear Darren,

I would like to express my sincere gratitude to you and Andrew for hosting me during my visit to the Yorke Peninsula, I appreciated the time you spent with me.

The program was great, and I was pleased to fit so much in to my two days with you. It is clear to me that the Yorke Peninsula is a beautiful place and a big contributor to the South Australian tourism industry.

I valued visiting the three schools and meeting with community members at the Minlaton Town Hall and the SYP Community Hub in Yorketown. Visiting these groups highlighted a strong community spirit and camaraderie amongst the locals.

A particular thank you for arranging the meeting with the local indigenous leaders at Maitland, I enjoyed learning about the challenges in the local aboriginal community.

Once again, thank you for your warm welcome and for sharing your knowledge and insights into the Yorke Peninsula Community. Please pass on my thanks to your team Andrew, in particular Natalie, for assisting my staff with putting the program together.

Her Excellency the Honourable Frances Adamson AC  
GOVERNOR OF SOUTH AUSTRALIA

Mr Darren Braund  
His Worship the Mayor of the Yorke Peninsula Council  
PO Box 57  
MAITLAND SA 5573

GOVERNMENT HOUSE ADELAIDE

**16.6 CORRESPONDENCE RECEIVED FROM THE NORTHERN AND YORKE LANDSCAPE BOARD****Document #:** 23/46632**Department:** Executive Services**PURPOSE**

To provide Elected Members with correspondence received from the Northern and Yorke Landscape Board.

**RECOMMENDATION**

That the report be received.

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

The Northern and Yorke Landscape Board is responsible for sustainably managing the region's landscapes.

The landscape levy is paid by ratepayers across South Australia and collected by local councils on behalf of the State Government.

**DISCUSSION**

The Northern and Yorke Landscape Board has provided a six-monthly progress report covering the period 1 October 2022 to 31 March 2023 (attached for perusal). The report is aimed at providing Council with a better understanding as to the range of landscape levy funded work being carried out in our council area.

**ATTACHMENTS**

1. Northern and Yorke Landscape Board - Progress Report [↓](#) 



**Northern and Yorke Landscape Board**

155 Main North Road  
Clare SA 5453

Ph: 08 8841 3444

ABN 83 450 552 896

ny.landscapeboard@sa.gov.au  
www.landscape.sa.gov.au/ny

Dear Councillors, Mayors and Chief Executives

**RE: NORTHERN AND YORKE LANDSCAPE BOARD DISTRICT REPORTS****Yorke Peninsula - 1 October 2022 to 31 March 2023**

I am pleased to be able to present to you the latest district report.

This report is aimed at providing the Yorke Peninsula Council with a better understanding as to the range of landscape levy funded work that is being carried out by staff from the Northern and Yorke Landscape Board in your local government area on behalf of your ratepayers.

As you can see this work runs across a number of important programs including pest animal and plant control, water management, community engagement and sustainable agriculture. This report also contains work that is being conducted as a result of federally funded projects as well as through the parks system, all of which are important in applying a landscape scale approach to managing environmental issues.

Importantly the report also captures the significant amount of work we do in partnership with local landholders and the community as well as collaborative work with many stakeholder groups.

If you require further information regarding the works undertaken, please contact our A/Regional Operations and Compliance Manager, Paul O'Leary on 0407 978 163.

Sincerely

A handwritten signature in black ink, appearing to read 'Tony Fox'.

**Tony Fox**  
**General Manager**  
**Northern and Yorke Landscape Board**

[www.landscape.sa.gov.au/ny](http://www.landscape.sa.gov.au/ny)






## Northern and Yorke Landscape Board Regional Operations

District: Yorke



1 October 2022 – 31 March 2023

Project Title and Funding Source	Progress Report	Photo
<b>Board Priority: Pest Plant &amp; Animal Control</b>		
<p><b>1. Strategic Roadside Weed Control Project:</b> <i>NY Landscape Board Funded</i></p>	<p><b>Strategic Roadside Weed Control Project:</b> Works have continued with cooperation from adjoining landholders and Councils. The spring and early summer weed control plans and remaining council Roadside Plan funding has been allocated and work orders produced. Roadside signage as per photograph is updated as the season's progress.</p> <p><b>Department of Infrastructure and Transport (DIT) funding</b> Works continue with most now complete on high priority weeds, including , including Boneseed, Silverleaf Nightshade, Khaki Weed, Buffel Grass and African Lovegrass and Lincoln Weed, on the state highways in the district; Copper Coast Highway, Yorke Highway, St Vincent Highway and Spencer Highway. Good cooperation has seen the offer of extra funding for priority roadside weed control works.</p>	 <p>Example of Priority weed promotion, Q4 Silver leaf nightshade and Fox.</p>
<p><b>2. Animal Control:</b> <i>NY Landscape Board Funded</i></p>	<p><b>Fox Bait Supply:</b> The autumn coordinated 1080 Fox Bait distribution days were held at the start of March with bait collection points at Yorketown, Brentwood, Minlaton, Arthurton, Kadina, Alford, Curramulka, Sandilands, Urania and South Kilkerran. 39 landholders collected 3070 baits for the Autumn baiting push.</p> <p>Ad-hoc bait supply to landholders between September and March saw landholders collect fox baits for various reasons outside of the distribution day. Work also progresses inside the predator proof fence working with landholders controlling feral cats and foxes as part of the</p>	





	<p>Marna Banggara project.</p> <p><b>Rabbit control</b></p> <p>Advice and support given to landholders to control pockets of rabbits.</p>											
<p><b>3. Biocontrol:</b> <i>NY Landscape Board Funded</i></p>	<p><b>Horehound Plume Moth</b></p> <p>Horehound plume moth has established in some parts of Yorke Peninsula with more sites planned for August to September this year. Horehound plume moth caterpillar promotion and harvest will occur in July and August.</p> <p><b>Opuntia cactus control</b></p> <p>Cochineal was released with help from the Tickera Progress Association president. The insect was released on declared Prickly pear spreading on a beach north of Tickera.</p>											
<p><b>4. Landholder Advice</b> (Technical advice of control methods)</p>	<p><b>Landholder Enquiries</b></p> <p>Pest plant, pest animal and biodiversity enquiries and advice tend to be the main topic of landholder enquiries. Trend of enquiries links to season and recent media (e.g. social media posts)</p> <table border="0"> <tr> <td>Pest (feral) animals</td> <td>53 contacts / enquires</td> </tr> <tr> <td>Pest Plant (weeds)</td> <td>37</td> </tr> <tr> <td>Biodiversity &amp; Native Vegetation</td> <td>32</td> </tr> <tr> <td>Community (e.g. Grants)</td> <td>16</td> </tr> <tr> <td>Projects and Other</td> <td>9</td> </tr> </table> <p><b>Planning and Delivery</b></p> <p>Coastal Gardens Workshop series has commenced. The first workshop was held in Hardwicke Bay on March 15 with the 10<sup>th</sup> workshop scheduled for delivery in Foul Bay on June 20 2023. Workshops to be held in the Yorke Peninsula, Copper Coast and Barunga West council areas. Participants will receive four native plants and a <i>Coastal Gardens Planting Guide</i> to take home. Feedback has been very positive with many landholders also selecting to subscribing to Yakka e-news to receive information about upcoming workshops and events.</p>	Pest (feral) animals	53 contacts / enquires	Pest Plant (weeds)	37	Biodiversity & Native Vegetation	32	Community (e.g. Grants)	16	Projects and Other	9	  <p>Minlaton Show Display</p>
Pest (feral) animals	53 contacts / enquires											
Pest Plant (weeds)	37											
Biodiversity & Native Vegetation	32											
Community (e.g. Grants)	16											
Projects and Other	9											




<p><b>5. Declared Plant Management (linked to District Weed Action Plans) NY</b> <i>Landscape Board Funded</i></p>	<p><b>Weed Control</b> Weed mapping, control measures and follow up treatments have been conducted on the below weeds and areas (prioritised by the District Weed Plans).  <b>African lovegrass;</b> Council and DIT roadside control (contractor) Yorke Peninsula Council  <b>Silverleaf Nightshade:</b> Council and DIT roadside control (contractor) Yorke Peninsula Council, Copper Coast Council and Barossa West Council                      Silverleaf Nightshade letters sent to 26 adjoining landholders on SYP  <b>Buffel Grass;</b> Council and DIT roadsides (Contractor) Barunga west  <b>Innocent Weed;</b> Council Roadsides Barunga West (Contractor) and Mapping (officer)  <b>Fountain Grass;</b> Willamulka Corridor (Contractor) Barunga West and Copper Coast Councils  <b>Wheel Cactus;</b> Council Roadsides (Contractor) Barunga West Council  <b>Lincoln Weed;</b> DIT and council roadsides (Contractor) Yorke Peninsula Council</p>	
<p><b>Board Priority: Biodiversity</b></p>		
<p><b>1. Djulda-wawa Badja Project</b> <i>Landscape Priorities Fund</i></p>	<p><a href="#"><i>Djulda-wawa Badja</i></a> means Resilient Coast in Narungga language. The project name was developed with the Narungga Aboriginal Progress Association and language consultant Tania Wanganeen.</p> <p><b>Djulda-wawa Badja recent activities include:</b></p> <ul style="list-style-type: none"> <li>• Snail control was undertaken at both Port Victoria and Gagadhi revegetation sites in October. Germination monitoring undertaken in December shows very good germination rates, the extrapolated seedling count is 114,266 seedlings over 44ha</li> <li>• Violet Buckskin from <i>Winda Creations</i> was engaged to create a digital art piece that tells the story of Djulda-wawa Badja and its work to protect the coastline</li> <li>• Support for the SYP Landcare Group’s Osprey Recovery Program has been ongoing. A new <a href="#">project web page</a>, hosted on the NYLB site has been developed and planning is underway for a further platform to be installed at Coobowie in May. Breeding success was recorded at the recently installed Gleeson’s Landing platform, with the adult pair raising two fledglings, their first successful breeding attempt in 12 years</li> <li>• A role description for the Djulda-wawa Badja Ranger was developed in conjunction</li> </ul>	 <p><i>A templetonia retusa seedling at Gagadhi revegetation site in December.</i></p>





	<p>with Narungga Nation Aboriginal Corporation staff. Interviews were held for the identified Narungga position in December, and the successful candidate Farrin Miller joined the team in February 2023</p> <ul style="list-style-type: none"> <li>• Yorke Peninsula Council’s Coastal Management Strategy works are ongoing, tube stock for the 2023 planting season have been ordered through Kellie Saint and Trees for Life</li> <li>• SYP Community Hub’s Bushfire Recovery Project works are ongoing. Tube stock for the 2023 planting season has been supplied through YP Leisure Options Nursery. Fencing has been installed at Goldsmith’s Beach revegetation site, ready for planting</li> <li>• The Djulda-wawa Badja Oversight Committee was established with representatives from Narungga Nation Aboriginal Corporation, Point Pearce Aboriginal Corporation, Yorke Peninsula Council, Barunga West Council, AGL, and DEW Crown Lands meeting on 2 March 2023 at Port Victoria</li> <li>• A Stakeholder Workshop was held in Wallaroo to develop a brief for a consultant to undertake a Coastal Access Strategy on 22 March 2023. A brief was developed to go out for tender in the coming months</li> <li>• Planning ongoing with Barunga West Council on campground project.</li> <li>• During Country Cabinet, Landscape Board staff hosted Deputy Premier Susan Close on a site visit to witness the impacts of off-road vehicles and unauthorised camping at Cape Elizabeth. Members of the Narungga community attended the trip and spoke to the cultural and environmental importance of Cape Elizabeth and the need for improved management.</li> </ul>	 <p>Narungga and Kaurna artist Violet Buckskin developed this piece to tell the story of Djulda-wawa Badja.</p>  <p>Oversight committee members visiting 2022 revegetation work with IPA Rangers at Gagadhi 2 March 2023.</p>
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<p><b>2. Marna Banggara</b> <i>RLP Funded</i></p>	<p><b>Marna Banggara recent activities</b></p> <ul style="list-style-type: none"> <li>• 5 October 2022 MB project stall at Minlaton Show provided community consultation document and project fact sheets</li> <li>• 2022/2023 is Year five of a 5 year RLP Project, application for next round of funding being scoped with community and stakeholder engagement</li> <li>• Baiting for Biodiversity (fox and feral cat control) program continuing in baiting pulse methodology</li> <li>• Vegetation Surveys using TERN AusPlot and BCM Methodology undertaken by NCSSA as part of vegetation monitoring on the Marna Banggara project.</li> <li>• House mouse (pest animal) and Barn Owl (native bio-control) spring surveys completed</li> <li>• Mallee fowl mound monitoring training session undertaken with stakeholders and volunteers</li> <li>• Landscape Scale Camera Monitoring completed across project area looking at relative abundances of introduced predators (cats and foxes) and native predators (goannas)</li> <li>• Weeds of National Significance Control (WoNS); African Boxthorn control works planned with local Aboriginal contractors</li> <li>• Multiple communication activities and Q1 and Q2 federal reporting complete.</li> <li>• Support provided for three students, two PhD students and one University intern</li> <li>• Beach-nesting birds program supported across district and project area. Landscape Board staff are providing training and support to new Regional Volunteer Coordinator Nanou Cabourdin.</li> </ul>	 <p>Derek Sandow with NPWSA's Aaron Smith in Western Australia processing Brush-tailed bettong</p>
<p><b>Board Priority: Water Management</b></p>		
<p><b>1. Water Affecting Activity Permit – Catchment project</b></p>	<p>Staff continue to provide advice on water issues and can offer advice including revegetation options as practical solutions.</p>	



<b>Board Priority: Communities</b>	
<p><b>1. Partnerships and Community</b></p>	<p><b>LGA Partnerships:</b></p> <ul style="list-style-type: none"> <li>Partnership with <i>Narungga Aboriginal Progress Association</i> to provide a stall at the October Yorke Peninsula Council Guranna Wilba Minlgawingga Good Day at Minlagawi Nature Festival with over 250 people in attendance. Marna Banggara Project consultation document and factsheets were made available to the community</li> <li>James Well/ Rogues Point; native grasses walk looking at vegetation communities in relation to community support/involvement in YP council revegetation site works</li> <li>Partner with Yorke Peninsula Council to support Pat Ingram’s Country Arts SA Grant Application for Shorebird Weaving Ghost Rope Workshop Series</li> <li>Collaboration on Grassroot grant applications.</li> </ul> <p><b>Community Group Support:</b></p> <ul style="list-style-type: none"> <li>Price Progress Association; support provided for Bite Sized Grant application for weed control in revegetation site</li> <li>Tickera Sports and Recreation Association: Support provided for Bite Sized Grant</li> <li>Bite-sized Grants and Grassroots Grants support, project planning and advice provided to community groups in recent rounds of Grassroots Grants.</li> </ul> <p><b>A Living Link, The Willamulka Corridor Project</b></p> <ul style="list-style-type: none"> <li>A grant extension was accepted for plant surveys to be done in spring 2023. Work was unable to commence due to the vacant land agreement not being finalized before Spring 2022</li> <li>Fountain grass control at both Bute and Kadina ends of the corridor has been carried out cleaning up seedlings and any that didn’t die during the first spray. A wet spring brought on more recruitment than normal but mature plants failed to set seed this year despite the wet spring because of 2021-22 treatments.</li> <li>Woody weed control, mostly feral olives will continue in autumn.</li> </ul> <p><b>Aboriginal Engagement (Narungga):</b>                      Staff hosted a stall at the two day Gynburra Festival in January at Port Victoria. Northern and Yorke Landscape Board Member Peter Angus presented the award we sponsored. Involvement with Cultural Burning Education Project at Narungga sites. Project lead by Yorke Peninsula Council and the Narungga community. Landscape staff attending project meetings</p>
	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Yalgi (Brush-tailed Bettong) at the Marna Banggara stall</p> </div> <div style="text-align: center;">  <p>Marna Banggara Project stall at the Minlagowie Nature Festival.</p> </div> </div>



	<p>and providing in-kind support.</p> <p>Staff attended the First Nations Business Showcase at the Entertainment Centre on 27 October 2022 to meet potential suppliers and contractors.</p> <p>Spent half a day surveying Point Pearce Peninsula with ALT Rangers Lyle and Ian as part of the 2023 Biennial Count.</p> <p>Staff attended the celebration event at Point Pearce for native title determination.</p>	
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**16.7 CORRESPONDENCE RECEIVED FROM THE ESSENTIAL SERVICES COMMISSION OF SOUTH AUSTRALIA****Document #:** 23/47197**Department:** Executive Services**PURPOSE**

To provide Elected Members with a copy of correspondence received from the Essential Services Commission of South Australia in relation to the fee for functions performed and advice provided under the Local Government Advice Scheme.

**RECOMMENDATION**

That the report be received.

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

The Essential Services Commission undertakes economic regulation in the water and sewerage, electricity, gas, maritime and rail industries, provides advice to local councils under the Local Government Act 1999 (a new function commenced on 30 April 2022), provides advice to the South Australian Government on economic and regulatory matters and conducts formal public inquiries. The ESC Act and various other Acts together provide the Commission with those regulatory and advisory powers and functions.

**DISCUSSION**

The new legislative requirements under Sections 122(1c) – (1k) and 122(9) and (10) of the Act commenced on 30 April 2022 and require the designated authority, ESCOSA, on a four yearly rotating schedule, to review a range of Council strategic management planning documents and provide advice to the Council.

The Essential Services Commission has provided correspondence in relation to the fee for the functions performed and advice provided under the Local Government Advice Scheme. A copy is attached for Elected Member information.

**ATTACHMENTS**

1. Correspondence received from ESCOSA  

OFFICIAL



A2876700  
ESCOSA22/0034

9 May 2023

Chloe Brown  
Yorke Peninsula Council  
PO Box 57  
MAITLAND SA 5573

Level 1  
151 Pirie Street Adelaide  
South Australia 5000

GPO Box 2605 Adelaide  
South Australia 5001

Telephone (08) 8463 4444  
Freecall 1800 633 592

[www.escosa.sa.gov.au](http://www.escosa.sa.gov.au)

[escosa@escosa.sa.gov.au](mailto:escosa@escosa.sa.gov.au)

Letter sent via email to: [chloe.brown@yorke.sa.gov.au](mailto:chloe.brown@yorke.sa.gov.au); [Daniel.Griffin@yorke.sa.gov.au](mailto:Daniel.Griffin@yorke.sa.gov.au);

Dear Chloe,

**RE: Fee for functions performed and advice provided under the Local Government Advice Scheme**

Further to the recently issued invoice for the the Local Government Advice Scheme (LGAS). This letter is to provide some additional information through an explanation and breakdown of the costs incurred by the Commission in relation to your council under the LGAS.

As you are aware, under section 122(1k) of the Local Government Act 1999 (LG Act), the Commission may recover from a council (as a debt due from the council) the costs reasonably incurred by the Commission in performing its scheme functions in relation to that council. In performing those functions, the Commission necessarily incurs costs, both direct and indirect (including scheme establishment costs).

The Commission’s costs in performing its functions under the scheme fall into the following two categories, which are covered by the broad term ‘costs’ in section 122(1k) of the LG Act:

- Set-up and development costs: These relate primarily to the upfront and ongoing work taking place in 2021-22 and 2022-23 to develop the analytical framework used and the systems and capability to support it. The estimate for these costs remains unchanged from the Final Framework and Approach.
- Operational costs: These relate primarily to the annual costs of implementing the scheme. These primarily comprise staff and Commissioners costs but also include an allocation of overheads and other operating expenses.

LG Advice Costs (\$'000)	2022-23	2023-24	2024-25	2025-26	Total
Set-up and development	\$ 158	\$ 158	\$ 158	\$ -	\$ 474
Operational	\$ 562	\$ 562	\$ 562	\$ 562	\$ 2,248
<b>Total Costs</b>	<b>\$ 720</b>	<b>\$ 720</b>	<b>\$ 720</b>	<b>\$ 562</b>	<b>\$ 2,722</b>

1

OFFICIAL

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The total cost of \$2,722,000 is to be recovered equally across the 68 Councils at \$40,000 per council.

At this stage, the Commission can only proceed based on its best estimates of expected effort and cost. In particular, the degree of interaction with each council is unknown until such time as advice is prepared and provided. In terms of the advice that has been provided to your council, the Commission considers the amount you have been invoiced reflects what the Commission's reasonable costs were.

While the decision to recover costs from a council is, under the LG Act, discretionary on the part of the Commission, absent any other funding source it will need to exercise that discretion. At this time, the Government has not indicated that it proposes to otherwise fund the Commission's scheme role and functions.

Should you have any queries in relation to this matter please contact Mr Nick Mahon, Senior Manager, Finance and Information Technology, on telephone (08) 8389 8828 or via email on [Nick.Mahon@escosa.sa.gov.au](mailto:Nick.Mahon@escosa.sa.gov.au).

Yours sincerely



Adam Wilson  
**Chief Executive Officer**

Letter will only be sent electronically

**OFFICIAL**

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**16.8 CORRESPONDENCE RECEIVED FROM THE MINISTER FOR INFRASTRUCTURE, TRANSPORT AND REGIONAL DEVELOPMENT****Document #:** 23/48373**Department:** Executive Services**PURPOSE**

To provide Elected Members with correspondence received from the Minister for Infrastructure, Transport and Regional Development.

**RECOMMENDATION**

That the report be received.

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

Council forwarded correspondence to various South Australian members of the Labor Government in March 2023 advocating for the continuation of the Special Local Roads Grants.

**DISCUSSION**

Correspondence has been received from the Minister for Infrastructure, Transport and Regional Development the Hon. Catherine King, stating that Yorke Peninsula Council was allocated \$4,930,913 through the Roads to Recovery program from 2019-20 to 2023-24, with unspent monies remaining. Council has also been allocated \$1,425,311 from the \$750 million Local Roads and Community Infrastructure Phase 4 program which will be available from July 2023.

A copy of this correspondence is attached for Elected Member ease of reference.

**ATTACHMENTS**

1. **Correspondence from the Minister for Infrastructure, Transport and Regional Development** [↓](#) 



**The Hon Catherine King MP**

**Minister for Infrastructure, Transport, Regional Development and Local Government  
Member for Ballarat**

Ref: MC23-060103

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

via: [darren.braund@yorke.sa.gov.au](mailto:darren.braund@yorke.sa.gov.au)

Dear Mayor *Darren,*

Thank you for your email of 17 March 2023 regarding South Australian Supplementary Road Funding 2023/24 - Federal Budget.

The Australian Government understands the importance to South Australia and its communities of the additional South Australian Supplementary Road Funding. I understand the Hon Kristy McBain MP, the Minister for Regional Development, Local Government and Territories, has met with her South Australian counterpart, the Hon Geoff Brock MP, a number of times to discuss local roads and sustainable funding. Decisions about future funding are considered in the context of the Federal Budget, the outcomes of which will be announced in May.

In addition to the existing South Australian Supplementary Road Funding, the Australian Government is supporting local councils to deliver services and build infrastructure through the Roads to Recovery (RTR) and Local Roads and Community Infrastructure (LRCI) programs. These programs provide councils with the flexibility to choose which projects to fund based on community need and local priorities:

- **RTR program:** is an ongoing program to support the construction and maintenance of roads under the *National Land Transport Act 2014*. RTR aims to facilitate greater accessibility and improves safety, economic and social outcomes for Australians.
- **LRCI program:** supports local councils to deliver priority local road and community infrastructure projects across the nation, supporting jobs and delivering benefits to local communities.

The Yorke Peninsula Council has been allocated \$4,930,913 in RTR funding for the current program life from 2019-20 to 2023-24, with unspent monies remaining. It has also been allocated \$1,425,311 from the \$750 million LRCI Phase 4 which will be available from July 2023.

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**PO Box 6022 Parliament House, Canberra ACT 2600 | Tel: (02) 6277 7520**

I trust this information is of assistance and enables the Yorke Peninsula Council a level of certainty for planning its road projects. Should you require further information, please contact the department via Mr Shane Wilson, Director Targeted Roads and Community Infrastructure on 02 6274 6979 or email [shane.wilson@infrastructure.gov.au](mailto:shane.wilson@infrastructure.gov.au).

Thank you for taking the time to write to me on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Catherine King', written in a cursive style.

Catherine King MP

8/5/2023

**16.9 CORRESPONDENCE RECEIVED FROM HON BLAIR BOYER MP - MINISTER FOR EDUCATION, TRAINING AND SKILLS****Document #:** 23/51322**Department:** Executive Services**PURPOSE**

To provide Elected Members with correspondence received from the Hon Blair Boyer MP, Minister for Education, Training and Skills.

**RECOMMENDATION**

That the report be received.

**LINK TO STRATEGIC PLAN****Goal:** 2 Community Connected through Infrastructure**Strategy:** 2.4 Explore provision of new infrastructure**Goal:** 4 Community Engaged and Supported**Strategy:** 4.9 Engage and advocate for improvements to community health and social outcomes**Goal:** 5 Responsible Governance and Leadership**Strategy:** 5.2 Effective leadership and informed decision making**BACKGROUND**

Elected Members would be aware the construction of the SYP Community Childcare Centre (Centre) is currently underway. At the Council meeting held on 18 January 2023, Council endorsed Jawbem Group (operating under the business name of Adelaide Family Learning and Care Services) as the selected childcare provider for the Centre and the Maitland Childcare Facility.

The Maitland Childcare Facility will also have the ability to be utilised as a training site to prepare the workforce needed for both facilities.

In March 2023, Council, jointly with Workforce Australia – Local Jobs Mid North, wrote to the Minister seeking an exemption to the two year requirement to obtain a Funded Activities Agreement (FAA) to enable ELC Training Australia Ltd to develop and apply for funding for a place-based training and workforce development initiative through Training Priority Projects to support the workforce needs of the two new childcare centres.

**DISCUSSION**

The Minister appreciates the supply of skilled and trained workers in our regions to support childcare now and into the future is a key issue of importance for the community. He also notes Council support for an exemption for ELC to deliver subsidised training.

The Minister also understands that staff from Skills SA and the Office of the Early Years met with the parent company of ELC, JAWBEM in both October and November 2022 and previous discussions had occurred back to July 2021 as to the requirements to access government subsidies under a FAA.

Key requirements considered through the FAA assessment include a suitable track record of training delivery, industry engagement and sound financial health.

These requirements apply equally to all applicants and are designed to support high quality training outcomes. It is recommended that providers should have at least two years of training delivery as a Registered Training Organisation (RTO), however, an application can be submitted earlier.

**ATTACHMENTS**

1. **Correspondence - Hon Blair Boyer MP, Minister for Education, Training and Skills** [↓](#) 





Government  
of South Australia

Hon Blair Boyer MP  
Member for Wright

23ME0905

Mr Andrew Cameron  
Chief Executive Officer  
Yorke Peninsula Council

via email: [Andrew.cameron@yorke.sa.gov.au](mailto:Andrew.cameron@yorke.sa.gov.au)

Ms Lisa Brock  
Employment Facilitator  
Workforce Australia

[lisa@usgemployment.com.au](mailto:lisa@usgemployment.com.au)

18 May 2023

Dear Mr Cameron and Ms Brock

Thank you for your letter on behalf of Yorke Peninsula Council and Workforce Australia regarding ELC Training Australia Pty Ltd seeking assistance to obtain a Funded Activities Agreement (FAA) to deliver subsidised training and expand childcare services across the Yorke Peninsula.

I have recently also responded to Mr Fraser Ellis MP, Member for Narungga, regarding the same query. I am providing you with the same information.

I appreciate that the supply of skilled and trained workers in our regions to support childcare now and into the future is a key issue of importance for the community. I note your support for an exemption for ELC to deliver subsidised training.

I understand staff from Skills SA & the Office of the Early Years met with the parent company of ELC, JAWBEM in both October & November 2022 and previous discussions had occurred back to July 2021 as to the requirements to access government subsidies under a FAA.

As you are aware, key requirements considered through the FAA assessment include a suitable track record of training delivery, industry engagement and sound financial health.

These requirements apply equally to all applicants and are designed to support high quality training outcomes. It is recommended that providers should have at least two years of training delivery as a Registered Training Organisation (RTO), however, an application can be submitted earlier.

I would encourage ELC to contact Ailsa Fahy, Manager Quality and Compliance, Skills SA via [Education.SkillsContracts@sa.gov.au](mailto:Education.SkillsContracts@sa.gov.au) or 1800 673 097 to progress the discussions around obtaining a FAA.

Yours sincerely

Hon Blair Boyer MP  
**Minister for Education, Training and Skills**

Minister for Education, Training and Skills  
Level 9, 31 Flinders Street, Adelaide SA 5000 | GPO Box 1563, Adelaide SA 5001 | DX 128 Adelaide  
Tel 08 8226 1205 | Fax 08 8226 1556 | ABN 60 168 401 578



## 17 CORPORATE AND COMMUNITY SERVICES

### 17.1 HILLSIDE MINE COMMUNITY CONSULTATIVE COMMITTEE MINUTES - 5 JUNE 2023

**Document #:** 23/56558

**Department:** Corporate and Community Services

#### PURPOSE

To keep Council informed with regard to regular Hillside Mine Community Consultative Committee (HMCCC) Meetings.

#### RECOMMENDATION

That the report be received.

#### LINK TO STRATEGIC PLAN

**Goal:** 5 Responsible Governance

**Strategy:** 5.1 Openness and transparency of reporting Council's performance

5.2 Effective leadership and informed decision making

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

5.5 Undertake effective risk management

5.8 Continuous improvement of Council processes

#### BACKGROUND

The HMCCC was established to ensure an effective and ongoing relationship between Hillside Mine developer Rex and the Yorke Peninsula community. A copy of the minutes from the meeting held on 5 June 2023 are attached for Elected Members' information.

#### DISCUSSION

Business discussed at the meeting centred around:

- Business arising from previous minutes
- The chair report
- Department for Energy and Mining (DEM) introduction
- Report update from REX

#### ATTACHMENTS

1. Minutes - Hillside Mine Community Consultative Committee - 05/06/2023 [↓](#) 

**Hillside Mine Community Consultative Committee Minutes (HMCCC)**

**5<sup>th</sup> June 2023**

**Chairperson** P Tyler

**HMCC Members** Jo Buchanan, Shane Kennedy, Peter Koulizos (via phone), Don Hosking, Rikki Parkinson, Margaret Roads, Tim Walsh, Ben Thompson

**Visitors** Pau De lonno, Director of Mining Regulation Department for Energy and Mining (DEM), Mark Stewart, Team Leader Mining Compliance, Department for Energy and Mining (DEM), Jason Schell (Rex Minerals), Mick Anstey (Rex Minerals)

**Apologies** Jo Barrie (Rex Minerals)

**Minute Taker** K Thompson (Rex Minerals)

AGENDA ITEM	Notes	ASSIGNED TO/DATE DUE
<b>Welcome &amp; Introductions</b>	Meeting opened at 6.34pm P Tyler welcomed everybody to the meeting.  <b>Record keeper for this meeting /recording</b> – K Thompson <b>Apologies</b> – noted above	
<b>Conflicts of Interest</b>	No conflicts of interest notified	
<b>Minutes</b>	Endorsement of Meeting Minutes from 3 <sup>rd</sup> April 2023 <b>Moved:</b> Rikki Parkinson <b>Seconded:</b> Shane Kennedy  Chair thanked Shane Kennedy for checking the April minutes.  HMCCC member to check minutes for this meeting: Rikki Parkinson.	
<b>Business arising from the minutes</b>	<ul style="list-style-type: none"> <li>• P Tyler to follow up with YPC progress on website framework.</li> <li>• K Thompson to email administration form to eligible members with appropriate instructions</li> <li>• K Thompson to send out current versions of CEP &amp; SMP to HMCCC members</li> <li>• K Russell to provide reviewed CEP for comment within 2 weeks</li> <li>• P Tyler to follow up with B Thompson resolution/outcome to Davey email re McMahon contractors</li> </ul>	<p>Complete</p> <p>Complete</p> <p>Complete</p> <p>Complete</p> <p>Complete</p>
<b>Chair Report</b>	P Tyler: <ul style="list-style-type: none"> <li>• Last month’s meeting with the mayor was postponed until tomorrow.</li> <li>• The council are assisting with setting up a website for the HMCCC. P Tyler has provided the council with some initial text for populating the website. He is meeting with Council tomorrow and will report on this meeting.</li> <li>• Consolidated the feedback received from HMCCC members regarding CEP &amp; SMP and provided to Rex.</li> </ul>	
<b>DEM Introduction</b>	P Tyler introduced Paul De lonno, Director of Mining Regulation from the Department for Energy and Mining (DEM).  As requested by P De lonno HMCCC members introduced themselves and gave a brief description of their backgrounds.  P De lonno provided his background and explained his position in the Department and the Departments role in general.	

**Minutes**

**Hillside Mine Community Consultative Committee – 5<sup>th</sup> June 2023**

<p><b>Rex Report</b></p>	<p>J Schell provided a presentation – a copy of the presentation is attached to these minutes.</p> <p>Following the presentation there was a discussion around the HMCCC feedback on the CEP &amp; SMP that was provided to Rex.</p> <p>Questions and discussions followed regarding housing, temporary workers accommodation, health care, employment, social inclusion, skills development, childcare, and engagement of local small and medium enterprises.</p> <p>RDA are holding discussions with Rex around communicating and engaging with local business and will be holding workshops around upskilling and becoming tender ready.</p>	<p>JS to send an accommodation transition model from Roxby Downs to P Tyler for distribution.</p> <p>JS to ensure the SMP is amended to reflect local business payment terms – 30 days and confirm the radius that would apply</p>
<p><b>AOB</b></p>	<p>P Koulizos asked if the committee was open to him providing a small presentation around accommodation and housing at the next meeting which was met favourably by members.</p> <p>P Tyler noted that J Barrie is back from personal leave and will be the Rex representative going forward.</p> <p>HMCCC acknowledged their appreciation to K Russell for his contribution to the HMCC and his support over the last couple of months.</p>	<p>P Koulizos to provide a presentation around hosing and accommodation at the next HMCCC meeting</p>
<p><b>Confirmation of Actions</b></p>	<ul style="list-style-type: none"> <li>• JS to send an accommodation transition model from Roxby Downs to P Tyler for distribution.</li> <li>• JS to ensure the SMP is amended to reflect local business payment terms - 30 days and confirm the radius that would apply.</li> <li>• P Koulizos to provide a presentation around housing and accommodation at the next HMCCC meeting</li> </ul>	
<p><b>Meeting Close</b>                  Meeting was closed 8.05pm</p> <p>Next HMCCC Meeting Date: 7<sup>th</sup> August 2023 @ 6.30pm</p>		

## 18 ASSETS AND INFRASTRUCTURE SERVICES

### 18.1 LEGATUS GROUP WASTE MANAGEMENT ADVISORY COMMITTEE

**Document #:** 23/43500

**Department:** Assets and Infrastructure Services

#### PURPOSE

To keep Elected Members informed of the activities of the Legatus Group Waste Management Advisory Committee.

#### RECOMMENDATION

That the report be received.

#### LINK TO STRATEGIC PLAN

**Goal:** 3 Valued and Restored Environment

**Strategy:** 3.2 Continue to effectively manage the collection, recycling and disposal of waste

3.4 Partner with other tiers of government and non-government organisations to improve environmental outcomes

#### BACKGROUND

The primary function of the Legatus Group Waste Management Advisory Committee is to provide advice and support to the Legatus Group in progressing and monitoring the 2021-2026 Legatus Group Waste and Resources Recovery Strategy and Action Plan.

The Legatus Group Waste Management Advisory Committee is comprised of one Board Member from the Legatus Group, two Chief Executive Officers from member councils, and five technical/operational delegates from member councils, including the Yorke Peninsula Council, who are represented by the Director Assets and Infrastructure Services, Andre Kompler.

#### DISCUSSION

Attached are the draft minutes of the Legatus Group Waste Management Advisory Committee held on 13 April 2023.

#### ATTACHMENTS

1. **Draft Minutes - Legatus Group Waste Management Advisory Committee Meeting - 13 April 2023** [!\[\]\(472116f6451ae553840da463c6a16a85\_img.jpg\) !\[\]\(6bd71b6af56c97d7587d6545acfea46d\_img.jpg\)](#)



**Unconfirmed Minutes Legatus Group Waste Management Advisory Committee**

**13 April 2023 held online via Microsoft Teams**

**1. Welcome / Open meeting**

Chairman Mayor Mark Wasley opened the meeting at: 10:34am

**2. Attendance:**

Members: Mayor Mark Wasley (Adelaide Plains), Ivan Nolte (Copper Coast), Tom Jones (Adelaide Plains), Aaron Curtis (Barossa), Glen Growden (Wakefield Regional) and Andre Kompler (Yorke Peninsula).

Non-Members: Simon Millcock, Paul Chapman, and Tracey Rains (Legatus Group) and Wendy Bevan (KESAB).

**3. Apologies:** Mayor Rodney Reid, Gary Mavrinac (Barossa) Lynette Seccafien (Adelaide Plains), and Stephen Rufus CEO (Peterborough).

**4. Conflict of Interest**

Nil

**5. Minutes of previous meeting**

Draft Minutes from the previous meeting held on 16 February 2023 had been distributed to all members with the agenda.

**Motion: That the Legatus Group Waste Management Advisory Committee minutes of the 16 February 2023 be taken as read and confirmed.**

**Moved:** Tom Jones

**Seconded:** Ivan Nolte

**CARRIED**

**6. Business arising**

**6.1 Waste Management Authorities Workshop**

Paul Chapman provided a verbal update.

**Motion: The committee notes the update.**

1

With approval of the committee Mayor Wasley brought forward items 6.4 and 6.5 due to Wendy Bevan from KESAB being available to discuss. Wendy left the meeting after they had been discussed.

### **6.2 Regional SA Materials Recovery Facilities (MRF)**

Simon Millcock provided a report with the agenda which included information from Paul Chapman on discussion he had held with UniSA.

**Motion: That the committee notes the report and recommends that the Legatus Group provides in principal support and that they seek to gain support from the Eyre Peninsula and Murraylands and Riverland LGA's before considering any recommendations to progress with investigating the potential for a regional MRF.**

**Moved:** Andre Kompler                      **Seconded:** Tom Jones                      **CARRIED**

### **6.3 MoU with Lions / working with community groups.**

#### **6.3.1 What is happening with Municipal Solid Waste**

Simon Millcock provided a report with the agenda following the 16 February 2023 Advisory Committee meeting and general discussion was held with a need to be more focused and defined in its scope.

**Motion: That the committee notes the report and supports the development and distribution of a more defined survey with more input from the committee.**

**Moved:** Tom Jones                      **Seconded:** Andre Kompler                      **CARRIED**

#### **6.3.2 Investigates the level of container returns in the region both for deposit and non-deposit.**

Simon Millcock provided a report with the agenda following the 16 Feb 2023 Advisory Committee meeting on initial discussions around the complexity of gaining information.

**Motion: That the committee notes the report.**

**Moved:** Tom Jones                      **Seconded:** Aaron Curtis                      **CARRIED**

### **6.4 Co-hosting the Waste Forum with KESAB**

Simon Millcock provided a draft program with the agenda and distributed on 12 April and updated version. He thanked Wendy Bevan and Paul Chapman for progressing the program and both spoke on the format for the day and the committee were provided the opportunity for their input.

The consensus from meeting was that the program looks good and that they support the distribution to member councils once KESAB has finished its design.

### **6.5 KESAB options paper/proposal (Wendy Bevan to attend and discuss)**

Simon Millcock provided a report with the agenda and Wendy Bevan attended and provided an update and general discussions were undertaken.

**Motion: That the committee notes the report and supports the KESAB options paper being distributed to member councils for their feedback.**

**Moved:** Tom Jones

**Seconded:** Ivan Nolte

**CARRIED**

#### **6.6 Household Hazardous Waste Collection**

Simon Millcock provided a report with the agenda.

**Motion: That the committee notes the report and supports the Legatus Group CEO in attempting to secure support from GISA and member councils for 3 locations Northern / Central (Yorke Peninsula) & Southern in April 2024.**

**Moved:** Tom Jones

**Seconded:** Glen Growden

**CARRIED**

#### **7. Other Business**

Nil

#### **8. Close and next meeting.**

**Meeting closed at:** 11:44am

**Next Meeting:** July 19<sup>th</sup> @ 10:30am Online



**18.2 CONSTRUCTION AND MAINTENANCE WORKS REPORT****Document #:** 23/52839**Department:** Assets and Infrastructure Services**PURPOSE**

To provide a summary of the capital and maintenance works undertaken within Assets and Infrastructure Services throughout the month preceding the June 2023 meeting of Council.

**RECOMMENDATION**

That the report be received.

**LINK TO STRATEGIC PLAN****Goal:** 2 Community Connected through Infrastructure**Strategy:** 2.4 Explore provision of new infrastructure

2.5 Install and upgrade appropriate traffic control device management

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

**BACKGROUND**

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

**DISCUSSION**

- Roadside vegetation maintenance activities undertaken by Council are detailed in the table below:

Road Name	Start Point	End Point	Status
<b>South</b>			
Treloar Road	Minlaton/Stansbury Bitumen	Ford Road	Completed
Roberts Highway	Minlaton/Stansbury Bitumen	Yacca Road	Ongoing
<b>North</b>			
Pine Point wharf	Yorke Highway	Water's edge	Completed
Mathews Road	Sandy Church Road	James Well Road	Completed
Standpipe Road	James Well Road	Maitland Road	Completed
Point Pearce Road intersection	Nalyappa Road	Point Pearce Road	Completed

- Attention to parks, gardens and reserves is ongoing, in accordance with available resources and programming.
- North Coast Road sealing effected 24 May and practical completion achieved.
- Gardner Street/Fowler Terrace Price upgrade awaiting the last of the minor sealing, line marking and signage to complete the works.
- Maitland Airstrip crack sealing and reseal completed in May. Balance of reseal program capital works for 2022/2023 - aiming to be completed by first week in June.

- Approximately 63 Customer Service Requests (CSRs) have been attended to by staff throughout March, with activities including:
  - Coastal infrastructure maintenance.
  - Repairs to and replacement of signage.
  - Maintenance to public buildings.
  - Maintenance to public conveniences.
  - Response to acts of vandalism.
  - Repairs and maintenance to footpaths.
  - Response to acts of illegal dumping.
  - Repairs to ticket machines.
  - Tree maintenance and planting.
- Staff from Operations Central undertook slashing of the Minlaton Airstrip.
- The changing of the season has brought with it the shedding of the leaves from the plane trees in Robert Street, Maitland. As is the case every year, Operations staff from Council’s Maitland depot have adjusted their work practices to attend to the leaf clean up twice a week. This is done to avoid any major inconveniences to the public and traffic during this period.
- Staff from Operations North are currently slashing in the Northern and Central sectors of Council.
- Staff from Operations South installed new soft fall boarder, garden edging and crusher dust paths to the small playground at Yorketown.
- Staff from Operations South completed a toilet pad at the Sturt Bay Camp Ground.
- The status of road construction and maintenance requirements is summarised in the table below, complementing 2022/2023 budget allocations and 2021/2022 carry forwards:

Road	Description of Works	Status / Comments	Estimated Start Date	Estimated Completion Date
<b>Reconstructing and Resheeting</b>				
Micky Flat Road	Reconstruct and resheet 8.7km section from the end of the bitumen seal to Powerline Road.	Completed		
New Honiton Rd	Edithburgh to Goldsmith Beach Road 4.77km	Delivery of PM220 has completed and forming up of material is ongoing	April	May

- Jetpatcher was out of service for the month for repairs, and street sweeping was undertaken in the northern and southern sectors of the Council area.
- Patrol Grading is ongoing throughout the district aligned with the current circuit, technique, and available resources. The following matrix provides percentage output over the 24 day period for respective areas (sectors):

Area	Output (%)	Factors influencing productivity
North	99	Operators – 2 hrs maintenance
Maitland	58	Operators – 3 days Annual Leave / 1 day Personal Leave / 3 days Long Service Leave / 0.5 day maintenance
Minlaton	88	Operators – 3 days Annual Leave
South	65	Operators – 3.5 days Annual Leave / 4 days Personal Leave / 1 day training

Patrol Grading productivity in the North, Maitland, Minlaton and South sectors has been impacted by the following factors:

#### North

- Construction staff have finished capital works programme and have been assisting with patrol grading and maintenance.
- Machinery - during this reporting period one Patrol Grader Operator spent 2 hours of a day on maintenance to the Grader.

#### Maitland

- Annual Leave – during this reporting period one Patrol Grader Operator had three days of personal leave.
- Personal Leave – during this reporting period one Patrol Grader Operator had one day of personal leave.
- Long Service Leave – during this reporting period one Patrol Grader Operator had three days of Long Service Leave.
- Machinery – during this reporting period one Patrol Grader Operator spent half of a day on maintenance to the Grader.

#### Minlaton

- Annual Leave – during this reporting period one Patrol Grader Operator had three days of annual leave.

#### South

- Annual Leave – during this reporting period one Patrol Grader Operator had two and a half days and the other Operator had one day of annual leave.
- Personal Leave – during this reporting period one Patrol Grader Operator had four days of personal leave.
- Training – during this reporting period one Patrol Grader Operator had one day of training.
- Sixteen projects funded under Local Roads and Community Infrastructure Program Phase Three (due 30 June 2024) are completed with the remaining in progress. Of those in progress, the majority will be completed by July 2023. Further details are below:
  - Funding agreement executed:
    - Yorketown Area School Entrance Upgrade (**NB**: this project is managed by the school).
  - In progress:
    - Arthurton Main Street Beautification.
    - Maitland West Terrace Dam.
    - Minlaton Rest Centre Exterior Upgrades.
    - Walking Trail Upgrades.

- Bush Camp Toilets.
- Salt Lake Tourist Trail Upgrades.
- Lookout and Shelter – Hardwicke Bay.
- Port Victoria Barbecues.
- Coastal Management Strategy Projects.
- SYP Water Tower Upgrades.
- Disability Access to Port Vincent Institute.
- Completed:
  - Beach Shelters Port Moorowie.
  - Corny Point Township Walking Trail.
  - Balgowan Playground Shelters.
  - Port Victoria Boat Ramp Car Park Extension.
  - Ardrossan Clifftop Playground Equipment Upgrade.
  - Campground Road Upgrade (Port Julia).
  - Edithburgh Jetty Stone Seawall Repairs.
  - Marion Bay Desalination Plant User Pays System.
  - SYP Water Tower Extension Project.
  - Maitland Town Hall Upgrades.
  - Stansbury Cemetery Fence Replacement.
  - Stansbury Grandstand Repairs.
  - Ardrossan Town Hall Salt Damp Repairs.
  - Minlaton Town Hall Fire Panel.
  - Corny Point Hall Ceiling and Window Repairs.
  - Township Road Reseals.
- The following works/upgrades have been applied to Council's Community Wastewater Management Systems (CWMS) and Water Schemes.
- **CWMS**
  - Edithburgh pump station pump (two repairs)
  - Property connection repairs, Davitt Road
  - Treatment to water storage ponds within Golf Course
  - Waste Water Treatment Plant decant solenoids replaced
  - Waste Water Treatment Plant tank desludged
  - Boundary box collection scheme repairs
  - Public Toilet design finalised and materials ordered
  - New calcite filter installed
  - New water dispenser installed

**Sultana Point  
Bluff Beach  
Ardrossan  
Port Vincent  
Point Turton  
Foul Bay  
Balgowan  
Marion Bay Desal Plant  
Marion Bay stand pipe**

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

**ATTACHMENTS**

Nil

## 19 DEVELOPMENT SERVICES

### 19.1 INSPECTORIAL REPORT

**Document #:** 23/50073

**Department:** Development Services

#### PURPOSE

To inform Elected Members of the activities of the Inspectorial Team.

#### RECOMMENDATION

That the report be received.

#### LINK TO STRATEGIC PLAN

**Goal:** 4 Community Engaged and Supported

**Strategy:** 4.4 Continue delivering compliance and environmental health services and inspections

#### BACKGROUND

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

#### DISCUSSION

During the past month, Council's Rangers have dealt with many routine matters including By-law compliance, abandoned vehicles, nuisance complaints and dog and cat management issues.

##### **Dog Attacks/Harassment**

A person was taking their small dog for a walk in Maitland, when they observed three dogs wandering at large. One of these dogs attacked the dog on the lead. The attacked dog was taken to a veterinary clinic where it was euthanised as a result of the injuries. As a result of inquiries made, it has been alleged that all three of the dogs came from a nearby property. The owner of the alleged dog involved in the attack has been advised of Council's intention to place a Dangerous Dog Control Order on their dog.

A South Kilkerran resident complained that her dog was attacked by their neighbour's dog, requiring veterinary treatment. Investigations suggested that the attack occurred on the neighbour's property after the dog had wandered onto it. Both parties were reminded of their responsibilities as dog owners and advised Council will take no action over the incident.

In relation to the Warooka dog attack that was reported to the May meeting of Council, the offending dog and its owner have been located in Adelaide and have been notified of Council's intention to issue a Dangerous Dog Order.

##### **Wandering and Nuisance Dogs**

Two Dog owners in Yorketown have had their dogs returned after being found wandering at large by members of the public. Both dogs were returned as a result of wearing their registration discs. Rangers continue to contact the owners of dogs who have not renewed their dog registration from last year. As a result of this audit, 19 Expiation Notices have been issued to dog owners for owning



an unregistered dog.

### **Bush Camping**

Rangers conducted regular patrols of the bush camping reserves. The number of campers using the bush camping reserves since Easter has been low. Generally, the campers in the campgrounds were compliant with only seven show-cause notices issued. Campers however are continuing to regularly be setting up in undesignated areas. Expiation Notices (six) for camping in an undesignated area have been issued to persons at various locations including Wool Bay Jetty carpark and Corny Point. An Expiation Notice was also issued to a camper at Len Barkers Reserve bush camping reserve for not having a permit.

### **Boat Ramps**

Routine patrols of boat ramps were undertaken to ensure that users are paying for the use of the facilities. Nine show-cause notices were issued where the launch permit/ticket could not be observed or confirmed on the EasyPark system. Users who produced a valid permit/ticket and a reason as to why the ticket was not displayed are generally cautioned for failing to display the ticket.

Seven Expiation Notices have been recently issued in relation to boat ramp usage.

### **Traffic Management**

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

A driver of a vehicle in Maitland has been cautioned for failing to display their disability access parking permit.

### **Local Nuisance and Litter Control**

Pigeon control has been undertaken in Yorketown and Minlaton.

An ongoing smoke complaint is also being addressed in Price. An Edithburgh resident was cautioned for causing a local nuisance as a result of smoke being emitted from the burning of building materials.

Cat complaints are being addressed in Balgowan, whilst an ongoing noisy rooster complaint is being dealt with in Yorketown.

An abandoned vehicle was investigated in Ardrossan, which was subsequently removed by the owner.

### **Fire Prevention**

The Fire Danger Season (FDS) concluded on 30 April 2023 and from a Council's perspective it could be said it was a successful FDS as there were no major fires in the district. This year approximately 89 Schedule 9 Permits were issued to farmers burning off their land, which resulted in the validation of 173 burn offs. No Expiation Notices were issued as a result of non-compliance with the permit conditions.

## **ATTACHMENTS**

Nil

**19.2 DEVELOPMENT APPLICATION DECISIONS****Document #:** 23/52965**Department:** Development Services**PURPOSE**

To inform the Elected Members of Development Application decisions for the period 29 April to 26 May 2023.

**RECOMMENDATION**

That the report be received.

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

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

**DISCUSSION**

There were 66 Development Applications processed on the SA Planning Portal for the period 29 April to 26 May 2023 (refer Attachment 1).

**ATTACHMENTS**

1. **Council Report Attachment - Development Application Decisions - 29/04/2023 - 26/05/2023**  

**DEVELOPMENT APPROVALS – DEVELOPMENT ASSESSMENT PORTAL – 29 APRIL TO 26 MAY 2023**

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
23013907	F Kemp	452 QUARRY RD CURRAMULKA SA 5580	Swimming Pool	Yorke Peninsula Council	23 May 2023	Development Approval Granted
23012437	S Koch	1022 PORT VINCENT RD RAMSAY SA 5575	General storage shed	Yorke Peninsula Council	4 May 2023	Development Approval Granted
23012370	C Radford	2 VIEWBANK CR MAITLAND SA 5573	Freestanding verandah	Yorke Peninsula Council	9 May 2023	Development Approval Granted
23012182	W Koenig, J Koenig	37 MARINE PDE PORT VINCENT SA 5581	Garage - vehicle storage	Yorke Peninsula Council	18 May 2023	Development Approval Granted
23011499	James Sheriff C/- Imparta Engineers	1038 WEAVERS RD YORKETOWN SA 5576	Repairs of storm damaged building	Yorke Peninsula Council	20 Apr 2023	Development Approval Granted
23010984	K Jarman, A Jarman	9 WELLINGTON DR PORT JULIA SA 5580	Carport & extend rear verandah	Yorke Peninsula Council	1 May 2023	Development Approval Granted
23010874	Modern PC Solutions Pty Ltd	8-10 EDITHBURGH RD YORKETOWN SA 5576	Service Station renovations including Cafe, accessible sanitary facility and access ramp	Yorke Peninsula Council	17 May 2023	Development Approval Granted
23010866	T Samuel, N Curtis	1357 CORNY POINT RD THE PINES SA 5577	Above Ground Rainwater Tank	Yorke Peninsula Council	18 Apr 2023	Development Approval Granted
23009852	P Thompson	97 LIME KILN RD STANSBURY SA 5582	Replace existing roof framing and construct a verandah	Yorke Peninsula Council	12 Apr 2023	Development Approval Granted
23009741	Wonstrow Farming Trust (Nick McCauley)	211B MCCAULEY RD MAITLAND SA 5573	Agricultural building (9m x 12m x 5.3m) for machinery storage.	Yorke Peninsula Council	11 Apr 2023	Development Approval Granted

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
23009389	S Mattschoss	1027 SANDY CHURCH RD SANDILANDS SA 5571	Shed (12.2m x 19.5m x 4m) for machinery storage.	Yorke Peninsula Council	11 Apr 2023	Development Approval Granted
23008883	B Green	17 ANNIE WATT ST PRICE SA 5570	Freestanding front verandah (9m x 5.7m x 2.3m).	Yorke Peninsula Council	11 Apr 2023	Development Approval Granted
23008705	A Hancock	5-7 BOWMAN RD ARDROSSAN SA 5571, 5-7 BOWMAN RD ARDROSSAN SA 5571	5.5m x 7.5m verandah with 2.7m walls	Yorke Peninsula Council	11 Apr 2023	Development Approval Granted
23008380	P Leonard	LOT 78 DAVIT DR BLUFF BEACH SA 5575	Outbuilding (21.0m x 14.0m x 4.0m).	Yorke Peninsula Council	29 Mar 2023	Development Approval Granted
23008340	A LONGE	LOT 17 ISLAND VIEW RD PORT VICTORIA SA 5573	Outbuilding with attached carport (19.0m x 9.0m x 3.2m).	Yorke Peninsula Council	4 Apr 2023	Development Approval Granted
23008284	S Pty Ltd	23-27 FIRST ST ARDROSSAN SA 5571	Lean-to (stock storage)	Yorke Peninsula Council	27 Mar 2023	Development Approval Granted
23008170	W March, P Strelan	51 MOOROWIE TCE PORT MOOROWIE SA 5576	Outbuilding (shed)	Yorke Peninsula Council	27 Mar 2023	Development Approval Granted
23008106	B Hollands	1 JARRETT ST MAITLAND SA 5573	Carport (9m x 6m x 3m)	Yorke Peninsula Council	27 Mar 2023	Development Approval Granted
23007945	H Crowell	3729 OLD BOUNDARY RD WINULTA SA 5570	Storage Shed (15.1m x 12.1m x 3.6m)	Yorke Peninsula Council	3 Apr 2023	Development Approval Granted
23007787	J NEWBOLD	1752 CUTLINE RD MINLATON SA 5575	Agricultural Building	Yorke Peninsula Council	27 Mar 2023	Development Approval Granted

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
23007498	A Rowe	4846 YORKE HWY ARDROSSAN SA 5571	Implement storage shed (30m x 24.8m x 5.1m)	Yorke Peninsula Council	20 Mar 2023	Development Approval Granted
23007478	S Lovett	148 NORTH COAST RD POINT TURTON SA 5575	1800mm high fence to side boundaries	Yorke Peninsula Council	27 Mar 2023	Development Approval Granted
23007161	T Thach	LOT 701 BLACK POINT DR BLACK POINT SA 5571	Outbuilding (10m x 6m x 3.6m)	Yorke Peninsula Council	20 Mar 2023	Development Approval Granted
23007112	T Crown	LOT 482 PARKVIEW RD ARDROSSAN SA 5571	Caravan Annexe ( Site 16 )	Yorke Peninsula Council	22 Mar 2023	Development Approval Granted
23007079	A Johnston	55 EDWARDES TCE PORT VICTORIA SA 5573	Extension to upper level balcony & verandah at front of dwelling.	Yorke Peninsula Council	15 Mar 2023	Development Approval Granted
23006967	P KLOPP	1328 JAMES WELL RD CUNNINGHAM SA 5571	Outbuilding (7.0m x 10.0m x 3.8m)	Yorke Peninsula Council	21 Mar 2023	Development Approval Granted
23006439	A Pty Ltd	549 SCHWARTZ RD BALGOWAN SA 5573, 549 SCHWARTZ RD BALGOWAN SA 5573	Shed extension (12.8m x 21.3m x 6.4m)	Yorke Peninsula Council	9 Mar 2023	Development Approval Granted
23006075	D Fellowes	3 VICTORIA TCE PORT VICTORIA SA 5573	Dwelling extension and verandah	Yorke Peninsula Council	4 Mar 2023	Development Approval Granted
23006060	G Porter	83 MAITLAND RD MINLATON SA 5575	Outbuilding (18.33m x 6.91m x 3.0m)	Yorke Peninsula Council	20 Apr 2023	Development Approval Granted
23005965	J Hancock	6727 UPPER YORKE RD KANTON SA 5552	Shed (14.40m x 9.17m x 3.65m) & water tank (137,400 L)	Yorke Peninsula Council	2 Mar 2023	Development Approval Granted

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
23005378	T Crown	LOT 401 WEST TCE ARDROSSAN SA 5571, LOT 401 WEST TCE ARDROSSAN SA 5571, LOT 401 WEST TCE ARDROSSAN..	Extension to existing community building.	Yorke Peninsula Council	28 Feb 2023	Development Approval Granted
23004924	C Thring, A Thring	2 NEYLER ST EDITHBURGH SA 5583	Detached Dwelling	Yorke Peninsula Council	23 Feb 2023	Development Approval Granted
23004903	Curtis, S CO Zummo Design	1723 CHINAMAN WELLS RD CHINAMAN WELLS SA 5573	Variation of Development Application 21033525 - Wall cladding to sides.	Yorke Peninsula Council	2 Mar 2023	Development Approval Granted
23004795	M Wheare	25 BLACK POINT RD BLACK POINT SA 5571	Land division - 1 lot into 3.	Yorke Peninsula Council	22 Feb 2023	Development Approval Granted
23004518	E Faggotter	24 CORINGLE DR PORT RICKABY SA 5575	Outbuilding	Yorke Peninsula Council	30 Mar 2023	Development Approval Granted
23004385	P MOLE	218 CORNY POINT RD CORNY POINT SA 5575	Outbuilding - Shed increase in shed height	Yorke Peninsula Council	27 Feb 2023	Development Approval Granted
23004378	J Nominees	LOT 2535 PROGRESS RD HARDWICKE BAY SA 5575	Dwelling Addition	Yorke Peninsula Council	1 Mar 2023	Development Approval Granted
23003419	M Preedy	15A THIRD ST MINLATON SA 5575	Outbuilding - Shed	Yorke Peninsula Council	9 Feb 2023	Development Approval Granted
23002654	W WILKINSON	57 WAROOKA RD YORKETOWN SA 5576	Outbuilding (shed)	Yorke Peninsula Council	6 Feb 2023	Development Approval Granted
23002274	A DANIEL	9 SCENIC DR POINT TURTON SA 5575	Outbuilding Addition (Attached Carport)	Yorke Peninsula Council	10 Feb 2023	Development Approval Granted



ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
23000981	A Martin, M Martin	LOT 29 COMPASS RD EDITHBURGH SA 5583	Detached Dwelling	Yorke Peninsula Council	17 Jan 2023	Development Approval Granted
23000318	A Davey	3 INVESTIGATOR WAY MARION BAY SA 5575	Single storey detached dwelling with UMR verandah and outbuilding (shed)	Yorke Peninsula Council	1 Feb 2023	Development Approval Granted
22042465	M Baker, S Baker	9 HENDERSON CT ARDROSSAN SA 5571	Single storey detached dwelling	Yorke Peninsula Council	16 Mar 2023	Development Approval Granted
22041615	D Jones, A Jones	LOT 39 BRIDGE RD ARDROSSAN SA 5571	Single storey detached dwelling	Yorke Peninsula Council	15 Dec 2022	Development Approval Granted
22041556	A Wolters, R Wolters	1 TURTON RD HARDWICKE BAY SA 5575	Single Storey Detached Dwelling and Outbuilding	Yorke Peninsula Council	15 Dec 2022	Development Approval Granted
22041009	H Van Praet, C Van Praet	33 TIDDY WIDDY BEACH RD TIDDY WIDDY BEACH SA 5571	Single storey detached dwelling (replacement)	Yorke Peninsula Council	9 Dec 2022	Development Approval Granted
22040982	J Croft, J Croft	3 LADY DORIS DR PORT VINCENT SA 5581	Single storey detached dwelling.	Yorke Peninsula Council	8 Dec 2022	Development Approval Granted
22040843	M Bobridge, A Bobridge	8 HICKEYS DR COOBOWIE SA 5583	Single Storey Detached Dwelling	Yorke Peninsula Council	13 Dec 2022	Development Approval Granted
22039747	HR Allen and Co	207 GRAVEL PIT RD YORKETOWN SA 5576	Agricultural Building (implement storage shed)	Yorke Peninsula Council	29 Dec 2022	Development Approval Granted
22037636	D Smith, J Smith	12 BERNO CR PORT JULIA SA 5580	Single storey detached dwelling	Yorke Peninsula Council	10 Nov 2022	Development Approval Granted

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
22037026	M LAZENBY	20 BERNO CR PORT JULIA SA 5580	Outbuilding (12.19m x 7.77m x 3.65m)	Yorke Peninsula Council	8 Nov 2022	Development Approval Granted
22036829	R Kleemann, K Muirhead	95 MARINE PDE PORT MOOROWIE SA 5576	Double Storey Detached Dwelling	Yorke Peninsula Council	9 Nov 2022	Development Approval Granted
22036509	P Spencer, M Spencer	43 BEACON RD STANSBURY SA 5582	Outbuilding	Yorke Peninsula Council	16 Nov 2022	Development Approval Granted
22036308	B ST CLAIR HONEY	24 ACTIVE RD PORT JULIA SA 5580	Attached Outbuilding (replacement) (10.2m x 3.8m x 3.3m)	Yorke Peninsula Council	11 Jan 2023	Development Approval Granted
22035196	D Andrews, S Andrews	35 MAIN COAST RD PINE POINT SA 5571	Variation to Application 21034031 comprising amended siting, orientation & external design element.	Yorke Peninsula Council	20 Oct 2022	Development Approval Granted
22035140	G Sullivan	12 TILBROOK AV MINLATON SA 5575	Extend existing front verandah and deck	Yorke Peninsula Council	3 Feb 2023	Development Approval Granted
22034706	Ardrossan Community Hospital Inc	37 FIFTH ST ARDROSSAN SA 5571	Install and upgrade sprinkler system throughout the hospital section We are requiring a Certificat..	Yorke Peninsula Council	25 Oct 2022	Development Approval Granted
22030509	P Strelan, W March	51 MOOROWIE TCE PORT MOOROWIE SA 5576	Two storey detached dwelling	Yorke Peninsula Council	14 Sep 2022	Development Approval Granted
22030225	T SBISA	65 WHIPBIRD WAY MARION BAY SA 5575	Outbuilding - Garage	Yorke Peninsula Council	26 Oct 2022	Development Approval Granted
22029616	K Johnson	26 BRENTWOOD RD STANSBURY SA 5582	Single storey detached dwelling	Yorke Peninsula Council	30 Aug 2022	Development Approval Granted

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
22009096	M Hodge	LOT 17 CARDIGAN CASTLE CCT PORT VICTORIA SA 5573	Single storey detached dwelling	Yorke Peninsula Council	9 May 2022	Refused
22005602	108 ADELAIDE ROAD PTY LTD	108 ADELAIDE RD STANSBURY SA 5582	Dwelling Addition	Yorke Peninsula Council	10 Mar 2022	Development Approval Granted
21034541	Yorke Peninsula Council	LOT 12 GAP RD BALGOWAN SA 5573	Public toilet	Yorke Peninsula Council	8 Nov 2021	Development Approval Granted
20002301	Groove Enterprises Pty Ltd	19-21 SECOND ST ARDROSSAN SA 5571	Land Division (1 into 2)	Yorke Peninsula Council	12 Dec 2022	Development Approval Granted
20000328	J DALLI, C DALLI	244 NORTH COAST RD POINT TURTON SA 5575	Dwelling Alterations & Additions (Retrospective)	Yorke Peninsula Council	25 Nov 2020	Development Approval Granted
20000020	Price Progress Association	LOT 470 FOWLER TCE PRICE SA 5570	Hard Annexe to be fitted onto existing on-site Caravan	Yorke Peninsula Council	28 Sep 2020	Refused

**19.3 WASTEWATER SYSTEM APPLICATION DECISIONS****Document #:** 23/52978**Department:** Development Services**PURPOSE**

To inform the Elected Members of Wastewater Application decisions for the period 29 April to 26 May 2023.

**RECOMMENDATION**

That the report be received.

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

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

**DISCUSSION**

There were 23 Wastewater Applications processed for the period 29 April to 26 May 2023.

**ATTACHMENTS**

1. **Approval Listing - Wastewater System Application Decisions - 29/04/2023 - 26/05/2023**



**LIST OF WASTE CONTROL APPLICATIONS & DECISIONS ISSUED BY THE ENVIRONMENTAL HEALTH OFFICERS  
UNDER DELEGATION FOR THE PERIOD 29 APRIL TO 26 MAY 2023**

Septic App. No.	Owner	Location	Proposal	Conditions	Assess. No	Decision Date	Applicant
050/003/2022	Yorke Peninsula Council 8 Elizabeth Street MAITLAND	(Lot 12) Hd TIPARRA	Waterless Toilet	9	47621	16 February 2023	Yorke Peninsula Council
050/215/2022	H & C Van Praet PO Box 785 TWO WELLS	(Lot 17) 33 Tiddy Widdy Beach Road TIDDY WIDDY BEACH	CWMS Connection	17	6635	17 May 2023	Toby Simmons Plumbing Pty Ltd
050/222/2022	AH Plane & AS Carmichael PO Box 86 PRICE	(Lot 12) 4 Cumberland Road PORT CLINTON	Septic & Soakage	18	40527	15 May 2023	S Palecek
050/223/2022	JW & SM Clarke PO Box 1454 ALICE SPRINGS	(Lot 28) 38 Davey Road ROGUES POINT	CWMS Connection	16	33720	1 May 2023	JW & SM Clarke
050/236/2022	L Norsworthy PO Box 287 STANSBURY	(Lot 45) 7 Oyster Point Drive STANSBURY	Septic & Soakage	18	206995	17 May 2023	C Scheepens
050/011/2023	DK & JH Smith 21 Clement Drive MORPHETT VALE	(Lot 59) 12 Berno Crescent PORT JULIA	Septic & Soakage	17	417584	11 May 2023	Peninsula Plumbing
050/015/2023	Edithburgh Football Club & Sports Association PO Box 139 EDITHBURGH	(PTS 646) Yorketown Road EDITHBURGH	Septic & Soakage	15	211425	5 May 2023	McMahon Services
050/017/2023	SG & LJ Starr 13 Hamilton Court ROXBY DOWNS	(Lot 5) Dease Street COOBOWIE	Septic & Soakage	19	438739	17 May 2023	Thomas Hill
050/022/2023	SK Bettridge 18 Pennington Terrace PENNINGTON	(Lot 79) 47 Main Street PINE POINT	Aerobic System	17	20123	16 May 2023	S Palecek
050/025/2023	108 Adelaide Road Pty Ltd GPO Box 1406 ADELAIDE	(Sec 196) 108 Adelaide Road STANSBURY	Septic & Soakage	19	209247	17 May 2023	Aitchison Plumbing Services
050/030/2023	CW & AB Thring 7 Maralyn Court ABERFOYLE PARK	(Lot 18) 2 Neyler Street EDITHBURGH	Septic & Soakage	15	224014	23 May 2023	Longridge Group

050/032/2023	BC & NJ Chown 3 Kapara Close NOARLUNGA DOWNS	(Lot 33) 17 Magazine Bay Road PORT TURTON	Aerobic System	18	407403	26 May 2023	BC & NJ Chown
050/033/2023	SL Marshman 1 Hermann Street YORKETOWN	(Lot 14) 7948 St Vincent Highway YORKETOWN	Septic & Soakage	19	403220	23 May 2023	Country Living Homes Pty Ltd
050/034/2023	Arrossan Progress Association PO Box 44 ARDROSSAN	(PTS 401) 2 West Terrace ARDROSSAN	CWMS Connection	16	133	8 May 2023	S Palecek
050/036/2023	GT & TE Curnow 7 Roy Avenue RIDGEHAVEN	(Lot 146) 20 Young Avenue PORT VINCENT	Septic & Soakage	18	307892	24 May 2023	G Wahlstedt Pty Ltd
050/037/2023	LR & CR Spotswood 535 Henley Beach Road FULHAM	(Lot 5) 65 Mud Alley FOUL BAY	Septic & Soakage	15	108373	2 May 2023	C Spotswood
050/039/2023	J & J Croft PO Box 116 PORT VINCENT	(Lot 60) 3 Lady Doris Drive PORT VINCENT	CWMS Connection	14	416990	3 May 2023	J & J Croft
050/043/2023	RJ & LO Hooper 13 Middlebrook Court WOODCROFT	(Sec 439) 33 Grundy Street SHEOAK FLAT	Septic & Soakage	14	315341	5 May 2023	Spartan Plans & Building Services
050/049/2023	C & H Coleman PO Box 366 PORT VINCENT	(Lot 39) 8 Talbot Road PORT VINCENT	Septic & Soakage	16	310201	12 May 2023	C & H Coleman
050/051/2023	TP & KL Rieger 39 Hazelwood Avenue HAZELWOOD PARK	(Lot 58) 7 Swincer Avenue BLUFF BEACH	CWMS Connection	15	435545	11 May 2023	Longridge Group
050/052/2023	A & R Wolters PO Box 108 HARDWICKE BAY	(Lot 61) 1 Turton Road HARDWICKE BAY	Septic & Soakage	15	423772	18 May 2023	A & R Wolters
050/054/2023	SJ White PO Box 265 PORT ELLIOTT	(Lot 47) 3 Michael Street STANSBURY	Septic & Soakage	15	209049	19 May 2023	Barefoot Building Design
050/057/2023	CA & HV Spurr 27A Fourth Street ASCOT PARK	(Lot 45) 57 Captain Hutchinson Drive POINT TURTON	CWMS Connection	12	426221	12 May 2023	Longridge Group

**20 VISITORS TO THE MEETING**

Stan Szczypiorski (Chair), Keryn Dawes and Chris Johnson (Members) – Edithburgh Progress Association – Edithburgh Swimming Pool Safety Net.



# DEBATE AGENDA

**DEBATE AGENDA**

**21      MAYOR**

Nil

**22 CHIEF EXECUTIVE OFFICER****22.1 EMPLOYEE BEHAVIOURAL STANDARDS****Document #:** 23/50176**Department:** Executive Services**1. PURPOSE**

For Council to consider the adoption of employee behavioural standards in accordance with Section 120A of the Local Government Act 1999.

**2. RECOMMENDATION A**

That having considered the requirements of Section 120A of the Local Government Act 1999 and Council's existing PO014 Employee Code of Conduct Policy (that specifies standards of behaviour for Council employees - provided in Attachment 2), Council endorse a draft employee behavioural standards policy be prepared and returned to Council to consider for consultation with employees and registered industrial associations.

**OR****3. RECOMMENDATION B**

That having considered the requirements of Section 120A of the Local Government Act 1999 and Council's existing PO014 Employee Code of Conduct Policy (that specifies standards of behaviour for Council employees - provided in Attachment 2) Council endorse:

1. Not to adopt separate employee behavioural standards.
2. To instead, integrate employee behavioural standards into Council's PO014 Employee Code of Conduct Policy and require that a draft, revised PO014 Employee Code of Conduct Policy be prepared and returned to Council to consider for consultation with employees and registered industrial associations.

**4. 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

**5. BACKGROUND**

Section 120A of the Local Government Act 1999 (Act) commenced operation on 17 November 2022 and provides Council with a discretionary power to adopt behavioural standards for Council employees if it wishes to do so. Council is required to consider whether it should adopt employee behavioural standards.

The Chief Executive Officer (CEO) is still directly empowered by the Act in relation to human resource management and Section 120A does not in any way diminish the CEO's role/responsibilities in relation to the employees.

Any employee behavioural standard adopted, must not diminish a right or employment condition under an Act, award, industrial agreement or contract of employment and employees must be provided with safe and healthy working conditions. Council must undertake formal consultation with the relevant industrial organisation(s) before adopting/altering/substituting any behavioural standard/policy.

The Local Government Association of SA (LGA) has prepared Model Employee Behavioural Standards (Model Standard) to assist Council with considering whether to adopt such a standard, which is provided in Attachment 1 (the Model Standard is intended as guidance and requires some customisation if a decision is made to adopt employee behavioural standards).

## 6. DISCUSSION

Prior to the commencement of Section 120A, Section 110 of the Act provided that the Governor, by regulation, could prescribe a code of conduct to be observed by the employees of all councils. The Code of Conduct for Council Employees was set out in Schedule 2A of the Local Government (General) Regulations 2013 (Code).

The Code solely defined the requirements for council employees in relation to gifts and benefits. For this reason Council, like many others, adopted its own policy (PO014 Employee Code of Conduct Policy (Policy) (provided in Attachment 2)) to ensure that there were clear expectations in place regarding the conduct and behaviour of Council employees. The Policy remains in operation.

The intent of the conduct management reforms was to separate behaviour, integrity and criminal matters, similar to the changes made relating to Elected Member conduct.

Whilst Council is not obligated to adopt employee behavioural standards, it must, within six months after the conclusion of each periodic election:

- Consider whether it should adopt employee behavioural standards; or
- Review the operation of the employee behavioural standards.

That is, the obligation is not to have adopted employee behavioural standards within that timeframe, rather for Council to determine whether it will do so.

Due to the delays the LGA experienced in finalising the Model Standard, this report is being presented to Council for consideration after the required date, being 18 May 2023. Following legal advice, the LGA advised that it was essential that further clarification was sought from the Office of Local Government to ensure that councils had all of the relevant information necessary to make an informed decision. This resulted in the Model Standard being distributed to councils after the legislative deadline.

Whilst the failure to consider the requirements of section 120A within the relevant timeframe is technically a breach of the Act, the LGA has documented evidence as to the basis of the delay.

The LGA has clarified that the preparation of the Model Standard does not mean that the LGA recommends a behavioural standard be adopted, rather that it is to be used as a resource should Council choose to do so.

In determining whether it wishes to adopt employee behavioural standards, it is important for Council to have regard to the existing Policy. Council may choose not to adopt separate employee behavioural standards and, to instead, incorporate the Model Standards into the Policy.

Should Council wish to continue with the Policy, regardless of whether or not behavioural standards are also adopted, Council will need to follow the relevant process set out in section 120A of the Local Government Act. That is, the Policy will need to be considered for re-adoption by the Council, which includes the obligation to consult with relevant industrial organisations.

If a decision to revoke the Policy is preferred, consideration needs to be given to transitional arrangements that may be required, to ensure behavioural requirements for Council employees continue to be in place (rather than an immediate decision to revoke).

A decision not to proceed with the adoption of employee behavioural standards at this time does not preclude Council from determining to adopt employee behavioural standards in the future.

Section 120A does not impact the ability of a CEO to establish and maintain other policies and procedures relating to standards of behaviour to be observed by Council employees.

## 7. COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

## 8. CONSULTATION PROCESS

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

- Governance Officer

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

- LGA SA

## 9. POLICY IMPLICATIONS

PO001 Peak Work Health Safety and Return to Work Policy

PO014 Council Employee Code of Conduct Policy

PO026 Fair Treatment Policy

PO146 Support Disciplinary Performance Management Policy

PO148 Fraud Corruption Misconduct and Maladministration Prevention Policy

PO150 Gifts and Benefits Policy

PO171 Public Interest Disclosure Policy

PR152 Public Interest Disclosure Procedure

## 10. BUDGET AND RESOURCE IMPLICATIONS

The administrative resources required to develop any employee behavioural standards required will be met within existing budgets.

## 11. RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

It is essential for Council to consider the adoption of employee behavioural standards and to review the operation of its existing arrangements to ensure legislative compliance.

Local Government Act 1999

Independent Commission Against Corruption Act 2012

Ombudsman Act 1972

Public Interest Disclosure Act 2013

Work Health and Safety Act 2012

Fair Work Act 1994

Yorke Peninsula Council Enterprise Agreements (Local Government Employees and Municipal Officers)

Local Government Association Model Employee Behavioural Standards

## 12. ATTACHMENTS

1. **Local Government Association - Model Employee Behavioural Standards** [↓](#) 
2. **PO014 Employee Code of Conduct Policy** [↓](#) 

## Employee Behavioural Standards

These Employee Behavioural Standards have been adopted by [insert council name] in accordance with section 120A of the *Local Government Act 1999* (the Local Government Act).

These Employee Behavioural Standards form part of the conduct management framework for council employees under the Local Government Act. They set out minimum standards of behaviour that are expected of all council employees in the performance of their official duties. The Employee Behavioural Standards are mandatory rules, with which council employees must comply.

Adherence to the Employee Behavioural Standards is essential to upholding the principles of good governance in councils.

These Employee Behavioural Standards are in addition to, and do not derogate from, other standards of conduct and behaviour that are expected of council employees under the Local Government Act, or other legislative requirements. Conduct that constitutes, or is likely to constitute, a breach of the integrity provisions contained in the Local Government Act, maladministration, or which is criminal in nature, is dealt with through alternative mechanisms.

### Part 1—Principles

Council employees must comply with these Employee Behavioural Standards in carrying out their functions as public officers. It is the personal responsibility of council employees to ensure that they are familiar with, and comply with, the Employee Behavioural Standards at all times.

Council employees have a responsibility to serve the best interests of the people within the community their Council represents and to discharge their duties conscientiously and to the best of their ability.

Council employees will act honestly in every aspect of their work and comply with all relevant legal obligations and resolutions of council.

### Part 2—Behaviour standards

Employees of [insert council name] must:

#### 1. General behaviour

- 1.1 Act honestly in the performance of official duties at all times.
- 1.2 Act with reasonable care and diligence in the performance of official duties.
- 1.3 Discharge duties in a professional manner.
- 1.4 Act in a way that generates community trust and confidence in council.
- 1.5 Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people.
- 1.6 Ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.

## 2. *Responsibilities as an employee of council*

- 2.1 Comply with all applicable Council policies, codes, procedures, guidelines and resolutions.
- 2.2 Deal with information received in their capacity as a council employee in a responsible manner.
- 2.3 Take all reasonable steps to provide accurate information to the council and to the public at all times.
- 2.4 Take all reasonable steps to ensure that their decisions or actions are based on information which is factually correct and they have obtained and considered all relevant information.
- 2.5 Not make improper use of information, including confidential information, acquired by virtue of their position.
- 2.6 Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions.
- 2.7 Comply with all lawful and reasonable directions given by a person with authority to give such directions.
- 2.8 Only make public comment in relation to their duties where specifically authorised to do so and restrict such comment to factual information and professional advice.
- 2.9 Use council resources effectively and prudently when undertaking council work.
- 2.10 Not use council resources, including the services of council staff, for private purposes, unless legally or properly authorised to do so in accordance with Council policy and payments are made where appropriate.

## 3. *Relationships within Council*

- 3.1 Not make any public criticism of a personal nature of fellow council employees or council members.
- 3.2 Take reasonable care that their acts or omissions do not adversely affect the health and safety of themselves or other persons, as required by the *Work Health and Safety Act 2012*.
- 3.3 Report any reasonable suspicion of a breach of these Employee Behavioural Standards to the chief executive officer or nominee.

## Part 3—Procedures

### 4. *Complaints*

- 4.1 Complaints about an employee's behaviour that is alleged to have breached these behavioural standards are to be brought to the attention of the chief executive officer of the council, or nominee.



**DRAFTING NOTE:** Consider what additional information should be provided in relation to the lodgement of complaints. This could include reference to an existing policy or procedure that sets out how and where complaints may be lodged.

- 4.2 Complaints about a chief executive officer's behaviour should be brought to the attention of the council's principal member (unless the complaint has been made by the principal member or involves the principal member, and in such case the complaint should be brought to the attention of the deputy principal member or other person appointed by the council).

**DRAFTING NOTE:** Noting the information relating to delegation and authorisation in the accompanying Guideline, clause 4.2 must have regard to and reflect the arrangements in place relating to behavioural standards for the CEO.

Also consider what additional information should be provided in relation to the lodgement of complaints. This could include reference to an existing policy or procedure that sets out how and where complaints may be lodged.

- 4.3 A complaint may be investigated and resolved according to the disciplinary processes of the council relating to employees.

**DRAFTING NOTE:** This item may be modified to include details of how complaints will be actioned. This could be addressed by way of reference to a Complaint Handling Procedure, or information on the council website (or available elsewhere) which explains the process.

- 4.4 Nothing in these employee behavioural standards in any way derogates from the rights of an employee or duties of an employer under the *Fair Work Act 1994*, other legislation, an award, an industrial agreement or a contract of employment.



## COUNCIL POLICY

### Employee Code of Conduct

<b>Policy Number:</b>	PO014		
<b>Strategic Plan Objective</b>	Goal 5 - Responsible Governance		
<b>Policy Owner:</b>	Chief Executive Officer	<b>Record Number:</b>	16/13873[v5]
<b>Responsible Officer:</b>		<b>Minute Reference:</b>	163/2020
<b>Date Adopted:</b>	08/07/2020	<b>Next Review Date:</b>	08/07/2024

#### 1. POLICY OBJECTIVES

This policy sets out the standards of behaviour expected of Yorke Peninsula Council (Council) employees and any person who carries out work in any capacity for the Council (Council Work) in the performance of their duties and in carrying out their functions as public officers.

The purpose of this policy is ensure a high level of integrity in the conduct of Council business and to contribute to good organisational culture.

#### 2. SCOPE

Council employees must comply with the provisions of this Employee Code of Conduct (Code of Conduct) in carrying out their functions as public officers.

Other persons working on behalf of Council are also expected to comply with the provisions of the Code of Conduct, including:

- Employees of a labour hire company;
- Apprentices or trainees;
- Student or work experience placements; and
- Volunteers.

#### 3. DEFINITIONS

Definitions are provided in Attachment 1.

#### 4. POLICY STATEMENT

This policy operates in addition to the Code of Conduct for Employees, as per Section 110 of the Local Government Act 1999 (the Act) as provided at Attachment 2 and Local Government (General) Regulations 2013, as provided in Attachment 3.

This policy is based upon the following principles, which are fundamental to ensuring integrity in public administration and good governance:

1. Integrity, impartiality and good decision making;
2. Promotion of the aims and objectives of local government; and
3. Accountability and transparency.

### **PO014 – Employee Code of Conduct Policy**

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It is the personal responsibility of Council employees to ensure that they are familiar with, and comply with, this policy at all times.

Nothing in this policy in any way derogates from the rights of an employee or duties of an employer under the Fair Work Act 1994, other legislation, an award, an industrial agreement or contract of employment.

All Council employees have a reporting responsibility to ensure fellow employees are held accountable for inappropriate conduct, if they become aware of such conduct. In addition, in accordance with the Independent Commissioner Against Corruption Act 2012 (ICAC), employees are required to report serious or systemic corruption, misconduct or maladministration that comes to their attention. This policy should be read in conjunction with other Public Officer responsibilities including:

- PO148 Fraud and Corruption Prevention Policy;
- PO150 Gifts and Benefits Policy;
- PO171 Public Interest Disclosure Policy;
- PR152 Public Interest Disclosure Procedure
- PO026 Fair Treatment Policy; and
- PO037 Internal Review of Council Decision Policy.

A failure to comply with this policy, can constitute a ground for disciplinary action against the employee, including dismissal in line with Councils Support, Disciplinary and Performance Management Policy (PO146).

#### **4.1. Integrity, Impartiality and Good Decision Making**

The principle of integrity, impartiality and good decision making underpins confidence in the dealings of local government and assists Council in meeting its legislative obligations.

In keeping with this principle, Council employees must:

1. Act honestly, ethically, impartially and with integrity in the performance of their duties by:
  - Ensuring decision making processes are fair, transparent, objective, impartial, justifiable and lawful;
  - Ensuring advice provided is objective, impartial, justifiable and lawful;
  - Not influencing, in an improper manner, the making of decisions by others; and
  - Not seeking or accepting gifts or benefits except as permitted by the Code of Conduct for Employees (Attachment 2) and Council's Gifts and Benefits Policy PO150.
2. Ensure that personal interests, including financial interests, do not influence or interfere with the performance of Council work by:
  - Ensuring that relationships with external parties do not improperly influence, affect judgement, decisions and/or actions;
  - Identifying, disclosing and managing Conflicts of Interest in accordance with the Act (Section 120);

### PO014 – Employee Code of Conduct Policy

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- Abstaining from carrying out any secondary employment for which a Conflict of Interest exists in line with the Secondary Employment Policy (PO159), unless the CEO determines otherwise.
  - Abstaining from carrying out Council Work in relation to any matter for which a Conflict of Interest exists, unless the CEO determines otherwise.
    - In the case that the CEO has an interest in a matter in relation to which they are required or authorised to act in the course of official duties, the CEO must disclose the interest to the Elected Body and must not, unless the Elected Body otherwise determines during a Council meeting that is open to the public, act in relation to the matter; or
    - Where a Council employee (other than the CEO) has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties, must disclose the interest to the CEO and must not, unless the CEO otherwise determines, act in relation to the matter; or
    - If an employee or any other person undertaking Council Work is entitled to act in relation to a matter and the employee is providing advice or making recommendations to the Council or a Council committee on the matter, the Council employee must also disclose the relevant interest to the Council or Council committee.
3. Demonstrate reasonable, just, respectful and non-discriminatory behaviour when dealing with all people that:
- Generates and fosters community trust and confidence in the Council;
  - Provides a fair and balanced representation of the decisions and policies of the Council;
  - Supports the decisions and policies of the Council and does not adversely reflect on the reputation of the Council;
  - Does not adversely affect the health and safety of other persons, as required by the Work Health and Safety (WHS) Act 2012 and Council's WHS policies and procedures; and
  - Employees and any other person who carry out Council Work must not publically criticise an Elected Member or any another person who carries out Council Work.

#### 4.2. Promotion of Aims and Objectives of Local Government

The principle supporting the promotion of the aims and objectives of Local Government ensures programs, services and resources are consistently managed and delivered to the community as intended by Council.

Council employees must:

- Comply with all Council resolutions, policies, procedures, processes and codes;
- Remain accountable and responsible for the use and collection of public funds;
- Use their best endeavours to provide accurate information at all times;
- Base decisions or actions on information that is factually correct, and after obtaining and considering all relevant information;

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- Comply with all lawful and reasonable directions;
- Not release or divulge information that the Council or CEO of the Council has ordered be kept confidential, or that the Council employee should reasonably know is information that is confidential, including information that is considered by the Council or the CEO in confidence, subject to the Ombudsman Act 1972 and the ICAC Act 2012 (ICAC Act);
- Only make public comment when specifically authorised to do so by the CEO or the Mayor, and restrict such comment to factual information and professional advice;
- Take responsibility for the health and safety of themselves and others when carrying out their duties and activities, which includes general wellbeing and physical injury;
- Maintain adequate documentation to support important decisions and actions; and
- Commit to the continuous improvement of Council's capacity and performance, its planning, processes and service delivery.

**4.3. Accountability and Transparency**

The principle supporting accountability and transparency contributes to community trust and confidence and ensures a high level of integrity in the conduct of Council business.

Council Employees will:

- Deal with information received in a responsible manner, including after having carried out the Council Work;
- Not make improper use of information, including confidential information, acquired by virtue of their position;
- Use Council resources effectively and prudently;
- Must not use Council resources, including the services of Council staff, for private purposes, unless legally or properly authorised to do so and payments are made where appropriate; and
- Must not use public funds or resources in a manner that is irregular or unauthorised.

**5. CONFIDENTIALITY**

The identity of the person(s) making a complaint (Complainant) will be maintained as confidential. The rights of individuals must be protected and all complaints, including any subsequent investigations, will be managed in the strictest confidence.

The identity of a Complainant or the person who is the subject of the complaint may only be divulged where:

- Doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation);
- The Complainant consents to his/her identity being disclosed;
- There is a legislative requirement for disclosure; and
- The recipient believes on reasonable grounds that it is necessary to divulge the identity of the Complainant in order to prevent or minimise an imminent risk of serious physical injury or death to any person.

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

The Council will take action as appropriate in the circumstances to protect Complainants from Victimisation.

**6. COMPLAINTS**

Any person may make a complaint about a Public Officer under this Policy. Complaints must be in writing, identify which provision of this policy is alleged to have been breached and provide all available evidence to support the allegation(s). Complaints will be managed in accordance with Council's Public Interest Disclosure Policy PO171 and Public Interest Disclosure Procedure PR152.

Complaints about a Council volunteer must be made in writing, identify which provision of this policy is alleged to have been breached and provide all available evidence to support the allegation(s). Complaints will be managed in accordance with Council's Volunteer Policy PO137.

In considering the lodgement of a complaint about a breach of this policy, the Independent ICAC Act and Public Interest Disclosure Act 2018 must be considered.

Complaints about this policy that do not relate to behavioural matters will be managed in accordance with Council's Complaints Policy (PO147).

**7. RIGHTS TO APPEAL DECISIONS ABOUT COMPLAINTS**

A Council employee has the right to appeal decisions about complaints in accordance with Council's Fair Treatment Policy (PO026). This policy does not prevent complaints of unfair treatment being made directly to an appropriate external body or other legal processes at any time.

Members of the community have the right to seek an external review of internal decisions through the OPI, Ombudsman, or other legal processes at any time.

**8. RECORDS MANAGEMENT**

Records shall be maintained as required by Councils Records Management Policy (PO063) and relevant legislation.

**9. REVIEW**

This policy will be reviewed every four (4) years, in consultation with employees and/or their nominated representative(s). The policy will also be reviewed as deemed necessary in consideration of any changes to legislation, relevant standards, codes and guidelines or audit findings.

**10. TRAINING**

Council will ensure that Council employees are aware of their obligations under this policy and provide training to assist in meeting their responsibilities.

Persons responsible for managing complaints under this policy will be appropriately trained in keeping with the nature of complaints they are expected to resolve.

**PO014 – Employee Code of Conduct Policy**

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

**11. RELATED COUNCIL POLICIES AND DOCUMENTS**

- PO001 Work Health Safety and Return to Work;
- PO020 Social Media Policy;
- PO026 Fair Treatment Policy;
- PO037 Internal Review of Council Decisions Policy;
- PO063 Records Management Policy;
- PO137 Volunteer Policy;
- PO146 Support, Disciplinary and Performance Management Policy;
- PO147 Complaints Policy;
- PO148 Fraud and Corruption Policy;
- PO150 Gifts and Benefits Policy;
- PO153 Information Systems Access Control Policy;
- PO159 Secondary Employment Policy;
- PO171 Public Interest Disclosures Policy;
- PR152 Public Interest Disclosure Procedure;
- Council’s Training Needs Analysis (elementSTAFF); and
- Yorke Peninsula Council Enterprise Agreements (SA Municipal Officers and Local Government Employees).

**12. REFERENCES AND LEGISLATION**

- Independent Commissioner Against Corruption Act (SA) 2012;
- Local Government (General) Regulations 2013;
- Local Government Act 1999;
- Local Government Association Model Employee Conduct Policy
- Ombudsman Act 1972;
- Public Interest Disclosure Act 2018; and
- Work Health and Safety Act 2012.

**13. COUNCIL DELEGATION**

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



**P0014 – Employee Code of Conduct Policy**

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**14. VERSION HISTORY**

<b>Version No</b>	<b>Issue Date</b>	<b>Description of Change</b>
1.0	07/04/2003	New Policy
2.0	14/09/2010	Added reference to Section 91a of the Local Government (Elections) Act 1999 and included related documents.
3.0	11/07/2012	Complete rewrite in line with new Policy template.
4.0	14/02/2014	Adopted Code of Conduct for Council Employees as gazetted on 13/02/2014.
5.0	08/07/2020	Complete rewrite incorporating Local Government Associations model documentation.

**PO014 – Employee Code of Conduct Policy**

**Attachment 1**

<p>Conflict of Interest</p>	<p>Any person who carries out Council Work has an interest in a matter if the person, or another person with whom the person carrying out Council Work is closely associated, would, if the person carrying out Council Work acted in a particular manner in relation to the matter, receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment or a non-pecuniary detriment.</p> <p>A person is closely associated with a person carrying out Council Work —</p> <p>(a) if that person is a body corporate of which the person carrying out Council Work is a director or a member of the governing body; or</p> <p>(b) if that person is a proprietary company in which the person carrying out Council Work is a shareholder; or</p> <p>(c) if that person is a beneficiary under a trust or an object of a discretionary trust of which the person carrying out Council Work is a trustee; or</p> <p>(d) if that person is a partner of the person carrying out Council Work; or</p> <p>(e) if that person is the employer or an employee of the person carrying out Council Work; or</p> <p>(f) if that person is a person from whom the person carrying out Council Work has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services; or</p> <p>(g) if that person is a relative of the person carrying out Council Work.</p> <p>However, a person carrying out Council Work, or a person closely associated with a person carrying out Council Work, will not be regarded as having an interest in a matter—</p> <p>(a) by virtue only of the fact that the a person carrying out Council Work or person closely associated with the person carrying out Council Work —</p> <p>(i) is a ratepayer, elector or resident in the area of the council; or</p> <p>(ii) is a member of a non-profit association, other than where the person carrying out Council Work or person closely associated with the person carrying out Council Work is a member of the governing body of the association or organisation; or</p> <p>(b) in a prescribed circumstance (as per Section 120 of the Act).</p>
<p>Public Officer</p>	<p>The officers listed in Schedule 1 of the ICAC Act, which includes “an officer or employee of a local government body”.</p>
<p>Council Employee</p>	<p>All Council employees in addition to other persons working on behalf of Council, including:</p> <ul style="list-style-type: none"> <li>• employees of a labour hire company;</li> <li>• Apprentices or trainees;</li> <li>• Student or work experience placements; and</li> <li>• Volunteers.</li> </ul>

**PO014 – Employee Code of Conduct Policy**

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**Attachment 2****Extract from the Local Government Act 1999  
Section 110**

1.1.2019—Local Government Act 1999  
 Council staff—Chapter 7  
 Conduct of employees—Part 4  
 General duty and code of conduct—Division 1

**Part 4—Conduct of employees****Division 1—General duty and code of conduct****108—Interpretation**

In this Division—

*employee* of a council includes a person working for the council on a temporary basis;

*registered industrial association* means an industrial association or organisation registered under a law of the State or of the Commonwealth.

**109—General duty**

- (1) An employee of a council must at all times act honestly in the performance of official duties.
- (2) An employee of a council must at all times act with reasonable care and diligence in the performance of official duties.

**110—Code of conduct for employees**

- (1) The Governor may, by regulation, prescribe a code of conduct to be observed by the employees of all councils.
- (2) The Minister must consult with any registered industrial association that represents the interests of employees of councils before the regulation is made.
- (3) A code of conduct must not diminish a right or employment condition under an Act, award, industrial agreement or contract of employment.
- (4) Council employees must observe the code of conduct.
- (5) Contravention of or failure to comply with the code of conduct constitutes a ground for suspending, dismissing or taking other disciplinary action against the employee.

**110A—Duty to protect confidential information**

- (1) An employee or former employee of a council must not disclose information or a document in relation to which there is an order of a council or council committee in effect under section 90 requiring the information or document to be treated confidentially.  
 Maximum penalty: \$10 000 or 2 years imprisonment.
- (2) Nothing in subsection (1) prohibits the disclosure of information or a document where the disclosure is required or authorised by law.

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**PO014 – Employee Code of Conduct Policy**

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**Attachment 3**

Extract from Local Government (General) Regulations 2013

**Schedule 2A—Code of conduct for employees****1—Gifts and benefits**

- (1) An employee of a council must not seek out or receive a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation on the part of the employee to a person or influence the employee in the performance or discharge of the employee's functions or duties.
- (2) If an employee of a council receives a gift or benefit of an amount greater than the amount determined by the Minister (from time to time), by notice published in the Gazette, the employee must provide details of the gift or benefit to the chief executive officer of the council in accordance with any requirements of the chief executive officer.
- (3) The chief executive officer of a council must maintain a register of gifts and benefits received by employees of the council and must ensure that the details of each gift and benefit provided under this clause are included in the register.
- (4) A register maintained under this clause must be—
  - (a) made available for inspection at the principal office of the council during ordinary office hours without charge; and
  - (b) published on a website determined by the chief executive officer.
- (5) A register maintained under this clause—
  - (a) need not include information available in another register published by, or available for inspection at, the council or otherwise available under the Act; and
  - (b) may include information by reference to another register or document, provided the register or document is published by, or available for inspection at, the council and the register maintained under this clause identifies that other register or document.
- (6) For the purposes of this clause, a gift or benefit received by a person related to an employee of a council will be treated as a gift or benefit (as the case requires) received by the employee.
- (7) Unless the contrary intention appears, terms and expressions used in this clause and in Schedule 3 of the Act have the same respective meanings in this clause as they have in that Schedule, provided that a reference in Schedule 3 to a *member* will be taken, for the purposes of this clause, to be a reference to an *employee*.

**Note—**

The Act requires that certain gifts and benefits must be disclosed by employees and recorded on the Register of Interests relating to employees.

**PO014 – Employee Code of Conduct Policy**

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**2—Complaints**

- (1) A complaint alleging that an employee of a council has contravened or failed to comply with the code set out in this Schedule must be dealt with in accordance with a policy prepared and maintained by the council relating to complaints against employees.
- (2) The policy referred to in subclause (1) must nominate a person or persons to whom complaints are to be given and, in the case of a complaint against the chief executive officer of the council, must provide for the complaint to be given to the principal member of the council, except in circumstances where it would be inappropriate to do so (for example, if the matter to which the complaint relates must be kept confidential under an Act or law).

**Note—**

- 1 Chapter 13 Part 2 of the Act requires a council to develop and maintain policies, practices and procedures for dealing with (among other things) complaints about the actions of employees of the council.
- 2 The code set out in this Schedule is in addition to and does not—
  - (a) limit the operation of the *Fair Work Act 1994*; or
  - (b) operate to lessen any rights or obligations on employees or employers under the *Fair Work Act 1994* or any award, industrial agreement or contract of employment; or
  - (c) affect the jurisdiction of the South Australian Employment Tribunal conferred under the *Fair Work Act 1994*.

**23 CORPORATE AND COMMUNITY SERVICES****23.1 PORT VINCENT OYSTERS - BUSINESS ENHANCEMENT PROGRAM GRANT EXTENSION****Document #:** 23/49940**Department:** Corporate and Community Services**PURPOSE**

To seek an extension for the acquittal of the Business Enhancement Program Grant received by Port Vincent Oysters.

**RECOMMENDATION**

That Council endorse an extension for the acquittal of Port Vincent Oysters' \$5,000 Business Enhancement Program Grant until 30 June 2024.

**LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula

2 Community Connected through Infrastructure

**Strategy:** 1.3 Improve visitor experiences, including tourism infrastructure, signage, information and support

1.5 Partner and build positive relationships with key stakeholders to progress tourism and business growth

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

1.9 Seek out, develop and deliver on economic development opportunities

2.2 Provide disability access infrastructure

**BACKGROUND**

Port Vincent Oysters applied for a Business Enhancement Program Grant to design and purchase a disability-friendly vessel to provide tours of their oyster lease two kilometres offshore in Gulf St Vincent. The application was assessed by a panel comprising Council staff, as is the normal practice with these applications. Port Vincent Oysters were advised they had been successful in obtaining \$5,000 toward the project on 12 May 2022. The grant agreement was executed on 10 June 2022 and Port Vincent Oysters were given until 10 July 2023 to acquit the grant including receipts for grant-funded activities.

**DISCUSSION**

Council assessors advised Port Vincent Oysters the \$5,000 Business Enhancement Program Grant was to be put toward design plans and the purchase of the aluminium vessel. Staff understood that the business would then seek further additional funding to construct the vessel and establish the tourism service.

Port Vincent Oysters have since stated that whilst they have paid for the plans, the cost of the vessel has more than doubled and they now plan to bundle that into their larger grant application. Port Vincent Oysters intended to apply for a PIRSA Opening our Great Outdoors grant, but this program was discontinued after the change of State Government.

Port Vincent Oysters submitted a grant acquittal based on having paid for only the plans in August 2022. Staff advised the plans alone were insufficient to acquit the \$5,000. Further discussions established the best path forward would be for Council to extend the acquittal timeframe until the end of the 2023-24 financial year to allow Port Vincent Oysters to seek further grant funding.

Port Vincent Oysters are in favour of this approach and remain committed to the project. They are working with Wendy Perry from Sea To Valley Startups, who held business events throughout the Peninsula in April, to identify potential grants. The project addresses numerous criteria of the Yorke Peninsula Council Economic Development and Tourism Strategy including accessibility tourism, experience tourism, coastal tourism and promotion of local produce.

## **COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

## **CONSULTATION PROCESS**

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

- Manager Economic Development and Business Sustainability

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

- Port Vincent Oysters

## **POLICY IMPLICATIONS**

PO184 Business Grants Policy states Grant recipients who do not provide a report within the timelines stipulated in the Letter of Offer / Funding Agreement will be required to repay the grant or seek a time extension from Council.



## **BUDGET AND RESOURCE IMPLICATIONS**

The \$5,000 allocation has not yet been paid to the Grant recipient; it is to be paid upon successful acquittal of the grant. The \$5,000 will be included in the proposed roll-overs from 2022/2023 into the 2023/2024 budget. No additional funding is required.

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

Nil

## **ATTACHMENTS**

1. **Request For Business Enhancement Program Grant Extension - Port Vincent Oysters** 
2. **Signed Letter Of Offer - Business Enhancement Program Grant - Port Vincent Oysters** 



**From:** [Port Vincent Oysters](#)  
**To:** [Nick Perry](#)  
**Subject:** Re: Advice - Seeking To Extend Grant Timeframe - Business Enhancement Program - Port Vincent Oysters  
**Date:** Wednesday, 17 May 2023 4:35:36 PM  
**Attachments:** [image001.jpg](#)  
[image001.jpg](#)

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

Thank you Nick. We would appreciate if the grant could be held over into the next 12 months. We have had the plans done to allow disability boarding, as stated in our grant application. We have spent \$14000 on the plans so far.

I am in touch with Wendy Perry, looking at other grants and/or options.  
Thank you for your time and consideration of our request.  
Regards Judy Degiglio

On Wed, 17 May 2023, 2:36 pm Nick Perry, <[Nick.Perry@yorke.sa.gov.au](mailto:Nick.Perry@yorke.sa.gov.au)> wrote:

Good afternoon, and thank you for your time on the phone just now.

I am happy to confirm that I will write a report to Council seeking that Port Vincent Oysters' BEP grant of \$5000 be extended for 12 months, and that the money be rolled into next year's Council budget, based on:

- Project still underway
- Project is contingent upon extra grant funding but PIRSA scheme was withdrawn with change of Gov
- Applicant still seeking further opportunities
- Project still meets key elements of YP Council Economic Development and Tourism Strategy (accessible tourism, experience tourism, coastal tourism, local produce)

I must be clear that the final decision about extending your grant timeframe will lie with the Elected Members of Council.

I will report back to you after the meeting to advise of the resolution and what it means for you.

Thanks again,

**Nick Perry** | Manager Economic Development and Business Sustainability

Yorke Peninsula Council | Principal Office - Maitland  
Ph: 08 – 8832 0000 | E: [nick.perry@yorke.sa.gov.au](mailto:nick.perry@yorke.sa.gov.au) | W: [www.yorke.sa.gov.au](http://www.yorke.sa.gov.au)

22/53834

### Grant Schedule

The amount of the Grant is \$5,000 (exc. GST).

Yorke Peninsula Council will release the funding via:-

- Payment of a tax invoice issued to the Yorke Peninsula Council from the Grantee for the approved grant amount (refer to Grant Activity).

The Grantee acknowledges and agrees that they are registered for Goods and Services Tax (GST) purposes and have quoted their Australian Business Number to the Council and must notify the Council of any changes to their GST status.

Where no GST is payable, please acknowledge here that the Grantee is not, or is not required to be, registered for GST in accordance with the New Tax System (Goods and Services Tax) Act 1999.

#### Grant Activity

The purpose of this grant is to financially assist with the acquisition of a disability accessible oyster punt for Port Vincent Oysters.

Deliverable	Outcome	Due Date	Payment
Signed acceptance of offer	The Grant Agreement executed	10/6/2022	Nil
Undertaking the Grant Activity	The activity is completed within 12 months of the signed date of Grant Agreement	10/6/2023	Nil
Submission of the Grant acquittal report	Grant finalised, and Council has 'proof of purchase' (e.g. receipts) that the granted funds have been spent for the stated activity.	10/7/2023	Nil
Submission of the tax invoice	The grant funds paid	30/7/2023	\$5,000

#### Acknowledgements

The Grantee agrees to acknowledge the Council as a financial contributor in all public statements, publications, and promotional and advertising materials referring to the Grant Activity. Permissions must be sought from Council to use the Council logo.

#### Spending the Grant

This grant funding must only be spent on the intended outcomes as detailed under the Grant Activity.

The Grantee must promptly notify the Yorke Peninsula Council of any key changes likely to adversely affect the Grantee's ability to complete the Grant Activity. The notices given by the Grantee must be in writing and sent to the Council's address listed in this Letter of Offer.

#### Acquitting the Grant

The Grantee must provide an acquittal report at the completion of Grant Activity. The acquittal report will include a signed statement verifying that the grant funds have been spent in accordance with the Grant Activity, including receipts and proof of expenditure. The acquittal report will be submitted online via Council's website. The tax invoice to the Council for the approved grant amount can be attached to this report.

#### Record Keeping

The Grantee agrees to maintain records of the performance and the expenditure of Grant Activity, including quotes, invoices etc., for no less than 12 months after the completion of Grant Activity and make them available to the Yorke Peninsula Council on request.

#### Acceptance of Offer

I hereby accept the terms and conditions outlined within this Grant Schedule:

Name: Kelly Cook                      JUDITH DEGIGHIO  
 Signature: [Signature]                      [Signature]  
 Date: 30/5/22                                      30/5/22

22/53834

## YORKE PENINSULA COUNCIL

RECEIVED  
9 MAY 2022

PRINCIPAL OFFICE:  
8 Elizabeth Street, Maitland  
ALL CORRESPONDENCE TO:  
PO Box 57, MAITLAND, SA 5573  
Telephone (08) 8832 0000  
Email: [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)  
Website: [www.yorke.sa.gov.au](http://www.yorke.sa.gov.au)



9 May 2022

Record No: 22/46677

Kelly Cook  
Port Vincent Oysters  
17 Third Street  
Minlaton South Australia 5575

By Email: [portvincentoysters@gmail.com](mailto:portvincentoysters@gmail.com)

Dear Kelly,

**Letter of Offer – Start Up Stream - Business Enhancement Program – 02/2022**

Thank you for applying to the Yorke Peninsula Council's Business Enhancement Program to help financially assisting the acquisition of a disability accessible oyster punt for Port Vincent Oysters to offering oyster tour experience on the Yorke Peninsula.

I am writing to offer the following Grantee:

- Business name: Port Vincent Oysters,
  - Australian Business Number: 78008292064,
  - Business authorised representative: Kelly Cook;
- a Business Grant under the Business Enhancement Program.

The offer is for:

- \$5,000 in funding

to undertake the Grant Activity as set out in the attached Grant Schedule.

To accept this offer and enter into an agreement with the Yorke Peninsula Council in relation to the Grant, please sign the attached Grant Schedule and send or email a scanned copy to the address above by 10 June 2022, otherwise, this offer will lapse.

Provided the signed copy of the Grant Schedule is received by the Yorke Peninsula Council by this date, this letter and the Grant Schedule will form a legally binding agreement.

If you have any questions about this offer, please contact Tramy Ngo, Economic and Tourism Development Advisor, via email at [tramy.ngo@yorke.sa.gov.au](mailto:tramy.ngo@yorke.sa.gov.au) or call 8832 000.

Yours sincerely

Andrew Cameron

CHIEF EXECUTIVE OFFICER

BRANCH OFFICES

MINLATON  
YORKETOWN

**23.2 FINANCIAL REPORT AS AT 31 MAY 2023****Document #:** 23/53599**Department:** Corporate and Community Services**PURPOSE**

For Council to consider the financial report and capital projects update report as at 31 May 2023.

**RECOMMENDATION**

That Council receive the financial report and capital projects update report as at 31 May 2023.

**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**

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

**DISCUSSION**

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

- Actuals included in the Uniform Presentation of Finances (UPF) are as incurred at close of business on the last day of the month being reported and may be subject to end of month adjustments. Any such adjustments will be incorporated into the following monthly report.
- The reports do not include year-end income and expense accruals.
- Both reports include year to date commitments i.e. orders raised but not yet paid for.
- **Attachment 1 - Uniform Presentation of Finances (UPF)**
  - Note 1 - Rates, Service Charges (Waste CWMS Water), Landscape Levy and Rate Rebates, totalling approximately \$25.6m, have been raised for the 2022/2023 financial year but are only due and payable either in full in September 2022 or by quarterly instalments in September 2022, December 2022, March 2023 and June 2023.
  - Note 1 - grants, subsidies and contributions of \$4.7m received to date.
  - Note 1 - \$108,000 in dog and cat control income received to date.
  - Note 1 - income from building and planning activity of approximately \$247,000 and septic tank registration and inspection fees of approximately \$86,000.
  - Note 1 - also included is approximately \$509,000 of reimbursements and miscellaneous income.

- Note 1 - \$5.6m collected for user charges (boat ramps, bush camping, caravan parks, cemetery fees, hall hire, etc.) are included in the total income.
- Note 2 - the following expenditure has been paid for (in advance) as per the required payment terms with the goods and services to be delivered or consumed over the remainder of the financial year:
  - Memberships/Subscriptions/Contributions/Donations: \$466,000
    - Community Care and Transport Inc. annual contribution: \$92,000
    - YP Tourism annual contribution: \$52,000
    - Regional Development Australia: \$34,000
    - Progress annual contributions: \$55,000
    - Minlaton library toilet upgrade contribution (30%): \$9,000
    - Phone Tower Lease Contributions: \$6,000
    - Various Council annual subscriptions/memberships: \$160,000
    - Various staff professional accreditations/memberships: \$5,000
    - Caravan Parks memberships, online booking system: \$53,000
  - IT Licence Fees (including cloud services): \$263,000
  - Plant & Equipment Registration: \$135,000
- Note 2 - commitments of approximately \$1.5m with \$0.5m being for waste management services.
- Note 2 - depreciation for eleven months of the financial year has been included in the YTD expenditure being approximately 92% of the 2022/2023 annual budget estimate.
- Notes 3 and 4 - commitments of approximately \$7.3m (including rollovers) for various capital projects, details of which can be found in Attachment 2 of this report.
- **Attachment 2 – Capital Projects Update Report**
  - All Year-to-Date expenditure in this report includes invoices paid to date and orders outstanding. The total of this amount is then compared against the current budget to provide the budget remaining.
  - It should be noted that the month end balances in the capital report are different to those in Attachment 1 – UPF. This is due to the UPF reflecting the actuals as at the last day of the month, whereas the capital report includes some month end adjustments, correction to existing purchase orders and raising of new ones, backdated journals and correction of incorrectly allocated amounts. Making these adjustments means the report shows expenditure incurred as well as expenditure forecast for the remainder of the year along with budget remaining for each project.

## COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

## CONSULTATION PROCESS

- Manager Financial Services
- Budget and Project Managers
- Accountant Financial Management
- Financial Accountant

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

- Nil

## **POLICY IMPLICATIONS**

PO142 Budget Reporting and Amendment Policy

## **BUDGET AND RESOURCE IMPLICATIONS**

With one month of the financial year remaining overall financial performance is forecast to remain on track against Council's endorsed revised Budget. However, variations against the revised budget will arise due to year-end adjustments, the non-completion of a number of operating and capital projects and inclusion of the latest revaluation data for the Land, Buildings and Structures asset class.

It should be noted that adjustments have been made to Council's budget throughout the 2022/2023 financial year due to audited 2021/2022 Annual Financial Statement results, endorsed 2021/2022 budget rollover requests and the three quarterly budget reviews (September 2022, December 2022 and March 2023). All adjustments have been included in the reports attached.

Expenditure on capital projects including commitments has continued to increase as numerous projects near completion and the financial year draws to a close. After eleven months of the 2022/2023 financial year, 7% of the 2022/2023 budgeted capital funds remain uncommitted.

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

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

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

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

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

## **ATTACHMENTS**

1. **Uniform Presentation of Finances as at 31 May 2023**  
2. **Capital Projects Update Report as at 31 May 2023**  



<b>YORKE PENINSULA COUNCIL</b> <b>UNIFORM PRESENTATION OF FINANCES</b> <b>AS AT 31 MAY 2023</b>							
	2022/23 YTD Actuals \$'000	2022/23 Commitments \$'000	2022/23 YTD Expenditure (Incl Commitments) \$'000	Notes	2022/23 Full Year Revised Budget \$'000	2022/23 Full Year Budget Revisions \$'000	2022/23 Full Year Adopted Budget \$'000
Income	37,523		37,523	1	39,128	4,579	34,549
less Expenses	(31,762)	(1,540)	(33,302)	2	(38,421)	(2,291)	(36,130)
<b>Operating Surplus/ (Deficit) before Capital Amounts</b>	<b>5,761</b>	<b>(1,540)</b>	<b>4,221</b>		<b>707</b>	<b>2,288</b>	<b>(1,581)</b>
<b>Net Outlays on Existing Assets</b>							
Capital Expenditure on renewal and replacement of Existing Assets	(12,702)	(3,394)	(16,096)	3	(16,512)	(5,137)	(11,375)
add back Depreciation, Amortisation and Impairment	10,189		10,189		11,116	1,000	11,115
add back Proceeds on Sale of Assets	415		415		448	105	343
	<b>(2,098)</b>	<b>(3,394)</b>	<b>(5,492)</b>		<b>(4,947)</b>	<b>(5,030)</b>	<b>83</b>
<b>Net Outlays on New and Upgraded Assets</b>							
Capital Expenditure on New and Upgraded Assets	(4,375)	(3,950)	(8,325)	4	(8,895)	(8,235)	(660)
add back Amounts received specifically for New and Upgraded Assets	4,013		4,013		5,103	4,347	756
add back Proceeds for Sale of Surplus Assets							
	<b>(362)</b>	<b>(3,950)</b>	<b>(4,312)</b>		<b>(3,792)</b>	<b>(3,888)</b>	<b>96</b>
<b>NET LENDING / (BORROWING) FOR FINANCIAL YEAR</b>	<b>3,301</b>	<b>(8,884)</b>	<b>(5,583)</b>		<b>(8,033)</b>	<b>(6,631)</b>	<b>(1,402)</b>

Note : Totals may not add due to rounding



Yorke Peninsula Council  
Monthly Capital Projects Update  
as at 31 May 2023

Project Details by Asset Class	Responsible Directorate	Expected Finish Date	Project Management Stages Complete						YTD Actuals	Commitments	YTD Expenditure (incl Commitments) (\$)	Total Budget (\$)	Budget Remaining (\$)	Budget Remaining (%)	Comments
<p><b>LEGEND</b></p> <p>1 <span style="color: green;">●</span> Activity currently completed or on schedule</p> <p>2 <span style="color: orange;">●</span> Activity currently up to 2 months behind schedule</p> <p>3 <span style="color: red;">●</span> Activity currently more than 2 months behind schedule</p> <p>0 <span style="color: grey;">●</span> Activity currently not started</p>															
			Planning	Design	Approval	Services	Procurement	Delivery	\$17,076,563	\$6,709,826	\$23,784,827	\$25,600,660	\$1,815,833	7% TOTAL	
<b>Buildings &amp; Other Structures</b>															
44660 - Foreshore - Point Turton Groyne [PIRSA]	AIS	Apr-23	●	●	●	N/A	●	●	\$34,300	\$0	\$34,300	\$33,270	-\$1,030	-3%	[Rolled over from 2021/22] Completed, budget adjustment to be requested in final quarter.
45046 - Port Moorowie Beach Shelters [LRCP Phase 3]	AIS	Jun-23	●	●	●	N/A	●	●	\$150	\$33,994	\$34,144	\$25,000	-\$9,144	-37%	[Rolled over from 2021/22] Commenced, shelters installed, concrete slabs to be laid in May-23. Budget adjustment to be requested in final quarter.
45049 - Coastal Management - Resilient Coast	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$3,627	\$10,469	\$14,096	\$122,800	\$108,704	89%	[Rolled over from 2021/22] Engaged contractor for propagation component of project. Planting, weed control and pedestrian access control components of the project yet to commence. Grant acquittal due in 23/24. Budget rollover to be requested at year end.
45750 - Intertment Wall - Port Vincent Cemetery	DS	Jun-23	●	●	N/A	N/A	●	●	\$0	\$23,091	\$23,091	\$25,400	\$2,309	9%	Contractor engaged, works commenced. Budget rollover to be requested at year end.
45794 - Port Rickaby CP - Water Supply Development & Augmentation	CCS	Jun-22	●	N/A	N/A	N/A	●	●	\$38,850	\$0	\$38,850	\$77,795	\$38,945	50%	[Rolled over from 2021/22] Tender awarded, negotiation commenced with successful tenderer to prepare contract and establish timelines. Commenced, further budget has been allocated in 2023/24 to complete project. Budget rollover to be requested at year end.
47522 - Port Vincent Hall Disability Access - Breazeway [LRCP Phase 3]	DS	Jun-23	●	●	●	N/A	●	●	\$20,694	\$15,778	\$36,472	\$48,800	\$12,328	25%	[Rolled over from 2021/22] Commenced. Budget rollover to be requested at year end.
47525 - Minlaton Child Care Centre [BSBRGP]	ES	Dec-23	●	N/A	N/A	N/A	●	●	\$1,471,540	\$2,674,758	\$4,146,298	\$4,450,000	\$303,702	7%	Commenced, progressing in accordance with staged construction timeline. Budget rollover to be requested at year end.
49043 - Bushfire Safety Signage [BSBRGP]	DS	Jun-23	●	●	N/A	N/A	●	●	\$11,983	\$3,895	\$15,878	\$40,080	\$24,202	60%	Carriageway signage ready to be installed, township signage to be arranged. Budget rollover to be requested at year end.
49087 - Stansbury Oval Grandstand repairs [LRCP Phase 3]	DS	Jun-23	●	●	●	N/A	●	●	\$90,418	\$0	\$90,418	\$90,461	\$43	0%	[Rolled over from 2021/22] Completed.
57520 - Minlaton Town Hall Fire Indicator Panel [LRCP Phase 3]	DS	Jun-23	●	●	N/A	N/A	●	●	\$63,650	\$0	\$63,650	\$76,563	\$12,913	17%	Completed, budget adjustment requested final quarter.
60019 - Port Vincent Kiosk CWMS Connection	DS	Jun-22	●	●	●	N/A	●	●	\$19,051	\$62,502	\$81,553	\$81,000	-\$553	-1%	[Rolled over from 2021/22] Completed.
60040 - Maitland Plane Tree Root Control (Robert Street Concept Design)	AIS	Jun-20	●	●	N/A	N/A	●	●	\$21,842	\$6,450	\$28,292	\$159,523	\$131,231	82%	[Rolled over from 2021/22] Survey of Robert Street, design plans and consultation with Department for Infrastructure Transport completed. Investigating options for grant funding to enable physical project works. Budget rollover to be requested at year end.
60201 - Point Turton CP Bedroom Blinds, Rangehood Replacements & Air conditioner Replacements	CCS	Dec-22	●	N/A	N/A	N/A	●	●	\$14,570	\$10,249	\$24,819	\$34,915	\$10,096	29%	Original project completed. Pending review of any further works required at the park a budget adjustment is to be requested in final quarter.
60205 - Point Turton CP - Upper Level Amenities	CCS	Jun-23	●	●	●	●	●	●	\$4,900	\$0	\$4,900	\$325,656	\$320,756	98%	[Rolled over from 2021/22] Quotations currently being assessed after additional funds allocated to budget at third quarter review. Budget rollover to be requested at year end.
60308 - Marion Bay Caravan Park - refurbish amenities & HWS replacement	CCS	Jun-23	●	N/A	N/A	N/A	●	●	\$30,673	\$22,220	\$52,893	\$57,000	\$4,107	7%	Contractors engaged or selected to be engaged across multiple trades. Aiming for completion by year end. Painting and hot water system have been completed, roof to be completed early June 2023.
60410 - Bush Camping Amenities [PIRSA] & [LRCP Phase 3]	AIS	Apr-23	●	●	●	N/A	●	●	\$224,641	\$36,364	\$261,004	\$259,031	-\$1,973	-1%	[Rolled over from 2021/22] Majority of works completed in relation to PIRSA project with minor works to be completed prior to payment of final invoices. LRCP works have commenced, anticipate completion prior to year end. Concrete slabs have been completed, structural works yet to commence.
44656 - Marion Bay Boating Facility (Design Plans and Studies)	AIS	N/A	●	●	●	N/A	●	●	\$40,480	\$0	\$40,480	\$37,000	-\$3,480	-9%	Stage 2 funding submission lodged with SABFAC.
<b>Total Buildings &amp; Other Structures</b>									<b>\$2,211,429</b>	<b>\$2,948,931</b>	<b>\$5,160,361</b>	<b>\$6,128,409</b>	<b>\$968,048</b>	<b>16%</b>	
<b>CWMS Infrastructure</b>															
44250 - Ardrossan - Rising Main & Jetty Pump Station	AIS	Jan-23	●	N/A	N/A	N/A	●	●	\$34,378	\$29,414	\$63,792	\$63,792	\$0	0%	Jetty pump project completed.
44253 - Yorketown - Memorial Drive Pump Station S/B & Jacob Street S/B	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$59,420	\$0	\$59,420	\$59,500	\$80	0%	Completed.
44254 - Maitland CWMS - Gravity Drain Replacement & Treatment Plant Aerators	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$16,208	\$1,818	\$18,026	\$27,178	\$9,152	34%	Project will be ongoing during the year. Anticipate completion before financial year end.
44260 - Port Vincent - Alarm Modern, PLC Upgrade & Gravity Drain Upgrade	AIS	May-23	●	N/A	N/A	N/A	●	●	\$12,359	\$11,300	\$23,749	\$29,829	\$6,080	20%	Gravity drain repairs completed, sourcing quotations for remaining projects. Possible budget rollover to be requested at year end.
<b>Total CWMS Infrastructure</b>									<b>\$145,795</b>	<b>\$66,552</b>	<b>\$212,347</b>	<b>\$220,288</b>	<b>\$7,941</b>	<b>4%</b>	
<b>Land</b>															
45797 - Charles Street - Yorketown	DS	Jun-20	N/A	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$100,000	\$100,000	100%	[Rolled over from 2021/22] Purchase not going ahead, land in question has been sold. Currently investigating options for other Main Street beatification works. Possible budget rollover to be requested at year end.
<b>Total Land</b>									<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$100,000</b>	<b>100%</b>	
<b>Plant, Equipment &amp; Other Assets</b>															
40026 - Various Coastal Management Strategy Projects [LRCP Phase 3]	AIS	Jun-24	●	●	N/A	N/A	●	●	\$68,083	\$54,129	\$122,212	\$199,043	\$76,831	39%	[Rolled over from 2021/22] Beach access stairs at Magazine Bay completed. Contractors engaged for repairs to Wool Bay stairs. Other Coastal Management Projects in progress (i.e. - scoping works and sourcing quotations). Expected finish date revised from June 2023 to June 2024 in line with grant extension. Possible budget rollover to be requested at year end.
40030 - Equipment - Computer & Monitor Replacements	CCS	Dec-22	●	N/A	N/A	N/A	●	●	\$40,134	\$26	\$40,160	\$45,500	\$5,340	12%	Progressing replacements where possible, further monitors to be sourced for works depot replacement.
40034 - IT Drone & Licensing	CCS	Jun-23	●	N/A	N/A	N/A	●	●	\$45,569	\$0	\$45,569	\$47,097	\$1,528	3%	Completed, budget adjustment requested at final quarter review.
40036 - Information Technology - Portable Devices	CCS	Dec-22	●	N/A	N/A	N/A	●	●	\$77,257	\$617	\$77,874	\$55,701	-\$22,173	-40%	All devices received, deployment contingent on rollout of hardware management protocol. Budget adjustment to be requested at year end.
40152 - Elected Members Tablet Replacement	CCS	Dec-23	●	N/A	N/A	N/A	●	●	\$30,108	\$0	\$30,108	\$30,108	\$0	0%	Completed.
61200 - Fleet Vehicles	CCS	Jun-23	●	N/A	N/A	N/A	●	●	\$342,051	\$131,119	\$473,170	\$447,317	-\$25,853	-6%	7 x vehicles received, 3 x vehicles on order. Budget adjustment requested at third quarter review. Final trade-in amounts to be confirmed closer to delivery dates, with budget to be reconciled at year end and rollover for at least 1 x vehicle to be requested due to delay on supply.
62000 - Major Plant - Vibration Roller	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$175,000	\$0	\$175,000	\$175,000	\$0	0%	Completed.
62000 - Major Plant - John Deere Tractor	AIS	Jun-22	●	N/A	N/A	N/A	●	●	\$31,740	\$0	\$31,740	\$31,740	\$0	0%	[Rolled over from 2021/22] Completed.
62002 - Major Plant - Patrol Grader	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$450,000	\$0	\$450,000	\$450,000	\$0	0%	Completed.
62011 - Major Plant - Front End Loader	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$350,000	\$0	\$350,000	\$350,000	\$0	0%	Completed.
62014 - Major Plant - Isuzu NPR Truck - Senior Mechanic - Replacing P#579	AIS	Jun-22	●	N/A	N/A	N/A	●	●	\$81,969	\$0	\$81,969	\$81,969	\$0	0%	[Rolled over from 2021/22] Completed.
62018 - Major Plant - Isuzu NPR Truck - Replacing P#591	AIS	Mar-22	●	N/A	N/A	N/A	●	●	\$86,615	\$0	\$86,615	\$86,615	\$0	0%	[Rolled over from 2021/22] Completed.
62019 - Major Plant - Hydro-Vac	AIS	Jun-22	●	N/A	N/A	N/A	●	●	\$177,954	\$0	\$177,954	\$164,555	-\$13,399	-8%	[Rolled over from 2021/22] Completed, budget adjustment to be requested in final quarter.
62020 - Major Plant - Water Tanker	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$11,170	\$100,530	\$111,700	\$95,000	-\$16,700	-18%	Order placed for delivery in June 23, budget adjustment to be requested in final quarter.
62021 - Major Plant - Low Loader	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$10,530	\$94,770	\$105,300	\$105,300	\$0	0%	Equipment on order, expect delivery June 23.
62022 - Major Plant - Jet patcher Bin Replacement	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$28,468	\$4,259	\$32,727	\$32,764	\$37	0%	Equipment received, completed
<b>Total Plant, Equipment &amp; Other Assets</b>									<b>\$2,077,805</b>	<b>\$399,061</b>	<b>\$2,475,304</b>	<b>\$2,478,426</b>	<b>\$3,122</b>	<b>0%</b>	

Yorke Peninsula Council Monthly Capital Projects Update as at 31 May 2023															
Project Details by Asset Class	Responsible Directorate	Expected Finish Date	Project Management Stages Complete						YTD Actuals	Commitments	YTD Expenditure (incl Commitments)	Total Budget	Budget Remaining (\$)	Budget Remaining (%)	Comments
<b>Transport Infrastructure</b>															
44603 - Port Victoria Boat Ramp Carpark [LRCIP Phase 3]	AIS	Jun-23	●	●	N/A	N/A	●	●	\$50,532	\$0	\$50,532	\$50,000	-\$532	-1%	Completed
44630 - Edithburgh Jetty Carpark Seawall [LRCIP Phase 3]	AIS	Jun-23	●	●	N/A	N/A	●	●	\$22,727	\$0	\$22,727	\$25,000	\$2,273	9%	[Rolled over from 2021/22] Completed, budget adjustment required in final quarter.
45027 - Walk The Yorke & Corny Point Walking Trail [LRCIP Phase 3]	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$91,233	\$14,807	\$106,040	\$130,000	\$23,960	18%	[Rolled over from 2021/22] Fresh water well project completed. Trial construction and fencing completed, pending minor work for Corny Point project. Walk the Yorke component of the project likely to require a budget rollover to be request at 2022/23 year end.
45045 - Miniaton Airstrip upgrade	AIS	Mar-22	●	●	●	N/A	●	●	\$104,752	\$0	\$104,752	\$105,502	\$750	1%	[Rolled over from 2021/22] Completed, grant acquittal pending external audit review. Potential for final grant payment to be delayed until 2023/2024.
45046 - Hardwicke Bay Shelter & Boat Ramp Carpark [LRCIP Phase 3]	AIS	Jun-23	●	●	N/A	N/A	●	●	\$14,495	\$12,127	\$26,623	\$50,000	\$23,377	47%	[Rolled over from 2021/22] Materials ordered, installation of retaining walls commenced. Possible budget rollover to be requested at year end.
45053 - Arthurton Main Street Upgrade [LRCIP Phase 3]	AIS	Jun-23	●	●	N/A	N/A	●	●	\$16,013	\$165,486	\$181,499	\$200,000	\$18,502	9%	[Rolled over from 2021/22] Contractor engaged, works commenced in May 23. Possible budget rollover to be requested at year end.
49500 - Sealed Road - Reseals	AIS	Jan-23	●	N/A	N/A	N/A	●	●	\$634,372	\$1,545,628	\$2,180,000	\$1,945,697	-\$234,303	-12%	Commenced, completion dependent on contractor availability and weather conditions. Any overspend against budget will result in a corresponding reduction in the 2023/2024 reseal budget allocation.
49510 - Gardner St & Fowler Tce, Price	AIS	Mar-23	●	N/A	N/A	N/A	●	●	\$2,000,425	\$74,947	\$2,075,372	\$2,133,419	\$58,047	3%	Close to completion with minor sealing works to be undertaken. Budget adjustment requested at final quarter review.
52490 - Rubble Inventory	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$300,310	\$45,141	\$345,450	\$300,000	-\$45,450	-15%	Completed, budget adjustment to be requested in final quarter to cover excess on rubble royalties payment.
53011 - Unsealed Road - Melton South Road	AIS	Dec-22	●	N/A	N/A	N/A	●	●	\$476,118	\$0	\$476,118	\$461,918	-\$14,200	-3%	Completed, final project expenditure to be determined pending reconciliation of plant costs at year end.
54008 - Unsealed - Brutus Road	AIS	Jun-22	●	N/A	N/A	N/A	●	●	\$84,907	\$0	\$84,907	\$79,454	-\$5,453	-7%	Completed, final project expenditure to be determined pending reconciliation of plant costs at year end.
54027 - Unsealed - Nalyappa Road [RTR]	AIS	Nov-22	●	N/A	N/A	N/A	●	●	\$523,698	\$0	\$523,698	\$550,990	\$27,292	5%	Completed, final project expenditure to be determined pending reconciliation of plant costs at year end.
54030 - Unsealed - Dump Road	AIS	Mar-22	●	N/A	N/A	N/A	●	●	\$395,325	\$3,416	\$398,741	\$375,918	-\$22,823	-6%	Completed, final project expenditure to be determined pending reconciliation of plant costs at year end.
54054 - Unsealed - Micky Flat Road	AIS	Apr-23	●	N/A	N/A	N/A	●	●	\$546,957	\$2,833	\$549,790	\$683,640	\$133,850	20%	Completed, Budget adjustment to be requested in final quarter.
54077 - Unsealed - Sandy Church Road	AIS	Apr-23	●	N/A	N/A	N/A	●	●	\$906,355	\$32,828	\$939,183	\$823,653	-\$115,530	-14%	21/22 Project - Completed, awaiting final plant hire and labour allocations. 22/23 Project - Completed. Budget adjustment to be requested in final quarter.
54081 - Unsealed - Corny Point Road [RTR]	AIS	Feb-23	●	N/A	N/A	N/A	●	●	\$765,265	\$0	\$765,265	\$738,047	-\$27,218	-4%	Completed, final project expenditure to be determined pending reconciliation of plant costs at year end.
54088 - Unsealed - Coringle Road	AIS	Jun-22	●	N/A	N/A	N/A	●	●	\$454,647	\$0	\$454,647	\$500,326	\$45,679	9%	Completed, final project expenditure to be determined pending reconciliation of plant costs at year end.
54099 - Unsealed Rd - Dowlingville Slant Rd	AIS	Mar-23	●	N/A	N/A	N/A	●	●	\$384,484	\$0	\$384,484	\$384,450	-\$34	0%	Completed, final project expenditure to be determined pending reconciliation of plant costs at year end.
54100 - Unsealed - Souttar Road	AIS	Feb-23	●	N/A	N/A	N/A	●	●	\$190,151	\$0	\$190,151	\$200,761	\$10,610	5%	Completed, final project expenditure to be determined pending reconciliation of plant costs at year end.
54101 - Unsealed Rd - New Horizon Rd	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$306,391	\$29,429	\$335,820	\$443,414	\$107,594	24%	Commenced.
54102 - Unsealed Roads Intersection Upgrades	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$193,000	\$193,000	100%	Undertaking project planning. Possible budget rollover to be requested at year end.
57024 - Unsealed - North Coast Road (Sealing Works)	AIS	Jun-23	●	●	N/A	N/A	●	●	\$1,653,632	\$707,508	\$2,361,140	\$2,302,645	-\$58,495	-3%	Sealing works completed and practical completion achieved. Budget adjustment to be requested at final quarter for design and engineering costs in relation to Stages 2 and 3.
57108 - Unsealed - Corny Point Road	AIS	Jun-22	●	N/A	N/A	N/A	●	●	\$535,828	\$0	\$535,828	\$514,192	-\$21,636	-4%	Completed.
57109 - Patch Sheeting (North)	AIS	May-23	●	N/A	N/A	N/A	●	●	\$506,991	\$0	\$506,991	\$836,041	\$329,050	39%	Completed, pending final plant and wage allocations. Budget adjustment to be requested in final quarter.
57112 - Patch Sheeting (South)	AIS	May-23	●	N/A	N/A	N/A	●	●	\$291,139	\$136,943	\$428,082	\$600,620	\$172,538	29%	Commenced and ongoing throughout year. Expected completion in June 2023. Possible budget rollover to be requested at year end.
59456 - Salt Lake Tourist Trail [LRCIP Phase 3]	AIS	Jun-23	●	●	N/A	N/A	●	●	\$3,073	\$12,164	\$15,237	\$50,000	\$34,763	70%	[Rolled over from 2021/22] Commenced materials purchasing, currently sourcing quotations for boardwalk construction. Possible budget rollover to be requested at year end.
59652 - Maitland Airstrip Micro surfacing & Line marking	AIS	Mar-23	●	●	●	N/A	●	●	\$0	\$240,000	\$240,000	\$289,840	\$49,840	17%	[Rolled over from 2021/22] Sealing completed, runway pavement marking remains to be done. Council are seeking quotations in relation to remaining works. Possible budget rollover to be requested at year end.
59653 - Regional Commodity & Freight Roads	AIS	Feb-22	●	●	N/A	N/A	●	●	\$822,489	\$0	\$822,489	\$822,489	\$0	0%	[Rolled over from 2021/22] Completed.
57535 - Sealed Road - Clinton Road - Emergency Works	AIS	N/A	●	●	N/A	N/A	●	●	\$237,678	\$0	\$237,678	\$237,678	\$0	0%	Completed.
59650 - Yorketown Airstrip (Renew Airstrip Lighting)	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$0	\$194,180	\$194,180	\$194,180	\$0	0%	Contractor engaged and work commenced, partial roll over to be requested at year end.
<b>Total Transport Infrastructure</b>									<b>\$12,349,385</b>	<b>\$3,217,436</b>	<b>\$15,566,822</b>	<b>\$16,242,874</b>	<b>\$676,053</b>	<b>4%</b>	
<b>Stormwater Infrastructure</b>															
40080 - Miniaton Depot Stormwater Works	AIS	May-22	●	●	●	N/A	●	●	\$10,439	\$2,500	\$12,939	\$50,000	\$37,061	74%	[Rolled over from 2021/22] Design plans finalised, sourcing quotations in Jun-23. Possible budget rollover to be requested at year end.
44304 - Stormwater Drainage - Corny Point Road	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$0	\$1,900	\$1,900	\$40,000	\$38,100	95%	Seeking appropriate consultant to provide design plans. Possible budget rollover to be requested at year end.
59425 - Stormwater - Maitland Drainage [LRCIP] & [LRCIP Phase 3]	AIS	Jun-23	●	●	N/A	N/A	●	●	\$11,139	\$73,446	\$84,585	\$80,000	-\$4,585	-6%	[Rolled over from 2021/22] Contractor engaged, works to commence in May-23. Budget adjustment to be requested in final quarter.
59433 - Edithburgh Stormwater Flooding - Park Terrace	AIS	Apr-23	●	●	N/A	N/A	●	●	\$152,680	\$0	\$152,680	\$144,977	-\$7,703	-5%	Complete, budget adjustment to be requested in fourth quarter.
59442 - Stormwater - Mud Alley, Foul Bay Erosion Control and Flood Mitigation	AIS	Jun-22	●	●	N/A	N/A	●	●	\$58,500	\$0	\$58,500	\$61,017	\$2,517	4%	Completed.
<b>Total Stormwater Infrastructure</b>									<b>\$232,758</b>	<b>\$77,846</b>	<b>\$310,604</b>	<b>\$375,994</b>	<b>\$65,390</b>	<b>17%</b>	
<b>Water Scheme Infrastructure</b>															
44284 - Merlon Bay Desalination Plant (Electronic Payment System) [LRCIP Phase 3]	AIS	Jun-23	●	N/A	N/A	N/A	●	●	\$43,342	\$0	\$43,342	\$45,000	\$1,658	4%	[Rolled over from 2021/22] Completed, budget adjustment to be requested in final quarter.
<b>Total Water Scheme Infrastructure</b>									<b>\$59,390</b>	<b>\$0</b>	<b>\$59,390</b>	<b>\$54,669</b>	<b>-\$4,721</b>	<b>-9%</b>	

**23.3 AUDIT AND RISK COMMITTEE ANNUAL REPORT 2022****Document #:** 23/53721**Department:** Corporate and Community Services**PURPOSE**

For Council to receive the Audit and Risk Committee Annual Report for the 2022 calendar year in accordance with Clause 13 of the Audit and Risk Committee's Terms of Reference.

**RECOMMENDATION**

That Council endorse the Audit and Risk Committee Annual Report for the 2022 calendar year and the revised Terms of Reference as presented.

**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

**BACKGROUND**

Clause 13 of the Audit and Risk Committee Terms of Reference (TOR) requires the Committee to conduct an annual review and self-assessment of its performance with the aim being to ensure that the Committee is operating at maximum effectiveness. This process of review also provides an opportunity to recommend any changes to Council that are considered necessary.

**DISCUSSION**

Clause 13 of the Committee's TOR requires that the outcome of the annual review and self-assessment be reported to Council (refer Attachment 1).

The review for the period 1 January 2022 – 31 December 2022 has been undertaken and at its meeting on 21 February 2023 the Committee endorsed the results of this annual review and self-assessment, its 2023 Work Plan and the updated Terms of Reference (TOR). The results of the review and self-assessment and the updated TOR have now been incorporated into the Committee's Annual Report which was recommended for endorsement to Council by the Committee at its meeting on 7 June 2023. In addition, the Committee also recommended to Council for endorsement the updated TOR (Attachment 2 – track changes and Attachment 3 – without track changes.)

**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:

- Audit and Risk Committee

**POLICY IMPLICATIONS**

Audit and Risk Committee Terms of Reference

**BUDGET AND RESOURCE IMPLICATIONS**

Costs associated with the operation and administrative support required by the Audit and Risk Committee are included in Council's adopted operating budget.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**




Medium risk that the annual work plan is not completed within the stated timeframes.

Non-compliance with TOR if annual review and self-assessment not undertaken and/or not reported to Council.

Local Government Act 1999 - Chapter 8

Local Government (Financial Management) Regulations 2011 – Part 5

**ATTACHMENTS**

1. **Audit and Risk Committee Annual Report 2022** [↓](#) 
2. **Terms of Reference - Audit and Risk Committee Updated 30/05/2023 (Track Changes)** [↓](#) 
3. **Terms of Reference - Audit and Risk Committee Updated 30/05/2023 (No Track Changes Version)** [↓](#) 

**YORKE PENINSULA COUNCIL AUDIT AND RISK COMMITTEE**  
**ANNUAL REPORT FOR THE PERIOD 1 JANUARY 2022 TO 31 DECEMBER 2022**

This report presents a summary of the Committee's activities undertaken and recommendations made during the period 1 January 2022 to 31 December 2022.

**Conduct of Meetings**

The Committee met on five (5) occasions during the year with summaries as below.

<b>Date</b>	<b>No of Members Attending</b>
22 February 2022	4
31 May 2022	5
30 August 2022	4
25 October 2022	3
6 December 2022 <sup>^</sup>	3

<b>Committee Member</b>	<b>No of Meetings Attended</b>
Hussain Rafeeu <sup>^</sup>	4/5
Robert Reiman <sup>^</sup>	4/5
Cr Leanne O'Brien <sup>*</sup>	3/4
Cr Adam Meyer	3/5
Cr Tania Stock	4/5
Cr Alan Headon <sup>*</sup>	1/1

<sup>\*</sup>Change of Elected Member on Committee due to 2022 Council Elections.

<sup>^</sup> Independent members were available to attend the December 2022 meeting virtually but were unable to due to Council policy.

**Committee Activities**

The table sets out the matters addressed by the Committee during the year.

<b>Principal Issues Examined</b>	<b>Comment(s)</b>	<b>Recommendation(s) to Council</b>
Internal Audit	<p>Review audits undertaken and recommendations actioned. Considered 2022-2023 Internal Audit Plan. Reviewed status and progress on audit action items.</p> <p>Internal audits reviewed:</p> <ul style="list-style-type: none"> <li>• Interim Governance Legislative Compliance Review (Feb-22)</li> <li>• Corporate Purchase Card Compliance (Jan-22)</li> <li>• Governance Legislative Compliance Review (May-22)</li> <li>• Community Loans Review (Apr-22)</li> <li>• Internal Financial Controls Self-Assessment (May-22)</li> <li>• Corporate Purchase Card Compliance (Jul-22)</li> <li>• WHS – PR048 Corrective and Preventative Action Procedure (Sep-22)</li> <li>• Employee Expense Reimbursement Process Spot Check (Oct-22)</li> <li>• Internal Financial Controls Self-Assessment (Nov-22)</li> </ul>	Received and noted with minor Amendments in some instances. 2-year Plan endorsed.
Internal Control	Review updates to internal controls and recommendations actioned	Contents noted
External Audit	Review interim and balance date audits, opinions, and reports. Also reviewed balance date external audit attendance information requirements.	Received and management's responses endorsed. Comments and actions referred to CMT.
Long Term Financial Plan (LTFP)	Review updated and Council endorsed LTFP	Received
Budget Reviews	Quarters 2 (Dec-21) and 3 (Mar-22) for 21/22, Quarter 1 (Sep-22) and 21/22 roll overs into 22/23 budget.	Received
Annual Work Plan	Prepare and review progress of 2022 including any changes and create 2023 plan	Endorsed



Risk Management	Review and update on various matters, audits and progress on recommended actions. Review of Council's Organisational Risk Register.	Received. Comments referred to staff.
Asset Management	Review of and update on various matters including Network Level Heavy Vehicle Route Assessment and Risk Analysis.	Received. Comments referred to Council and CMT.
Annual Business Plan	Review draft ABP, Budget and Fees and Charges	Received
Capital Valuations and Rating Models	Review of indicative capital valuations and Council endorsed rating model for rates generation in 2022/2023	Received. Comments referred to CEO.
Policies & Procedures	Endorsed reviews of multiple policies and procedures and suggested further actions. Also considered new policies.	Received. Comments and actions referred to CMT and Council.
General Purpose Financial Statements	Review statements, notes, management representation letter and risk response questionnaire	<ul style="list-style-type: none"> <li>➤ CEO &amp; Presiding Member sign the Certification of Auditor Independence.</li> <li>➤ Receive and note the Management Representation letter.</li> <li>➤ Recommend to Council that the audited Statements for 2021/2022 be endorsed.</li> </ul>
Committee Annual Review and Self-Assessment	Review and self-assess Committee's performance for the 2022 calendar year	<ul style="list-style-type: none"> <li>➤ 2022 self-assessment results endorsed.</li> <li>➤ 2023 work plan endorsed.</li> </ul>
Treasury Management Performance	Review of treasury management activity and performance for 2021/2022 in accordance with legislation and policy PO139	Received and recommended to Council for endorsement
National Disability Insurance Scheme Surveillance Audit	Receive the external audit results in relation to the degree of compliance with relevant National Disability Insurance Scheme (NDIS) criteria for the Yorke Peninsula Leisure Options (YPLO) programme.	Received



### Training

Due to the 2022 Council Elections, all Elected Members (inclusive of those who sit on the Audit and Risk Committee) were required to conduct mandatory training which was held over a two (2) day period in December 2022. The training was delivered by Norman Waterhouse, UHY Haines Norton and Council Staff

Training included:

- Behaviour
- Civic
- Legal
- Integrated Strategic Management Planning and Performance
- Strategic Risk Management and Oversight (Audit and Risk Committee)
- Financial Management
- Overview of each Council Department

### Self-Assessment

The Committee undertook a self-assessment of its performance in accordance with its Terms of Reference (TOR). The opportunity to undertake this was offered to all Committee members in December 2022. It took account of factors such as:

- Work plan.
- Operating environment.
- Stage of maturity of Committee.
- Council's strategic directions.
- Council's risk and control environment; and
- Current and emerging trends and factors.

Four (4) Committee members provided completed self-assessment forms. As the self-assessment was conducted after the conclusion of Local Government Elections the fifth Committee member was unable to undertake the self-assessment having failed to be reelected to Council. The Committee's comments and observations resulting from its evaluation are summarised below:

- > All members agreed the Committee collectively have sufficient skills, experience, time and resources to undertake its duties.
- > All members agreed that they work constructively as a team and with attendees at the meetings. Comments noted that there is mutual respect between staff and the Committee.
- > All members confirmed that the relationship between the committee members strikes the right balance between challenge and mutuality. Members commented that it is good to see the Committee has a variety of skills and experiences. Members also noted that asking questions and seeking clarification takes place before informed decisions are made.
- > Most members (75%) agreed that frequency, timing, duration, venue and format enhance the Committee's effectiveness to allow sufficient time for discussion of agenda items. Member comments related to the need to take steps to address the issue of being able to conduct meetings by electronic means and that it is good to see that action is being taken to allow meetings to be held over "Zoom" or "Teams" to allow more flexibility to ensure that the Committee reaches a quorum at its meetings.

- > All members confirmed that reports for each meeting were sufficiently comprehensive and yet easily understood to make informed decisions. One member commented that when they do not understand, they feel comfortable to ask questions and seek clarification. One member commented that staff do an excellent job in providing comprehensive and clear reports.
- > All members agreed that presentations are an interesting and helpful way of informing members about various issues.
- > All members agreed that minutes prepared, distributed and followed up are effective and action items followed up in good time.
- > All members rated the Committee's overall efficiency and effectiveness as 'very effective'. The following comments were made:
  - Independent Members have excellent knowledge of audit processes and procedures and are able to offer advice in accordance with legislation. They are able to provide insights into the operations of other councils to ensure we are operating in a consistent manner within Local Government. Elected Members bring a broad range of skills to the Committee and provide a good balance of knowledge.
  - It is good to see that Members participate in the debate and discussion, and staff follow up to questions is very good.
  - The Committee is running smoothly and meeting the requirements of its function.
- > All members agreed that staff and Committee members conduct themselves in accordance with high standards of behaviour. One member provided comment that staff provide further advice when requested to clarify information provided in the report, they are willing to take questions on notice and respond efficiently to requests for further information.
- > All members rated the Presiding member's performance as 'very effective'. Members and noted the Presiding Member:
  - Is well prepared and chairs the meeting in a timely and professional manner.
  - Ensures all members have sufficient opportunity to join in debate and contribute to the Committee. Does not attempt to dominate debate; and
  - Is knowledgeable and conducts the meeting with respect and appropriate manner.
- > Committee members rated each other's performance as 'very effective'. Members commented that:
  - Members are actively interested in the issues and participate fully in discussions.
  - All members are respectful to each other and staff.
  - The independent member is very well versed with Local Government legislation and is able to offer relevant advice to the committee. The Elected Members bring a broad range of experience to the committee which is a good balance.
- > One member rated their performance as 'effective' while three rated it as 'very effective'.
- > The performance of staff in facilitating the Committee's role and function was rated as 'very effective' by all members. Comments included:
  - The staff support to the committee is excellent. Follow up questions from meetings are dealt with promptly and staff keep an open communication line with members.

- Staff bring comprehensive reports to the Committee and provide further information when requested.
- > All members agreed that the Executive take responsibility for risk identification and control and give formal assurance through reporting that key risks are being adequately managed. Some comments made were:
  - Regular reports from the Internal Audit Staff provide updates on the checks and balances that are implemented to ensure that risk is being monitored and sufficiently managed.
  - This is dealt with formally at each meeting and is a permanent item on the agenda and a part of the Committee's work plan.
- > The Committee unanimously agreed that there is an effective program in place to ensure that risk management becomes an integral part of the way in which Council conducts business. Feedback included:
  - The internal controls identify risks and how they are being managed along with who is responsible for them.
- > All four members confirmed that internal audit findings and recommendations are responded to in a timely and appropriate manner.
- > The Committee members confirmed that they review the external Auditor's work they also confirmed that they review and discuss the external Auditor's management letter. All members believed that the Committee was effective in managing and monitoring the relationship with the external Auditor noting they meet with the Auditor annually to discuss any issues.
- > Members provided the following suggestions to improve the Committee's performance, role or functions:
  - Recommend reviewing the timing in preparation of the financial reports as on some occasions, financial reports are taken to Council before the Audit and Risk Committee has endorsed them. The Audit and Risk Committee should review them in the first instance.
  - One member provided comment that the new Local Government Act amendments, which will come into effect November 2023, will further enhance the committee's effect with the appointment of a third independent member.

**Terms of Reference**

The Committee's TOR was reviewed during its 2022 annual self-review and assessment and changes are recommended in line with recent changes to legislation. Recommended changes are 'tracked' in the attached updated document (refer Attachment 2). The recommended changes were endorsed by the Committee at its meeting in February 2023. A full review will be conducted following the release of the LGA template.

The current TOR can be found on Council's website at:

<https://yorke.sa.gov.au/content/uploads/2022/03/Terms-of-Reference-Audit-Committee-1.pdf>

**Work Plan 2023**

The Committee's work plan for the period 1 January 2023 to 31 December 2023 was considered and endorsed by the Committee at its meeting on Tuesday, 6 December 2022.

Five (5) meetings of the Committee are scheduled in 2023 in the months of February, May, August, October and November. This will allow the Committee to undertake the activities in its work plan.

As has been current practice, the work plan will continue to be reviewed and updated at each Committee meeting.



**Yorke Peninsula Council**  
**Audit and Risk Committee**  
**Terms of Reference**

**1. Establishment**

The Audit and Risk Committee (~~the~~ Committee) is required under Section 126 of the Local Government Act 1999 (the Act).

**2. Objective**

The objective of the Audit and Risk Committee is to assist the Council in the conduct of its responsibilities for the management of business risk, corporate and financial governance and legal compliance, related to financial reporting and audit initiatives, the internal control system and the audit functions. The Committee acts as a source of advice to Council and the Chief Executive Officer (CEO) in relation to these matters.

The Committee will:

- enhance the communication between the external auditor and the Council;
- assist the management of business risks to ensure the protection of Council assets;
- monitor the effectiveness of audit and corporate and financial governance functions;
- enhance the integrity of the financial reporting of the Council; and
- review the effectiveness of the Council's internal controls and risk management systems.

**3. Authority**

The Committee is appointed by the Council as part of a sound corporate and financial governance structure.

The role of the Committee is to review, consider and make recommendations to the Council in relation to the activities as described in these Terms of Reference (TOR) to assist the achievement of the organisation objectives in an efficient and effective manner.

The Committee has the authority to require any information, it sees as relevant to its activities, from any ~~Councillor~~ Elected Member, the ~~Chief Executive Officer~~ or Council's ~~e~~ External Auditor, each of whom are required to respond to such enquiries.

The Committee is authorised to obtain independent professional advice where considered necessary following consultation with the ~~Chief Executive Officer~~.

The Committee has no authority to act independently of the Council and has no delegated authority.

#### 4. Membership

4.1. Members of the Committee are appointed by Council. The Committee shall consist of five (5) members, with three (3) Elected Members of Council and two (2) independent members.

4.2. Nominations for membership, from the Elected Members shall be sought by the Council and where the number of nominations is greater than the number of positions available, a vote by secret ballot shall be undertaken using a preferential voting system.

4.3. Independent member(s) of the Committee:

- shall be individuals (not corporations or an organisation);
- have recent and relevant financial, business, accounting, risk management, corporate governance or internal audit skills and experience;
- have no conflicts of interest (as per ~~Division 3~~Chapter 5, Part 4, Division 1 of the Act);
- preferably have experience in formal meeting procedures; and
- have an understanding of the ~~Local Government~~ Act and supporting Rregulations

A selection panel comprising of ~~at least~~ four (4) persons shall review and make recommendation for endorsement to Council of the independent member to be appointed. The panel will comprise of at least threetwo (32) Elected Members (preferably those on the ~~Audit~~ Committee), the Director Corporate and Community Services and the CEO (or Proxy).

4.4. Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each Committee member must vote on every matter that is before the Committee for a decision.

The Chairperson has a deliberative vote but in the event of an equality of votes, does not have a casting vote.

The CEO and other employees as directed by the ~~Chief Executive Officer~~ may attend any meeting as observers and/or be responsible for preparing and presenting papers for the Committee.

4.5. The Council's external aAuditor may be invited to attend meetings of the Committee.

4.6. The appointment of Elected Members to the Committee shall be for the period of the current Council term.

4.7. Independent members shall be appointed for a period of up to four (4) years, commencing part-way through an election cycle, so that their terms overlap each Council election and provide some continuity. Appointees may be reappointed by Council.

4.8. The Council shall appoint the Chairperson of the Committee from the endorsed members of the Committee. The Principal Member/Mayor of Council cannot be Chairperson/Presiding Member of the Committee.

4.8.4.9. In the event that the Chairperson is not present at the meeting (or part thereof) an Acting Chairperson will be appointed by those Committee members who are present at the meeting.

4.9.4.10. All members of the Committee shall be subject to the Register of Interests provisions of the ~~Local Government Act 1999~~, Chapter 5, Part 4, ~~Division~~Subdivision 2.

4.10.4.11. Independent members of the Committee are Public Officers for the purpose of the Independent Commission Against Corruption Act 2012 and are subject to the provisions of



the Criminal Law Consolidation Act 1935, Ombudsman Act 1972 and Public Interest Disclosure Act 2018, including reporting requirements.

~~4.11.4.12.~~ All members of the Committee shall act honestly and with reasonable care and diligence, not make improper use of information acquired as a result of being a member of the Committee and must disclose an interest if they have an interest in a matter that is before the Committee ~~(as per Chapter 5, Part 4, Division 1 of the Act)~~ ~~in accordance with the Local Government Act 1999, Chapter 5, Part 4, Divisions 1 and 3.~~

~~4.12.4.13.~~ All members of the Committee, ~~even independent members,~~ must, comply with the ~~Code of Conduct for Council Members~~ integrity and behavioural requirements set out in Chapter 5, Part 4, Division 1 of the Act.

~~4.13.4.14.~~ Where a member resigns or decides not to continue as a member of the Committee, a new member shall be appointed consistent with this TOR.

## 5. Administration and Resources

5.1. The CEO shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

## 6. Quorum

6.1. The quorum necessary for the transaction of business shall be 50% of the number of members of the Committee plus one. A duly convened meeting of the Committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the Committee.

## 7. Meetings

7.1. The Committee shall meet at least four (4) times a year at appropriate times in the reporting and audit cycle and otherwise as required.

7.2. The Chairperson shall call a meeting at the written request of the Council's ~~External~~ external Auditor-auditor or any three (3) Members of the ~~Audit~~ Committee.

7.3. In accordance with the principles of open, transparent and informed decision making, Committee meetings must be conducted in a place open to the public. The agenda and minutes of the Committee meetings, subject to any items that are discussed in confidence under Section 90 of the ~~Local Government~~ Act, are also required to be made available to the public.

## 8. Notice of meetings

8.1. Ordinary meetings of the Committee will be held at times and places determined by Council or, subject to a decision by Council ~~or,~~ the Committee.

8.2. Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee no later than three (3) clear days before the date of the meeting. Supporting papers shall be sent to Committee members (and to other attendees as appropriate) at the same time.

8.3. A special meeting of the Committee may be called in accordance with the Act.

## 9. Minutes of Meetings

9.1. The CEO shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the



minutes otherwise comply with the requirements of the Act and supporting ~~Regulations~~regulations.

9.2. Minutes of Committee meetings shall be circulated within five (5) days after a meeting to all members of the Committee and will (as appropriate) be available to the public.

## 10. Role of the Committee

### 10.1. Strategic, Financial and Management Planning

10.1.1. The Committee shall review and provide information and recommendations in relation to the Council Strategic Management Plan, Long Term Financial Plan, Asset Management Plans and Annual Business Plan.

### 10.2. Financial reporting

10.2.1. The Committee shall monitor the integrity of the financial statements of the Council, including its annual report, reviewing significant financial reporting issues and judgements which they contain and make sure that they present a fair and accurate record of the affairs of the Council.

10.2.2. The Committee shall review and challenge where necessary:

10.2.2.1. the consistency of and/or any changes to accounting policies;

10.2.2.2. the methods used to account for significant or unusual transactions where different approaches are possible;

10.2.2.3. whether the Council has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account the views of the external auditor;

10.2.2.4. the clarity of disclosure in the Council's financial reports and the context in which statements are made;

10.2.2.5. all material information presented with the financial statements;

### 10.3. Internal controls and risk management systems

The Committee shall:

10.3.1. review the adequacy and effectiveness of the Council's internal controls and risk management systems; and

10.3.2. review and ~~recommend~~consider the approval, where appropriate, of any material to be included in the annual report concerning internal controls and risk management.

### 10.4. Public Interest Disclosure

The Committee shall:

10.4.1. review the Council's arrangements for making and dealing with appropriate Disclosures of Public Interest, financial reporting and other financial matters; and

10.4.2. ensure these arrangements allow independent investigation of such matters and appropriate follow-up action.

**10.5. Internal audit**

The Committee shall:

- 10.5.1. –monitor and review the effectiveness of the Council’s internal audit function in the context of the Council’s overall risk management system.
- 10.5.2. –consider and make recommendation on the program of the internal audit function and the adequacy of its resources and access to information to enable it to perform its function effectively and in accordance with the relevant professional standards.
- 10.5.3. review all high level reports on the Council’s operations from the internal auditors.
- 10.5.4. –review and monitor management’s responsiveness to the findings and recommendations of the internal auditor.
- 10.5.5. –where appropriate meet with internal auditor at least once a year, without management being present, to discuss any issues arising from the internal audits carried out.

**10.6. External audit**

The Committee shall:

- 10.6.1. consider and make recommendations to the Council, in relation to the appointment, re-appointment and removal of the Council’s external auditor.
- 10.6.2. oversee Council’s relationship with the external auditor including, but not limited to:
  - 10.6.2.1. recommending the approval of the external auditor’s remuneration and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted;
  - 10.6.2.2. recommending the approval of the external auditor’s terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit;
  - 10.6.2.3. assessing the auditor’s independence and objectivity taking into account relevant professional and regulatory requirements and the extent of Council’s relationship with the auditor, including the provision of any non-audit services;
  - 10.6.2.4. satisfying itself that there are no relationships-conflicts of interest (such as family, employment, investment, financial or business) between the external auditor and the Council (other than in the ordinary course of business);
  - 10.6.2.5. monitoring the external auditor’s compliance with legislative requirements on the rotation of audit partners; and
  - 10.6.2.6. assessing the external auditor’s qualifications, expertise and resources and the effectiveness of the audit process;
- 10.6.3. The Committee shall meet the external auditor at least once a year, without management being present; to discuss the external auditor’s report and any issues arising from the audit;

- 10.6.4. review and make recommendations on the annual audit plan, and in particular its consistency with the scope of the external audit engagement;
- 10.6.5. review the findings of the audit with the external auditor. This shall include, but not be limited to, the following:
  - 10.6.5.1. a discussion of any major issues which arose during the external audit;
  - 10.6.5.2. any accounting and audit judgements; and
  - 10.6.5.3. levels of errors identified during the external audit.
- 10.6.6. review the effectiveness of the external audit.
- 10.6.7. review the management letter and management's response to the external auditor's findings and recommendations.

### 11. Reporting responsibilities

- 11.1. The Committee shall make whatever recommendations to the Council it deems appropriate on any area within its Terms of Reference where in its view action or improvement is needed.
- 11.2. A copy of the Committee minutes shall be provided by way of an information report to Council at the next Ordinary Meeting of Council.

### 12. Other matters

The Committee shall:

- 12.1. have access to reasonable resources in order to carry out its duties;
- 12.2. be provided with appropriate and timely training, both in the form of an induction programme for new members and on an ongoing basis for all members;
- 12.3. give due consideration to the Act and supporting Regulationsregulations;
- 12.4. oversee action to follow up on matters raised by the external auditors.

### 13. Review and Self-Assessment

- 13.1. The Committee shall conduct an annual Review-review and self-assessment of its own performance, The aim of the Review-review is to ensure that it is operating at maximum effectiveness and provide an opportunity to recommend any changes to Council that are considered as necessary.
- 13.2. The Review-review shall be conducted following the completion of the annual external audit and the outcome reported to Council.
- 13.3. The Review-review is to include consideration of the TOR and recommendations for changes to them.
- 13.4. The CEO is to furnish the Committee with the information necessary to perform the Reviewreview.

**14. Fee**

The sitting fee per meeting to be paid to the independent member(s) of the Committee shall be set by Council and is only payable after attendance of-at meetings on the provision of a tax invoice or statement of claim. In addition to the sitting fee a reimbursement for mileage (kms travelled to and from the meeting) is also payable on provision of a tax invoice or statement of claim. Reasonable charges for attendance (other than mileage) may also be paid provided these charges are approved by the CEO in advance.

<b>Version No</b>	<b>Issue Date</b>	<b>Description of Change</b>
1.0	October 2016	New Document
2.0	December 2019	Annual Update
3.0	December 2021	Annual Update
<u>4.0</u>	<u>May 2023</u>	<u>Annual Update</u>



**Yorke Peninsula Council**  
**Audit and Risk Committee**  
**Terms of Reference**

**1. Establishment**

The Audit and Risk Committee (Committee) is required under Section 126 of the Local Government Act 1999 (the Act).

**2. Objective**

The objective of the Audit and Risk Committee is to assist the Council in the conduct of its responsibilities for the management of business risk, corporate and financial governance and legal compliance, related to financial reporting and audit initiatives, the internal control system and the audit functions. The Committee acts as a source of advice to Council and the Chief Executive Officer (CEO) in relation to these matters.

The Committee will:

- enhance the communication between the external auditor and the Council;
- assist the management of business risks to ensure the protection of Council assets;
- monitor the effectiveness of audit and corporate and financial governance functions;
- enhance the integrity of the financial reporting of the Council; and
- review the effectiveness of the Council's internal controls and risk management systems.

**3. Authority**

The Committee is appointed by the Council as part of a sound corporate and financial governance structure.

The role of the Committee is to review, consider and make recommendations to the Council in relation to the activities as described in these Terms of Reference (TOR) to assist the achievement of the organisation objectives in an efficient and effective manner.

The Committee has the authority to require any information, it sees as relevant to its activities, from any Elected Member, the CEO or Council's external auditor, each of whom are required to respond to such enquiries.

The Committee is authorised to obtain independent professional advice where considered necessary following consultation with the CEO.

The Committee has no authority to act independently of the Council and has no delegated authority.

#### 4. Membership

4.1. Members of the Committee are appointed by Council. The Committee shall consist of five (5) members, with three (3) Elected Members of Council and two (2) independent members.

4.2. Nominations for membership, from the Elected Members shall be sought by the Council and where the number of nominations is greater than the number of positions available, a vote by secret ballot shall be undertaken using a preferential voting system.

4.3. Independent member(s) of the Committee:

- shall be individuals (not corporations or an organisation);
- have recent and relevant financial, business, accounting, risk management, corporate governance or internal audit skills and experience;
- have no conflicts of interest (as per Chapter 5, Part 4, Division 1 of the Act);
- preferably have experience in formal meeting procedures; and
- have an understanding of the Act and supporting regulations

A selection panel comprising of four (4) persons shall review and make recommendation for endorsement to Council of the independent member to be appointed. The panel will comprise of two (2) Elected Members (preferably those on the Committee), the Director Corporate and Community Services and the CEO (or Proxy).

4.4. Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each Committee member must vote on every matter that is before the Committee for a decision.

The Chairperson has a deliberative vote but in the event of an equality of votes, does not have a casting vote.

The CEO and other employees as directed by the CEO may attend any meeting as observers and/or be responsible for preparing and presenting papers for the Committee.

4.5. The Council's external auditor may be invited to attend meetings of the Committee.

4.6. The appointment of Elected Members to the Committee shall be for the period of the current Council term.

4.7. Independent members shall be appointed for a period of up to four (4) years, commencing part-way through an election cycle, so that their terms overlap each Council election and provide some continuity. Appointees may be reappointed by Council.

4.8. The Council shall appoint the Chairperson of the Committee from the endorsed members of the Committee. The Principal Member/Mayor of Council cannot be Chairperson/Presiding Member of the Committee.

4.9. In the event that the Chairperson is not present at the meeting (or part thereof) an Acting Chairperson will be appointed by those Committee members who are present at the meeting.

4.10. All members of the Committee shall be subject to the Register of Interests provisions of the Act, Chapter 5, Part 4, Subdivision 2.

4.11. Independent members of the Committee are Public Officers for the purpose of the Independent Commission Against Corruption Act 2012 and are subject to the provisions of the Criminal Law Consolidation Act 1935, Ombudsman Act 1972 and Public Interest Disclosure Act 2018, including reporting requirements.



- 4.12. All members of the Committee shall act honestly and with reasonable care and diligence, not make improper use of information acquired as a result of being a member of the Committee and must disclose an interest if they have an interest in a matter that is before the Committee(as per Chapter 5, Part 4, Division 1 of the Act).
- 4.13. All members of the Committee must comply with the integrity and behavioural requirements set out in Chapter 5, Part 4, Division 1 of the Act.
- 4.14. Where a member resigns or decides not to continue as a member of the Committee, a new member shall be appointed consistent with this TOR.

## **5. Administration and Resources**

- 5.1. The CEO shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

## **6. Quorum**

- 6.1. The quorum necessary for the transaction of business shall be 50% of the number of members of the Committee plus one. A duly convened meeting of the Committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the Committee.

## **7. Meetings**

- 7.1. The Committee shall meet at least four (4) times a year at appropriate times in the reporting and audit cycle and otherwise as required.
- 7.2. The Chairperson shall call a meeting at the written request of the Council's external auditor or any three (3) Members of the Committee.
- 7.3. In accordance with the principles of open, transparent and informed decision making, Committee meetings must be conducted in a place open to the public. The agenda and minutes of the Committee meetings, subject to any items that are discussed in confidence under Section 90 of the Act, are also required to be made available to the public.

## **8. Notice of meetings**

- 8.1. Ordinary meetings of the Committee will be held at times and places determined by Council or, subject to a decision by Council or the Committee.
- 8.2. Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee no later than three (3) clear days before the date of the meeting. Supporting papers shall be sent to Committee members (and to other attendees as appropriate) at the same time.
- 8.3. A special meeting of the Committee may be called in accordance with the Act.

## **9. Minutes of Meetings**

- 9.1. The CEO shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Act and supporting regulations.
- 9.2. Minutes of Committee meetings shall be circulated within five (5) days after a meeting to all members of the Committee and will (as appropriate) be available to the public.



**10. Role of the Committee****10.1. Strategic, Financial and Management Planning**

10.1.1. The Committee shall review and provide information and recommendations in relation to the Council Strategic Management Plan, Long Term Financial Plan, Asset Management Plans and Annual Business Plan.

**10.2. Financial reporting**

10.2.1. The Committee shall monitor the integrity of the financial statements of the Council, including its annual report, reviewing significant financial reporting issues and judgements which they contain and make sure that they present a fair and accurate record of the affairs of the Council.

10.2.2. The Committee shall review and challenge where necessary:

10.2.2.1. the consistency of and/or any changes to accounting policies;

10.2.2.2. the methods used to account for significant or unusual transactions where different approaches are possible;

10.2.2.3. whether the Council has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account the views of the external auditor;

10.2.2.4. the clarity of disclosure in the Council's financial reports and the context in which statements are made;

10.2.2.5. all material information presented with the financial statements;

**10.3. Internal controls and risk management systems**

The Committee shall:

10.3.1. review the adequacy and effectiveness of the Council's internal controls and risk management systems; and

10.3.2. review and consider the approval, where appropriate, of any material to be included in the annual report concerning internal controls and risk management.

**10.4. Public Interest Disclosure**

The Committee shall:

10.4.1. review the Council's arrangements for making and dealing with appropriate Disclosures of Public Interest, financial reporting and other financial matters; and

10.4.2. ensure these arrangements allow independent investigation of such matters and appropriate follow-up action.

**10.5. Internal audit**

The Committee shall:

- 10.5.1. monitor and review the effectiveness of the Council's internal audit function in the context of the Council's overall risk management system.
- 10.5.2. consider and make recommendation on the program of the internal audit function and the adequacy of its resources and access to information to enable it to perform its function effectively and in accordance with the relevant professional standards.
- 10.5.3. review all high level reports on the Council's operations from the internal auditors.
- 10.5.4. review and monitor management's responsiveness to the findings and recommendations of the internal auditor.
- 10.5.5. where appropriate meet with internal auditor at least once a year, without management being present, to discuss any issues arising from the internal audits carried out.

**10.6. External audit**

The Committee shall:

- 10.6.1. consider and make recommendations to the Council, in relation to the appointment, re-appointment and removal of the Council's external auditor.
- 10.6.2. oversee Council's relationship with the external auditor including, but not limited to:
  - 10.6.2.1. recommending the approval of the external auditor's remuneration and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted;
  - 10.6.2.2. recommending the approval of the external auditor's terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit;
  - 10.6.2.3. assessing the auditor's independence and objectivity taking into account relevant professional and regulatory requirements and the extent of Council's relationship with the auditor, including the provision of any non-audit services;
  - 10.6.2.4. satisfying itself that there are no conflicts of interest (such as family, employment, investment, financial or business) between the external auditor and the Council (other than in the ordinary course of business);
  - 10.6.2.5. monitoring the external auditor's compliance with legislative requirements on the rotation of audit partners; and
  - 10.6.2.6. assessing the external auditor's qualifications, expertise and resources and the effectiveness of the audit process;
- 10.6.3. The Committee shall meet the external auditor at least once a year, without management being present; to discuss the external auditor's report and any issues arising from the audit;
- 10.6.4. review and make recommendations on the annual audit plan, and in particular its consistency with the scope of the external audit engagement;

10.6.5. review the findings of the audit with the external auditor. This shall include, but not be limited to, the following:

10.6.5.1. a discussion of any major issues which arose during the external audit;

10.6.5.2. any accounting and audit judgements; and

10.6.5.3. levels of errors identified during the external audit.

10.6.6. review the effectiveness of the external audit.

10.6.7. review the management letter and management's response to the external auditor's findings and recommendations.

#### **11. Reporting responsibilities**

11.1. The Committee shall make whatever recommendations to the Council it deems appropriate on any area within its Terms of Reference where in its view action or improvement is needed.

11.2. A copy of the Committee minutes shall be provided by way of an information report to Council at the next Ordinary Meeting of Council.

#### **12. Other matters**

The Committee shall:

12.1. have access to reasonable resources in order to carry out its duties;

12.2. be provided with appropriate and timely training, both in the form of an induction programme for new members and on an ongoing basis for all members;

12.3. give due consideration to the Act and supporting regulations;

12.4. oversee action to follow up on matters raised by the external auditors.

#### **13. Review and Self-Assessment**

13.1. The Committee shall conduct an annual review and self-assessment of its own performance, The aim of the review is to ensure that it is operating at maximum effectiveness and provide an opportunity to recommend any changes to Council that are considered as necessary.

13.2. The review shall be conducted following the completion of the annual external audit and the outcome reported to Council.

13.3. The review is to include consideration of the TOR and recommendations for changes to them.

13.4. The CEO is to furnish the Committee with the information necessary to perform the review.

**14. Fee**

The sitting fee per meeting to be paid to the independent member of the Committee shall be set by Council and is only payable after attendance at meetings on the provision of a tax invoice or statement of claim. In addition to the sitting fee a reimbursement for mileage (kms travelled to and from the meeting) is also payable on provision of a tax invoice or statement of claim. Reasonable charges for attendance (other than mileage) may also be paid provided these charges are approved by the CEO in advance.

<b>Version No</b>	<b>Issue Date</b>	<b>Description of Change</b>
1.0	October 2016	New Document
2.0	December 2019	Annual Update
3.0	December 2021	Annual Update
4.0	May 2023	Annual Update

**23.4 DRAFT 2023/2024 ANNUAL BUSINESS PLAN AND BUDGET - PUBLIC CONSULTATION****Document #:** 23/56812**Department:** Corporate and Community Services**PURPOSE**

For Council to consider written submissions received during the public consultation period and any verbal submissions made by the public at the Council Meeting on Wednesday, 28 June 2023 in relation to Council's draft 2023/2024 Annual Business Plan and Budget.

**RECOMMENDATION**

That Council:

1. Set aside one hour during this meeting to allow submissions to Council by persons interested in Council's draft 2023/2024 Annual Business Plan and Budget;
2. Receive and consider all submissions, either written or verbal, as presented before Council at this meeting prior to adoption of the draft 2023/2024 Annual Business Plan and Budget at the Council meeting to be held on Wednesday, 12 July 2023;
3. Endorse an increase to Council's Operating Budget of \$202,557 for the purpose of road maintenance and a further increase to Council's Capital Budget of \$202,557 for the purpose of road renewal in addition to amounts provided for in the Draft Annual Business Plan which was adopted for public consultation; and
4. Endorse an increase to the Operating Budget of \$10,000 in addition to the amount provided for in the Draft Annual Business Plan which was adopted for public consultation to provide a total of \$35,000 to match Country Arts SA offer to support the Arts and Cultural Facilitator position till the end of June 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

**BACKGROUND**

Each year an Annual Business Plan (ABP) and Budget is produced by Council. These documents explain the context in which the budget has been developed, provide information on what Council plans to achieve in the coming financial year, and describe how this will be funded.

The draft 2023/2024 ABP and Budget were advertised for public consultation commencing on Wednesday, 31 May 2023 following endorsement of that action by Council at the Special Council Meeting held on Wednesday, 24 May 2023. The public consultation period inviting written submissions was advertised in the Yorke Peninsula Country Times, on Council's website and Facebook page, with copies also available from Council offices. Emails were also sent to all Progress Associations during the public consultation period. The closing date for submissions was 5pm on Wednesday, 21 June 2023. Council received eleven (11) submissions.

The public also has opportunity to provide verbal submissions to Council at the meeting on Wednesday, 28 June 2023.

## DISCUSSION

During the public consultation period Council received eleven (11) written submissions, copies of which are attached to this report. The submissions along with staff responses are summarised in the table below.

#	Name	Subject Summary	Summary of Staff Response
1	Monte Barclay 30/5/2023	Request for information into staff salaries and wages.	Link to Council's salaries and wages register provided via email.
2	Gabrielle Heard 2/6/2023	Objection to rate increase and dissatisfaction with service levels (roads, green bin collection up frequency), suggested a 'yearly dump pass' for ratepayers, also objected to public consultation methods.	<p>Council has a relatively low ratepayer base from which to secure funds to provide services and infrastructure which span our sizable Council area. As such, satisfying the many expectations of ratepayers in relation to services delivered by Council's is a constant struggle. Service levels, community expectations and affordability are all considered in formation of Council budgets.</p> <p>In relation to public consultation a direct mail out of the annual business plan has not been undertaken so as not to incur further cost to the community. Council has used the following means to consult with the community on the Annual Business Plan and Budget:</p> <ul style="list-style-type: none"> <li>• Council website</li> <li>• Social media channels</li> <li>• Hard copies in Council offices</li> <li>• Advertisements and editorials in the Yorke Peninsula Country Times.</li> </ul>
3	Trevor & Christine, Carbins 6/6/2023	Objection to rate increase; land-use classification.	Thanked for feedback, advised relevant staff made aware of specific land use concerns.
4	Robert Rigoni 17/6/2023	Request for additional information, suggestion to divide region into areas and allocate budget accordingly, suggestion for individual caravan park budget reporting, question re Marion	Council's budget considers the whole area under its jurisdiction with funding of existing services and renewal of existing infrastructure a significant priority in budget planning. Council's budget

		<p>Bay Boat Ramp grant, questions about capital projects (computer and mobile refreshing, mobility mat Marion Bay Caravan Park, laptop capable of video editing)</p>	<p>references several documents which provide its focus:</p> <ul style="list-style-type: none"> <li>• 2021-2025 Strategic Management Plan</li> <li>• 2024-2033 Long Term Financial Plan</li> <li>• Asset Management Plans</li> </ul> <p>Council caravan parks are treated as a separate business unit which returns a 10% of total turnover back to Council’s reducing Council’s reliance rate income. Further on-going Caravan Park maintenance and improvements are funded directly from the remaining income generated from the parks as a whole ensuring that the parks are not upgraded at the expense of general funds.</p> <p>Funding for construction of the Marion Bay Boat Ramp has not been obtained to date. The \$3.8m listed represents the anticipated cost of the project which is budgeted to be funded by \$3.04m in grant funding (if application is successful) and a \$760,000 loan also included in the draft budget. Projects listed in the Annual Business Plan as “Grant Funded One-Off Projects” (p.31) are subject to successful applications for grant funding.</p> <p>Computer refreshing and mobile phone refreshing items listed in the capital works program represent budget allocations to replace existing computers and mobile phones which have reached the end of their useful life.</p> <p>Mobility mat for Marion Bay Caravan Park provides further accessibility to Council caravan parks for persons living with a disability.</p> <p>Funds allocated for a computer capable of high-level video editing will assist Council in preparation of promotional material in a more cost-effective manner than outsourcing this work to contractors.</p>
5	Kay Klopp	Objection to rate increase; assertion regarding land	Changes in capital valuations do not influence the overall increase to



	<p>18/6/2023</p>	<p>value increases and impact on rates, assertion that Council should endeavour to ease the cost of living on socio-economically disadvantaged community, exhortation for Council to “live within its means” and have smaller operating surpluses.</p>	<p>total general rates required to be raised. Changes in capital valuations do however, impact individual rates calculated.</p> <p>Council adjusts the rate in the dollar used to calculate actual rates levied to ensure that the only the required 11.0% increase is raised.</p> <p>Rate model 4 proposes an 8% increase (\$1.62m) to total general rates (compared to 22/23) raised which is to be applied across all land use categories. A further 3% increase (\$0.61m) to total general rates (compared to 22/23) is levied on the Primary Production land use category alone and quarantined for use in maintaining and renewal of rural roads within the Council area. Council is not “double dipping” in relation to rate increases.</p> <p>Council is not immune to the impact of inflation experienced in the broader economy. Council’s budget has been set with reference to inflationary pressure it is also experiencing with the view to maintaining business as usual by continuing to deliver the services and infrastructure the community expects and relies upon. The operating surplus provided for in the annual business plan is subject to future amendment through Councils budget review process as the impact of inflationary pressure comes to bear on Council finances during the 2023/2024 financial year. During 2023/2024 revaluation of several classes of Council assets (Transport, CWMS, Stormwater and Potable Water) is to be undertaken the results of which may have an impact on the overall operating result.</p>
<p>6</p>	<p>Heinrich, Wiechers 20/6/2023</p>	<p>Objection to application of additional 3% increase to Primary Production land classification based on conflict with past Council decision; impact to budget of construction of Child Care Centre.</p>	<p>The past Council decision does not bind the current Council in relation to the setting of general rates.</p> <p>The purpose of additional 3% increase to Primary Production land classification is to address: reduced Financial Assistance Grant income due to increased primary production land; and the inequity in the</p>

			<p>proportion of rates paid by Primary Production landowners.</p> <p>The impact to the budget made by the construction of the childcare centre is not directly highlighted in the draft ABP and Budget as the Budget assumes completion of the childcare centre in the 2022-2023 financial year.</p> <p>Where projects are not completed within a given financial year a request to roll the remaining budget forward into a new financial year is made. In August 2023 a request will be made to Council to roll the remaining 2022-2023 budget (once calculated) for the childcare centre in to the 2023-2024 budget. Council staff will consider how the impacts of these processes can be better communicated through the Draft ABP and Budget setting process.</p>
7	Steph Ball, Lianne Cook 21/6/2023	Request to continue funding the Arts and Cultural Facilitator role at full time for 2023-2024 and in an ongoing capacity.	<p>The current Country Arts SA funding agreement for the Arts and Cultural Facilitator position runs until January. Presently the amount budgeted of \$25,000 would roughly equate to the position being 75% funded (full time until January and then part-time).</p> <p>Advised of ongoing discussions with Country Arts SA about continued funding opportunities for the role.</p>
8	Jasmine, Jason Swales-Smith 21/6/2023	Request to continue funding the Arts and Cultural Facilitator role at full time for 2023-2024 and in an ongoing capacity.	<p>The current Country Arts SA funding agreement for the Arts and Cultural Facilitator position runs until January. Presently the amount budgeted of \$25,000 would roughly equate to the position being 75% funded (full time until January and then part-time).</p> <p>Advised of ongoing discussions with Country Arts SA about continued funding opportunities for the role.</p>
9	Merilyn de Nys, Country Arts SA 21/6/2023	Support for continuing Art and Cultural Facilitator role, including an offer from Country Arts SA to continue co-funding the position full time until the end of financial year 2023-2024 at a cost of \$35,000 to Council (increase	<p>Thanked for feedback and assured Elected Members would be made aware of this new offer ahead of, and during, deliberations on the final ABP and Budget.</p>

		of \$10,000 on current budget in Draft ABP).	
10	Robyn Clasohm 21/6/2023	Request to continue funding the Arts and Cultural Facilitator role at full time for 2023-2024 and in an ongoing capacity to support the arts and cultural initiatives on Guuranda Yorke Peninsula.	The current Country Arts SA funding agreement for the Arts and Cultural Facilitator position runs until January. Presently the amount budgeted of \$25,000 would roughly equate to the position being 75% funded (full time until January and then part-time).  Advised of ongoing discussions with Country Arts SA about continued funding opportunities for the role.
11	Ashleigh Abbott 21/6/2023	Request to continue funding the Arts and Cultural Facilitator role at full time for 2023-2024 and in an ongoing capacity to support local arts and cultural initiatives.	The current Country Arts SA funding agreement for the Arts and Cultural Facilitator position runs until January. Presently the amount budgeted of \$25,000 would roughly equate to the position being 75% funded (full time until January and then part-time).  Advised of ongoing discussions with Country Arts SA about continued funding opportunities for the role.

As required by legislation a minimum of one hour will be set aside at the Council Meeting on Wednesday, 28 June 2023 to hear any submissions and/or take any questions from the public on the draft 2023/2024 ABP and Budget. At the time of writing this report no one had registered their interest to address Council.

## COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

Public consultation was undertaken between Wednesday, 31 May 2023 and Wednesday, 21 June 2023. An updated Community Engagement Plan is attached to this report.

## CONSULTATION PROCESS

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

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

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

- Nil

## POLICY IMPLICATIONS

PO 142 Budget Reporting and Amendment Policy

## BUDGET AND RESOURCE IMPLICATIONS

The draft 2023/2024 ABP and Budget generally align with Council's Asset Management Plans, Long Term Financial Plan (LTFFP) and key financial direction to reduce operating deficits and maximising funding available for the renewal of assets. The ABP and Budget have made provision for both increased income and expenditure compared to the LTFFP in response to the current economic climate and significant increase in inflation. Increases to capital expenditure compared to the LTFFP are also included in the ABP and Budget due to changes to assumptions around the timing of grant funded projects pending successful funding applications.

As part of the budget process journey with Elected Members, there was discussion and alert to increasing road transport network needs like:

- Recognition of an aging workforce and associated leave accrued
- Additional plant operator staffing and training of a new grader operator needed to deliver maximum utilisation of existing graders
- Additional machinery needs like watercrafts and change out of aging grader fleet
- Changing use of the existing road network by both increased tourism and primary production expectation.

Zero based budgeting and the past LTFFP projects did not account for the above, nor the extent of inflation encountered.

The original ABP and LTFFP projections of 6% rates (5% LTFFP) would come close to covering most inflation pressures, but not all. Similarly, the envisaged 3% (2% LTFFP) specific to primary production only, was to be dedicated towards unsealed road intersection improvements.

What went to community consultation was 8% general rate increase for all, plus only a 3% increase on top of the 8% for primary production. It is envisaged the extra 2% general rates and extra 1% will be ring fenced and tasked towards road deficiency reduction. Reporting of such extra funds specific application could be part of normal quarterly budget reporting after consulting with Council on preferred actions moving forward.

It should be noted that further adjustments to the 2023/2024 budget are envisaged to take place over the course of the 2023/2024 financial year. These adjustments may result in material changes to the financial projections contained within the ABP. Possible material impacts to the budget may be driven by factors such as the rollover of budgets for incomplete projects at 2022/2023 year-end into the 2023/2024 budget, the impact of asset revaluations for several asset classes and the potential rejection of grant applications for significant one-off projects. The impact of these factors once established will be reported to Council through the quarterly budget review process and/or separate reports to Council where required.

## RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

The ABP sets out Council's objectives for the next twelve months and how these objectives and activities link to Council's Strategic Management Plan. It provides Council with a clear mechanism to reach its short-term goals and reduces the risk of exposure that exists in failing to meet strategic objectives.

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

## ATTACHMENTS

1. **Submission 1 - Draft Annual Business Plan 2023-2024 - Barclay**  
2. **Submission 2 - Draft Annual Business Plan 2023-2024 - Herd**  
3. **Submission 3 - Draft Annual Business Plan 2023-2024 - Carbins**  
4. **Submission 4 - Draft Annual Business Plan 2023-2024 - Rigoni**  
5. **Submission 5 - Draft Annual Business Plan 2023-2024 - Klopp**  
6. **Submission 6 - Draft Annual Business Plan 2023-2024 - Wiechers**  

7. Submission 7 - Draft Annual Business Plan 2023-2024 - Ball and Cook [!\[\]\(2824aab9645d9fab95bae27ff6828dab\_img.jpg\)](#) [!\[\]\(0fbf3ad74a6c8dc44ba9ea17fc2aca5e\_img.jpg\)](#)
8. Submission 8 - Draft Annual Business Plan 2023-2024 - Swales-Smith [!\[\]\(c42d0234b47eca423823087b9f2f5716\_img.jpg\)](#) [!\[\]\(0a4e27b70a7e12aa1778c291185d94b0\_img.jpg\)](#)
9. Submission 9 - Draft Annual Business Plan 2023-2024 - de Nys (Country Arts SA) [!\[\]\(5fd3f9e293352907910bc12719d886a8\_img.jpg\)](#) [!\[\]\(5624885e6ed09b96433c36df0b4bcc44\_img.jpg\)](#)
10. Submission 10 - Draft Annual Business Plan 2023-2024 - Clasohm [!\[\]\(d963f205c828afa6df04ce78ed1ad9fd\_img.jpg\)](#) [!\[\]\(6f04a4e5847f873f8b68ad9f105c3e74\_img.jpg\)](#)
11. Submission 11 - Draft Annual Business Plan 2023-2024 - Abbott [!\[\]\(31c704f6a713ce068a0e82b13a7bca9b\_img.jpg\)](#) [!\[\]\(1e972413eeaa03c4d8bf3b51827783dc\_img.jpg\)](#)
12. Community Engagement Plan - Annual Business Plan and Budget 2023-2024 - Completed Public Consultation [!\[\]\(832d825bfcb1c3eee2d65cd358482739\_img.jpg\)](#) [!\[\]\(1c7520724b42ef77480ada97dda1a2df\_img.jpg\)](#)

**Savannah Shields**

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**From:** Monte Barclay <[REDACTED]>  
**Sent:** Tuesday, 30 May 2023 8:56 AM  
**To:** Corporate Email Address  
**Subject:** As reported in the Country Times the council has an employee wage bill of \$11,290,000 how as a ratepayer there for an employer get a full breakdown of this. This mean Mayor to the lowest payed on council staff.

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

**Savannah Shields**

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**From:** Gabrielle Herd <[REDACTED]>  
**Sent:** Friday, 2 June 2023 1:46 PM  
**To:** Corporate Email Address  
**Subject:** Rates increase

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To whom it may concern,

I would like to voice my objection on our rates being increased by 8%, it's a little hard to justify when we don't really get anything except 3 bin collection and the emptying of the septic every few years, if we actually saw a different in our roads or if we received a yearly dump pass or if the green bin was fortnightly then I could understand but to just increase with no increase of service does not sit well, great if you work at the council as I believe they is going to be a pay increase and I'm not taking that away from the people that work there as they probably deserve it but I'm not paying for it, especially if I am not receiving anything for my rates being increased.

I also am disappointed that I only find about this on a Facebook page and a letter hasn't been sent to individuals to inform us, then giving us time to object.

Appreciate your time.

Gabrielle Herd



Savannah Shields

From: Trevor Carbins [REDACTED]
Sent: Tuesday, 6 June 2023 1:06 PM
To: Corporate Email Address
Subject: Council Rates

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Dear Sir/Madam

My name is Trevor Carbins and i live with my wife Christine at [REDACTED] I read with disgust from the Country Times your intention to increase Council Rates for 2023/24 by 8% without any empathy or understanding of just what you are imposing on all peoples in our Community! Thank goodness for Councillors Johns, Gray, Stock and Murdock because they voted against this decision and seem to be the only Councillors that deserve to be seated in your Council. Our situation at [REDACTED] is that we live on 1.376 ha. and when we purchased our land in 1999 we were able to subdivide off half and so we have built and live on one half and cleared ferals such as Boxthorns and Acacia Cyclops off the other half [6,400 m2] to make it ready for sale. Council then in approx. 2012 rezoned a strip of land from Stansbury to almost Pt Vincent to Conservation and despite several attempts on our part to gain approval from Council to allow us to put this half up for sale we have not been given the ok even though we live within the greater Stansbury area and are now only 60 metres from the town boundary which now adjoins a 60 home new subdivision. Conservation should have started at the entrance of Adelaide Rd from the highway allowing this 400 metre strip in greater Stansbury to have been "Rural Living' or similar. Our Council rate notice puts us in "Residential use-Stansbury" and makes no mention of Conservation. We now have a half of our property that has become a liability for us because we are rated on the full property as Residential but at the same time you have made it impossible to dispose of it because it is now Conservation being a ludicrous decision from your Council. Our request of you is to reduce our rates not increase it at all given that your decision has meant that we have a very saleable land allotment, one that we have had several buyers interested in but is now a liability for us. It should never have been Conservation because of its location right next to residential Stansbury. We look forward to your reply. Trevor and Christine Carbins

Sent from Outlook



**Savannah Shields**

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**From:** [REDACTED]  
**Sent:** Saturday, 17 June 2023 8:17 AM  
**To:** Corporate Email Address  
**Cc:** Cr Kristin Murdock  
**Subject:** Comments and questions on draft annual business plan

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Council members

I like to see some changes and additional information added to the busyness plan 2023/2024. Also i have a question or 2.

The council region is to be divided in to zones for financial reasons to track that revenue/expenditure is spent evenly through out the region as some regions have higher tourist visitation compared to other regions which need more support .

I suggest for example west of the Mara Banggara fence then from the Cutline rd south to the fence and so on as you go further up the Peninsula.

All council caravan parks are to display there incomes individually as the same as there expenses in all budgets?

The council Business plans is indicating that council has obtained \$3.8million in there account for the Marion Bay boat ramp?

If so i gather the interest is being paid back into the fund and not going in to general revenue?

What is

Computer refreshing?

mobile phone refreshing?

mobility mat for Marion Bar CP?

Laptop video editing capable for \$6K why so much?

Regards

Robert Rigoni

Submission – Draft 23/24 Business Plan & Budget

18<sup>th</sup> June, 2023



Dear Councillors,

I am writing to object to the proposed Model 4 rating increase.

You all would be aware residential and primary production land values have increased significantly over very recent times. This in itself has had the effect of increasing our rates substantially. The proposed 8% & 11% on top of that is a huge 'double dipping windfall' by the Yorke Peninsula Council.

During a recent investigation of possible sporting grants available, the South Australian Office for Recreation Sport & Racing identifies the postcodes of communities experiencing socio-economic disadvantage (data supplied by Aust Bureau of Statistics) as including 5552, 5570, 5571, 5573, 5576, 5577, 5581, 5582 & 5583. \*

With electricity prices due to increase, a rate rise of this magnitude is totally unacceptable. Our Council should be endeavouring to ease the cost of living for our disadvantaged communities – not add to it.

The Council should keep any rate increases to the bare minimum.

If this Council has to "live within its means" and have a smaller operating surplus, then so be it.

Yours faithfully,

Kay Klopp

\*Ref: Grants/Office for Recreation, Sport & Racing. Community Recreation & Sport Facilities Program. Eligible project & amounts. Co-investment. SEIFA. PDF



Socio-Economic Indexes for Areas (SEIFA) subset – In numerical order

Postal Area Code					
5008	5113	5253	5343	5464	5582
5010	5114	5256	5344	5470	5583
5012	5115	5259	5345	5471	5601
5013	5116	5260	5346	5472	5604
5014	5120	5264	5354	5473	5605
5015	5121	5265	5357	5493	5606
5017	5162	5268	5373	5495	5608
5023	5163	5271	5374	5520	5670
5033	5164	5277	5381	5521	5690
5043	5165	5278	5401	5522	5700
5047	5166	5279	5410	5540	5719
5084	5168	5280	5411	5550	5722
5085	5173	5290	5412	5552	5723
5088	5203	5304	5413	5554	5724
5094	5204	5307	5417	5556	5730
5096	5211	5308	5418	5558	5731
5098	5214	5320	5420	5560	5732
5106	5220	5321	5421	5570	5733
5107	5221	5330	5422	5571	5734
5108	5222	5331	5433	5573	
5109	5236	5332	5454	5576	
5110	5237	5333	5460	5577	
5112	5238	5341	5461	5581	

Data determined in the Australian Bureau of Statistics [Census of Population and Housing: Socio-Economic Indexes for Areas \(SEIFA\), Australia, 2016](#) – Data cube: Postal Area, Indexes, SEIFA 2016.

OFFICIAL

Heinrich Wiechers

Yorke Peninsula Council

att: admin - Public consultation – Draft 2023-24 Annual Business Plan and Budget  
Elected Members

PO Box 57

Maitland SA 5573

08 8832 0000

[admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

20 June 2023

Dear Elected Members

Re: Public consultation – Draft 2023-24 Annual Business Plan and Budget

thank you for providing the opportunity to give feedback about the Draft 2023-24 Annual Business Plan and Budget. I assume it is just a typo that the pie-chart on page 32 is named 'Operating Income' but actually shows the operating expenses.

The *Essential Services Commission of South Australia - Local Government Advice* gave among others the following advice to Yorke Peninsula Council:

*'The Commission finds the Yorke Peninsula Council's short-term financial position is unsustainable but acknowledges its steps to achieve sustainability in the medium and long term. The Council's projected improvement to its financial performance is reliant on Renewing assets, consolidating services, controlling costs, and increasing rates.'*

Two issues related to the Draft 2023-24 Annual Business Plan and Budget are of major concern:

- separate rate 3% for primary production rate payers
- impact on budget of insufficient funding ( \$1,860,200) for Minlaton child care centre currently under construction

**Separate rate 3% for primary production rate payers not in accordance with council decision 14 October 2015 246/2015**

2022 council conducted a Community Survey – Heavy Vehicle Access Strategy that closed on Friday 28 October 2022.

Council's website (<https://yorke.sa.gov.au/community-services/public-consultation/2022-past-consultations/public-consultation-heavy-vehicle-access-strategy/>) states:

*The Heavy Vehicle Access Strategy Survey seeks to gauge the opinions of those who primarily use Council's unsealed roads (primary producers and transport operators) on the proposed Heavy Vehicle Access Strategy, as well as the measures proposed to address the P1 and P2 issues*



identified by HDS Australia.

Your response to this survey will help to shape the development of the Heavy Vehicle Access Strategy, and assist Council in developing the program of works to address the P1 and P2 issues identified on Council's highest trafficked roads.

I am not aware that council has released the outcome of this survey to the public and despite leaving an email address I was not 'kept up to date via email as the strategy develops and the program of works is implemented?'

Question 8 of the questionnaire put the following to the primary production ratepayer:

**Noting the \$121+ million value to address P1 and P2 issues on the roads most used by primary producers and the transport operators who service them. and bearing in mind Council's responsibility to address these issues now that they have been identified, as a primary production ratepayer. are you willing to accept a primary production special rate increase over and above existing rates dedicated to specifically addressing P1 and P2 issues?**

I declined to pay an additional rate, as the CEO was directed by a decision (246/2015) of Elected Members on the 14 October 2015:

**DA/AIS/R2**

**"90 DAY PROJECT – A MODERN TRANSPORT SYSTEM FOR AGRICULTURE"**

**Cr Davey moved Cr Hoyle seconded**

That Council supports the existing Commodity and General Freight Route Gazettal system for 26 metre B Double (Restricted Access Vehicle) operations upon the Yorke Peninsula with applications for operations outside of the existing process considered on merit and subject to a route assessment undertaken by a suitably qualified assessor at the applicant's expense, with any route upgrades required at cost to the applicant.

Yorke Peninsula Council  
Council Minutes  
Wednesday 14<sup>th</sup> October 2015

120

**CARRIED 246/2015 (14/10/2015)**

14 October 2015 Elected Members decided to support businesses that wish to use Restricted Access Vehicles (RAV). However the Elected Members on 14 October 2015 decided that costs for assessments and upgrades to the roads are at cost of the applicant. This decision of Elected Members gave direct and immediate authority to the CEO to act in accordance with that decision.

This decision was based on information provided to Elected Members at that time ... *there would be significant costs in upgrading road designs / layouts to accommodate road trains and Council should consider who will meet those costs.*

There is no record that the decision of Elected Members made on 14 October 2015 has been revoked.

**I allege that the decision to introduce a separate rate for primary production land to pay for those upgrades is not open to the Elected Members. It would not be in accordance with the decision by Elected Members made 14 October 2015.**

[REDACTED]

[REDACTED] the CEO requested HDS Australia to determine in

October – November 2018 the overall risk with accepted heavy vehicle route assessment criteria. HDS report states that *'This assessment was requested by Andrew Cameron, Chief Executive Officer at Yorke Peninsula Council (Council).'*

This also indicates that the ratepayer, against the clear instruction of Elected Members in 2015, paid for HDS services.

Could Elected Members please instruct the CEO to

- release the number of submissions received during Community Survey – Heavy Vehicle Access Strategy and how many affected ratepayers are willing to pay the separate rate
- disclose the cost to undertake the Community Survey – Heavy Vehicle Access Strategy
- release the comments and suggestions received during the Community Survey – Heavy Vehicle Access Strategy
- explain why the decision 246/2015 (all costs paid for by applicant) was ignored by the CEO and not implemented immediately
- explain why despite decision 246/2015 council's website states that upgrades to the roads to accommodate RAV must be addressed (paid) by the ratepayer.
- [REDACTED]
- **explain where the separate rate declared for primary production land for road improvement purpose is accounted for in the budget as only general rates and charges are currently shown. (*Local Government Act s 154*)**
- explain why the report that was announced at the Road Working Party Meeting 22 March 2023 by the Director Asset and Infrastructure was not presented on time at the May 2023 council meeting to Elected Members for consideration. (*'a report will be presented to the May 2023 Council meeting, seeking a resolution from Council to adopt the way forward in managing heavy vehicle access to Council's road network'*.)
- disclose the impact on the budget if all roadworks and associated costs related to the RAV issue are paid for directly by the applicants as decided in October 2015.
- provide supportive evidence why all primary production ratepayers should pay the separate rate when 47% of deliveries to Adrossan and Port Giles do not benefit from this additional financial burden? (figure presented at working party meeting March 2023)

**Impact of insufficient funding (\$1,860,200) for Minlaton child care centre currently under construction**

The draft annual business plan 2023/2024 does not disclose the impact the construction of the new child care centre Minlaton has on the budget. The Minlaton child care centre is not recognisable under Grant Funded One-Off Projects or anywhere in the Capital Works Program.

I note that the Minlaton child care centre was also not recognisable in Yorke Peninsula Council's



Annual Business Plan (ABP) 2022-23.

10 October 2022

Submissions for project child care centre Minlaton closed. The outcome revealed that the child care centre as designed would **exceed** the available grant funding by \$ **1,860,200**.

No information is provided by the CEO if at this early stage of the project a reduction or change to the scope of the project had been considered to reduce the building cost.

30 October 2022

Council (237/2022 (30/11/2022)) endorses:

Romaldi Constructions as the preferred tenderer to construct the Southern Yorke Peninsula Community Childcare Centre at a cost of \$4,110,200.

Allocation of all future Local Roads and Community Infrastructure Program Phase Four (previously Phase Three Extension) funding to the project.

Elected Members endorsed Romaldi Construction at a cost of \$ 4,110,200 and not **estimated** build cost of \$ 4,110,200 as later stated by the CEO in the February agenda.

21 December 2022

(7 weeks later) council's CEO applies for additional funding (\$ 1,860,200 ?) to the *National Emergency Management Agency*, without success. The CEO did not to attach a copy of his letter dated 21 December 2022 to the agency.

I note that the author of the letter advised the CEO of action he should take:

We may consider a reduction or change to the scope of your project, in accordance with the program's grant opportunity guidelines. In the first instance, you should contact the Department of Industry, Science and Resources Business Grants Hub who are delivering the BSBR grants program on behalf of NEMA. You should speak with them about your project and discuss the options for its ongoing delivery.

No information has been provided by the CEO in the Council Agenda 8 February 2023 if he followed the advice he had received from the *National Emergency Management Agency* in the letter dated 13 January 2023 and contacted the *Department of Industry Science and Resources Business Grants Hub* as suggested to discuss council's options for the delivery of the child care centre project.

No information has been provided by the CEO if this discussion was successful.

8 February 2023

The CEO states in council agenda:

*'\$2,250,000 was the expected cost of building the Centre. However, due to extreme rises in construction costs caused by a shortage of materials and labour, increased transportation expenses and various other increases to building costs since the onset of COVID-19, the amount granted is well short of the now estimated build cost of \$4,110,200.'*

To explain the increase of building cost by 82.6% through COVID-19 does not seem in line with figures published by the Australian Bureau of Statistics and is not supported by any evidence. I note that the CEO is talking about an **estimated** build cost of \$ 4,110,200.

Could Elected Members please instruct the CEO to clarify:

- where financial details for funding of the child care centre Minlaton are contained in the figures presented to the public as it is not listed under Grant Funded One-Off Projects or anywhere in the Capital Works Program?
- where the Draft 2023-24 Annual Business Plan and Budget takes into account the impact the shortage of funding of estimated \$ 1,860,200 has on the budget (short, middle, long term)?
- what action the CEO took since 10 October 2022 to explore or secure additional funding before and after putting the matter before Elected Members for endorsement?
- what action the CEO explored or considered since 10 October 2022 to achieve a reduction in building cost before and after putting the matter before Elected Members for endorsement?
- where the decision of Elected Members to allocate all future Local Roads and Community Infrastructure Program Phase Four (previously Phase Three Extension) funding to the child care centre project is reflected in the budget

As both matters addressed could have severe financial consequences in the short, medium and long term, I believe it is the right of the public to receive answers.

I ask Elected Members to consider the above arguments before any endorsement of the Draft 2023-2024 Annual Business Plan and Budget will be made.

Kind regards

Heinrich Wiechers

**Savannah Shields**

---

**From:** Ballara Retreat <[REDACTED]>  
**Sent:** Wednesday, 21 June 2023 1:36 PM  
**To:** Corporate Email Address  
**Subject:** Written submission to draft budget  
**Attachments:** Ballara - budget submission.pdf

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

Please find attached our written submission in regards to the 23/24 budget.

--  
Ballara Art & Lifestyle Retreat

[REDACTED]

## Ballara Art & Lifestyle Retreat

*Experience the past, Explore the present, Discover a future...*

- ★ *Heritage Accommodation*
- ★ *Artist Residency*
- ★ *Workshops*
- ★ *Corporate Events*
- ★ *Photoshoots*
- ★ *Photography Tours*
- ★ *Venue Hire/Weddings*
- ★ *Private Functions*



21<sup>st</sup> June 2023

To Yorke Peninsula Councillors,

Here at Ballara Art & Lifestyle Retreat and across Southern Yorke Peninsula in collaboration with our great partners, arts community and volunteers, we have we have committed a huge amount of time and resources over the past six years to grow Yorke Peninsula's arts audience and build economic opportunities for our artists and cultural experiences community.

It has taken many years to get where we are now and we see so much potential for Yorke Peninsula as an arts destination that contributes to building our local economy and supporting vibrant community that attracts visitors from across the globe. We now have international visitors travelling here to Yorke Peninsula and booking into arts experiences, which is fantastic and demonstrates the value in investing in arts on YP. This only has room to grow.

We were thrilled when an Arts Officer role was announced for Yorke Peninsula and the support it has meant for us since the role began.

Projects like the Narungga cultural days, the upcoming GROUNDED Art Festival, Fringe Festival on Yorke Peninsula, Shows on the Road, the connectivity between artists and arts venues across the peninsula, artist residencies, the Arts & Culture Working Group and so much more have been made possible and/or amplified in value by having the Arts and Cultural Facilitator role in the region. The role covers so much more than just coordinating an exhibition.

The value in arts opportunities for wellbeing and mental health are also a huge consideration in enabling a focus on arts and culture in the region, particularly during this time of community stress, uncertainty and isolation.

We have noticed the reduction in Salaries and Wages for the position in this year's budget and would like the YP Council to consider funding the \$24k to carry on the role full time in 2023-24 as well as in an ongoing capacity to ensure that the outcomes already gained are not wasted and so that the projects underway can maintain their current momentum and continue to grow.

Kind Regards,

Steph Ball & Lianne Cook

**Savannah Shields**

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**From:** [REDACTED]  
**Sent:** Wednesday, 21 June 2023 1:30 PM  
**To:** Corporate Email Address  
**Subject:** Draft budget submission  
**Attachments:** YP Budget submission 23\_24.pdf

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

Please find attached our written submission regarding the 2023-24 draft budget.

Jasmine

Sent from my iPhone





20/6/23

Jasmine & Jason Swales-Smith  
Artists & YP Rate Payers, Studio Surf Gallery

Yorke Peninsula Council  
PO Box 57, Maitland SA 5573  
[admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

**Submission Re: Draft 2023-24 Annual Business Plan and Budget**

Dear Yorke Peninsula Councillors,

We write this submission regarding the draft budget, specifically to address the \$24k reduction to the salaries and wages for the Arts & Cultural Facilitator Role.

When the Arts & Cultural Facilitator Role was announced we were overjoyed that YP Council had developed this valuable partnership with Country Arts SA. We were proud to see this step in the right direction for arts and culture on Yorke Peninsula. We have personally invested many volunteer hours into building an arts community, arts experiences, and opportunities for artists on Yorke Peninsula and were excited to finally have a position that was designated to helping grow that space.

Our hope was for an ongoing arts role in the region to drive arts and culture forward to grow a vibrant and prosperous community.

The value that the Arts & Cultural Facilitator role has already raised within the region far exceeds the financial investment that YP Council has contributed to the position so far. The value comes from opportunities for local artists, engagement with community, local investment in arts and cultural activities, sponsorship, volunteer commitment, and the solid contribution from the working group to develop the GROUNDED Arts Festival.

With the benefits of the Arts & Cultural Facilitator role being achieved in the role's infancy, imagine the growth to Yorke Peninsula arts, culture and economy that can be achieved if the



position is left to mature and grow, or what would be lost without the continuation of that role. Particularly if we acknowledge that the success of these type of roles is based on building relationships and trust, which takes time.

It is our understanding that the YP Council was successful in winning the valuable partnership with Country Arts SA, which enabled FTE funding for the position for 2 years. Regardless of whether that was the original agreement or not, we feel that the funding should be matched in good faith for the period of the project.

If the Arts & Cultural Facilitator Role is funded adequately for 2023-24 and consideration is given to ongoing funding for the role for Yorke Peninsula, together we will be able to build on the momentum already gained and move forward with important projects in the region.

As residents living, working and volunteering in the arts industry on Yorke Peninsula we want to impress upon you how important we feel this role is and the concern that much of the tasks will fall back to volunteers or dissipate altogether without the leadership that comes with the Arts Officer Role.

We would also like to reference the Strategic Management Plan, specifically Goals 1 and 4, that directly support the outcomes that would be achieved by funding an Arts & Cultural Facilitator Role.

*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 4 Community Engagement 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.*

Had we not been outside of the region this month we would be attending the Special Council Meeting on the 28<sup>th</sup> June to speak before Council and express our concerns. In lieu of being able to attend the meeting, please accept this written submission and consider our recommendations.

Recommendations:

1. That council reinstates \$24k to the salaries and wages budget in 23\_24 for the YP Arts & Cultural Facilitator Role.
2. Consider funding the Arts & Cultural Facilitator as an ongoing FTE position for Yorke Peninsula.

Yours Sincerely,



Jasmine & Jason Swales-Smith

**Savannah Shields**

**From:** Merylyn de Nys [REDACTED]  
**Sent:** Wednesday, 21 June 2023 3:18 PM  
**To:** Andrew Cameron  
**Cc:** Anthony Peluso  
**Subject:** YP- Arts & Cultural Facilitator position

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Hi Andrew

Following on from recent discussions with Anthony (who is on the road today) please see below the successes that can be attributed the Arts & Culture Facilitator position held by Sonya Rankine for you to present to Council for funding in the 2023/24 budget deliberations.

Highlights and achievements of Arts & Cultural Facilitator position since Jan 2022:  
 Successfully rebranded the YP Art Exhibition as the GROUNDED YP Art Festival traditionally held at Easter rescheduled to be held during SALA, 11-20 August 2023. A week long festival with more events and activities that now encompasses more towns from across the YP.  
 Attracted \$111,515 across 12 grants for projects on YP  
 Established a YP Arts Advisory Committee with a diverse membership driven by community consultation.  
 Established stronger links with First Nations peoples, Point Pearce and Narrunga Community  
 Arts and Cultural Facilitator position has proved a consistent and central point of contact for support, advice, resourcing and encouragement of creative ideas and endeavours.

Country Arts SA can make a commitment to fully fund the position to the end of June and require Council to match funds, which means that each partner will need to contribute approx. \$35K in total for Jan-Jun 2024.

I hope this helps in securing the necessary commitment.  
 Please reach out if you have any queries Andrew.  
 Kind regards  
 Merylyn

**Merylyn de Nys (she/her)**  
 Arts and Culture Leader



[REDACTED]  
 [REDACTED]  
[www.countryarts.org.au](http://www.countryarts.org.au)

THE ART OF INSPIRING COMMUNITIES   

I live and work on Boandik Land.

**At Country Arts SA, we live and create on the lands of the First Nations peoples of South Australia and pay our respects to Elders past and present.**

**We embrace the principle of 'First Nations First' and are committed to working together to safeguard, celebrate and present First Nations' living cultures.**

COUNTRY ARTS SA PRIVILEGED - PRIVATE AND CONFIDENTIAL

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**Savannah Shields**

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**From:** Robyn Clasohm [REDACTED]  
**Sent:** Wednesday, 21 June 2023 4:48 PM  
**To:** Corporate Email Address  
**Cc:** Mayor Braund; Cr Tania Stock  
**Subject:** Letter for Public Consultation meeting 28 June re: Budget 2023/24  
**Attachments:** Robyn Clasohm - letter for YPC - 2023 2024 budget opposition - public meeting communication.docx

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

Thank you kindly for making this written submission / communication public re:  
[Public Consultation – Draft 2023-24 Annual Business Plan and Budget](#)

Kindest Regards  
Robyn Clasohm  
[REDACTED]



Yorke Peninsula Council  
PO Box 57  
Maitland SA 5573  
[admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

21 June 2023

**Response to 2023-2024 Draft Annual Business Plan - Arts & Culture spend.**

Dear Elected Members and YPC Financial team

I write this letter for presentation and discussion at the 28 June 2023 [Public consultation – Draft 2023-24 Annual Business Plan and Budget](#) meeting, where the goal of a \$700K surplus by FYE 2024 will be discussed.

I have been asked by several business owners and councillors, to put forward in writing, our request for **adequate FTE funding for the Arts & Cultural Facilitator role to end June 2024 and beyond.**

The YPC's proposed budget for 2023/2024 has revealed that elected members voted in favour of reducing the funding for the Arts & Cultural Facilitator role, resulting in a position that is FTE until only mid-January 2024 (a \$24K reduction from previous plans), making the role part time (0.5 or 0.25 FTE) from January 2024 to 30 June 2024 with no plan to continue the role past this date.

As you may be aware, the Arts & Cultural Facilitator role was created just two years ago via a partnership-funded arrangement with Country Arts SA, just two years ago. The position is funded by a grant from the Regional Arts Fund via Country Arts SA (CASA) and YPC. Sonya Rankine has been in this role for just shy of two years and she is the first employee in this position, for Guuranda Yorke Peninsula.

**I ask that the elected members look at this aspect of the budget again, through the eyes of the emerging arts, culture and tourism industries of Yorke Peninsula.**

Please do not re-visit this ONLY for the comprehension of the revenue that these industries bring to our region and businesses. **Please seek to understand how this role enables our people; children, youth, creatives, retirees, returned servicemen AND our Narungga community the opportunity to connect and contribute to the arts and culture on Guuranda.** There's no denying this role is vital for the continuing reconciliation between Narungga people and the wider Guuranda residents, the partnership advancements through culture sharing, re-education and relationship building are clear and to be celebrated.

For those who have attended the various Narungga cultural events over the past two years will have experienced first-hand, the impressive numbers and educational success of the cultural days at Minlagawi, Ballara and Edithburgh. You will understand that the showing of Nunga Screen across the

YP towns has created a palpable difference in cultural understanding, integration, partnerships, and friendships.

For true, positive, and long-term change, the role needs secure funding until June 2026, at least with the hope for a role that remains solid and permanently within the YPC region.

**A very visual example of how the YPC region is embracing art and cultural tourism (the tourist dollar) and cultural revitalisation for its people is the Water Tower Art Trail and the Salt Lake Trail.** These arts-focussed, experience-based travel routes not only display YP's vital industries but also what is important to us, as people. The importance of the totems of the Narungga Nation at Minlacowie, storytelling within both indigenous and white settlement histories, our animals, plants, coast and fertile ground is evident across all of the incredible murals. The Salt Lake trail is a fascinating look into the past and how pastoralists and salt miners worked hard to build valuable industries for our region, not to mention a striking inland experience that brings tourists to the business hub towns, not just the coastal villages.

Do we simply stop now, two years in, because we have the pretty pictures on the cement? And a few information bays?

When an Arts role has been fought for and won (we know that Mayor Braund and CEO Andrew Cameron fought for this partnership with Country Arts SA) is only allowed to operate for a two-year tenure in a full-time capacity, it pretty much undoes all the investment and work that has been done over the infancy of the initial two years of the role. It's almost a waste of time, having an arts position for such a small and insignificant tenure. Although what has been achieved over two years is rather breathtaking if you see the list.

As a volunteer and paid worker within the arts and communication industry on Yorke Peninsula, I understand all too well, that success, impact and cut-through is based almost solely on relationship-building and understanding the 'lay of the land.'

The Arts & Cultural Facilitator role is more than coordinating an art festival. There are so many opportunities and benefits year-round. Strength of success comes from the role being embedded and connected to the community developing relationships and partnerships. Investment in more than two years is an essential community service that benefits everyone.

For Guuranda Yorke Peninsula, a place with a population density of 1 person per 1.3km, this 'learning the lay of the land within the arts community' takes even longer due to its sheer vastness. The growing of partnerships and relationships, building up collaborative creative projects, gaining the trust of emerging and established creatives (both Narungga and creatives of other ancestral backgrounds) discovering emerging creative venues and all things arts and culture is extremely slow going.

Following Covid lockdowns and the collapse of the entertainment and hospitality industry, YP needs to rebuild and reconnect. The people of Yorke Peninsula are hurting mentally, as is the entire nation. Self-isolation is a problem in the cities as a recognised mental health struggle but on Guuranda its self-isolation and physical isolation. We need to utilise the natural progression for artistic expression to heal and rebuild a sense of belonging and community ownership. We need events and festivals to feel a part of this community and to teach people how to heal and connect through storytelling.

I ask that at this meeting, you click this link below and read the five pillars that the Nation is seeking (the Revive National Strategy), to rebuild the arts and culture industries for our people, our communities:

<https://www.arts.gov.au/what-we-do/new-national-cultural-policy>

I also ask that if you have any doubts about this proposition, please take time to speak with the Legatus Group's Simon Millcock and Verity Laughton – they formed the LEGATUS CREATIVE INDUSTRIES PROJECT and published this paper:

<https://legatus.sa.gov.au/wp-content/uploads/2020/06/Final-Creative-Industries-Report-April-2020.pdf>

This research was done in 2019 and 2020 and the removal of the Arts & Cultural Facilitator role goes against a great deal of research, time and effort from us; YP's creatives, Legatus and the Flinders University PhD student Verity Laughton who conducted the research.

The reality is, without an Arts & Cultural Facilitator in 2025, the second ever GROUNDED YP ART FESTIVAL may not be possible. The amount of work that is being put into the inaugural event by Sonya Rankine and the 2023 working group; which comprises of three professional Graphic Designers, four celebrated Artists and a professional Copywriter may not eventuate without an experienced facilitator at the helm. Personally, I would not have the capacity to be involved if there was no one of local, creative and cultural esteem in that Arts & Cultural Facilitator position.

Thank you for considering this matter with discernment and reflecting on how a \$700K surplus could be a \$650K surplus by June 2024 simply by valuing the vital impact that an Arts & Cultural Facilitator has for our people, visitors, and creatives.

Robyn Clasohm  
Community Volunteer on the GROUNDED YP Art Festival Working Group





**Savannah Shields**

---

**From:** Ashleigh Abbott [REDACTED]  
**Sent:** Wednesday, 21 June 2023 4:56 PM  
**To:** Corporate Email Address  
**Subject:** letter in regard to YPC Resident response to 2023-2024  
**Attachments:** Ashleigh Abbott - letter to Council re2023-24 Budget - the arts[44].docx

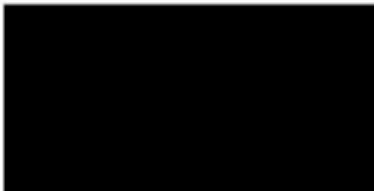
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Dear Yorke Peninsula Council Elected Members

Please see my letter in regard to YPC Resident response to 2023-2024 Draft Annual Business Plan.

Regards

**Ashleigh Abbott**  
Lead Creative



**communicate et al**  
*growing reputations*



Yorke Peninsula Council  
PO Box 57  
Maitland SA 5573

[admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

21 June 2023

**YPC Resident response to 2023-2024 Draft Annual Business Plan - Arts & Culture spend.**

Dear Yorke Peninsula Council Elected Members

I am an illustrator and graphic designer who has moved to the Yorke Peninsula Council region to be with my fiancé, who works within the family farm business. I work remotely and commute to my senior designer role in Adelaide.

Only through the deliberate and active seeking of likeminded creatives, I have been fortunate enough to learn about and observe the potential that exists within the generous and active arts community of Yorkes. Although, I feel like these creatives and opportunities are largely hidden behind closed doors.

I feel this hidden potential could be easily remedied by a deliberate Council focus on arts and cultural development, on Yorke Peninsula. There are professional artists and communicators here who can help leverage the full potential of this popular region, but an Arts and Cultural Facilitator is crucial for this to occur.

The arts, in all its forms, has a role to play in building and fostering community, which I have certainly appreciated through the likes of Ballara and the recent development of the GROUNDED YP Art Festival working group.

The geographical challenges of living in the country and becoming familiar and settled within a small country community can be very slow and isolating. It is the Cultural and Arts events, opportunities and communities that help develop belongingness and remedy mental health struggles that come with adjustment to country life, so very different to city life. Art and cultural events educate, connect, promote purpose and motivation for not only creatives but for everyone who attends.

Arts and Culture are vital for a healthy community. It can enliven, invigorate and connect people of all ages and demographics, and I feel as though removing funding from the Arts & Cultural Facilitator role, before there's been the opportunity to gain momentum, is nothing short of an error of judgement.

I would ask that the decision by Council be reconsidered.

The Arts & Cultural Facilitator position and the opportunities it provides to creatives like me, allows ME to have a role in this region, a sense of purpose, a way to contribute to the arts and culture of Yorke Peninsula, even if it is through volunteering for events, exhibitions and cultural festivals.

I currently commute to Adelaide to work as there are no paid opportunities for me on the Peninsula. There are limited events and social opportunities for us to participate in and utilise our professional skillset, to the benefit of our own region.

Ashleigh Abbott  
Community Volunteer on the GROUNDED YP Art Festival Working Group





## 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 21

PROJECT NAME:

Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status	Evaluation Method
tire community	Public Notice	Community Development and Engagement Officer	30/05/2023	6/06/2023	C	11 submissions received
tire community	Public Notice	Community Development and Engagement Officer	6/06/2023	13/06/2023	C	
tire community	Website	Community Development and Engagement Officer	30/05/2023	21/06/2023	C	#182
tire community	Social Media	Community Development and Engagement Officer	31/05/2023	31/05/2023	C	#1387
tire community	Ability to appear before Council	CEO	28/06/2023	28/06/2023	C	Nil registered

**24 ASSETS AND INFRASTRUCTURE SERVICES**

Nil

**25 DEVELOPMENT SERVICES****25.1 NAMING OF UNMADE COUNCIL ROAD RESERVE DIVIDING SECTIONS 13 AND 23, HUNDRED OF COONARIE, FOUL BAY****Document #:** 23/52216**Department:** Development Services**PURPOSE**

To seek approval to proceed with a community engagement process to name a portion of unmade, ungazetted, unmaintained Council road reserve dividing Sections 13 and 23, Hundred of Coonarie, Foul Bay.

**RECOMMENDATION**

That Council give approval to commence the community engagement process to name a portion of unmade, ungazetted, unmaintained Council road reserve dividing Sections 13 and 23, Hundred of Coonarie, Foul Bay.

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

At the Council Meeting of 12 April 2023, Council endorsed to step outside of its Street, Road and Public Place Naming Policy PO126 (Policy PO126) (available on Council's website [www.yorke.sa.gov.au](http://www.yorke.sa.gov.au)) to name a portion of an unmade, ungazetted, unmaintained Council road reserve dividing Sections 13 and 23, Hundred of Coonarie, Foul Bay (Proposal).

Before Council is able to proceed with the Proposal, a road name will need to be assigned in accordance with Policy PO126. Pursuant to Council's Community Engagement Policy PO057 (available on Council's website [www.yorke.sa.gov.au](http://www.yorke.sa.gov.au)) the community engagement process will be a Level 2 - Consult. Policy PO126 which requires that all property owners who may be affected need to be given the opportunity to provide feedback, in addition to the relevant progress association, and therefore personalised letters will be mailed to the Landowners of Sections 13 and 23, Hundred of Coonarie, Foul Bay and the Foul Bay Progress Association Inc.

To allow reasonable time for the distribution of consultation materials, the consultation period will commence on Wednesday, 5 July 2023 and conclude at the close of business on Thursday, 28 July 2023.

A further report will be prepared for Council to consider any feedback received during the consultation period in relation to the Proposal.

**DISCUSSION**

The Community Engagement Plan provided, sets out the consultation to be undertaken with stakeholders in addition to timeframes and evaluation methods (refer Attachment 2).

In considering an appropriate Street/Road/Public Place name pursuant to Policy PO126, each road will only have one, unique name within an official suburb or rural locality. In the case of the Proposal therefore, a name cannot be selected if there is another road that has already been assigned that name in the Hundred of Coonarie. Names are also required to be appropriate to the physical, historical or cultural character of the area concerned.

## Named Roads in Hundred of Coonarie

Foul Bay Road	Cape Yorke Road
Sandy Point Road	Nugent Road
South Coast Road	Wild Dog Hill Road
McKenzie Road	Cartwright Road
Hundred Line Road	Coonarie Road
Coonarie East Road	Happy Valley Road
Mud Alley	Hillier Crescent
Diosma Drive	Sturt Bay Road
Murdock Road	

The following proposed name is chosen for its uniqueness and importance to the Yorke Peninsula landscape.

**Bellbird Road**

The Crested Bellbird is a medium-sized bird. Adult males have grey heads with a raised black crest, a white forehead and throat, and a prominent black breast. The rest of the body is grey or brown and they have orange-red eyes. Females and immature birds are less prominently coloured than the males, lacking the black breast and have a smaller unraised black crest.

The Crested Bellbird habitat occurs from semi-arid coastlines to the arid Australia interior. They are found in acacia shrublands, eucalypt woodlands, spinifex and saltbush plains or dunes.

The Local Communities restoring critical habitat and landscape linkages in the Southern Yorke Peninsula (SYP) project, which commenced in 2012, achieved whole-of landscape biodiversity conservation by actively involving landholders to undertake revegetation activities on their properties. As a result of this collaboration increased areas of bushland and revegetated bushland corridors across SYP have been created.

Because of this work, SYP will gradually see the return of bird species such as the Diamond Firetail, Crested Bellbird and Scarlet Robin, which have been in decline over the last decade.

Landscape South Australia Northern and Yorke, 19 July 2017, *Revegetation success on Southern Yorke Peninsula*, [www.landscape.sa.gov.au](http://www.landscape.sa.gov.au), <https://www.landscape.sa.gov.au/ny/news/170718-revegetation-success-on-southern-yorke-peninsula-nws>

**Outline of Legislative and Governance Processes to be Undertaken**

Name Selection	Council to investigate appropriate names as per Policy PO126 – Street, Road and Public Place Naming. (Depending on the name selection, consultation may be required with other departments or organisations)
Council Report – June 2023	Road Name Recommendation/s
Inform Affected Landowners and progress association	Opportunity to provide feedback (minimum 21 days)
Council Report – August 2023	Report back to Council feedback received if any. Council to consider assigning road name.
Public Notice of Name Assignment (subject to resolution by Council)	Public notice of the assigning of Road Name and publication in the Government Gazette.
Advise Relevant Parties of Assignment of Name	Council to provide written notice to:



	Registrar-General Surveyor-General Valuer-General SA Police SA Ambulance Service SA Country Fire Service
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## COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

As set out in the Community Engagement Plan provided in Attachment 2.

## CONSULTATION PROCESS

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

- Director, Assets and Infrastructure
- Asset Manager
- Operations Manager
- Governance Officer

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

- Nil

## POLICY IMPLICATIONS

Strategic Management Plan 2021-2025

Long Term Financial Plan 2023-2032

Annual Business Plan 2022-2023

Transport Asset Management Plan

PO126 Street, Road and Public Place Naming Policy

PO057 Community Engagement Policy

PO091 Risk Management Policy

PO124 Asset Accounting Policy

PO128 Asset Management Plan

## BUDGET AND RESOURCE IMPLICATIONS

The associated legislative and gazettal process to name a road costs approximately \$6,000, which is an unbudgeted expense. The administrative resources required to undertake the processes related to the Proposal will require a budget adjustment at the first quarter Budget Review in 2023/2024.

## RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Local Government Act 1999

Council's Policy PO126 requires that all property owners adjoining the unmade, ungazetted, unmaintained Council road reserve, (refer Attachment 1) as per the Proposal, be given the opportunity to have input, in addition to the relevant progress association, before proceeding with the Proposal. It is essential to ensure an appropriate, transparent and responsible process is undertaken.

The impact of unbudgeted expenditure must also be given due consideration in context of Council's asset and financial management plans.

**ATTACHMENTS**

1. **Location Map** [↓](#) 
2. **Community Engagement Plan** [↓](#) 

PORTION OF UNMADE, UNGAZETTED, UNMAINTAINED COUNCIL ROAD, DIVIDING SECTIONS 13 AND 23,  
HUNDRED OF COONARIE





<b>COMMUNITY ENGAGEMENT PLAN</b>	SF215
<b>Refer: Naming of Unmade Council Road</b>	Issue Date: 09/12/2021
<b>Reserve Dividing Sections 13 and 23,</b>	Next Review Date: December 2025
<b>Hundred of Coonarie</b>	

Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status	Evaluation Method
Affected residents	Personalised Letter	Property Tenure Officer	5/07/2023	28/07/2023	NS	Report back to Council on outcome of public consultation. Elected members to make decision based on any submissions received from the public consultation process. Gazette Notice Advertiser Yorke Peninsula Country Times if endorsed by Council to assign road name.
Progress Associations	Personalised Letter	Property Tenure Officer	5/07/2023	28/07/2023	NS	
Other	Public Notice	Property Tenure Officer	TBA	TBA	NS	

**25.2 ACCESS ADVISORY WORKING PARTY MINUTES****Document #:** 23/38212**Department:** Development Services**PURPOSE**

For Council to receive the Minutes of Council's Access Advisory Working Party meeting held on 28 April 2023.

**RECOMMENDATION**

That Council receive the Minutes of the Access Advisory Working Party meeting held on 28 April 2023.

**LINK TO STRATEGIC PLAN****Goal:** 2 Community Connected through Infrastructure**Strategy:** 2.2 Provide disability access infrastructure**BACKGROUND**

To keep Council informed of regular Access Advisory Working Party meetings and to consider identified projects to meet the needs of accessibility and social inclusivity.

**DISCUSSION**

Attached are the Minutes of the Access Advisory Working Party meeting held on 28 April 2023.

Item 1.5 of the minutes;

***John Franke moved Perry Woodward seconded***

*That the minutes of the Access Advisory Working Party meeting held on 3 February 2023 as circulated, be confirmed as a true record.*

**CARRIED**

The Access Advisory Working Party budget for the 2022/2023 financial year is \$25,000. At the conclusion of the 2022/2023 financial year there was \$7,000 remaining in the budget which is proposed to be rolled over to the 2023/2024 financial year for the purpose of expenditure towards an access ramp at the Minlaton Town Hall which is estimated to cost \$15,000.

**COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

Minutes will be available on Council's website.

**CONSULTATION PROCESS**

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

- Operations Coordinator

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

- Access Advisory Working Party
- Progress Associations

**POLICY IMPLICATIONS**

Yorke Peninsula Council Disability Action and Inclusion Plan 2020-2024

**BUDGET AND RESOURCE IMPLICATIONS**

Consistent with the 2022/2023 budget allocation of \$25,000.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Disability Discrimination Act 1992

Council's Disability Access and Inclusion Plan 2020-2024 aligns with disability access to Council and community functions, facilities and services.

**ATTACHMENTS**

1. **Minutes - Access Advisory Working Party - 28 April 2023** [↓](#) 



## Yorke Peninsula Council

### Minutes of the Meeting of the Access Advisory Working Party

Held on Friday 28 April 2023  
In the Council Chambers  
57 Main Street Minlaton commencing at 1.30pm  
(Subject to confirmation)

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#### **ITEM 1**

##### **1.1 WELCOME BY CHAIRPERSON**

Cr Richard Carruthers welcomed everyone to the meeting and declared the meeting open at 1.30pm.

##### **1.2 PRESENT**

John Franke (Yorketown Progress Assoc.), Jane Lavery (Warooka Progress Assoc.), Perry Woodward (Port Julia Progress Assoc.), Heather Shepley (Corny point Progress Assoc.), Bruce Cook (Minlaton Progress Assoc.), Stan Szczypioski (Edithburgh Progress Assoc.), Cr Richard Carruthers.

##### **IN ATTENDANCE**

Roger Brooks	Director Development Services
Nick Hoskin	Operations Coordinator
Tanya Walsh	YP Leisure Options Coordinator
Maddy Pulling	Minute Secretary

##### **1.3 APOLOGIES**

Cr Alan Headon

##### **1.4 MINUTES OF THE PREVIOUS MEETING**

**John Franke moved Perry Woodward**

That the minutes of the Access Advisory Working Party meeting held on 3 February 2023 as circulated, be confirmed as a true record.

**CARRIED**



**1.6 MATTERS ARISING FROM MINUTES****1. Individual updates on projects allocated funding****1.1 Access Ramp – Corner Ceres Street, Stansbury**

\$1,850 was committed to relocate and install an access ramp on the corner of Ceres Street, Stansbury.

The contractor is currently completing the works. This item has been completed and can be removed from the Agenda.

**2. Other Matters Arising**

Council to undertake a proposed audit of access ramps for maintenance purposes.

1.6 **MATTERS REFERRED BY COUNCIL**

Nil

1.7 **PRESIDING MEMBER'S REPORT**

Nil

**ITEM 2 CORRESPONDENCE**

2.1 Correspondence 23/10342 dated 27 January 2023 from Tiddy Widdy Beach Progress Association (TWBPA) requesting financial assistance to install a designated dolomite pathway in the Tiddy Widdy Beach Southern Reserve. The pathway would provide accessibility to the disabled accessible table and chair setting, toilet and other aspects of the reserve. A quote of \$1,760 (including GST) has been obtained and the TWBPA advise they are willing to make a 10% contribution towards the project. This item was initially considered by the Access Advisory Working Party at the 3 February 2023 meeting. The Access Advisory Working Party were requested to consider the project further.

This item was withdrawn from the Agenda.

2.2 Correspondence dated 18 April 2023 from YP Leisure Options requesting financial assistance to install an access ramp at the rear (exterior) of the Minlaton Town Hall. YP Leisure Options clients have difficulties negotiating the steps to access the back entrance (back stage) area and facilities of the hall. A quote has been received to construct a concrete landing at the back double doors with a concrete ramp to adjoin the landing, the ramp would run parallel with the back wall and join the existing concrete pathway. The installation of a ramp would provide disability access and inclusivity to those wanting to access the back entrance of the hall. The quote to construct the ramp with handrails is \$11,800 excluding GST.

The Working Party inspected the location for the proposed ramp and considered the quote. It was found that a recently installed air conditioner (condensing unit) placed on the exterior of the building would obstruct the path of a proposed ramp. Plans need to be drawn up and provided to a contractor to obtain a revised quote. Preferably two quotes to be sought.

**ITEM 3 GENERAL BUSINESS**

Bruce Cook enquired about the outcome of discussions with Department of Transport (DIT) regarding a crossover from the Gum Flat rest area to the Uniting Church, Minlaton. Nick indicated the department was not overly supportive, however Nick will seek formal correspondence from DIT and report back. Bruce expressed a strong desire for the proposal. Discussion ensued about the potential for losing multiple car parking spaces.

John Franke advised that the Friends of Yorketown Hospital (FOYH) have raised an access issue with with the Pathology building of the Yorketown Hospital. John said (FOYH) are getting some quotes for a proposed access ramp and will submit a project request for the Working Party's consideration.

Stan Szczypioski advised he will be representing Edithburgh Progress Association in place of Kerryn Dawes. Stan advised that a recently installed disability accessible table and chairs in the Edithburgh playground has insufficient disability access. Edithburgh Progress Association intends to submit a project request for assistance for the installation of access pathway leading to the table and chairs.

Heather Shepley advised that the recently installed hand rails at the Corny Point Hall had caused an access obstruction and that they have now been removed. Nick advised he would supply/install grab rails as an alternative.

**ITEM 4 NEXT MEETING**

Friday, 28 July 2023 at 1.30pm

**ITEM 5 CLOSURE**

The meeting closed at 2.05 pm

.....  
**Chairperson – Cr Richard Carruthers**  
Friday, 28 July 2023

### 25.3 LEASE PROPOSAL - AMPLITEL PTY LIMITED

**Document #:** 23/43939

**Department:** Development Services

#### 13. PURPOSE

To seek permission to proceed with the community engagement process for a proposed new lease to Amplitel Pty Limited (part of the Telstra Group) for the telecommunication tower located at Lot 95 Oval Avenue, Warooka for a period of twenty (20) years.

#### 14. RECOMMENDATION

That Council:

1. Give permission to commence the community engagement process for a proposed new lease to Amplitel Pty Limited for the telecommunication tower located at Lot 95 Oval Avenue, Warooka for a period of twenty (20) years.
2. Endorse the Community Engagement Report attached, which constitutes the information that is required to be made available to the public as part of the community engagement phase in accordance with Section 202 of the Local Government Act 1999.

#### 15. LINK TO STRATEGIC PLAN

**Goal:** 1 Economically Prosperous Peninsula

**Strategy:** 1.8 Efficient delivery of permits, leases and licences

#### 16. BACKGROUND

The current lease is due to expire on 30 September 2024. To ensure the continuation of this valuable service to our region, Amplitel Pty Limited has requested a new lease for a period of twenty (20) years.

Pursuant to Section 202 of the Local Government Act 1999, for any lease or licence with a term greater than five (5) years, Council must follow the relevant steps set out in its public consultation policy.

The consultation period (minimum 21 days required) will commence on Tuesday 20 June 2023 and close at 5pm on Tuesday 11 July 2023.

A public notice will be placed in the Yorke Peninsula Country Times and on Council's social media sites. The Community Engagement Report is available for viewing at Yorke Peninsula Council offices at Maitland, Minlaton and Yorketown and on Council's website.

Following the consultation period, a report will be presented to Council on the outcome of the consultation for consideration.

To progress a new lease to Amplitel Pty Limited, Council must:

- Give permission to commence the community engagement process for a proposed new lease to Amplitel Pty Limited for the telecommunication tower located at Lot 95 Oval Avenue, Warooka for a period of twenty (20) years.
- Endorse the Community Engagement Report attached, which constitutes the information that is required to be made available to the public as part of the community engagement phase in accordance with Section 202 of the Local Government Act 1999.

**17. DISCUSSION**

The Telstra communications tower is located at the Warooka oval and was established in 2004. The tower has provided telecommunications services to our region for the past 19 (nineteen) years.

To ensure the continuation of this valuable service to our region, Amplitel Pty Limited has requested a new lease with Council for a further period of twenty (20) years.

**Lease Proposal**

## Land Only Lease

Lessee	Amplitel Pty Limited as trustee for the Towers Business Operating Trust.
Premises	Part of the land situated at Lot 95 Oval Avenue, Warooka SA (marked below as site access). Certificate of Title Volume 6148 Folio 398
Term	Twenty (20) years, commencing on 1 October 2024 and terminating on 30 September 2044
Rent	\$6,321.39 per annum (exclusive of GST)
Payment of Rent	Yearly in advance by way of electronic funds transfer commencing on the Rent Commencement Date and thereafter on each anniversary of the Commencement Date
Review of Rent	The rent is to be increased by 3% on each anniversary of the Commencement Date during the Term

Draft lease prepared by TG Legal & Technology (refer Attachment 1).

**18. COMMUNITY ENGAGEMENT PLAN**

## Level 2 - Consult

Pursuant to Section 202 of the Local Government Act 1999, a lease or licence for a term greater than five (5) years, Council must follow the relevant steps set out in its public consultation policy.

**19. CONSULTATION PROCESS**

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

- Corporate Management Team
- Property Tenure Officer

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

- TG Legal & Technology
- Amplitel Pty Limited

**20. POLICY IMPLICATIONS**

PO057 Community Engagement Policy

**21. BUDGET AND RESOURCE IMPLICATIONS**

Public Notice, Yorke Peninsula Country Times: estimated \$370

Annual Lease fees: \$6,321.29 per annum (exclusive of GST) plus 3% annual increase for the duration of the Lease.

**22. RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Pursuant to Section 202 of the Local Government Act 1999, a lease or licence for a term greater than five (5) years, Council must follow the relevant steps set out in its public consultation policy.

**23. ATTACHMENTS**

1. **Draft Lease - Amplitel Pty Limited - Warooka (under separate cover)** 
2. **Community Engagement Report**  
3. **Community Engagement Plan**  



**AMPLITEL PTY LIMITED**  
**(PART OF THE TELSTRA GROUP)**  
**LEASE PROPOSAL**

The Yorke Peninsula Council is seeking public feedback on a proposal to renew the lease for Amplitel Pty Limited for the telecommunication tower located in the Warooka oval area.

Under the Local Government Act 1999, Council is required to formally undertake community consultation for a lease or licence over community land when the term is greater than five (5) years.

**Lease Proposal**

Land Only Lease

Lessee	Amplitel Pty Limited as trustee for the Towers Business Operating Trust.
Premises	Part of the land situated at Lot 95 Oval Avenue, Warooka SA (marked below as site access). Certificate of Title Volume 6148 Folio 398
Term	Twenty (20) years, commencing on 1 October 2024 and terminating on 30 September 2044
Rent	\$6,321.39 per annum (exclusive of GST)
Payment of Rent	Yearly in advance by way of electronic funds transfer commencing on the Rent Commencement Date and thereafter on each anniversary of the Commencement Date
Review of Rent	The rent is to be increased by 3% on each anniversary of the Commencement Date during the Term

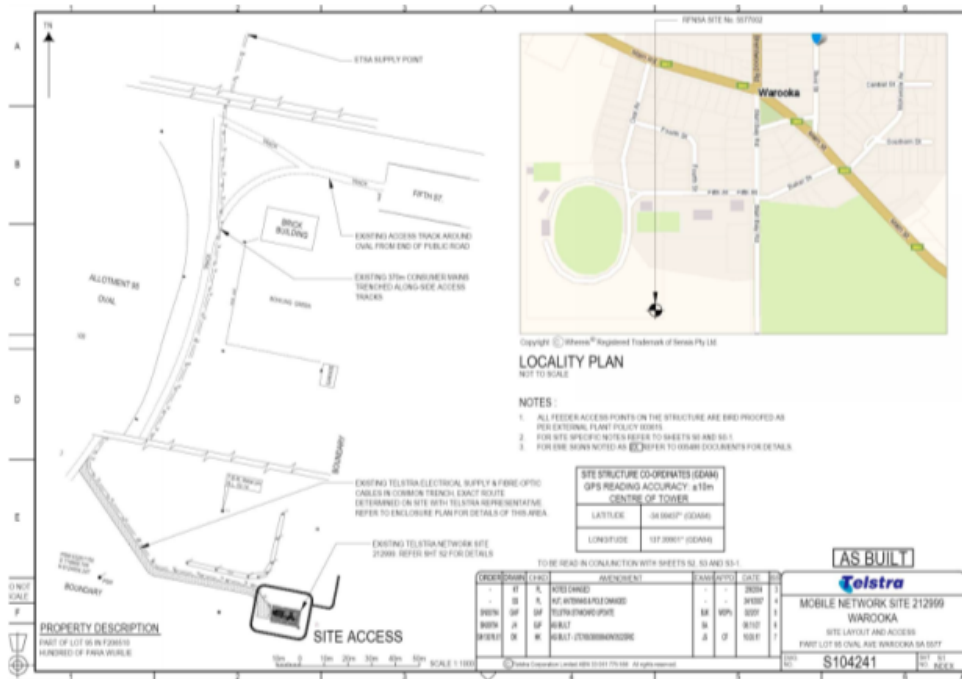
**Annexure A – Draft lease**

**Project Background**

The Telstra telecommunications tower located at the Warooka oval was established in 2004 and has provided telecommunications to our region for the past 19 (nineteen) years.

The current lease is due to expire on 30 September 2024. To ensure the continuation of this valuable service to our region, Amplitel Pty Limited has requested a new lease with Council for a period of twenty (20) years.

Site Location



HAVE YOUR SAY

The Yorke Peninsula Council welcomes your feedback on the Proposed Amplitel Pty Limited (Warooka) Lease.

To provide your feedback:

- By email – [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)
- By Post – PO Box 57, Maitland SA 5573

All feedback must be returned by 5pm on Tuesday, 11 July 2023.

Please indicate in the submission if you wish to appear before Council in this matter.

Next Step

Following the public consultation period, submissions received may be presented to a meeting of the Council for consideration.

More Information

Got a question about the lease proposal?

Contact Yorke Peninsula Council at [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au) or Ph 8832 0000.



Annexure A

FORM L1 (Version 3)  
GUIDANCE NOTES AVAILABLE

LANDS TITLES REGISTRATION OFFICE  
SOUTH AUSTRALIA  
**LEASE**

FORM APPROVED BY THE REGISTRAR-GENERAL

PRIORITY NOTICE ID	
--------------------	--

SERIES NO	PREFIX
	L

AGENT CODE  
TGLEG

LODGED BY:  
TG Legal + Technology Lawyers  
19 Gouger Street Adelaide 5000  
CR:MJL: 5339848

CORRECTION TO:  
TG Legal + Technology

SUPPORTING DOCUMENTATION LODGED WITH INSTRUMENT (COPIES ONLY)

- 1 .....
- 2 .....
- 3 .....
- 4 .....
- 5 .....

Ref: Legal/82320286\_1

CORRECTION	PASSED
REGISTERED	
REGISTRAR-GENERAL	

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## LEASE

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

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**LAND DESCRIPTION**

Portion of the land comprised in Certificate of Title Volume 5883 Folio 759 being the portion marked 'T' in GP 325/2004.

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**ESTATE & INTEREST**

Fee Simple

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**LESSOR** (Full name and address)

**Yorke Peninsula Council** ABN 82 179 825 615 of PO Box 57, Maitland South Australia 5573.

---

**LESSEE** (Full name, address and mode of holding)

**Amplitel Pty Limited** ACN 648 133 073 of c/- JLL, 242 Exhibition Street, Melbourne Victoria 3000

---

**TERM**

COMMENCING ON 1 October 2024

AND

EXPIRING AT MIDNIGHT ON 30 September 2044

---

**RENT AND MANNER OF PAYMENT** (or other consideration)

The Rent is set out in Item 8 of the Reference Schedule and shall be paid yearly in advance on each anniversary of the Commencement Date

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**IT IS COVENANTED BY AND BETWEEN THE LESSOR AND THE LESSEE as listed herein:**

(Covenants, where not deposited, to be set forth on insert sheet(s) and securely attached)

---



# **LAND LEASE**

**(South Australia)**

**Property: Lot 95 Oval Avenue**

**(Warooka (SA))**

**Yorke Peninsula Council**

**ABN 82 179 825 615**

**Amplitel Pty Limited**

**ACN 648 133 073**

## Reference Schedule

Item 1	<b>Lessor:</b>	Name: <b>Yorke Peninsula Council ABN 82 179 825 615</b> Address: <b>PO Box 57 MAITLAND SA 5573</b> Tel: <b>08 8832 0000</b> Email: <b>admin@yorke.sa.gov.au</b>
Item 2	<b>Lessee:</b>	Name: <b>Amplitel Pty Limited</b> as trustee for the <b>Towers Business Operating Trust</b> ACN: 648 133 073 ABN: 75 357 171 746 Address: c/- JLL 242 Exhibition Street MELBOURNE VIC 3000 Email: leaseadmin@amplitel.com
Item 3	<b>Premises:</b>	That part of the Land marked T in GP 325 of 2004 (a copy of which appears in 0) and situated at Lot 95 Oval Avenue, Warroka SA 5577.  For Lessee reference purposes only: JDE: 31747300 Tenure ID: 62865 Node Manager Address ID: 212999 RFNSA Number: 5577002 AMS Ref: SA003203
Item 4	<b>Land:</b>	Certificate of Title Volume 6148Folio 398
Item 5	<b>Term:</b>	Twenty (20) years, commencing on the Commencement Date
Item 6	<b>Commencement Date:</b>	1 October 2024
Item 7	<b>Terminating Date:</b>	30 September 2044
Item 8	<b>Rent:</b>	\$6,321.39 per annum (exclusive of GST), subject to clause 3.1
Item 9	<b>Payment of Rent:</b>	Yearly in advance by way of electronic funds transfer commencing on the Rent Commencement Date and thereafter on each anniversary of the Commencement Date
Item 10	<b>Permitted Use:</b>	Use, inspection, construction, installation, replacement, operation, maintenance, alteration, repair, upgrade, access to and from and removal of the Facility for telecommunications, communications and any other lawful purposes on the Premises and the Land in accordance with this Lease
Item 11	<b>Review of Rent:</b>	The Rent is to be increased on each Review Date by 3% per annum during the Term
Item 12	<b>Break Dates:</b>	Each of the following dates: (a) the date that is 15 years before the Terminating Date; (b) the date that is 10 years before the Terminating Date; and (c) the date that is 5 years before the Terminating Date.
Item 13	<b>Further Terms:</b>	Not Applicable.

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## Operative provisions

### 1 Interpretation

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#### 1.1 Definitions

The following words have these meaning in this Lease unless the contrary intention is shown:

**Act** means the *Telecommunications Act 1997* (Cth).

**Break Dates** means the date or dates set out at Item 12.

**Business Day** means a day that is not a Saturday, Sunday or public holiday in the State.

**Carrier** has the same meaning as is contained in the Act and includes a party acting in reliance upon a nominated carrier declaration made under Part 3 of the Act.

**Commencement Date** means the date specified in Item 6.

**Consumer Price Index** means the All Groups CPI: Australia Consumer Price Index as currently published by the Australian Bureau of Statistics.

**Current CPI** means the Consumer Price Index number for the quarter ending immediately before the relevant Review Date.

**Emergency** means circumstances where access must be provided without delay to protect the Facility, the health or safety of persons, the environment, property or maintenance of an adequate level of service.

**Facility** means any equipment, equipment housing, tower/pole/mast (or similar), antennas, associated ancillary equipment and/or any other fixtures, fittings, structures and cabling as altered or upgraded in accordance with the terms of this Lease belonging to or brought onto the Premises by the Lessee, any Related Body Corporate of the Lessee and any subtenant or licensee of the Lessee (as the case may be).

**Financial Year** means the 12 months period ending on 30 June in each year.

**Item** means an item in the Reference Schedule.

**Land** means the Land described in Item 4.

**Lease** means this lease and any equitable lease or common law tenancy evidenced by this lease.

**Lessee** means the party named in Item 2.

**Lessor** means the party named in Item 1.

**Liability Cap** means:

- (a) for the Financial Year ending 30 June 2022, \$20 million; and
- (b) for each subsequent Financial Year in the Term, the amount of the Liability Cap for the previous Financial Year multiplied by the Current CPI and divided by the Previous CPI.

**Network** means the passive infrastructure of the Lessee (or any Related Body Corporate of the Lessee) for use in connection with a communications network.

**Permitted Mortgage** means a mortgage of the Land granted to an authorised deposit-taking institution within the meaning of the *Banking Act 1959* (Cth).

**Permitted Mortgagee** means the mortgagee from time to time under a Permitted Mortgage.

**Permitted Use** means the use specified in Item 10.

**Premises** means the premises leased to the Lessee as described in Item 3.

**Previous CPI** means the Consumer Price Index number for the quarter ending immediately before the last Review Date (or, if there has not been one, the Commencement Date).



**PPS Security Interest** means a security interest that is subject to the *Personal Property Securities Act 2009* (Cth).

**Reference Schedule** means the Reference Schedule to this Lease.

**Related Body Corporate** means a related body corporate or a body corporate of which the Lessee is either an associated entity or a related body corporate of an associated entity, as each of those terms are defined in the *Corporations Act 2001* (Cth).

**Rent** means the amount specified in Item 8, as varied on any Review Date under this Lease.

**Rent Commencement Date** means the earlier of:

- (a) the date the Lessee substantially commences initial installation of the Facility on the Premises;
- (b) the date the Lessee identifies in a notice to the Lessor of the Lessee's intention to commence initial installation of the Facility on the Premises; or
- (c) the fifth anniversary of the Commencement Date.

**Requirements** means applicable legislation, by-laws, policies, industry standards or codes, community obligations and technical requirements.

**Review Date** means each anniversary of the Commencement Date during the Term

**Security Interest** means:

- (a) a PPS Security Interest;
- (b) any other mortgage, pledge, lien or charge; or
- (c) any other interest or arrangement of any kind that in substance secures the payment of money or the performance of an obligation or that gives a creditor priority over unsecured creditors in relation to any property.

**State** means the State or Territory of Australia in which the Premises is situated.

**Term** means the term of this Lease as specified in Item 5 which begins on the Commencement Date and ends on the Terminating Date.

**Terminating Date** means the date specified in Item 7, except where this Lease is terminated early in which case the date of earlier termination is the Terminating Date.

## 1.2 Rules for interpreting this Lease

Unless the context otherwise requires:

- (a) A singular word includes the plural, and vice versa.
- (b) If a word is defined, another part of speech using contextual variations of that word has a corresponding meaning.
- (c) Words of inclusion or example are not words of limitation.
- (d) Headings are for convenience only, and do not affect interpretation.
- (e) No rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of this Lease.
- (f) If anything in this Lease is unenforceable, illegal or void then it is severed and the rest of this Lease remains in force.
- (g) A reference to:
  - (i) legislation (including subordinate legislation) is to that legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;

- (ii) a document or agreement, or a provision of a document or agreement, is to that document, agreement or provision as amended, supplemented, replaced or novated;
- (iii) a party to this document or to any other document or agreement includes an executor, an administrator, a permitted substitute or a permitted assign of that party and where the party is a corporation, includes the corporation, its successors and assigns;
- (iv) a person includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity, and any executor, administrator or successor in law of the person; and
- (v) anything (including a right, obligation or concept) includes each part of it.
- (h) Unless the context otherwise requires, the terms installation and maintenance where they are used in this Lease have the same meanings and include the same activities as are provided under the Act.
- (i) Where a party consists of two or more persons or a term is used in this Lease to refer to more than one party an obligation of those persons is joint and several and a right of those persons is held by each of them severally.
- (j) Any right given to the Lessor or the Lessee (as the case may be) may where the context so permits be exercised by that party's employees, agents, contractors, subtenants, licensees or others authorised (expressly or implicitly) by that party.
- (k) Any obligation on the Lessor or the Lessee (as the case may be) will where the context so permits extend to the actions of that party or that party's authorised employees, agents, contractors, subtenants, licensees, invitees or others claiming under or through that party.
- (l) Unless this Lease expressly states otherwise, any party responding to a request for consent or approval must not unreasonably withhold or delay its response or impose any conditions inconsistent with the terms of this Lease. If withholding consent or approval, the responding party must give written reasons with its response.
- (m) Sections 124 and 125 of the *Real Property Act 1886* (SA) do not apply to this Lease.

## **2 Term of Lease**

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### **2.1 Term**

The Lessor leases the Premises to the Lessee for the Term and for the Permitted Use.

### **2.2 Holding over**

If the Lessee occupies the Premises after the Terminating Date without demand for possession by the Lessor, then the Lessee occupies the Premises under a yearly tenancy on the same terms as this Lease, so far as they can be applied to a yearly tenancy. Either party may terminate the yearly tenancy by giving no less than 1 year's notice to the other party.

### **2.3 Break Rights**

The Lessee may terminate this Lease on any of the Break Dates by giving the Lessor no less than 3 months' notice in advance.

## **3 Payments**

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### **3.1 Rent and Rent review**

- (a) The Lessee must pay the Rent in accordance with Item 9 to an account in Australia nominated by the Lessor. The Lessor may nominate another account in Australia into which the Rent must be paid upon giving at least 20 Business Days' notice to the Lessee.
- (b) The Rent is to be reviewed on each Review Date in accordance with Item 11.

**3.2 Rates and taxes**

The Rent is a gross amount and the Lessee is not required to pay any rates, taxes or outgoings which are charged to, assessed against or relate to the Land (including the Premises), subject to charges (if any) which this Lease expressly requires the Lessee to pay. The Lessor must pay all rates, taxes and outgoings on or before the payment date which are charged to, assessed against or relate to the Land (including the Premises).

**3.3 Costs of Lease**

The Lessee will contribute up to \$1,500.00 (plus any GST) towards the Lessor's reasonable legal fees for the preparation, negotiation and execution of this Lease. If stamp duty or registration fees are payable on this Lease, the Lessee will pay the applicable stamp duty or registration fees.

**4 Equipment**

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- (a) The Lessor grants a licence to the Lessee, its subtenants and licensees to install, maintain, repair, renew and use cabling on the Land to and from the Facility as is necessary for the Permitted Use.
- (b) Subject to the express terms of this Lease, the Facility remains at all times the property of the Lessee, its subtenants and licensees (as the case may be), even if it becomes attached to the Land.

**5 Use**

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**5.1 Use of Premises and Land**

- (a) The Lessee may only use the Premises for the Permitted Use.
- (b) The Lessor grants a licence to the Lessee, its subtenants and licensees to use so much of the Land adjacent to or adjoining the Facility as is reasonably required for the Permitted Use. After using the adjacent or adjoining Land, the Lessee must restore the surface to that part of the Land used to as near as practicably possible its state prior to use by the Lessee, its subtenants and licensees.
- (c) The Lessee is not required to carry out any capital or structural works to the Land unless such works are required by the Lessee for the installation or maintenance of the Facility or the works are as a result of the Lessee's negligence or a breach of this Lease.
- (d) The Lessee, its subtenants and licensees may install signage around the Premises and the Facility for the purposes of complying with applicable laws.
- (e) The Lessor grants to the Lessee, its subtenants and licensees the right to use so much of the adjoining or adjacent land as is reasonably required for the purpose of installing and maintaining guy anchors (if needed) to support the Lessee's structure on the Premises and running guy wires from those guy anchors on the adjoining or adjacent land to the Lessee's structure on the Premises. The Lessor must not use or interfere with the Lessee's guy anchors or guy wires. The provisions of clause 9.3 apply to the exercise by the Lessee of its rights under this clause.

**5.2 Condition of Premises**

Subject to clause 5.1(c), the Lessee will keep the Premises in good repair and condition (having regard to the condition of the Premises as at the Commencement Date) excluding fair wear and tear and any damage caused by fire, flood, lightning, storm, war or act of God.

**5.3 Permits and approvals**

The Lessor:

- (a) authorises the Lessee, at the Lessee's cost, to make applications to any relevant government authority or agency for any necessary permits, consents and approvals for the development, construction and use of the Facility and to exercise and procure (in the Lessee's discretion) every right of appeal arising from a determination or failure to determine such application; and

- (b) must sign all documentation and provide all assistance reasonably required by the Lessee or any person nominated by the Lessee to obtain the permits, consents and approvals referred to in clause 5.3(a).

## **6 Electricity and other services**

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- (a) The Lessor must permit the Lessee, at the Lessee's cost, to install electricity and other services on the Land to and from the Facility. The Lessee may use, install, repair, maintain, replace and remove any services to the Facility at any time.
- (b) The supply of electricity must be made through a dedicated usage meter (either by separate meter or check meter), installed by the Lessee at its own cost, so that the Lessee is directly accountable for any electricity that it uses on the Premises.
- (c) Where the Lessee installs separate electricity metering, the Lessee must pay to the supplier all charges for the separately metered electricity used by the Lessee. Where the Lessee installs a check meter, the Lessee will reimburse the Lessor the actual cost of the electricity it uses on the Premises as recorded by the check meter within 30 Business Days of receipt of a tax invoice from the Lessor.
- (d) The Lessor agrees that the Lessee may transfer ownership of some or all of the electricity cables to a third party electricity supplier for the supply of electricity to the Facility.
- (e) Where reasonably requested by the Lessee, the Lessor must grant an easement for electricity purposes over part of the Land on the easement terms that may be required by the electricity supplier.
- (f) The Lessor agrees that the electricity supplier may enter the Land from the Commencement Date for the purposes of installing, repairing, maintaining, upgrading, replacing and removing any electricity infrastructure.

## **7 Access**

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### **7.1 Access**

The Lessor grants a licence to the Lessee, its subtenants and licensees over the Land to have access to and from the Premises (including the Facility) at all times.

### **7.2 Security**

- (a) Subject to clause 7.2(b), the Lessee will comply with reasonable security arrangements and access protocols as previously notified to it by the Lessor. The Lessor will notify the Lessee of the Lessor's contact person for security purposes (including name, postal address, email address and phone number).
- (b) Where the Lessee does not have direct access to the Land, Premises and the Facility and there is an Emergency, the Lessor must arrange for the Lessee, its subtenants and licensees to have access to the Land, Premises and the Facility within 2 hours of notification by the Lessee to the Lessor or the Lessor's contact person nominated under clause 7.2(a). The Lessee may give this notice in person or by telephone.
- (c) The Lessee will reimburse to the Lessor the reasonable security expenses incurred by the Lessor in providing access during an Emergency within 20 Business Days of receipt of a tax invoice from the Lessor.

### **7.3 Access track and/or power connection**

If the Lessee installs at its cost any access track or power connection, then any other person (except the Lessor) who wishes to utilise the access track or power connection must share in the cost of any upgrade and maintenance of the access track or power connection as apportioned by the Lessee (and in consultation with the Lessor acting reasonably), taking into account the extent of the use of the access track or the power connection by other users.

## 8 Assignment and subletting

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- (a) The Lessee must not assign this Lease or sublet the whole of the Premises without the consent of the Lessor, except to:
- (i) a Related Body Corporate of the Lessee;
  - (ii) a Carrier; or
  - (iii) any entity (or a Related Body Corporate of that entity) that is acquiring the Network, in which case the consent of the Lessor is not required to the assignment or sublease.
- (b) The Lessee may grant a sublease of part of the Premises or a licence of the whole Premises or any part of the Premises to any person at any time.
- (c) In the event of an assignment of this Lease by the Lessee, the Lessee and the Lessor release each other from all obligations and liabilities under this Lease from the date of assignment of this Lease, but without prejudice to any prior claim or remedy which either party may have against the other party.
- (d) For the avoidance of doubt, and for the purposes of this clause 8, a reference to:
- (i) this 'Lease' includes any licence rights granted to the Lessee in this Lease and any rights which are appurtenant or ancillary to this Lease; and
  - (ii) the 'Premises' includes any areas over which the Lessee holds licence, appurtenant or ancillary rights.

## 9 Insurance and indemnity

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### 9.1 Property Insurance

The Lessee agrees to maintain all risks property insurance with a reputable insurer at all times in relation to the Premises.

### 9.2 Public Liability Insurance

- (a) The Lessee agrees to maintain public liability insurance with a reputable insurer for at least \$20 million at all times in relation to the Premises and the Lessee will include the Lessor as an insured to the extent of the Lessee's liability under this Lease.
- (b) If requested in writing by the Lessor (no more than once in a 12 month period), the Lessee will provide the Lessor with a letter confirming the Lessee's insurance as specified in this clause 9.2.

### 9.3 Indemnity and liability

- (a) The Lessee will indemnify the Lessor for any liability, loss, damage, cost or expense incurred or suffered by the Lessor which is caused or contributed (to the extent of the contribution) by the Lessee's negligence or breach of this Lease.
- (b) The liability of the Lessee under this Lease (including under the indemnity provided by the Lessee under clause 9.3(a)) will not exceed the Liability Cap in any Financial Year.
- (c) The liability of the Lessee under this clause 9.3 must be reduced proportionately to the extent that the Lessor's negligence or breach of this Lease caused or contributed to the liability.
- (d) In defending or responding to any claim under this clause 9.3, the Lessor must act reasonably and consult in good faith with the Lessee.
- (e) The Lessor must not settle any claim under this clause 9.3 without obtaining the prior consent of the Lessee. The Lessor must take reasonable steps to mitigate any liability, loss, damage, cost or expense including taking reasonable court action to defend any claim, action or demand made against the Lessor.

**10 Lessor's covenants**

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**10.1 Quiet enjoyment**

The Lessee is entitled to quiet enjoyment of the Premises and to undertake the Permitted Use on the Land without any interruption by the Lessor or any person lawfully claiming through the Lessor or in any other manner.

**10.2 Condition of Land**

The Lessor must repair, maintain and keep in good and substantial repair the Land (including all fixtures and fittings of the Lessor, if any), subject always to the obligations of the Lessee under this Lease.

**10.3 No damage**

The Lessor must not damage, tamper with or interfere with the Facility or its operation.

**10.4 Safety and security procedures**

The Lessor must comply with the Lessee's safety and security procedures and signage in respect of the Premises and the Facility.

**10.5 Other occupiers**

- (a) Where the Lessor proposes to grant rights of occupancy on the Land to other occupiers and those rights include the right to operate radio communications and/or telecommunications equipment on the Land, then the Lessor must first promptly give notice and obtain the Lessee's consent to the proposal (such consent not to be unreasonably withheld).
- (b) If the Lessee establishes that changes to other occupiers' facilities after the initial installation of the facility by the other occupier has caused interference with the Facility, the Lessor must, immediately upon receipt of notice from the Lessee, arrange for the other occupier to modify its facility so that it no longer interferes with the Facility.

**10.6 Consents**

If the Land is subject to a mortgage, the Lessor must obtain consent to this Lease from the mortgagee and the Lessee must pay the mortgagee's reasonable consent costs.

**10.7 Contamination**

The Lessor warrants to the best of its knowledge that, as at the Commencement Date, the Premises do not contain contamination or substances hazardous to health or safety.

**10.8 Events affecting Land**

- (a) The Lessor must promptly notify the Lessee if:
  - (i) the Lessor sells or otherwise disposes of its interest in the Land;
  - (ii) the Lessor is aware of a proposal for development occurring on adjoining land;
  - (iii) the Lessor changes its address for notices;
  - (iv) a Permitted Mortgage becomes enforceable; or
  - (v) a Permitted Mortgagee becomes:
    - (A) entitled to the receipt of Rent and other payments under this Lease;
    - (B) entitled to exercise any of the rights of the Lessor under this Lease; or
    - (C) obliged to perform any of the obligations of the Lessor under this Lease.
- (b) The Lessor must not:

- (i) grant a lease over the whole or any part of the Premises which is intended to run concurrently with this Lease;
  - (ii) issue a direction to the Lessee to pay the whole or any part of the Rent or other payments under this Lease (other than for charges which this Lease expressly requires the Lessee to pay or for electricity under clause 6) to a person other than the Lessor;
  - (iii) assign, transfer or grant any interest in this Lease or the Lessor's rights under this Lease, other than by way of a Permitted Mortgage;
  - (iv) appoint a person:
    - (A) other than an employee or officer of the Lessor, under power of attorney, as an authorised representative or attorney (other than pursuant to a Permitted Mortgage);
    - (B) other than a licensed real estate agent, as agent of the Lessor; or
    - (C) other than a professional adviser, such as an accountant or legal adviser,
 to exercise any rights of the Lessor under this Lease or to negotiate on behalf of the Lessor the terms of any lease, licence or other occupancy arrangement of the Premises to the Lessee to commence after the Terminating Date; or
  - (v) create or allow a Security Interest, other than a Permitted Mortgage, in the Land, this Lease or the Lessor's rights under this Lease,
- without the prior written consent of the Lessee (which may be granted or refused by the Lessee in its absolute discretion).
- (c) If the Lessor breaches clause 10.8(b), then:
    - (i) the Lessee will be entitled to a reduction in the Rent of 50% from the date of the Lessor's breach until the Terminating Date and the parties agree to promptly execute a variation of this Lease to reflect the reduced Rent which, if required, must be in registrable form. The Lessee must at the Lessor's cost attend to the preparation and, if required, registration of the variation of this Lease and the Lessor must immediately produce the certificate of title for the Land to enable the variation of this Lease to be registered (if applicable);
    - (ii) the Lessor must compensate the Lessee for any loss, damage or disadvantage which the Lessee may suffer or incur as a result of the Lessor's failure or delay in seeking the consent of the Lessee; and/or
    - (iii) at any time within 2 years after becoming aware of the breach, the Lessee may terminate this Lease by giving to the Lessor not less than 6 months' notice to the Lessor at any time.
  - (d) The Lessor acknowledges and agrees that:
    - (i) the Lessee will suffer loss and damages if the Lessor fails to obtain the Lessee's prior consent under clause 10.8(b); and
    - (ii) the reduction in the Rent under clause 10.8(c)(i) represents the amount reasonably required to protect the Lessee's legitimate business interests should the Lessor fail to obtain the Lessee's prior consent under clause 10.8(b).

#### 10.9 Lessor requirements to effect registration

The Lessor must do all things reasonably necessary for the registration of this Lease, including (without limitation), executing this document in accordance with the requirements of the *Real Property Act 1886* (SA) and the *Real Property (Electronic Conveyancing) Amendment Act 2016* (SA) (**SA Legislation**) and where relevant:

- (a) provide to the Lessee:
  - (i) an original copy of the Authorised Person Certification as defined in and required by the Registrar-General's Verification of Identity Requirements issued by the Department of Planning Transport and Infrastructure (Department); and



- (ii) sufficient evidence of the Lessor's authority to enter into the Lease which complies with the Registrar-General's Verification of Authority Guidelines issued by the Department;

prior to or at the time of execution of the Lease by the Lessor; and

- (b) engage a legal practitioner or registered conveyancer.

## 11 Default and termination

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### 11.1 Default and re-entry

- (a) If the Lessee fails to perform its obligations under this Lease and the Lessee does not, within 20 Business Days in the case of non-payment of Rent and 40 Business Days in the case of all other breaches from the date of receipt of notice from the Lessor, either remedy the default or if the default cannot be remedied, pay reasonable compensation to the Lessor for the loss or damage suffered by the Lessor as a consequence of the default, then the Lessor may re-enter upon the Premises.
- (b) This Lease determines on the Lessor's re-entry but without prejudice to any prior claim or remedy which either party may have against the other party.

### 11.2 Early surrender

- (a) Before the Facility is initially installed, the Lessee may surrender this Lease by giving the Lessor no less than 20 Business Days' notice where the Lessee or its subtenants or licensees are unable to comply with or satisfy any Requirements.
- (b) Despite any other provision of this Lease, if the Permitted Use is compromised (including physical or radio interference), the Premises are no longer required, the communications network of any of the Lessee's subtenants or licensees ceases to operate or the Lessee's subtenants or licensees vacate then the Lessee may surrender this Lease on giving to the Lessor no less than 6 months' notice at any time.
- (c) If the Lessee exercises its right to surrender this Lease under clauses 11.2(a) or 11.2(b), the Lessee must, at its cost, reinstate the Premises in accordance with clause 11.3 and the surrender of this Lease is without prejudice to any prior claim or remedy which either party may have against the other.
- (d) If this Lease is surrendered by the Lessee prior to the Terminating Date pursuant to this clause 11.2, the Lessor must, within 20 Business Days of the date of surrender, refund to the Lessee any Rent paid in advance for that portion of the Term after the date of surrender.

### 11.3 Reinstatement and Make Good

Within 4 months after the Terminating Date, the Lessee will remove that part of the Facility located above ground level and make good at its cost any damage to the Land or Premises caused by that removal. The Lessee will continue to pay Rent to the Lessor during this 4 month period (or any lesser period of time as the Lessee requires to meet its obligations under this clause 11.3) at the same rate of Rent (on a pro-rata basis) payable immediately before the Terminating Date.

## 12 GST

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### 12.1 Recovery of GST

If one party (**supplying party**) makes a taxable supply and the consideration for that supply does not expressly include GST, the party that is liable to provide the GST-exclusive consideration (**receiving party**) must also pay an amount (**GST amount**) equal to the GST payable in respect of that supply.

### 12.2 Time for payment of GST amount

Subject to first receiving a tax invoice or adjustment note as appropriate, the receiving party must pay the GST amount when it is liable to provide the GST-exclusive consideration or the first part of the GST-exclusive consideration for the supply (as the case may be).

**12.3 Indemnity and reimbursement payments**

If one party must indemnify or reimburse another party (**payee**) for any loss or expense incurred by the payee, the required payment does not include any amount which the payee (or an entity that is in the same GST group as the payee) is entitled to claim as an input tax credit or would have been entitled to claim as an input tax credit had the other party registered for GST in the event that it was required or entitled to do so, but will be increased under clause 12.2 if the payment is consideration for a taxable supply.

**12.4 Adjustment events**

If an adjustment event arises in respect of a taxable supply made by a supplying party, the GST amount payable by the receiving party under clause 12.2 will be recalculated to reflect the adjustment event and a payment will be made by the receiving party to the supplying party, or by the supplying party to the receiving party, as the case requires.

**12.5 Lease to be a tax invoice**

The parties agree that this Lease is intended to be a tax invoice which satisfies the requirements of section 29-70(1) of the GST Act.

**12.6 Change in the GST law**

If the GST law changes (including without limitation as a result of a change in the GST rate) after the date of this Lease, any consideration that expressly includes GST must be adjusted to reflect the change in the GST law.

**12.7 When RCTI clauses apply**

Clause 12.8 shall only become effective upon notice being provided by the Lessee, in its absolute discretion, to the Lessor.

**12.8 RCTI**

For the purpose of satisfying the requirements of the GST legislation and any additional requirements as determined by the Commissioner of Taxation from time to time, the Lessor and the Lessee agree that:

- (a) the Lessee can issue recipient created tax invoices (and adjustment notes) in respect of the supply by the Lessor of the Lease of the Premises to the Lessee;
- (b) the Lessor must not issue a tax invoice (or adjustment notes) in respect of any supply by the Lessor to the Lessee under this Lease unless the Lessee notifies the Lessor that the Lessee will not be issuing a recipient created tax invoice for that supply;
- (c) the Lessee is registered for GST purposes. The Lessee must notify the Lessor if the Lessee ceases to be registered for GST purposes or ceases to satisfy the requirements for issuing recipient created tax invoices as set out in the GST legislation or as determined by the Commissioner of Taxation from time to time;
- (d) the Lessor is registered for GST purposes and has notified the Lessee of its ABN. The Lessor must notify the Lessee if the Lessor ceases to be registered for GST purposes or if it intends selling its business or otherwise ceases to be entitled to enter into a recipient created tax invoice arrangement; and
- (e) the Lessee must issue the recipient created tax invoice to the Lessor and must retain a copy. The Lessee must issue the recipient created tax invoice within 28 days from the date the value of the relevant supply is determined.

**12.9 When RCTI clauses cease to apply**

Clause 12.8 shall be effective from the date on which the Lessee issues a notice to the Lessor under clause 12.7 and continues until terminated by either party at any time by giving not less than 30 days' prior written notice to the other party.

**12.10 GST definitions**

In this Lease:

- (a) terms used that are defined in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (**GST Act**) have the meaning given in that Act, unless the context makes it clear that a different meaning is intended;
- (b) consideration includes non monetary consideration, in respect of which the parties must agree on a market value, acting reasonably;
- (c) in addition to the meaning given in the GST Act, the term 'GST' includes a notional liability for GST; and
- (d) each periodic or progressive component of a supply to which section 156-5(1) of the GST Act applies will be treated as if it were a separate supply.

### 13 Warranties

---

#### 13.1 Lessee as trustee

- (a) The parties acknowledge and agree that:
  - (i) where the Lessee is a responsible entity or trustee of a trust, the Lessee enters into this Lease in that capacity and is bound by this Lease only in that capacity and in no other capacity;
  - (ii) the recourse of the Lessor to the Lessee in respect of any obligations and liabilities of the Lessee under or in connection with this Lease (whether that liability arises under a specific provision of this Lease, for breach of contract, tort (including negligence) or otherwise) is limited to the extent to which the liability can be satisfied out of the assets of the trust out of which the Lessee is actually indemnified in respect of such obligations and liabilities;
  - (iii) the parties may not sue the Lessee in any capacity other than as responsible entity or trustee of the trust, including seeking the appointment of a receiver (except in relation to property of the Lessee), a liquidator, an administrator or any similar person to the Lessee or prove in any liquidation, administration or arrangement of or affecting the Lessee (except in relation to property of the Lessee); and
  - (iv) the provisions of this clause 13.1(a) do not apply to any obligation or liability of the Lessee in its capacity as trustee of the trust to the extent that it is not satisfied because under the trust deed of the trust or by operation of law there is a reduction in the extent of the Lessee's indemnification out of the assets of the trust as a result of fraud, negligence or breach of trust on the part of the Lessee.
- (b) As at the Commencement Date, the Lessee warrants to the Lessor that:
  - (i) it has power under terms of the relevant trust deed to execute this Lease and enter into every transaction contemplated by this Lease;
  - (ii) it is the only responsible entity or trustee of the relevant trust;
  - (iii) no action has been taken to remove it as trustee of the relevant trust or to appoint an additional responsible entity or trustee of the relevant trust;
  - (iv) it has a right to be indemnified out of all the property of the relevant trust in relation to money and any liabilities of any nature owing under, or the payment of which is contemplated by or may arise under, this Lease; and
  - (v) no action has been taken to terminate the relevant trust or to determine a vesting date under the relevant trust deed.

#### 13.2 Lessor as trustee

If the Lessor enters into this Lease as a responsible entity or trustee of a trust, as at the Commencement Date, the Lessor warrants to the Lessee that:

- (a) it has power under terms of the relevant trust deed to execute this Lease and enter into every transaction contemplated by this Lease;

- (b) it is the only responsible entity or trustee of the relevant trust;
- (c) no action has been taken to remove it as trustee of the relevant trust or to appoint an additional responsible entity or trustee of the relevant trust;
- (d) it has a right to be indemnified out of all the property of the relevant trust in relation to money and any liabilities of any nature owing under, or the payment of which is contemplated by or may arise under, this Lease; and
- (e) no action has been taken to terminate the relevant trust or to determine a vesting date under the relevant trust deed.

## 14 Miscellaneous

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### 14.1 Application of Laws

- (a) Nothing in this Lease affects, restricts, limits or derogates from the rights, powers and immunities under and by virtue of the Act or any other applicable legislation and/or regulations of the Commonwealth.
- (b) The Lessor agrees that it does not require written notice under clause 17(1) Division 5 Part 1 of Schedule 3 of the Act from the Lessee or any subtenant or licensee of the Lessee for access to the Facility and any activities related to the Permitted Use.
- (c) The Lessee must comply with all applicable laws in respect of the Lessee's use of the Premises and any requirements, notices or orders of a government authority or agency having jurisdiction in respect of the Lessee's use of the Premises.
- (d) The Lessor must comply with all applicable laws in relation to the Land and the Lessor's property on the Land.

### 14.2 Notices

- (a) Subject to clause 14.2(b), a notice, consent or other communication (**Notice**) under this Lease is only valid if it is in writing and addressed to the recipient (as per the address in the Reference Schedule, or as notified to the other party in writing from time to time) and either delivered by hand or sent by pre paid mail (by airmail, if the recipient is overseas) to the recipient's address or sent by email to the recipient's email address or email addresses. Where more than one email address is specified, the Notice must be sent to all specified email addresses.
- (b) Notice may be given orally where expressly permitted by this Lease. A Notice given orally is deemed to be received at the time it is given.
- (c) A Notice is deemed received by email if delivered:
  - (i) by 5.00pm on a Business Day – at the time (local time in the place of receipt) specified in the delivery confirmation or receipt generated by the sender's email; or
  - (ii) after 5.00pm on a Business Day or on a day that is not a Business Day – on the next Business Day after the time (local time in the place of receipt) specified in the delivery confirmation or receipt generated by the sender's email.
- (d) Any Notice sent by mail is deemed to have been received within 7 Business Days after posting to a location within Australia or 10 Business Days after posting to a location outside Australia.
- (e) Any Notice delivered by hand is deemed to have been received at the time it is given.

## 15 <sup>^</sup>Electronic execution

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- (a) The parties agree that a party may sign this document electronically. For clarity, all parties may sign this document electronically.
- (b) If one or more parties electronically sign this document, by doing so they will:

- (i) bind themselves to this document; and
  - (ii) such electronic signing will satisfy requirements under the *Corporations Act 2001* (Cth) and *Real Property Act 1886* (SA) and *Electronic Transactions Act 2000* (SA) (if applicable); and
  - (iii) satisfy any other requirements for this document to be in writing and signed by those parties.
- (c) If one or more parties intend to sign this document physically, they may do so at any time, so long as the final copy contains the signatures (which may be electronic signatures) of all parties to the document.
- (d) A fully executed original of this document must include the signatures of all parties to this document in accordance with clause 15(e).
- (e) For this clause 15, a **signature** means the execution of this document by a party that complies with all applicable Laws where:
- (i) if electronic, a document containing such signatures may be printed for subsequent wet-ink execution by another party; or
  - (ii) if wet-ink, it may be signed in any number of sets of copies for subsequent electronic or wet-ink execution by another party.

**Executed** as a deed

**Executed by Lessee**

**Signed, sealed and delivered by**

\_\_\_\_\_  
By executing this deed the attorney states that the attorney has received no notice of revocation of the power of attorney

as attorney for **Amplitel Pty Limited** under power of attorney registered no. **13600321** in the presence of an independent adult witness who either knows the attorney personally or who has been given satisfactory proof as to their identity:

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Full name of witness (block letters)

\_\_\_\_\_  
Postal address of witness

\_\_\_\_\_  
Business hours telephone number of witness

**Executed by Lessor**

The common seal of Yorke Peninsula Council  
ABN 82 179 825 615 was affixed in accordance  
with its Constitution in the presence of:

\_\_\_\_\_  
Authorised signatory

\_\_\_\_\_  
Authorised signatory

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Office

\_\_\_\_\_  
Office



Schedule 1– Premises Plan

TG Drafting note: JLL to provide registered surveyed plan

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**OPERATIVE CLAUSE** *\*Delete the inapplicable*

The Lessor LEASES TO THE LESSEE the land described and the LESSEE ACCEPTS THIS LEASE of the land for the term and at the rent stipulated, subject to the covenants and conditions expressed \*herein / ~~\*in Standard Terms and Conditions No. \_\_\_\_\_~~ and to the powers and covenants implied by the *Real Property Act 1886* (except to the extent that the same are modified or negatived).

---

**DEFINE THE LAND BEING LEASED INCORPORATING THE REQUIRED EASEMENT(S) ETC.**

Not applicable

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**CONSENTS OF MORTGAGEES**

[Insert]

DATED

**CERTIFICATION** *\*Delete the inapplicable*

**Lessor(s)**

- \*The Certifier has taken reasonable steps to verify the identity of the lessor or his, her or its administrator or attorney.
- \*The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
- \*The Certifier has retained the evidence to support this Registry Instrument or Document.
- \*The Certifier has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Signed By:

for:

on behalf of the **Lessor**

**Lessee(s)**

- \*The Certifier has taken reasonable steps to verify the identity of the lessee or his, her or its administrator or attorney.
- \*The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
- \*The Certifier has retained the evidence to support this Registry Instrument or Document.
- \*The Certifier has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Signed By: .....

.....  
Name of Certifying Party

Solicitor

for: TG Legal + Technology

on behalf of the **Lessee**



	SF215
	Responsible Officer: Community Development & Engagement Officer
	Issue Date: 09/12/2021
	Next Review Date: December 2025
<b>Project Name: Proposed Lease - Amplitel Pty Limited</b>	

Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status	Evaluation Method
Entire community	Public Notice	Property Tenure Officer	20/06/2023	11/07/2023	NS	Report back to Council on outcome of public consultation. Elected members to make decision based on any submissions received from the public consultation process.
Entire community	Website	Property Tenure Officer	20/06/2023	11/07/2023	NS	
Entire community	Ability to appear before Council	Property Tenure Officer	20/06/2023	11/07/2023	NS	

**25.4 PROPOSED NEW LEASE - EDITHBURGH RSL & BOWLING CLUB INC.****Document #:** 23/44710**Department:** Development Services**24. PURPOSE**

To consider granting a new lease to Edithburgh RSL & Bowling Club Inc. following the completion of the community engagement process.

**25. RECOMMENDATION**

That Council:

1. Endorse a lease for a period of five (5) years with one (1) by five (5) year right of renewal, being a total of ten (10) years.
2. Authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal in order to execute the lease documents.

**26. LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.8 Efficient delivery of permits, leases and licences**27. BACKGROUND**

At the Council meeting held 12 April 2023, Council resolved to commence with a community engagement process for a proposed new lease to Edithburgh RSL & Bowling Club Inc. for facilities located at 8 Anstey Terrace, Edithburgh, for a period of five (5) years with one (1) by five (5) year right of renewal.

**28. DISCUSSION**

A public notice was advertised in the Yorke Peninsula Country Times on 18 April 2023, on Council's website and social media sites.

An information report was made available at Council's offices and on Council's website. At the close of the community engagement process on 3 May 2023. Council's website received 14 views, however no submissions were received.

**29. COMMUNITY ENGAGEMENT PLAN**

Level 2 - Consult

Pursuant to Section 202 of the Local Government Act 1999, a lease or licence for a term greater than five (5) years, Council must follow the relevant steps set out in its public consultation policy.

**30. CONSULTATION PROCESS**

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

- Corporate Management Team
- Property Tenure Officer

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

- Edithburgh RSL & Bowling Club Inc

**31. POLICY IMPLICATIONS**

PO057 Community Engagement Policy

**32. BUDGET AND RESOURCE IMPLICATIONS**

Public Notice – Yorke Peninsula Country Times \$248 inc GST

Annual lease fees \$50 plus GST

**33. RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Pursuant to Section 202 of the Local Government Act 1999, a lease or licence for a term greater than five (5) years, Council must follow the relevant steps set out in its public consultation policy.

**34. ATTACHMENTS**

1. **Community Engagement Plan** [↓](#) 



<b>COMMUNITY ENGAGEMENT PLAN</b> <b>Proposed New Lease Agreement</b> <b>Edithburgh RSL &amp; Bowling Club Inc.</b>	SF215
	Responsible Officer: Community Development & Engagement Officer
	Issue Date: 09/12/2021
	Next Review Date: December 2025

Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status	Evaluation Method
Entire community	Public Notice	Property Tenure Officer	18/04/2023	3/05/2023	C	Report back to Council on outcome of public consultation. Elected members to make decision based on any submissions received from the public consultation process.
Entire community	Website	Property Tenure Officer	18/04/2023	3/05/2023	C	
Entire community	Social Media	Property Tenure Officer	18/04/2023	3/05/2023	C	



**25.5 POINT TURTON AND PORT VICTORIA URBAN GROWTH CODE AMENDMENT****Document #:** 23/44862**Department:** Development Services**PURPOSE**

To seek endorsement from Council for the Point Turton and Port Victoria Urban Growth Code Amendment (Code Amendment) and Engagement Report to be sent to the Department of Trade and Investment (DTI) and the Minister for Planning for a decision to adopt, amend or decline the Code Amendment.

**RECOMMENDATION**

That Council endorse the Point Turton and Port Victoria Urban Growth Code Amendment and Engagement Report to be sent to the Department of Trade and Investment and the Minister for Planning for a decision to adopt, amend or decline the Code Amendment.

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

1.2 Deliver strategic and responsible land use planning

**BACKGROUND**

The affected areas are currently in the Deferred Urban Zone of the Planning and Design Code which seeks to safeguard land for future urban growth. A portion of both affected areas, approximately two hectares in the southeast corner in Port Victoria and 12 hectares in the northern section of Point Turton, have already been developed into residential allotments.

The Code Amendment seeks to align the zoning with this current land use and to make the remaining areas available for future residential development. The subject area at Port Victoria was rezoned from Rural Living and General Farming (Port Victoria) to Residential (Deferred) in 2004 and then to Deferred Urban in 2012. The subject area at Point Turton was rezoned from General Farming to Holiday Settlement (Deferred) in 2004 and then to Deferred Urban in 2012 as part of the Better Development Plan Amendment.

The demand for residential land has increased on the Yorke Peninsula in the last 12 to 18 months with coastal allotments taking preference. The owners of these substantial allotments at both affected areas have expressed interest in lodging new land division applications, which would finalise the developments that have already commenced however still require completion of the stormwater management systems, roads and associated infrastructure.

**DISCUSSION**

At the 10 November 2021 Council meeting, a report was endorsed by Council for the Proposal to Initiate an Amendment to the Planning and Design Code which was subsequently approved by the Minister for Planning and Local Government (Minister) to proceed. The Point Turton and Port Victoria Urban Growth Code Amendment was then prepared and is attached. (Attachment 4)

The Code Amendment seeks to amend the Planning and Design Code for the affected areas, being the land bounded by Bray Road, Songvaar Road and Moorara Drive and including Castle Cardigan Circuit within Port Victoria and the land bounded by Bayview Road and Brutus Road and including Mariner, Coral and Neptune Courts, Reef Crescent, Beachcomber Drive and part of Captain Hutchinson Drive within Point Turton.

At the 8 March 2023 Council meeting the Community Engagement Plan (Attachment 2) was endorsed and along with the Code Amendment and accompanying fact sheet was forwarded to the DTI for publication via the Planning Portal. Letters and fact sheets were sent out to all adjacent and affected landowners, the Local Government Association, local members of parliament, state government agencies, utility suppliers and adjacent Councils. Notification of the engagement was placed in the Country Times and on Council's social media as per the approved Community Engagement Plan.

The community engagement ran for 7 weeks from 27 March to the 15 May 2023 with nine submissions being received, five from adjacent landowners, two from state agencies, one from a utility provider and one from an industry association. The submissions were reviewed and summarised and an Engagement Report (Attachment 3) was prepared in accordance with DTI requirements. The review of the submissions found that it was not necessary to make any changes to the Code Amendment with most of the concerns being able to be addressed at land division assessment stage. The Engagement Report and the final version of the Code Amendment has now come back to Council for endorsement to be sent to DTI and then the Minister for a decision to adopt, amend or decline the Code Amendment. The process is outlined in detail in the attachment to this report (Attachment 1).

## COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

The Engagement Plan was undertaken in conjunction with the Department of Trade and Investment (Attachment 2) and nine submissions were received all of which are summarised and included in the Engagement Report (Attachment 3).

## CONSULTATION PROCESS

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

- Corporate Management Team
- Manager Development

## POLICY IMPLICATIONS

Not applicable

## BUDGET AND RESOURCE IMPLICATIONS





The community engagement and preparation of the Code Amendment and associated reports was funded from the existing adopted budget.

## RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Planning, Development and Infrastructure Act 2106

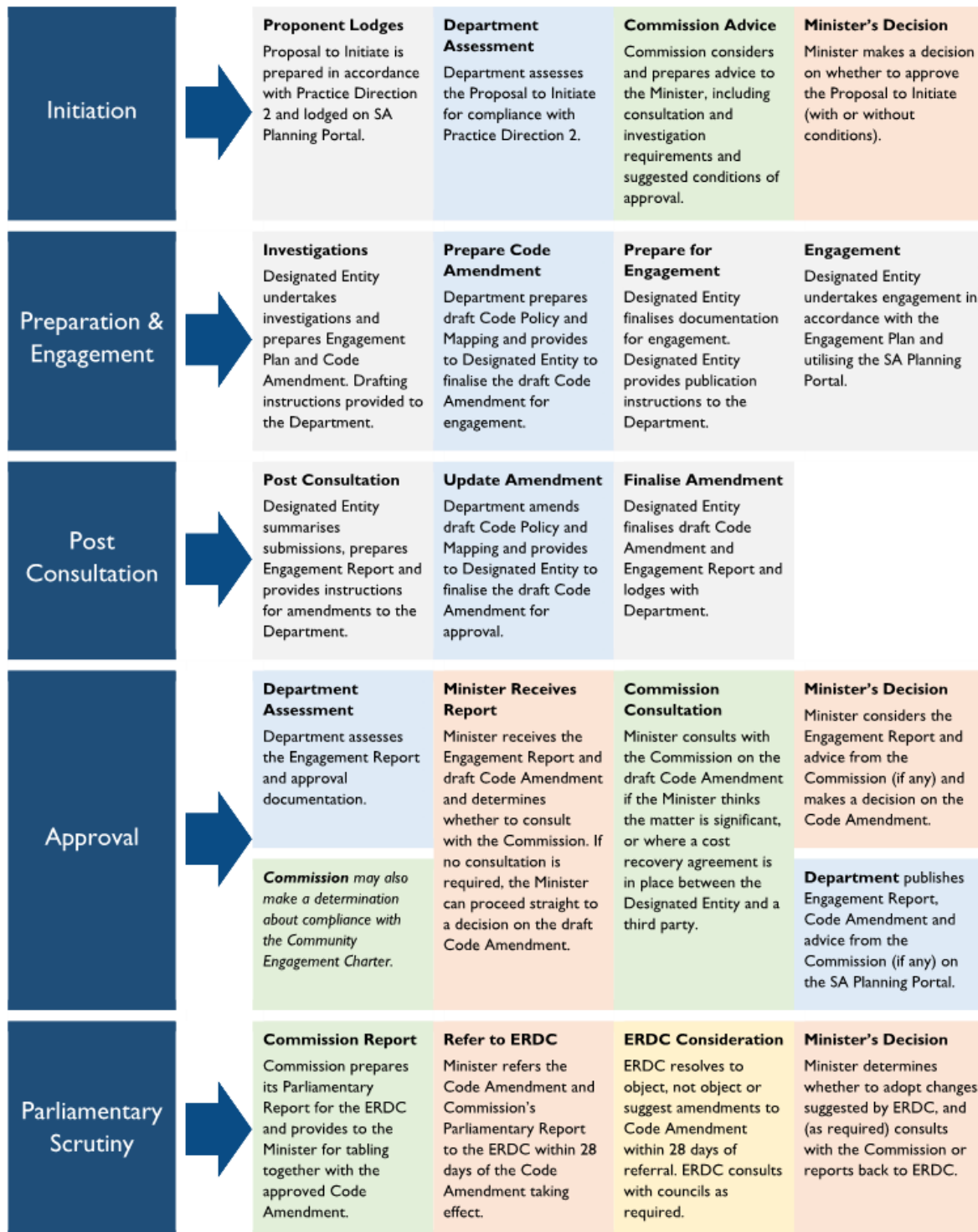
Planning, Development and Infrastructure (General) Regulations 2017

## ATTACHMENTS

1. **Code Amendments Flow Chart** [↓](#) 
2. **Engagement Plan** [↓](#) 
3. **Engagement Report - Final** [↓](#) 
4. **Point Turton & Port Victoria Urban Growth Code Amendment - Final** [↓](#) 

### Code Amendments Initiated by Proponents

Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*





	SF215 Responsible Officer: Community Development & Engagement Officer
	Issue Date: 09/12/2021 Next Review Date: December 2025
<b>Project - Point Turton &amp; Port Victoria Urban Growth Code Amendment</b>	

Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status	Evaluation Method
Affected residents	Personalised Letter	Manager Development	27/03/2023	12/05/2023	NS	Report back to Council at a date to be confirmed on outcome of public consultation. Elected Members to make decision based on any submissions received from the public consultation.
Entire community	Social Media	Manager Development	27/03/2023	12/05/2023	NS	
Entire community	Website	Manager Development	27/03/2023	12/05/2023	NS	



## **POINT TURTON & PORT VICTORIA URBAN GROWTH CODE AMENDMENT**

### **Engagement Report**

**Section 73(7) of the *Planning, Development and Infrastructure Act 2016***

Yorke Peninsula Council



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    Attachment 1 - Copy of Submissions Received





## 1 Purpose

This report has been prepared by Yorke Peninsula Council (the Designated Entity) for consideration by the Minister for Planning (the Minister) in adopting the Point Turton & Port Victoria Urban Growth Code Amendment (the Code Amendment).

The report details the engagement that has been undertaken, the outcomes of the engagement including:

- a summary of the feedback made and
- the response to the feedback and
- the changes to the Code Amendment.

In addition, the report evaluates the effectiveness of the engagement and whether the principles of the Community Engagement Charter have been achieved. Any changes to the engagement plan during the process is also outlined.

## 2 Introduction

The Code Amendment is proposing to rezone land in Point Turton and Port Victoria. The affected areas for the Code Amendment are currently in the Deferred Urban Zone of the Planning and Design Code which seeks to safeguard land for future urban growth. A portion of both affected land areas, approximately two hectares in the southeast corner in Port Victoria and 12 hectares in the northern section of Point Turton, have already been developed into residential allotments.

The Code Amendment seeks to align the zoning with this current land use and to make the remaining areas, 13 hectares in Port Victoria and 27 hectares in Point Turton, available for future residential development. The subject area at Port Victoria was rezoned from Rural Living and General Farming (Port Victoria) to Residential (Deferred) in 2004 and then to Deferred Urban in 2012. The subject area at Point Turton was rezoned from General Farming to Holiday Settlement (Deferred) in 2004 and then to Deferred Urban in 2012.

The demand for residential land has increased on the Yorke Peninsula in the last 12-18 months with coastal allotments taking preference. The owners of substantial allotments at both affected areas have expressed interest in lodging new land division applications which would finalise the developments which have already commenced but still require completion of the stormwater management systems, roads and associated infrastructure.

The purpose of the engagement is to ensure that affected and adjacent individual landowners, government departments, organisations and the community in general are informed and consulted about the rezoning of the Deferred Urban Areas at Point Turton and Port Victoria to properly inform them of the subsequent policy changes and to thus enable the continued development of the land for residential purposes.

## 3 Engagement Approach

The process for amending a designated instrument (including the process to amend the Planning and Design Code) is set out in the *Planning, Development and Infrastructure Act 2016* (the Act). The Act requires public engagement to take place in accordance with the Community Engagement Charter.

The Designated Entity prepared an engagement plan (the Engagement Plan) to apply the principles of the Community Engagement Charter. The purpose of this engagement was to ensure that individuals,

organisations and the community in general are informed about the rezoning of the Deferred Urban Areas at Point Turton and Port Victoria to enable the continued development of the land for residential purposes.

The key objectives of the engagement were to:

- Inform – provide easily accessible and clearly articulated information about the rezoning to help audiences understand what is being proposed and why it is needed.
- Consult – Obtain public feedback on the proposed Code Amendment
- Involve – Work with the public and all other stakeholders through the engagement process to ensure their concerns and aspirations are understood and considered
- Collaborate – Partner with relevant government agencies and other major stakeholders on decisions including the development of alternatives and the final draft.

The engagement activities outlined below occurred as set out in the Engagement Plan.

### 3.1 Engagement Activities

Stage	Engagement level and objective of activity	Stakeholders/ target audience	Engagement Technique
Stage 1	Involve	Residents and Landowners	Letter or Email
Stage 2	Consult	Interest groups	Letter or Email
		Residents and Landowners	Letter or Email
		Interest groups	Letter or Email
		Minister	Letter or Email
Stage 3	Inform	Wider community	Newspaper advertisement – Country Times Council social media Media release Council website Hard copy Information Sheet
		Residents and Landowners	
		Interest groups	
		Minister	
		Wider community	

The public and stakeholders were able to view the Code Amendment Report and were invited to make a written submission providing their feedback on the Code Amendment on the PlanSA website. In addition to the Code Amendment the Engagement Report was publicly available and the invitation for submissions was open for a period of 7 weeks from Monday 27 March to 15 May 2023.

A letter was sent to the following stakeholders in accordance with the requirements of the approved Proposal to Initiate:

- Narungga Nation Aboriginal Corporation
- Environment Protection Authority
- Department of Environment & Water
- South Australian Country Fire Service
- Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy and NBN
- State Member of Parliament
- Local Government Association
- Department for Trade and Investment
- Adjoining Councils, Barunga West Council and Copper Coast Council.

All landowners within 60 metres of both affected areas were also sent letters, this included both the Point Turton and Port Victoria Progress Associations. The letters and the accompanying information sheet provided a summary of the need for the Code Amendment, the affected areas, where they could access the Code Amendment, the consultation period and how to make a submission.

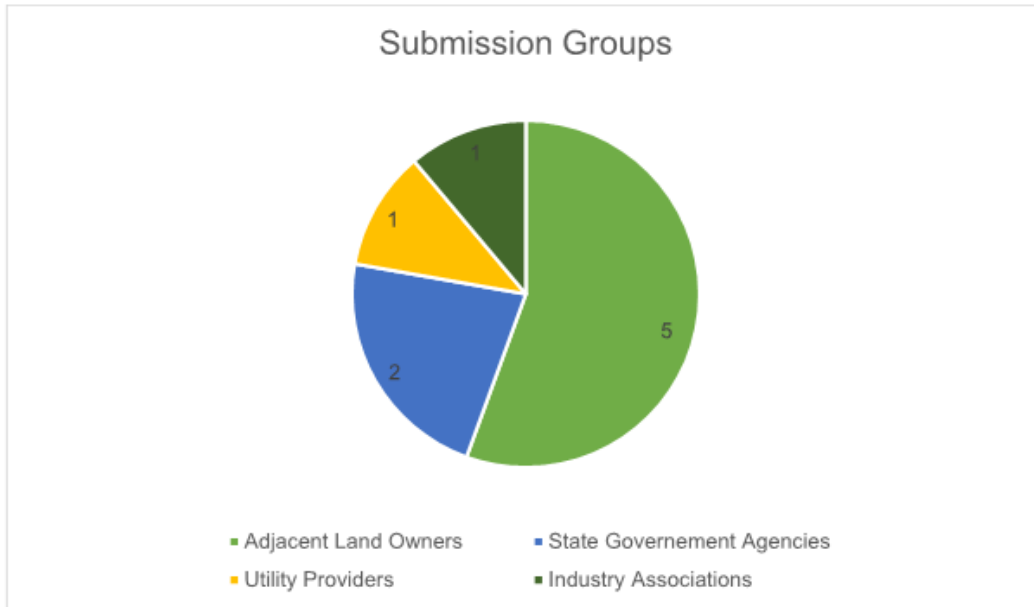
### 3.2 Mandatory Requirements

The following mandatory engagement requirements have been met:

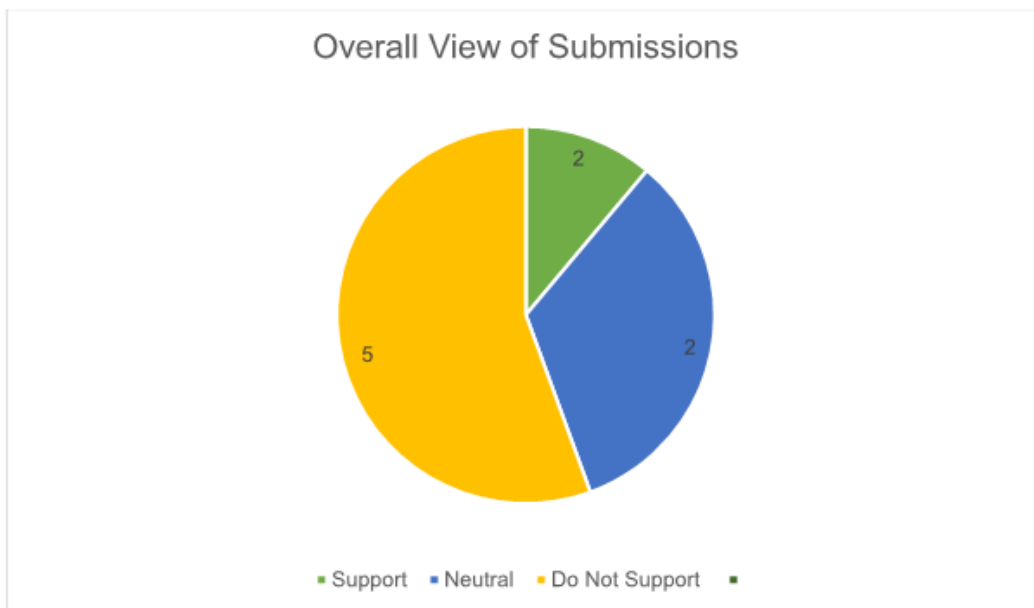
1. Notice and consultation with the Local Government Association in accordance with the Community Engagement Charter; and
2. Notice and consultation with Owners or Occupiers of Land which the proposed Code Amendment will have a specific impact on and all landowners on each piece of adjacent land pursuant to section 73(6)(d) of the *Planning, Development, and Infrastructure Act 2016* and in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

## 4 Engagement Outcomes

A total of nine written submissions were received, five from adjacent landowners, two from state agencies, one from a utility provider and one from an industry association.



The five submissions from the adjacent landowners did not support the Code Amendment, the three submissions from the State Government Agencies and were both neutral while the submissions from the industry association and utility provider were in support.



The submission from the industry association in support of the proposed Code Amendment notes 'that both existing areas are zoned from a Deferred Urban Zone, indicating an understanding and expectation that these areas would be used for growth in the future.' It also states that the proposed new zoning would better align with the other zones in the locality.

The key concerns that were raised by the submissions were:

- Increased population will put extra pressure on current health services as well as infrastructure such as common waste water treatment system, water supply, stormwater, roads, beaches and boat ramps.
- Increased supply of new allotments will lower property values and some block still unsold.
- Noise and dust from future development.
- Need for more commercial development in Point Turton.

Each of these concerns and other comments are discussed below.

#### 4.1.1 Response to Written Submissions

##### *Pressure on Existing Social and Physical Infrastructure*

One submission from the Port Victoria area voiced concern that increased population growth from future development would put pressure on already struggling local health services. One of the biggest issues facing regional areas across the country now is a housing shortage which impacts significantly on health, education and all essential services with health care workers, teachers, and employees across all organisations unable to find accommodation for staff. Industries in the area related to agriculture and mining also have difficulty finding housing for staff and these industries are looking to expand soon further increasing the demand. The State government with the recent implementation of the Office for Regional Housing acknowledges the issue and is looking to support Local Government in facilitating the supply of quality, affordable homes for key workers to help improve the quality of life for people living in regional areas. It is therefore hoped that the Code Amendment will help to provide housing for key workers and actually provide assistance to existing social infrastructure.

In relation to the physical infrastructure, such as wastewater management systems, potable water supply, stormwater management and adjacent roads and potential traffic issues, these aspects will all be carefully assessed as part of any land division applications and agreements undertaken with land owners to provide the required infrastructure. Deeds are already in place for with landowners of some the Affected Areas. The issues raised regarding current stormwater issues have been forwarded to Council's Assets & Infrastructure staff for further investigations and rectification. The stormwater systems for both Affected Areas will benefit from the final stages of already commenced land divisions being able to be completed as this will finalise the drainage reserves, roads and stormwater infrastructure.

Issues were raised regarding the Point Turton boat ramp and associated car parking and these along with the requests for more amenities and rubbish collection adjacent to the more popular beaches will also be investigated by Council staff and addressed where needed. An extremely large increase in visitor numbers to the Yorke Peninsula beaches and camp grounds over the past couple of years has exacerbated this issue and is continually being assessed as to how to best manage the busy holiday periods.

Submissions were made from the Environment Protection Authority (EPA) and the Department for Environment and Water (DEW) which support the continued expansion of the current community wastewater management systems and the finalisation of the stormwater management systems to prevent nutrients and contaminants being released into the neighbouring coastal environments. This will occur with the development of further stages of the land divisions.

The EPA also identified soil contamination as a possible issue, further investigation regarding this was not a mandatory requirement in relation to the approved Proposal to Initiate, a preliminary environmental site history assessment was undertaken by AM Environmental Consulting in 2021 as part of a proposed land division and planning development application and the findings were that *'the proposed future housing be considered suitable for the proposed residential use'*. Any future land division development applications on any of the Affected Areas would be subject to the legislative requirements applying at the time.

SA Power Networks just highlighted the need for landowners to liaise with them early at the pre lodgement stage of any development applications due to long lead times so that the need for any upgrades can be assessed and any costing and contractual arrangements regarding potential upgrade requirements can be put in place.

#### *Land Supply and Property Values*

The last couple of years have seen the sale of all vacant land in Point Turton and Port Victoria that has come on the market with pressure on landowners within the Affected Areas to open more up with waiting lists of prospective purchases in the Point Turton region particularly. The recent pandemic saw an increased demand on regional towns with many interstate buyers securing properties with particular interest in the coastal settlements. Development of these allotments is progressing but has been impacted by supply chain issues along with the limited building companies and trades that service the area being overwhelmed with contracts that was exacerbated with the time constraints of getting works underway to satisfy the requirements of HomeBuilder grants.

#### *Noise and Dust from Future Development*

Noise, dust, rubbish and any other construction site related issues are monitored at the development stage and are managed so they comply with the requirements of the *Local Nuisance and Litter Control Act 2016*.

#### *Expansion of Commercial Area*

The need for more commercial development was included in one of the submissions relating to Point Turton and it is noted that an area of approximately 6000 square metres, and encompassed by the Affected Area, has already been rezoned to Township Activity Centre and will be released with future stages of any development.

## **5 Evaluation of Engagement**

To ensure the principles of the Community Engagement Charter (the Charter) are met, an evaluation of the engagement process for the Code Amendment has occurred.

Early engagement was undertaken with major landowners of the Affected Areas in both Point Turton and Port Victoria and no written submissions were received from any of these landowners.

The notice in accordance with regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017* as well as an information sheet was sent to all affected and adjacent landowners with 69 being sent in Port Victoria and 247 in Point Turton and 15 sent to State Agencies, LGA, Members of Parliament, neighbouring Councils and Utility Providers. A total of nine written submissions were received with five being from adjacent landowners, two from Port Victoria and three from Point Turton and two from State Government Agencies, one from a Utility Providers and one from an Industry Body.

Several stakeholders made enquiries upon the receipt of their letters with particular concern being whether the rezoning would impact their rates notice and wanting clarification of what it would mean in relation to their property. The majority were landowners in the Affected Areas that had already been developed for residential development.

### **5.1 Performance Indicators for Evaluation**

The minimum mandatory performance indicators have been used to evaluate engagement on the Code Amendment. These measures help to gauge how successful the engagement has been in meeting the Charter's principles for good engagement.

*Evaluation of Engagement by Community Members*

The minimum mandatory performance indicators required an evaluation of responses from members of the community on the engagement. This includes an evaluation of whether (or to what extent) community members felt:

1. That the engagement **genuinely sought** their input to help shape the proposed Code Amendment.
2. **Confident their views were heard** during the engagement.
3. They were given an adequate **opportunity to be heard**.
4. They were given **sufficient information** so that they could take an informed view.
5. **Informed** about why they were being asked for their view, and the way it would be considered.

This evaluation was undertaken through an invitation to complete an online survey emailed to all stakeholders who lodged a submission.

*Evaluation of Engagement by the Designated Entity*

A further evaluation of the engagement process is required to be undertaken by (or on behalf of) the Designated Entity. The minimum performance indicators require an evaluation by the Designated Entity of whether (or to what extent) the engagement:

1. **Occurred early enough** for feedback to genuinely influence the planning policy, strategy or scheme.
2. **Contributed to the substance** of the final draft Code Amendment.
3. **Reached those identified** as communities or stakeholders of interest.
4. **Provided feedback to community** about outcomes of engagement.
5. Was **reviewed throughout** the process and **improvements put in place** or recommended for future engagement.

The evaluation of the engagement was undertaken by Yorke Peninsula Council. The results of the evaluation are as follows:

**5.2 Evaluation against the Charter principles**

The following is a summary of the evaluation of the engagement against the five principles of the Charter.

**(1) Engagement is genuine**

*People had faith and confidence in the engagement process.*

There were limited responses but the two received were split between strongly agreeing and strongly disagreeing. Any future engagement surveys will look for comments on ways to improve the process.

Evaluation statement	Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
I feel the engagement genuinely sought my input to help shape the proposal (Principle 1)	50%	0%	0%	0%	50%

**(2) Engagement is inclusive and respectful**

*Affected and interested people had the opportunity to participate and be heard.*

There were limited responses but the two received were split between strongly agreeing and strongly disagreeing. Any future engagement surveys will look for comments on ways to improve the process.

Evaluation statement	Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
I am confident my views were heard during the engagement	50%	0%	0%	0%	50%

**(3) Engagement is fit for purpose**

*People were effectively engaged and satisfied with the process.*

*People were clear about the proposed change and how it would affect them.*

There were limited responses with only one for each question and they were split with one person feeling they were not given adequate opportunity to be heard and one feeling they were given sufficient information so they could make an informed view. Any future engagement surveys will look for comments on ways to improve the process and look for ways to engage more closely with the community which is made difficult with much of the population not being residents of Yorke Peninsula.

Evaluation statement	Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
I was given an adequate opportunity to be heard	100%	0%	0%	0%	0%
I was given sufficient information so that I could take an informed view	0%	0%	0%	100%	0%

**(4) Engagement is informed and transparent**

*All relevant information was made available and people could access it.*

*People understood how their views were considered, the reasons for the outcomes and the final decision that was made.*

There were limited responses but the two received were split between strongly agreeing and strongly disagreeing. Any future engagement surveys will look for comments on ways to improve the process.

Evaluation statement	Strongly disagree	Somewhat Disagree	Not sure	Somewhat Agree	Strongly agree
I felt informed about why I was being asked for my view, and the way it would be considered.	50%	0%	0%	0%	50%

**(5) Engagement processes are reviewed and improved**

*The engagement was reviewed and improvements recommended.*



### 5.3 Evaluation by the Designated Entity against the Charter principles

**(1) Engagement occurred early enough for feedback to genuinely influence the planning policy, strategy or scheme.**

Engagement commenced with the landowners of the major parcels of the Affected Areas in the early stages with proponents from both Affected Areas indicating an interest in finalising residential land divisions that had been undertaken but required finalisation of the last stages to complete the associated infrastructure works in particular the stormwater and community wastewater management systems. The proposed policy for each of the Affected Areas was that which correlated with adjacent zoning as well as with the current residential development on the Affected Areas.

**(2) Contributed to the substance of the final draft Code Amendment.**

No changes were made to the final draft of the Code Amendment as the concerns raised in the submissions will all be addressed as part of any proposed Planning & Land Division Development Application.

**(3) Reached those identified as communities or stakeholders of interest.**

All landowners in the Affected Areas and with adjacent properties in a sixty-metre radius from the Affected Area boundaries were notified and this included the key community groups from both areas being the Point Turton and Port Victoria Progress Associations. The communities are unique in that only 5% of the Affected Area in Port Victoria and 25% in Point Turton are owner occupied with the remainder being holiday homes which makes them harder to engage with. Whilst the number of written submissions was small there was a lot of phone enquiries with the majority concerned that it would increase their rates and wanting to clarify how it would affect them.

**(4) Provided feedback to community about outcomes of engagement.**

The Engagement Report will be part of the Council Meeting Agenda for the 14 June 2023 and will be publicly available via the Council website for viewing and then from the PlanSA website once submitted. Once a decision has been received from the Minister this will be conveyed to the relevant parties.

**(5) Was reviewed throughout the process and improvements put in place or recommended for future engagement.**

No changes were made during the process, however, in future would look to include some of the frequently asked questions with the information sheet and provide a hard copy of the evaluation survey.

## 6 Refer to the Minister for Planning and Local Government

On 14 June 2023 the Designated Entity approved the Code Amendment and this Engagement Report to be furnished on the Minister for Planning.

## Attachments

- 1 Copy of Submissions Received

**Attachment 1 - Copy of Submissions Received**

e [udiasa@udiasa.com.au](mailto:udiasa@udiasa.com.au)  
t 08 8359 3000  
w [www.udiasa.com.au](http://www.udiasa.com.au)

Urban Development Institute of Australia  
(South Australia) Inc.  
Level 1, 26 Flinders Street  
Adelaide SA 5000



18 May 2023

Jodie Terp

Yorke Peninsula Council

[admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

Dear Jodie,

**Re: Point Turton and Port Victoria Urban Growth Code Amendment**

We refer to the Code Amendment in Port Victoria and Point Turton, which seeks to align the zoning in the greater area and to make the remaining areas, 13 hectares in Port Victoria and 27 hectares in Point Turton, available for future residential development.

As set out in the UDIA's grow.reform.build. Advocacy agenda, we strongly support the focus by the government (and developers) in maximising South Australia's land opportunities to make our state an even more attractive place to live and work.

The Yorke Peninsula is one obvious location which, once rezoned, assists with opening up South Australia's beautiful coastal area for further residential development.

The UDIA stands as a committed supporter of good strategic planned development. The Point Turton and Port Victoria Urban Growth Code Amendment (and the area generally) is land which is appropriate for rezoning and which meets the ongoing government goals regarding residential land availability and opens up a further 40 acres (in total across the two sites).

It is noted that both existing areas are zoned from a Deferred Urban Zone, indicating an understanding and expectation that these areas would be used for growth in the future.

The locality — together with the neighbouring zones in their various states of expansion and development — means that the application of proposed new zoning for both areas better align these large, underutilised areas with the surrounding zones.

The UDIA confirms its support for the Point Turton and Port Victoria Urban Growth Code Amendment generally and specifically the change of zone to a Neighbourhood Zone for Port Victoria and a Rural Settlement Zone for Point Turton.

Yours sincerely,

Pat Gerace

Acting Chief Executive

**Jodie Terp**

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**From:** PlanSA Submissions <noreply@plan.sa.gov.au>  
**Sent:** Wednesday, 3 May 2023 3:05 PM  
**To:** Corporate Email Address  
**Subject:** Public Consultation submission for Point Turton and Port Victoria Urban Growth Code Amendment  
**Attachments:** 230503-response-Point-Turton-Port-Victoria.pdf

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Jodie Terp,

**Submission Details**

Amendment: Point Turton and Port Victoria Urban Growth Code Amendment  
Customer type: Other  
Given name: Mandie  
Family name: Busby  
Organisation: SA Power Networks  
Email address: [REDACTED]  
Phone number: [REDACTED]  
My overall view is: I support the Code Amendment  
Comments: Please refer to the attached comment letter.  
Attachment 1: 230503-response-Point-Turton-Port-Victoria.pdf, type application/pdf, 161.8 KB  
Attachment 2: No file uploaded  
Attachment 3: No file uploaded  
Attachment 4: No file uploaded  
Attachment 5: No file uploaded  
Sent to proponent email: admin@yorke.sa.gov.au



Our Ref: REB Point Turton Port Victoria

3 May 2023

*Submitted Online via Plan SA Website*

Dear Sir/Madam

#### **Point Turton & Port Victoria Urban Growth Code Amendment**

Thank you for providing the opportunity to SA Power Networks to comment on the above Code Amendment.

SA Power Networks may be impacted by proposed zoning changes in its capacity of operator of the State's electricity distribution network or, alternatively, as a landowner/occupier. Irrespective of the tenure arrangement, all of SA Power Networks' land interests will be directly related to the operation of the electricity distribution network.

It is not practical for SA Power Networks to review every Code Amendment to the extent necessary to comment on its individual property ownerships/occupations or infrastructure impacts. Accordingly, this response has been prepared in most part to draw attention in a general way to the matters which SA Power Networks believes should be taken into consideration in progressing the proposal.

SA Power Networks takes its obligations to meet future electricity demand very seriously. You will appreciate that *any* infill or green field development will necessarily require a corresponding upgrade of the electricity distribution network (which may involve the setting aside of land for a new substation).

Prospective developers and those approving any development should give consideration to the current network capacity – this Code Amendment's associated developments may potentially require 11kV augmentation works, however this would only be determined during the usual connections process. Consideration should therefore also be given to the long lead times in meeting any increased load demand, and the requirement for developers to contribute towards augmentation of the upstream electricity network along with funding direct costs associated with extension/connection of electrical infrastructure specifically for their development. Developers should contact SA Power Networks' Builders and Contractors line directly in this regard on phone number: 1300 650 014.

It is preferred that developers refer to the SA Power Networks Distribution Annual Planning Report for up to date augmentation information. This is a public report available at the following link,  
[http://www.sapowernetworks.com.au/centric/industry/our\\_network/annual\\_network\\_plans/distribution\\_annual\\_planning\\_report.jsp](http://www.sapowernetworks.com.au/centric/industry/our_network/annual_network_plans/distribution_annual_planning_report.jsp)

If requiring further clarification or information, please do not hesitate to contact me further.

Yours sincerely,

A handwritten signature in black ink, appearing to read "M Busby".

Mandie Busby  
**Real Estate Advisor**

SA Power Networks ABN 13 332 330 749 a partnership of: Spark Infrastructure SA (No.1) Pty Ltd ABN 54 091 142 380, Spark Infrastructure SA (No.2) Pty Ltd ABN 19 091 143 038, Spark Infrastructure SA (No.3) Pty Ltd ABN 50 091 142 362, each incorporated in Australia. CKI Utilities Development Limited ABN 65 090 718 880, PAI Utilities Development Limited ABN 82 090 718 951, each incorporated in The Bahamas.

Real Estate Branch  
GPO Box 77 ADELAIDE SA 500  
1 Anzac Highway, Keswick SA 5033  
T 08 8404 5642 F 08 8404 515  
[www.sapowernetworks.com.au](http://www.sapowernetworks.com.au)



**Environment Protection Authority**  
GPO Box 2607 Adelaide SA 5001  
211 Victoria Square Adelaide SA 5000  
T (08) 8204 2000 F (08) 8204 2020  
Country areas 1800 623 445

EPA 759-460

Ms Jodie Terp

Manager Development

Yorke Peninsula Council

PO Box 57

MAITLAND SA 5573

Dear Ms Terp

#### **Point Turton and Port Victoria Urban Growth Code Amendment**

Thank you for providing the Environment Protection Authority (EPA) with the opportunity to comment on the Point Turton and Port Victoria Urban Growth Code Amendment (CA).

The EPA understands that the code amendment proposes to rezone land at Point Turton from Deferred Urban Zone to Rural Settlement and land at Port Victoria from Deferred Urban Zone to Neighbourhood Zone. Parts of the affected areas at Point Turton and Port Victoria have already been developed for residences.

The EPA has reviewed the CA to ensure that all environmental issues within the scope of the objects of the *Environment Protection Act 1993* and the State Planning Policies (pursuant to the *Planning, Development and Infrastructure Act 2016*) are identified and considered. The EPA is primarily interested in ensuring that the proposed rezoning is appropriate and that any potential environmental and human health impacts that would result from future development are able to be addressed at the development authorisation stage.

The EPA provides the following comments for your consideration.

#### *Wastewater*

It is stated in section '4.2 Infrastructure Planning' and 'Appendix E – Investigations' of the code amendment that Point Turton and Port Victoria are serviced by community wastewater management systems (CWMS) that were built with sufficient capacity to service the allotments in the areas proposed to be rezoned. However, it is further stated in section 4.2 that should further land divisions of a size that are capable of accommodating on-site wastewater systems be proposed, then they would be assessed against the *On-site wastewater systems code* (2013).

It is the EPA's preference that domestic wastewater be managed through a centralised treatment system, such as the CWMSs at Point Turton and Port Victoria, rather than through on-site

wastewater management systems. This reduces the potential for cumulative impacts on the environment and provides for opportunities to reuse treated wastewater. High densities of on-site wastewater treatment systems in some coastal townships across South Australia contribute nutrients to nearshore marine waters through shallow subsurface or occasional overland flows, particularly if they are not properly maintained.

Hence, whilst the EPA is supportive of the use of the CWMS at each affected area, it has concerns about the use of on-site wastewater systems should they be proposed in the future.

It is noted that general development policies at Land Division (at PO 4.2 and DTS/DPF 4.2) of the *Planning and Design Code* reflect the need to satisfy the relevant authority that domestic wastewater can be disposed of without risk to public health or the environment.

#### *Site contamination*

The *Proposal to Initiate an Amendment to the Planning and Design Code* prepared by the Yorke Peninsula Council stated in section '4.1 Investigations Already Undertaken' that:

'the affected areas have had initial investigations and shown no site contamination and this will be verified as part of further investigations'.

The EPA notes that the *Proposal to Initiate an Amendment to the Planning and Design Code* does not list site contamination in section '4.2 Further Investigations Proposed'. Nor, does the letter from the Minister approving the initiation (14 April 2022) require further investigation of site contamination matters.

Consequently, the code amendment does not address site contamination so it is not clear as to what were the initial investigations undertaken and whether any further investigations were undertaken.

The EPA advises that any future development application for land division for a sensitive use or a change in the use of land to a more sensitive use would be subject to the site contamination development assessment scheme (SCDAS). The SCDAS is subject to the provisions of the *Planning, Development and Infrastructure (General) Regulations 2017, Practice Direction 14 - Site Contamination Assessment 2021* and the *Planning and Design Code* applying at the time.

For further information on this matter, please contact Geoff Bradford on 8204 9821 or [geoffrey.bradford@sa.gov.au](mailto:geoffrey.bradford@sa.gov.au).

Yours sincerely

Melissa Chrystal

**ACTING PRINCIPAL ADVISER PLANNING POLICY AND PROJECTS**

**PLANNING AND IMPACT ASSESSMENT**

**ENVIRONMENT PROTECTION AUTHORITY**

Date: 10 May 2023



**Jodie Terp**

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**From:** DEW:Planning and Assessment [REDACTED] >  
**Sent:** Friday, 21 April 2023 1:21 PM  
**To:** Corporate Email Address  
**Subject:** DEW Comments - Point Turton and Port Victoria Code Amendment

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

**OFFICIAL**

Dear Jodie

The Department for Environment and Water (DEW) has taken the opportunity to review the Point Turton and Port Victoria Code Amendment which is proposing to rezone land from Deferred Urban to the Rural Settlement Zone at Point Turton and to the Neighbourhood Zone at Port Victoria.

As identified in the Code Amendment, there has been a rise in demand for residential land in regional areas, including the Yorke Peninsula and its coastal locations in particular. This rise in coastal and near-coastal development has meant that DEW, via referrals to the Coast Protection Board, has been seeing a number of development applications for stormwater system upgrades and outfalls on or close to the beach.

Both townships lie adjacent Marine Parks: the Eastern Spencer Gulf MP at Port Victoria and the Southern Spencer Gulf MP at Point Turton. While the affected areas in both settlements are landward of the coast and elevated, where the potential for coastal hazard risks is limited, DEW considers that it is important for any new development at these locations to minimise discharge to the coast and use techniques such as water sensitive urban design and stormwater retention, treatment, reuse. While the Rural Settlement Zone and Neighbourhood Zones are largely silent on stormwater management, the Land Division General Development Policy does require that stormwater management systems be designed to address peak flows and water quality. Generally, DEW believes more should be done early in the design process to identify stormwater management solutions that are able to minimise discharge to the coast while addressing local government concerns about ongoing maintenance issues. Any master planning associated with the proposed rezonings would present opportunities to explore a variety of solutions that can be integrated into future development at the start of the design phase, ensuring that future developers of the site are aware of the standards that should be achieved for stormwater management.

Further, it is recommended that any master planning and division of these sites incorporate the restoration of some natural habitat and include appropriate open space and landscaping (using locally indigenous species), in order to enhance amenity, provide shade and cooling for urban areas and protect and restore biodiversity.

If you have any questions related to these comments please don't hesitate to call me using the details below.

Kind regards

**Daniel Walton**

Coordinator, Assessments

Planning and Assessment | Environment, Heritage and Sustainability  
Department for Environment and Water

[REDACTED] | E [REDACTED]  
81-95 Waymouth Street Adelaide SA 5000  
GPO Box 1047 Adelaide SA 5001

**Jodie Terp**

**From:** PlanSA Submissions <noreply@plan.sa.gov.au>  
**Sent:** Sunday, 14 May 2023 4:55 PM  
**To:** Corporate Email Address  
**Subject:** Public Consultation submission for Point Turton and Port Victoria Urban Growth Code Amendment

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Jodie Terp,

**Submission Details**

Amendment: Point Turton and Port Victoria Urban Growth Code Amendment  
Customer type: Member of the public  
Given name: Stephen  
Family name: Talbot  
Organisation: NA-Point Turton Property Owner  
Email address: [REDACTED]  
Phone number: [REDACTED]

My overall view is: I do not support the Code Amendment

Comments: I would be happy to support the Code Amendment but there should be more area dedicated to further commercial activities and for all existing property holders in Point Turton to have access to both mains water and town septic. The Code amendment would make Point Turton one of the larger coastal towns on SYP. Right now is the opportunity to set aside land to make Point Turton a proper town (in the future) with commercial activities (but more than just a service station) that residence (be that full time residential or holiday maker) can walk to. That would make Point Turton a much more livable town for full time residence and visitors, rather than the current situation of forcing people to drive to centers such as Warooka. This is not good town planning in an era where walking, riding and alike should be encouraged. Secondly, there are still parts of Point Turton that are not serviced by the basic amenities of mains water and town septic that future residents in the re-zoned area area would have access to. These services (mostly septic) would be supported, in-part by the council rates payed by existing land holders in areas without these facilities. Streets such as mine (Hardwicke Close) is surrounded by streets that have access to mains water (which would be deferred to as a SA Water concern) with many streets north of Bay View Rd also not having access to town septic (which is a council concern). I think all existing land holders of Point Turton should have access to town septic before this Code Amendment occurs. That way all property holders would be able to use there land more productively, including the growing more local native vegetation and larger shade trees, which Point Turton lacks, instead of setting aside land for septic soakage /management. It would also increase local commercial activity, further supporting existing local business in Warooka like the hardware store.

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- Attachment 3: No file uploaded
- Attachment 4: No file uploaded
- Attachment 5: No file uploaded

**Jodie Terp**

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**From:** PlanSA Submissions <noreply@plan.sa.gov.au>  
**Sent:** Wednesday, 3 May 2023 8:29 AM  
**To:** Corporate Email Address  
**Subject:** Public Consultation submission for Point Turton and Port Victoria Urban Growth Code Amendment  
**Attachments:** Point-Turton-submission.docx

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Jodie Terp,

**Submission Details**

**Amendment:** Point Turton and Port Victoria Urban Growth Code Amendment  
**Customer type:** Member of the public  
**Given name:** Michael  
**Family name:** Lawrence  
**Organisation:**  
**Email address:** [REDACTED]  
**Phone number:** [REDACTED]  
**My overall view is:** I do not support the Code Amendment  
**Comments:** Please see attached document.  
**Attachment 1:** Point-Turton-submission.docx, type application/vnd.openxmlformats-officedocument.wordprocessingml.document, 15.4 KB  
**Attachment 2:** No file uploaded  
**Attachment 3:** No file uploaded  
**Attachment 4:** No file uploaded  
**Attachment 5:** No file uploaded  
**Sent to proponent email:** admin@yorke.sa.gov.au

Releasing of further land allotments in Point Turton will likely lower property prices in the area as supply will increase and demand will drop. At a time when interest rates are already high and many people are suffering mortgage stress, a decrease in property value would be detrimental to many people's finances. The only parties that stand to benefit from the proposal will be council with the increased number of council rates and the land owner/s that will be subdividing the land for sale. The proposal will not benefit the current community in any way.

There are several other issues in the town that further properties and an increased population will create.

Bayview road is already quite busy with traffic, especially on weekends and holidays. As it stands there is nothing to slow cars down on Bayview road like speed humps or speed traps, often with vehicles speeding up and down the road. Due to being a country town the Police very rarely monitor or Police roads in the area. If a development is approved which will include several extra entrance/exits to Bayview Road, consideration should be given to traffic management measures to ensure the area remains safe with the increased traffic flow.

The current boat ramp is not suitable for the current level of traffic and adding to the number of people using the ramp will only make things more unsuitable. At present the ramp has one pontoon and a majority of the time the Northern side of the pontoon is not used for launching or retrieving. This is due to the fact that there is insufficient room and no buffer between the pontoon and the rock wall to stop boats hitting the rocks on the northern side of the pontoon.

If further traffic is expected due to increased population a pontoon or buffer of some kind against the rocks should be considered to allow launching and retrieving on both sides of the current pontoon in all weather conditions. Another pontoon could also be added on the Southern side of the current one to allow increased ease of use. As it stands on busy weekends and during holiday periods there could be 10+ boats lined up waiting to use the ramp causing large delays for users.

Further to the ramp issue the parking is not sufficient for the number of current users with people having to park up on Bayview road and surrounding streets further adding to the delays launching and retrieving boats.

Another issue is the current general store being too small for any larger population. The current fuel pumps for filling up boats and cards are in a difficult position to access and are already slow to access most of the time. If further development is approved a more suitable general store/service station should be considered as part of the development.

An example of issues an increased population could cause is between 26/12/22 and 2/1/23 there was approximately 250+ cars with large groups on Flaherty's beach between Point Turton and Hardwicke Bay. At least 10-15 large groups were set up and camping on the beach, all using the beach and dunes to go to the toilet and leaving large amounts of rubbish on the beach.

Due to being a country town there is little to no Police available to manage the behaviour, very few rangers available and when they did attend they just drove past waving to people. The council cannot or do not police the beaches either and have no bins or public toilets for people to use either which adds to the issue when numbers using the beach increase.

Further housing will no doubt lead to increasing numbers using the beach and surrounds so consideration needs to be given to services like rubbish points and toilets for beach users as well as increased management of behaviour. The access on and off the beach should also be improved to avoid the beach and surrounds being torn up by cars entering and exiting the beach.

Whilst the idea of further housing is good on face value, I think that the population is at a point now where the area and services available are already at capacity and adding further housing / people in the area will stretch them to a point that makes them unsuitable and take away from the enjoyment of the current members of community.

**Jodie Terp**

**From:** PlanSA Submissions <noreply@plan.sa.gov.au>  
**Sent:** Wednesday, 19 April 2023 7:27 PM  
**To:** Corporate Email Address  
**Subject:** Public Consultation submission for Point Turton and Port Victoria Urban Growth Code Amendment

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Jodie Terp,

**Submission Details**

Amendment: Point Turton and Port Victoria Urban Growth Code Amendment  
Customer type: Member of the public  
Given name: stephen  
Family name: smkthson  
Organisation:  
Email address: [REDACTED]  
Phone number: [REDACTED]

My overall view is: I do not support the Code Amendment

Comments: Information sent via post was not clear on time frames or any relevant information other than rezoning for development. Our current township exists on the most basics of support or services. What service areas it has, have been eroded by the substantial growth over the last 15 years. No increase in public bins, no increase in public toilets, no upgrade in boat launching facilities. Boat ramp fees go up but no increase in either parking or launching, with closure times due to silting at entry to harbor. No proposal for any infrastructure upgrades just a cash grab. What amenities the township now has are only adequate for midweek non holiday period living for local or property owners. Over crowded for holidays periods, rubbish piled up next to the limited public bins with parking at jetty and boat ramp impacting everyone. Make it viable before you extend the population. No more mains water, reliance on rain water or people carting water as they do now, most illegal to how much can be towed ( unbraked). This will increase with more properties in township. Plenty of spare blocks still unsold from last expansion. The last expansion impacted considerable people and their properties. Noise, dust. Dust filled gutters and caused a serious water quality problem for those using rain water collection. Dust was mm deep in houses and sheds. Storm water run off from raised blocks, runs down hill and the gutters on bay view road cannot handle the volume. It over flows and runs through my property and floods my shed. Rang council about this 2 times no change, we still get rain water flow from road through our property. Increase the infrastructure and fix older problems before compounding the issues. Limit houses to single story in any new areas to facilitate bigger rainwater catchment area. What size will the blocks be and what environmental and economic study has been done and can it be viewed.

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- Attachment 2: No file uploaded
- Attachment 3: No file uploaded
- Attachment 4: No file uploaded
- Attachment 5: No file uploaded



**Jodie Terp**

**From:** PlanSA Submissions <noreply@plan.sa.gov.au>  
**Sent:** Sunday, 14 May 2023 3:26 PM  
**To:** Corporate Email Address  
**Subject:** Public Consultation submission for Point Turton and Port Victoria Urban Growth Code Amendment

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Jodie Terp,

**Submission Details**

Amendment: Point Turton and Port Victoria Urban Growth Code Amendment  
Customer type: Member of the public  
Given name: David  
Family name: Gray  
Organisation:  
Email address: [REDACTED]  
Phone number: [REDACTED]

My overall view is: I do not support the Code Amendment

Comments: To whom it may concern. I wish to voice my opposition to the Urban Growth Code Amendment relating to Point Turton and Port Victoria. The hospitals at Yorketown, Maitland and Wallaroo as well as health services at other towns on Yorke Peninsula are under staffed, stressed, in need of substantial up grading and struggling to keep up with demand from an existing, largely, older population. Trying to find and retain sufficient Doctors, Nurses, Dentists and other health professionals is extremely difficult. The hospitals need upgrading, refurbishment and have adequate staffing numbers before we add to the population particularly as most of the additional people will, most likely, be retirees. Adding to the population before upgrading the health services is like putting the cart before the horse. I feel, most strongly, that the SA Govt and Yorke Peninsula Council need to put up the funding to improve the current health services before increasing the population and the stress on existing services. Unfortunately it seems that these days development and developers profits are given the priority without any regard for the sustainability and the effect that development has on the existing population and the existing services. If more people are to be encouraged to live in the Yorke Peninsula Council Area then priority must be given to make sure adequate services and staff are in place before development approval is given. I look forward to the SA Govt and the Yorke Peninsula Council committing the considerable amount of money needed to upgrade the existing health services and ensuring sufficient staff are employed. Yours Sincerely, David Gray.

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- Attachment 4: No file uploaded
- Attachment 5: No file uploaded

**Jodie Terp**

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**From:** Janet Ogden [REDACTED]  
**Sent:** Friday, 12 May 2023 3:42 PM  
**To:** Corporate Email Address  
**Subject:** Proposed Code Amendment

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

We refer to the proposed Code Amendment at Port Victoria rezoning land from Deferred Urban to Neighbourhood Zone.

A number of issues concern us greatly, as follows.

1. Maintenance of the character of Port Victoria. This will be negatively impacted by allowing further overcrowding.
2. Block size. The previous blocks are far too small & reduce the quality of existing homes.
3. Height restrictions must be enforced to prevent overcrowding & value reduction.
4. Proper kerbing & channelling must be installed.
5. Restricted street lighting needs to be enforced.
6. Dust & noise control needs to be enforced.
7. Songvaar Road needs to be sealed with bitumen to cope with proposed additional traffic.

We do not wish to live in an over-developed & crowded area & would like to keep the unique character of Port Victoria intact.

Thank you & kind regards,  
Janet Ogden & William Cripps

[REDACTED]  
[REDACTED]





**POINT TURTON & PORT VICTORIA URBAN GROWTH  
CODE AMENDMENT  
YORKE PENINSULA COUNCIL**

FINAL



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## HAVE YOUR SAY

This Code Amendment is on consultation from **Monday 27 March 2023** to **Monday 15 May 2023**.

During this time you are welcome to lodge a written submission about any of the changes proposed in this Code Amendment.

There are several ways in which you can provide feedback on the Code Amendment. These include:

- Completing an online submission via the SA Planning Portal at [plan.sa.gov.au/have\\_your\\_say/code\\_amendments/public\\_feedback\\_on\\_initiated\\_code\\_amendment](https://plan.sa.gov.au/have_your_say/code_amendments/public_feedback_on_initiated_code_amendment)
- Providing a written submission to [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au) with subject "Code Amendment Submission"
- Provide a written submission by post to:

Code Amendment Submission  
Yorke Peninsula Council  
PO Box 57  
MAITLAND SA 5573

- Or in person at one of the Council Offices at

8 Elizabeth Street  
Maitland

18 Main Street  
Minlaton

15 Edithburgh Road  
Yorketown

## 1. WHAT IS THE PLANNING AND DESIGN CODE?

The Planning and Design Code (the Code) sets out the rules that determine what landowners can do on their land.

For instance, if you want to build a house, the Code rules will tell you how high you can build and how far back from the front of your land your house will need to be positioned. The Code will also tell you if any additional rules apply to the area where your land is located. For example, you might be in a high bushfire risk area or an area with specific rules about protecting native vegetation.

### 1.1 Planning and Design Code Framework

The Code is based on a framework that contains various elements called overlays, zones, sub zones and general development policies. Together these elements provide all the rules that apply to a particular parcel of land. An outline of the Code Framework is available on the PlanSA portal.

### 1.2 Overlays

Overlays contain policies and maps that show the location and extent of special land features or sensitivities, such as heritage places or areas of high bushfire risk.

They may apply across one or more zones. Overlays are intended to be applied in conjunction with the relevant zone. However, where policy in a zone conflicts with the policy in an overlay, the overlay policy trumps the zone policy.

### 1.3 Zones

Zones are areas that share common land uses and in which specific types of development are permitted. Zones are the main element of the Code and will be applied consistently across the state.

For example, a township zone for Andamooka can be expected to apply to similar townships like Carrieton. Each zone includes information (called classification tables) that describes the types of development that are permitted in that zone and how they will be assessed.

### 1.4 Sub zones

Sub zones enable variation to policy within a zone, which may reflect local characteristics. An example is Port Adelaide centre, which has many different characteristics to typical shopping centres due to its maritime activities and uses.

### 1.5 General Development Policies

General development policies outline functional requirements for development, such as the need for car parking or wastewater management. While zones determine what development can occur in an area, general development policies provide guidance on how development should occur.

### 1.6 Amending the Planning and Design Code

The *Planning, Development and Infrastructure Act 2016* (the Act) provides the legislative framework for undertaking amendments to the Code. With approval of the Minister for Planning and Local Government (the Minister) a Council, Joint

Planning Board, Government Agency or private proponent may initiate an amendment to the Code and undertake a Code Amendment process.

An approved Proposal to Initiate will define the scope of the Amendment and prescribe the investigations which must occur to enable an assessment of whether the Code Amendment should take place and in what form.

The State Planning Commission (the Commission) is responsible under the Act for ensuring the Code is maintained, reflects contemporary values relevant to planning, and readily responds to emerging trends and issues.

The Commission provided independent advice to the Minister for Planning and Local Government on the Proposal to initiate this Code Amendment. The Commission will also provide a report on the Code Amendment (including compliance with the Community Engagement Charter) at the final stage of the



Code Amendment process.

## 2. WHAT IS PROPOSED IN THIS CODE AMENDMENT?

### 2.1 Need for the amendment

The affected areas are currently in the Deferred Urban Zone of the Planning and Design Code which seeks to safeguard land for future urban growth. A portion of both of the affected land areas, approximately two hectares in the southeast corner in Port Victoria and 12 hectares in the northern section of Point Turton, have already been developed into residential allotments.

The Code Amendment seeks to align the zoning with this current land use and to make the remaining areas, 13 hectares in Port Victoria and 27 hectares in Point Turton, available for future residential development. The subject area at Port Victoria was rezoned from Rural Living and General Farming (Port Victoria) to Residential (Deferred) in 2004 and then to Deferred Urban in 2012. The subject area at Point Turton was rezoned from General Farming to Holiday Settlement (Deferred) in 2004 and then to Deferred Urban in 2012.

The demand for residential land has increased on the Yorke Peninsula in the last 12-18 months with coastal allotments taking preference. The owners of substantial allotments at both affected areas have expressed interest in lodging new land division applications which would finalise the developments which have already commenced but still require completion of the stormwater management systems, roads and associated infrastructure.

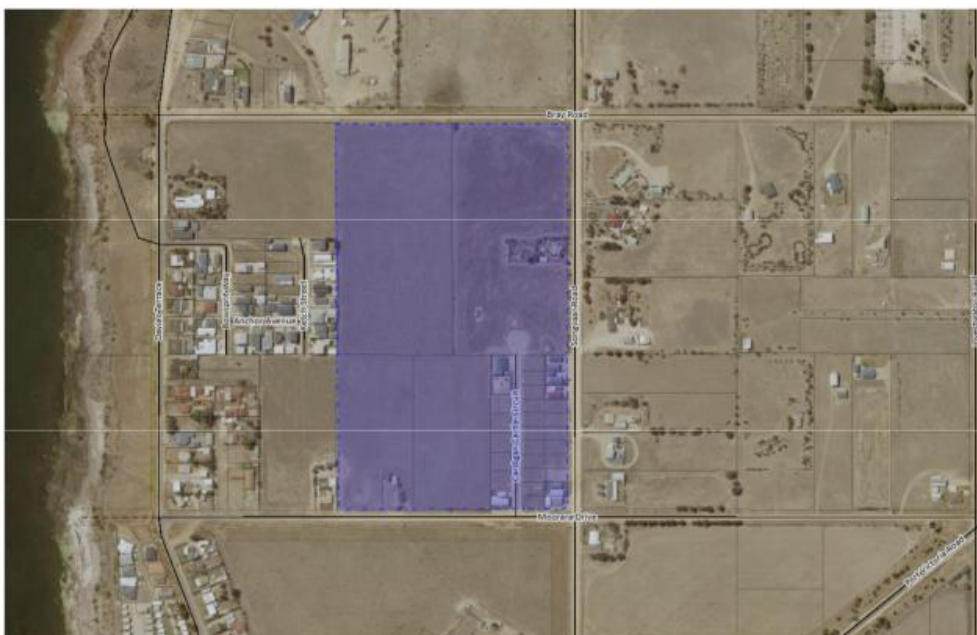
### 2.2 Affected Area

The areas affected by the proposed amendment are described as follows and as shown in the maps at **Attachment A** and includes:

- Approximately 54 hectares in Point Turton, 12 hectares of which has already been developed into residential allotments, 2.5 hectares which is utilised for Council infrastructure being the community wastewater management system and the remainder still being utilised for cropping. The land is bounded by Bayview Road and Brutus Road and including Mariner, Coral and Neptune Courts, Reef Crescent, Beachcomber Drive and part of Captain Hutchinson Drive.







Port Victoria – Affected Area Source: SAPP

**2.3 Summary of proposed policy changes**

**2.3.1 Current Code Policy**

The Affected Area is currently located in **Deferred Urban Zone** and Hazards (Bushfire - Urban Interface) Overlay, Hazards (Flooding – Evidence Required) Overlay and Native Vegetation Overlay in the Code, as shown in **Attachment B**.

The existing **Deferred Urban Zone** seeks to safeguard land for future urban growth. A copy of the policies that apply within the **Deferred Urban Zone** are available in **Attachment C**.

The Overlays apply to all of the land the subject of this proposed Code Amendment, their Desired Outcome and their impact on the development of the land are summarised in the following table.

Overlay	Purpose	Impact on Development
Hazards (Bushfire - Urban Interface) Overlay	Ensures that urban neighbourhoods that adjoin areas of General, Medium and High Bushfire Risk:  (a) allow access through to bushfire risk areas  (b) are designed to protect life and	Includes policies guiding access for emergency vehicles through new land division proposals and to habitable buildings.

	<p>property from the threat of bushfire and the dangers posed by ember attack</p> <p>(c) facilitate evacuation to areas safe from bushfire danger.</p>	
<p>Hazards (Flooding – Evidence Required) Overlay</p>	<p>Ensures development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.</p>	<p>Development should include measures to prevent the entry of water, noting that the land is not within an identified flood plain.</p>
<p>Native Vegetation Overlay</p>	<p>Applies to areas of the State where the <i>Native Vegetation Act 1991</i> applies and ensures areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.</p>	<p>Does not identify areas where there is native vegetation, however, seeks to protect native vegetation if any is identified on the land.</p>

**2.3.2 Proposed Code Policy**

The Code Amendment proposes the following changes:

**Point Turton**

Rezone the Affected Area to a Rural Settlement Zone

Retain the existing Overlays to the Affected Area:

- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - Evidence Required)
- Native Vegetation

Apply the following Technical and Numeric Variations (TNVs) to the Affected Area:

- Minimum Site Area (Minimum site area is 450 sqm)

**Port Victoria**

Rezone the Affected Area to a Neighbourhood Zone

Apply the following Overlays to the Affected Area:

- Affordable Housing
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - Evidence Required)
- Native Vegetation

Apply the following Technical and Numeric Variations (TNVs) to the Affected Area:

- Finished Ground and Floor Levels (Minimum finished ground level is 3.1m AHD; Minimum finished floor level is 3.35m AHD)
- Maximum Building Height (Metres) (Maximum building height is 8m)
- Minimum Frontage (Minimum frontage is 15m) Minimum Site Area (Minimum site area is 450 sqm)

The proposed policy changes are shown in **Attachment C**.

### 3. WHAT ARE THE NEXT STEPS FOR THIS CODE AMENDMENT?

#### 3.1 Engagement

Engagement on the Code Amendment must occur in accordance with the Community Engagement Charter principles, which required that:

- engagement is genuine
- engagement is inclusive and respectful
- engagement is fit for purpose
- engagement is informed and transparent
- engagement processes are reviewed and improved.

An Engagement Plan has been prepared for this Code Amendment to ensure that engagement will be conducted and measured against the principles of the Charter. For more information on the Community Engagement Charter go to the PlanSA portal at ([plan.sa.gov.au/en/charter](http://plan.sa.gov.au/en/charter)).

A summary of the engagement that is occurring for this Code Amendment is as follows:

- Letters will be sent to owners and occupiers of the land within and adjacent the affected land.
- Engagement with interested parties and groups including relevant Progress Associations.
- Engagement with staff and Elected Members of Yorke Peninsula Council.
- Engagement with the Traditional Owners of the land within the affected areas the Narungga/Adjahdura People.
- Engagement with State and Federal Members of Parliament.
- Engagement with emergency services providers, including the Country Fire Service (CFS).
- Engagement with utility providers, including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN and other telecommunications providers.
- Engagement with State Government Agencies with an interest in the affected area and proposed future development, including the following:
  - Environment Protection Authority (EPA)
  - Department of Environment and Water
  - Department for Infrastructure and Transport (DIT)

#### 3.2 How can I have my say on the Code Amendment?

There are several ways in which you can provide feedback on the Code Amendment. This includes:

- Completing an online submission via the SA Planning Portal at [plan.sa.gov.au/have\\_your\\_say/code\\_amendments/public\\_feedback\\_on\\_initiated\\_code\\_amendment](http://plan.sa.gov.au/have_your_say/code_amendments/public_feedback_on_initiated_code_amendment)
- Providing a written submission to [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au) with subject "Submission – Code Amendment"

- Provide a written submission by post to:  
Yorke Peninsula Council  
Attention: Jodie Terp  
PO Box 57  
MAITLAND SA 5573
- Or in person at one of the Council Offices at  
  
8 Elizabeth Street  
Maitland  
  
18 Main Street  
Minlaton  
  
15 Edithburgh Road  
Yorke town

### 3.3 What changes to the Code Amendment can my feedback influence?

Your feedback can influence the Code Amendment in the following ways:

- the zone selection
- the application of overlays to the affected areas
- the Technical and Numeric Variations (TNVs) that may apply.

Feedback cannot influence:

- instruments that are separate to the Code, such as the *Planning, Development and Infrastructure Act 2016* and its associated regulations
- policies within the Planning and Design Code, which have a broader application to the whole of South Australia
- the policies/zoning applying to areas outside of the areas affected by this Code Amendment.

### 3.4 What will happen with my feedback?

The Yorke Peninsula Council is committed to undertaking consultation in accordance with the principles of the Community Engagement Charter and is genuinely open to considering the issues raised by people in the community.

All formal submissions will be considered by Yorke Peninsula Council when determining whether the proposed Amendment is suitable and whether any changes should be made.

Each submission will be entered into a register and you will receive an email acknowledging receipt of your submission. Your submission will be published on the PlanSA portal. Personal addresses, email and phone numbers will not be published, however company details will be.

The Yorke Peninsula Council will consider the feedback received in finalising the Code Amendment and will prepare an Engagement Report which will outline what was heard during consultation and how the proposed Code Amendment was changed in response to submissions.

The Engagement Report will be forwarded to the Minister, and then published on the PlanSA portal.

### **3.5 Decision on the Code Amendment**

Once the Engagement Report is provided to the Minister, the Commission may provide further advice to the Minister at the Minister's request, if the Code Amendment is considered significant.

The Minister will then either adopt the Code Amendment (with or without changes) or determine that the Code Amendment should not proceed. The Minister's decision will then be published on the PlanSA portal.

If adopted, the Code Amendment will be referred to the Environment Resources and Development Committee of Parliament (ERDC) for their review. The Commission will also provide the Committee with a report on the Code Amendment, including the engagement undertaken on the Code Amendment and its compliance with the Community Engagement Charter.

## 4. ANALYSIS

### 4.1 Strategic Planning Outcomes

#### 4.1.1 Summary of Strategic Planning Outcomes

***Drafting Note (to be deleted):***

*This section should set out the key strategic planning considerations and where **necessary** should draw on relevant investigations undertaken, analysis of matters including (but not limited to):*

- *infrastructure and services*
- *integrated transport*
- *environmental impacts*
- *land supply and demand*
- *economic analysis*
- *environmental impacts*
- *interface between different land uses*
- *development patterns and trends*

#### 4.1.2 Consistency with the State Planning Policies

State Planning Policies define South Australia's planning priorities, goals and interests. They are the overarching umbrella policies that define the state's interests in land use. There are 16 State Planning Policies and six special legislative State Planning Policies.

These policies are given effect through the Code, with referral powers assigned to relevant Government Agencies (for example, the Environmental Protection Agency for contaminated land). The Code (including any Code Amendments) must comply with any principle prescribed by a State Planning Policy.

This Code Amendment is considered to be consistent with the State Planning Policies as shown in **Attachment D**.

#### 4.1.3 Consistency with the Regional Plan

The directions set out in Regional Plans provide the long term vision and set the spatial patterns for future development within a region. This can include land use integration, transport infrastructure and the public realm.

The Commission has identified that the existing volumes of the South Australian Planning Strategy, prepared under the *Development Act 1993*, will apply until such time as the new Regional Plans are prepared and adopted. Refer to the PlanSA portal for more information on the Commission's program for implementing Regional Plans throughout South Australia.

Where there is conflict between a Regional Plan and the State Planning Policies, the State Planning Policies will prevail.



This Code Amendment is considered to be consistent with the Regional Plan as shown in **Attachment D**.

**4.1.4 Consistency with other key strategic policy documents**

This Code Amendment aligns with other key policy documents in the following manner:

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
Yorke Peninsula Council 2021-2025 Strategic Management Plan	The code amendment aligns with the goal of an economically prosperous peninsula which seeks to attract more residents and visitors and recognises success as the revitalisation of towns and retaining young, active and working future generations.

**4.2 Infrastructure planning**

**Drafting Note (to be deleted):**  
 Where relevant, a Code Amendment must ensure that relevant infrastructure can be economically provided to the Affected Area. In some instances, this may be resolved at the development application stage. However, where significant upgrades are required to trunk infrastructure or road improvements which cannot form part of a development application, agreements or other arrangements to fund and provide infrastructure must be put in place prior to approval of the Code Amendment.

The following infrastructure planning is relevant to this Code Amendment:

The following upgrades to infrastructure can be economically provided to the affected areas as part of future development authorisations and under existing agreements, therefore no further agreements or other arrangements are required to fund the infrastructure.

Council Infrastructure Planning	Response/Comment
Wastewater	The affected areas both have access to existing Community Waste Water Systems (CWMS) and both CWMS were built with the capacity to have the additional allotments connected and the provision made for the soakage area to be extended at each stage of development. The landowners for both developments are aware of this and there are agreements in place that will require them to make a contribution as part of each Planning and Land Division Development Authorisation. If further land divisions are proposed with allotment sizes of a size to accommodate on-site wastewater systems they will be

Council Infrastructure Planning	Response/Comment
	assessed pursuant to the <i>SA Public Health (Wastewater) Regulations 2013</i> and against the On-site Wastewater Systems Code by Council's Environmental Health Officer prior to development authorisation for the associated dwelling is granted.
Stormwater	Stormwater capture and retention has already been commenced with the existing developments and will required and finalised with the new planning & land division applications.
Other Infrastructure Planning	Response/Comment
SA Water – Potable water	SA Water mains are connected to the affected area in Port Victoria but have not been connected in Point Turton and water harvest, storage and reuse has occurred on each allotment that has been developed with housing and this will be maintained with any new developments.
SAPN - Electricity	SA Power Networks electricity transmission infrastructure is available for connection in both affected areas.
Gas	No reticulated gas is provided to either of the affected areas and property owners currently source bottled gas which is stored onsite for each dwelling if required.
NBN - Telecommunications	NBN fixed wireless is available in both affected areas.

### 4.3 Investigations

#### 4.3.1 Investigations undertaken

The extent of investigations that have been undertaken as part of the Code Amendment process have been agreed by the Minister in the Proposal to Initiate. In addition to this, the Commission has also specified certain investigations to be undertaken to support the Code Amendment.

The following investigations have been undertaken to inform this Code Amendment:

- A comprehensive infrastructure analysis that identifies all future infrastructure works required in order to accommodate the development of the affected areas as proposed by the Code Amendment and provide a strategy which offers a funding and delivery solution for all required infrastructure work.
- A search was undertaken of the Aboriginal Site and Objects Register (Taa wika) to identify relevant Aboriginal heritage considerations including any identified cultural sites and objects.
- Investigations undertaken to provide a concept plan for both areas to enable integrated road networks and land division planning.
- A review of land supply and demand for both affected areas.

The outcomes of these investigations undertaken in support of the Code Amendment are included in **Attachment E**.

#### **4.3.2 Recommended policy changes**

The scope of the proposed Code Amendment does not include the creation of new planning rules and is limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Planning and Design Code (the Code) on the date the Amendment is released for consultation.

**ATTACHMENT A – AFFECTED AREAS MAPPING**



**Point Turton** *Source: SAPPA*

**LEGEND**

 Affected Area





**Port Victoria** *Source: SAPP*

**LEGEND**

 Affected Area





**ATTACHMENT B – CURRENT CODE POLICY**



Point Turton *Source: SAPP*

**Zone**

Deferred Urban

**Overlays**

Hazards (Bushfire – Urban Interface)

Hazards (Flooding – Evidence Required)

Native Vegetation

**LEGEND**

- Affected Area
- DU Deferred Urban
- Con Conservation
- CWOI Coastal Waters and Offshore
- OS Open Space
- RuS Rural Settlement
- TAC Township Activity Centre



Port Victoria *Source: SAPP*

**Zone**

Deferred Urban

**Overlays**

Hazards (Bushfire – Urban Interface)

Hazards (Flooding – Evidence Required)

Native Vegetation

**LEGEND**

- Affected Area
- DU Deferred Urban
- Con Conservation
- CTP Caravan and Tourist Park
- CWOI Coastal Waters and Offshore
- OS Open Space
- RuL Rural Living
- Ru Rural
- TAC Township Activity Centre



ATTACHMENT C – PROPOSED CODE POLICY



Point Turton *Source: SAPP*

**Zone**

Rural Settlement

**Overlays (existing to be retained)**

Hazards (Bushfire – Urban Interface)

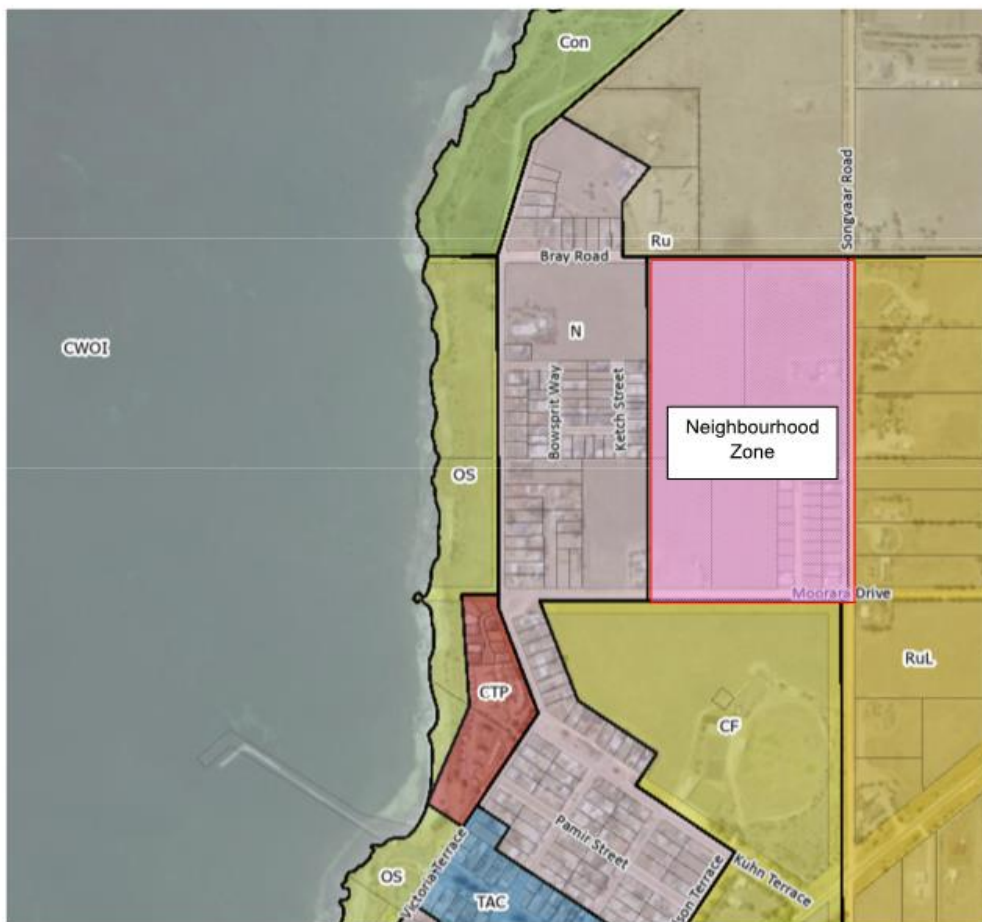
Hazards (Flooding – Evidence Required)

Native Vegetation

**LEGEND**

— Affected Area





Port Victoria *Source: SAPP*

**Zone**

Neighbourhood

**LEGEND**

— Affected Area



Port Victoria *Source: SAPP*

**Overlays**

Affordable Housing

**(Retain existing)**

Hazards (Bushfire – Urban Interface)

Hazards (Flooding – Evidence Required)

Native Vegetation

**LEGEND**

— Affected Area





Port Victoria *Source: SAPP*

**Technical & Numeric Variations**

Maximum Building Height (Metres)  
(Maximum building height is 8m)

**LEGEND**

— Affected Area





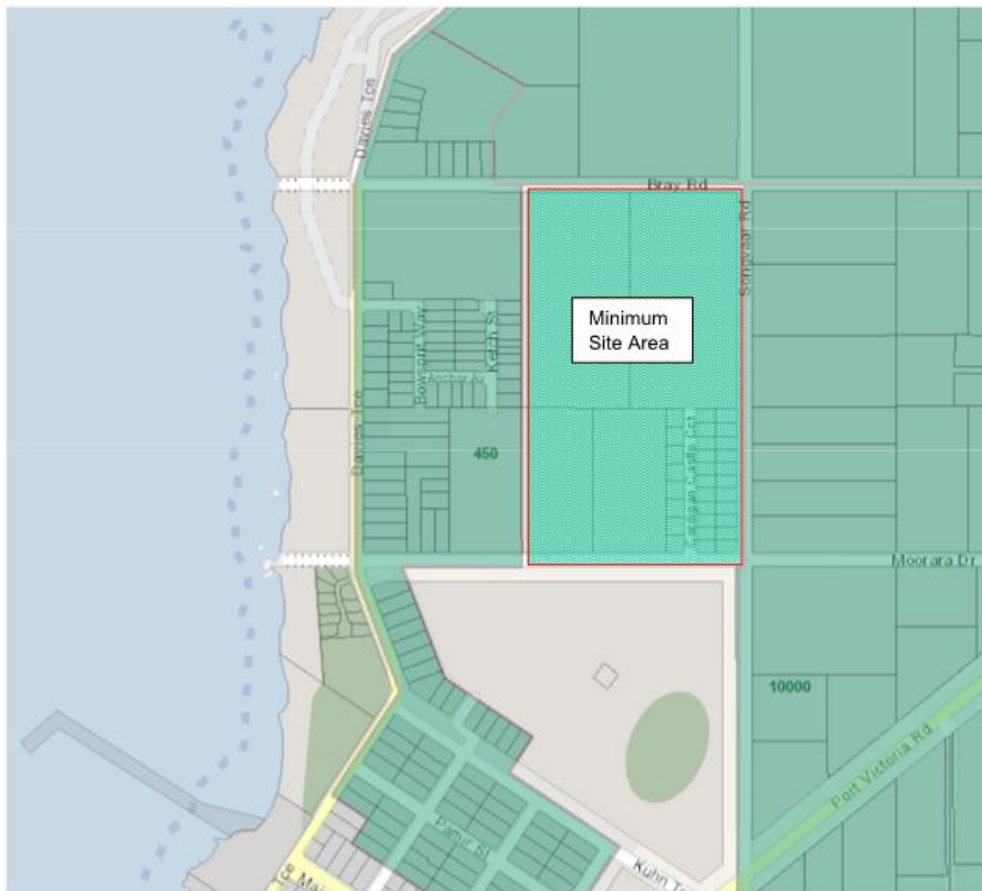
Port Victoria *Source: SAPP*

**Technical & Numeric Variations**

Minimum Frontage  
(Minimum frontage is 15m)

**LEGEND**

— Affected Area



Port Victoria *Source: SAPP*

**Technical & Numeric Variations**

Minimum Site Area  
(Minimum site area is 450 sqm)

**LEGEND**

— Affected Area



**ATTACHMENT D – STRATEGIC PLANNING OUTCOMES**

**1. State Planning Policies**

The State Planning Policies (SPPs) require that the Principles of Good Planning are considered in the preparation of any designated instrument, including a Code Amendment.

**SPP Key Principles**

There are 16 SPPs that include Objectives, Policies and Principles for Statutory Instruments (including the Planning and Design Code). The most critical SPPs in the context of this Code Amendment are:

State Planning Policy (SPP)	Code Amendment Outcome
<b>State Planning Policy 1: Integrated Planning</b>	
<p><i>1.1 An adequate supply of land (well serviced by infrastructure) is available that can accommodate housing and employment growth over the relevant forecast period.</i></p>	<p>The code amendment will rezone existing deferred urban land to allow for residential development and provide for an increase in housing to satisfy demand for new dwellings, holiday, and workers accommodation.</p>
<p><i>1.2 Provide an orderly sequence of land development that enables the cost-effective and timely delivery of infrastructure investment commensurate with the rate of future population growth.</i></p>	<p>The affected areas are both contiguous with existing residential areas. Infrastructure is already in place for both areas and will be able to upgrade to accommodate growth as needed.</p>
<p><i>1.4 Protect areas of rural, landscape character, environmental importance, mining or food production significance from the expansion of urban areas, towns and settlements.</i></p>	<p>The rezoning of the deferred urban zone which has already been identified for expansion of residential zones will increase the land supply without any encroachment into valuable primary production and conservation areas.</p>
<b>State Planning Policy 4: Biodiversity</b>	
<p><i>4.1 Minimise impacts of development on areas with recognised natural character and values, such as native vegetation and critical habitat so that critical life-supporting functions to our state be maintained.</i></p>	<p>The rezoning of the deferred urban zone which has already been identified for expansion of residential zones will avoid any urban sprawl in to sensitive areas.</p>

<b>State Planning Policy 5: Climate Change</b>	
<i>5.5 Avoid development in hazard-prone areas or, where unavoidable, ensure risks to people and property are mitigated to an acceptable or tolerable level through cost-effective measures.</i>	The rezoning of the deferred urban zone which has already been identified for expansion of residential zones will avoid any urban sprawl into high risk and hazard prone areas.
<b>State Planning Policy 6: Housing Supply and Diversity</b>	
<i>6.2 The timely supply of land for housing that is integrated with, and connected to, the range of services, facilities, public transport and infrastructure needed to support liveable and walkable neighbourhoods.</i>	The land divisions that have been established in both affected areas are nearing completion so the opening up of the adjacent land will be a timely supply of land.
<i>6.4 The growth of regional centres and towns within the existing footprint or outside towns where there is demonstrated demand and the land is serviced with infrastructure.</i>	The proposed amendment will allow expansion of the townships populations without extending the towns boundaries and will utilise existing town infrastructure.
<i>6.11 Residential development that does not fragment valuable primary production land, create land use conflicts or encroaches on sensitive environmental assets and places or high landscape value.</i>	The rezoning of the deferred urban zone which has already been identified for expansion of residential zones will avoid any urban sprawl into valuable farming land.
<b>State Planning Policy 13: Coastal Environment</b>	
<i>13.2 Development that is not at risk from current and future coastal hazards (including sea-level rise, coastal flooding, erosion, inundation, dune drift and acid sulfate soils) consistent with the hierarchy of 'avoid', 'accommodate' and 'adapt'.</i>	The rezoning of the deferred urban zone which has already been identified for expansion of residential zones will avoid any urban sprawl in to sensitive and potentially flood prone coastal areas.
<b>State Planning Policy 15: Natural Hazards</b>	
<i>15.6 Avoid development in high or extreme hazard risk areas (such</i>	The rezoning of the deferred urban zone which has already been identified for

<i>as bushfire risk areas) that will necessitate the removal</i>	expansion of residential zones will avoid any urban sprawl into high bushfire risk areas.
--	---

**2. Regional Plans**

**The Regional Plan**

The key policies and targets of The Yorke Peninsula Regional Plan dated December 2007 which are most relevant to this Code Amendment are detailed in the table below.

The investigations undertaken to date and outlined in this Code Amendment, will ensure that the proposed rezoning is largely consistent with the key policies and targets of the Regional Plan as described below.

<b>Regional Plan Identified Priorities or Targets</b>	<b>Code Amendment Alignment with Regional Plan</b>
<i>Objective 17: Reinforce the role, functionality and vibrancy of towns and settlements</i>	The rezoning of the affected areas is consistent with the desire to reinforce the role, functionality, and vibrancy of towns like Port Victoria and settlements like Point Turton.
<i>Objective 18: Strategically plan and manage township growth, with master planning for coastal areas a priority</i>	The rezoning of the already identified deferred urban growth areas is aligned to strategic growth of the affected coastal townships.
<i>Objective 20: Provide residential land to enable a supply of diverse, affordable, and sustainable housing to meet the needs of current and future residents and visitors</i>	The rezoning will provide residential land which will enable a supply of diverse, affordable, and sustainable housing to meet the needs of current and future residents and visitors.

**3. Other Strategic Plans**

The following table identifies other documents relevant to the proposed Code Amendment:

<b>Other Relevant Document</b>	<b>Code Amendment Alignment with Other Relevant Document</b>
<i>Yorke Peninsula Council 2021-2025 Strategic Management Plan</i>	The code amendment aligns with the goal of an economically prosperous peninsula which seeks to attract more residents and visitors and recognises

	success as the revitalisation of towns and retaining young, active and working future generations.
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**ATTACHMENT E – INVESTIGATIONS**

The extent of the investigations that have been undertaken as part of the Code Amendment process have been agreed by the Minister on the Proposal to Initiate, and include the following:

- **Infrastructure Analysis** – Identify all future infrastructure works required in order to accommodate the development of the affected areas as proposed by the Code Amendment and provide a strategy which offers a funding and delivery solution for all required infrastructure works.
- **Land Supply and Demand** - A review of land supply and demand for both affected areas.
- **Aboriginal Sites and Objects Register (Taa wika) Search** - to identify relevant Aboriginal heritage considerations including any identified cultural sites and objects.
- **Concept Plans** - Investigate and provide a concept plan for both areas to enable integrated road networks and land division planning, noting rural living would not be supported.

## Infrastructure Analysis

### Background

#### Point Turton

In 2006 an 89 allotment land division was approved under the *Development Act 1993*, the area divided was 53.22 hectares with 1.5 hectares set aside for Reserve. The land was zoned Holiday Settlement (Deferred) at the time and was assessed against the planning provisions of the Yorke Peninsula (DC) Development Plan Consolidated 16 December 2004 which had two objectives the first being that *Land be kept free of residential development until required for such purposes* and that *Land used so as not to prejudice its future orderly and economic development for urban purposes*. Assessments were guided by the relevant Principles of Development Control one of which stated that land could be divided if water, power and a common effluent drainage scheme were provided.

The applicant sought approval for a Community Wastewater Management Scheme (CWMS) from the South Australian Health Commission and ensured power connections were provided as well as allotment sizes large enough to accommodate on site retention and use of stormwater as a water supply which the policy at the time indicated 45 000 litres being the appropriate amount. Certificate of Approval plans were lodged and cleared in 2009, all of the allotments created through this division have now been developed or have been sold and being held for future development.

#### Port Victoria

In 2010 a 30 allotment land division was approved under the *Development Act 1993*, the area divided was 2 hectares being the first of two stages. The land was zoned Residential (Deferred) and was assessed against the planning provisions of the Yorke Peninsula (DC) Development Plan Consolidated 8 February 2007 which had two objectives the first being *A zone established to accommodate future residential growth when existing residential zoned land has been substantially developed* and *The prevention of development likely to be incompatible with long term housing, or likely to be detrimental to the orderly and efficient servicing and conversion of the land to urban use*. Assessments were guided by the relevant Principles of Development Control one of which stated that development should be provided with a reticulated water supply and effluent disposal system and these along with power connection were provided to the proposed allotments. Clearance for the allotments was granted in five stages with the final stage being granted in May 2021, all of the allotments created through this division have now been developed or have been sold and being held for future development.

**Current situation**

Point Turton

Wastewater

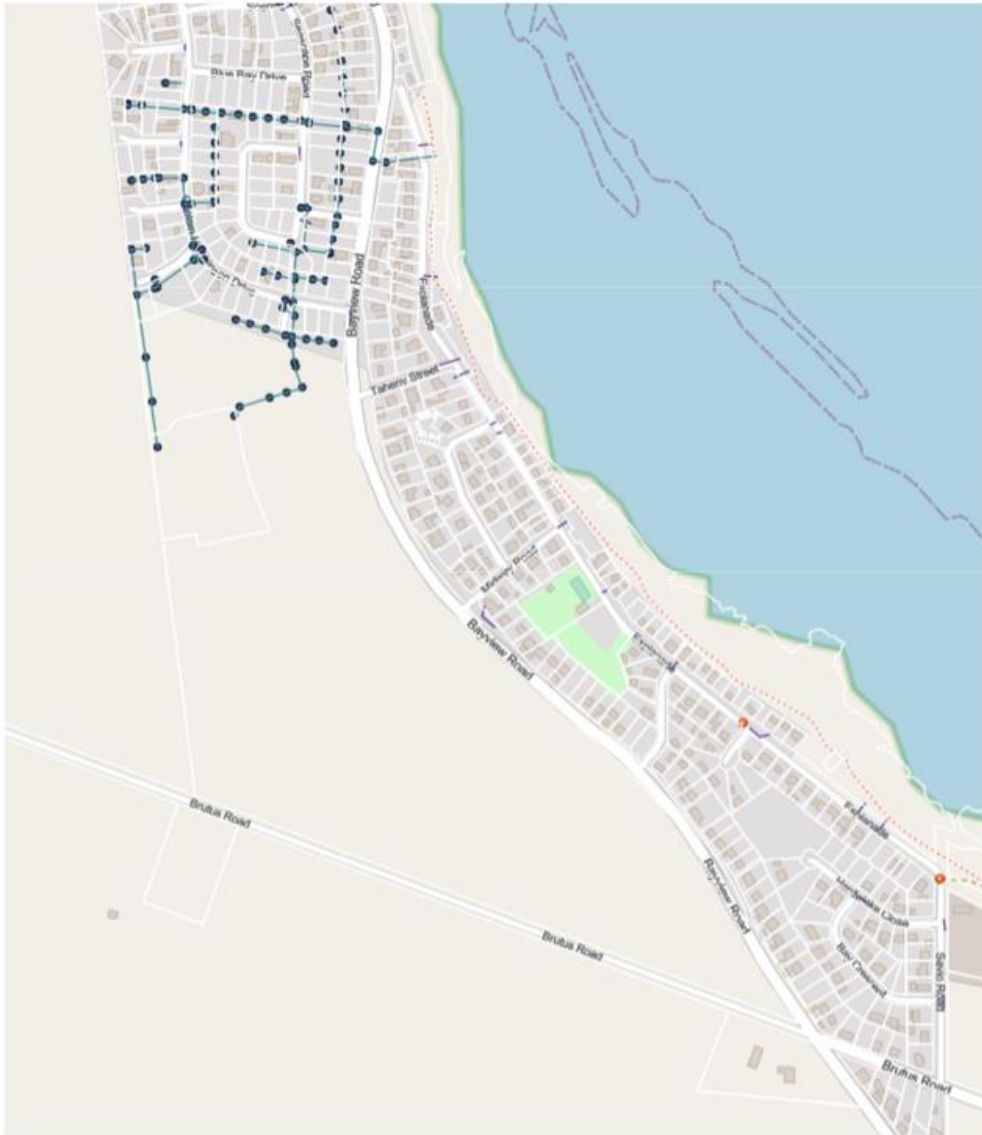
The affected area in Point Turton is serviced by a Community Wastewater Management System which is a gravity fed sewer system that doesn't require onsite septic tanks. The existing treatment plant was designed to accommodate the development of all of the affected land and a deed was entered into with the developer/landowner in July 2011 when Council took control of the system that the irrigation area would be developed by the landowner as future stages of the land division was established. The current system is shown below with the area set aside for the expansion of the treated water disposal area.



Point Turton Community Wastewater Management System

Stormwater

Similarly, the stormwater management system is all in place and just needs to be extended and a detention basin needs to be designed and installed to cater for the future land release stages.



Point Turton Stormwater Infrastructure



Potable Water

SA Water has a mains that run along the edge of the affected land, however, potable water has not been provided to the existing allotments within the most recent land division which extends on to the affected land due to a lack of capacity. All future allotments will be required to have on site water retention in the vicinity of 45 to 50 000 litres. The allotments are large enough to accommodate the required tanks and it is common practise in many towns across Yorke Peninsula.



Point Turton SA Water Mains Source: SAPP

### Electricity

SA Power Networks provides electricity to Point Turton and underground cabling has been installed in the first stages of the development that extends to the affected area and this would continue.



**Point Turton SA Power Networks** Source: SAPP

Overhead Lines

Underground Cable

### Gas

No reticulated gas is provided in Point Turton and property owners currently source bottled gas which is stored on-site. The affected areas are both serviced by bottled gas distributors.

Telecommunications

The affected land in Point Turton can be connected to the National Broadband Network via Fixed Wireless Technology.

Road Network

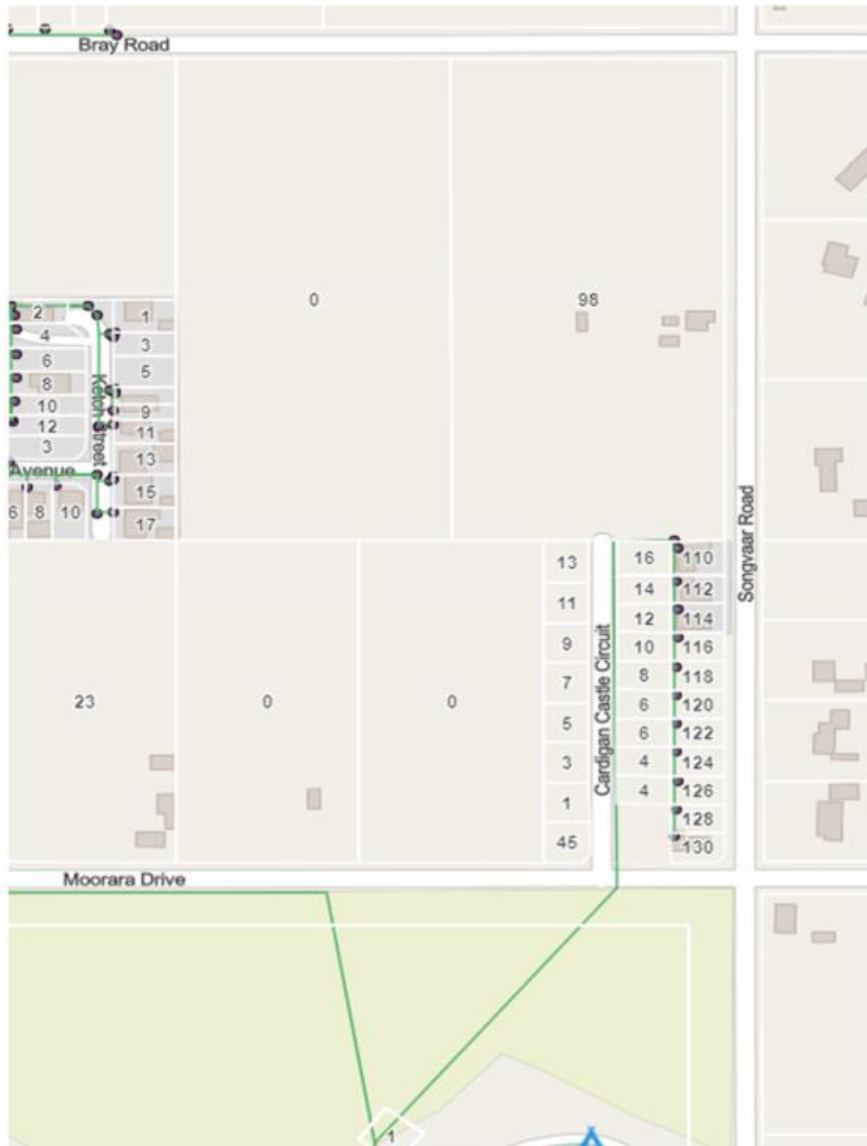
The two roads adjacent to the affected area are local roads, Bayview Road which runs along the eastern boundary of the affected area and Brutus Road along the southern boundary. Bayview Road runs off Brutus Road and provides access through from the Yorke Highway to North Coast Road which traverses the coastline until it comes inland and reunites with Brutus Road. Brutus Road connects through from the Yorke Highway to Corny Point Road.

The section of Bayview Road bounding the affected area is fully sealed and the section of Brutus Road is currently half sealed and half unmade road. The majority of the additional traffic flow that would be generated from development of the affected area would be directed on to Bayview Road. (Do we have any traffic counts or any other relevant info we could include here?)

Port Victoria

Wastewater

The affected area in Port Victoria is serviced by Council's Community Wastewater Management System which is a full sewer system that doesn't require onsite septic tanks. The current development on the affected land involved funding from the landowner/developer to contribute to the extension of the system and it will be a requirement with any further land division authorisation should it be required.

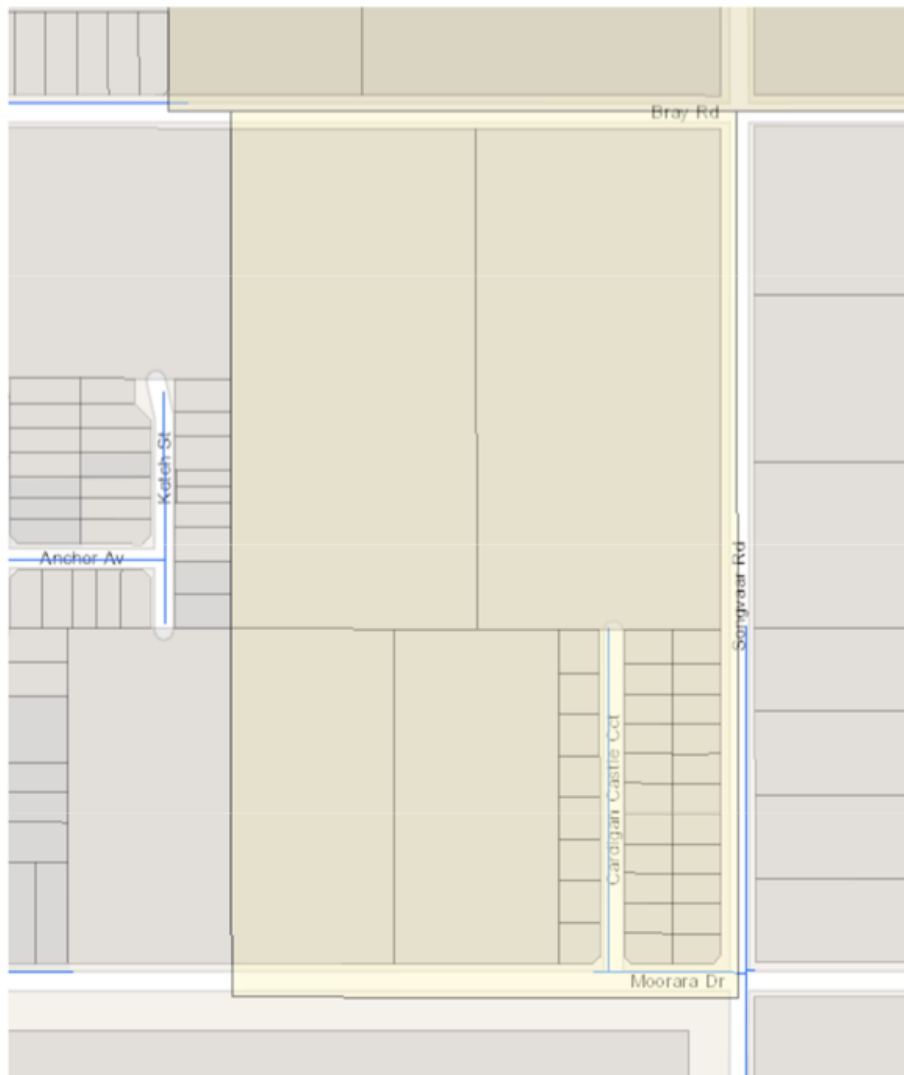


Stormwater

Similarly, the stormwater management system is all in place and just needs to be extended with the future land release stages. Importantly the next stage will include extend and finalise the initial stormwater infrastructure with the installation of a detention basin north of the current development.

Potable Water

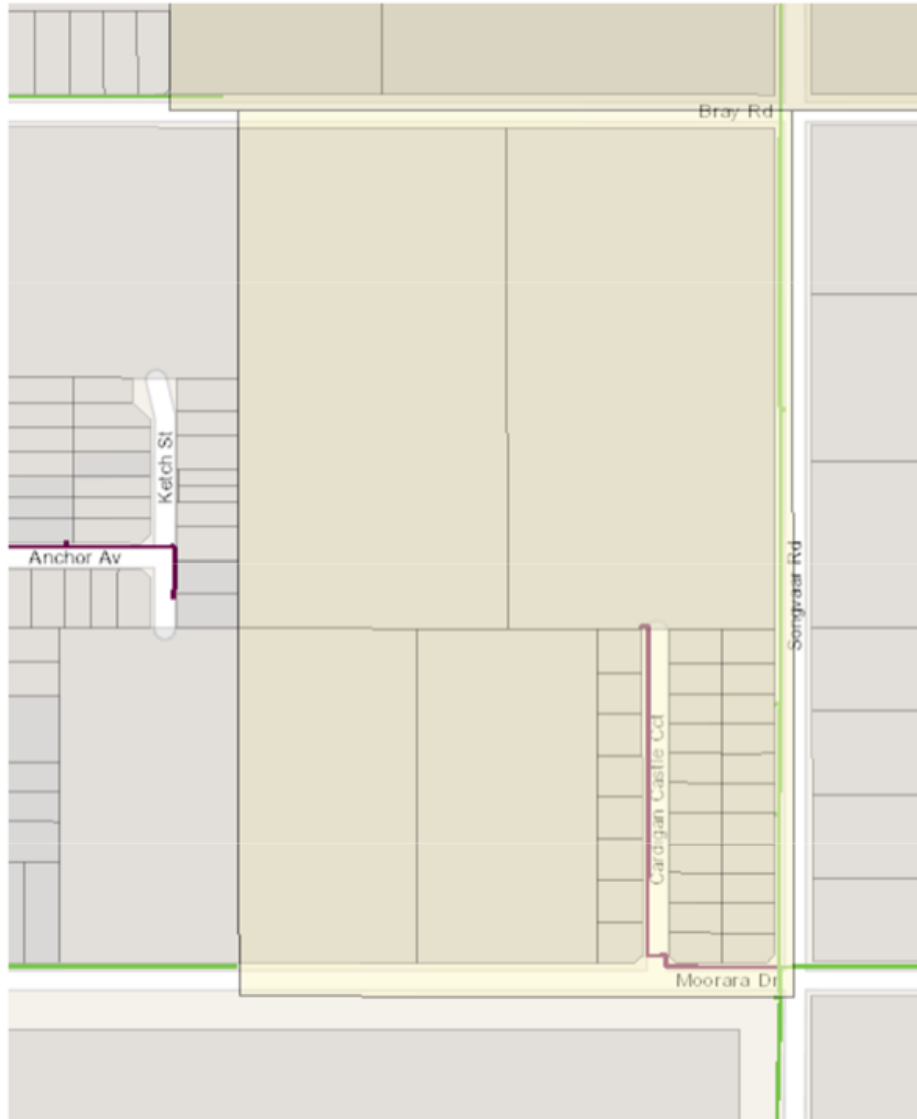
SA Water connection and capacity is available and will extend from the existing as shown below.



**Port Victoria SA Water Mains** Source: SAPP

Electricity

SA Power Networks provides electricity to Port Victoria and underground cabling has been installed in the first stages of the development within the affected area and this would just be extended.



Port Victoria SA Power Networks Source: SPPA

Overhead Lines

Underground Cable

### Gas

No reticulated gas is provided in Port Victoria and property owners currently source bottled gas which is stored on-site. The affected areas are both serviced by bottled gas distributors.

### Telecommunications

The affected land in Port Victoria is able to be connected to the National Broadband Network via Fixed Wireless Technology.

### Road Network

The three roads adjacent to the affected area are local roads, Songvaar Road which runs along the eastern boundary of the affected area, Moorara Drive Road along the southern boundary and Bray Road to the north. All of these roads are unmade roads which have very low traffic volumes of local traffic connecting through to the town centre or to the Port Victoria Road which is the arterial road connecting Port Victoria to the larger service town of Maitland.

The additional traffic flow from any future development would be spread evenly between the three roads with future road upgrades as required. Importantly future development south of the existing on the affected land will allow extension of the road network to enable easier manoeuvring for the waste collection vehicles. (Do we have any traffic counts or any other relevant info we could include here?)

### **Future Infrastructure works required and Strategy for Funding and Delivery**

#### Point Turton and Port Victoria

The upgrades required to infrastructure as mentioned above in regards to management of wastewater and stormwater can be economically provided to the affected areas as part of future land division development applications and through existing infrastructure provision agreements.

**Aboriginal Sites and Objects Register (Taa wika) Search**

We were advised that the central archive, which includes the Register of Aboriginal Sites and Objects (the Register), administered by Aboriginal Affairs and Reconciliation (AAR), has no entries for Aboriginal sites at any of the Affected Areas for the Code Amendment **Attachment ???**.



**Land Supply and Demand**

**Point Turton**

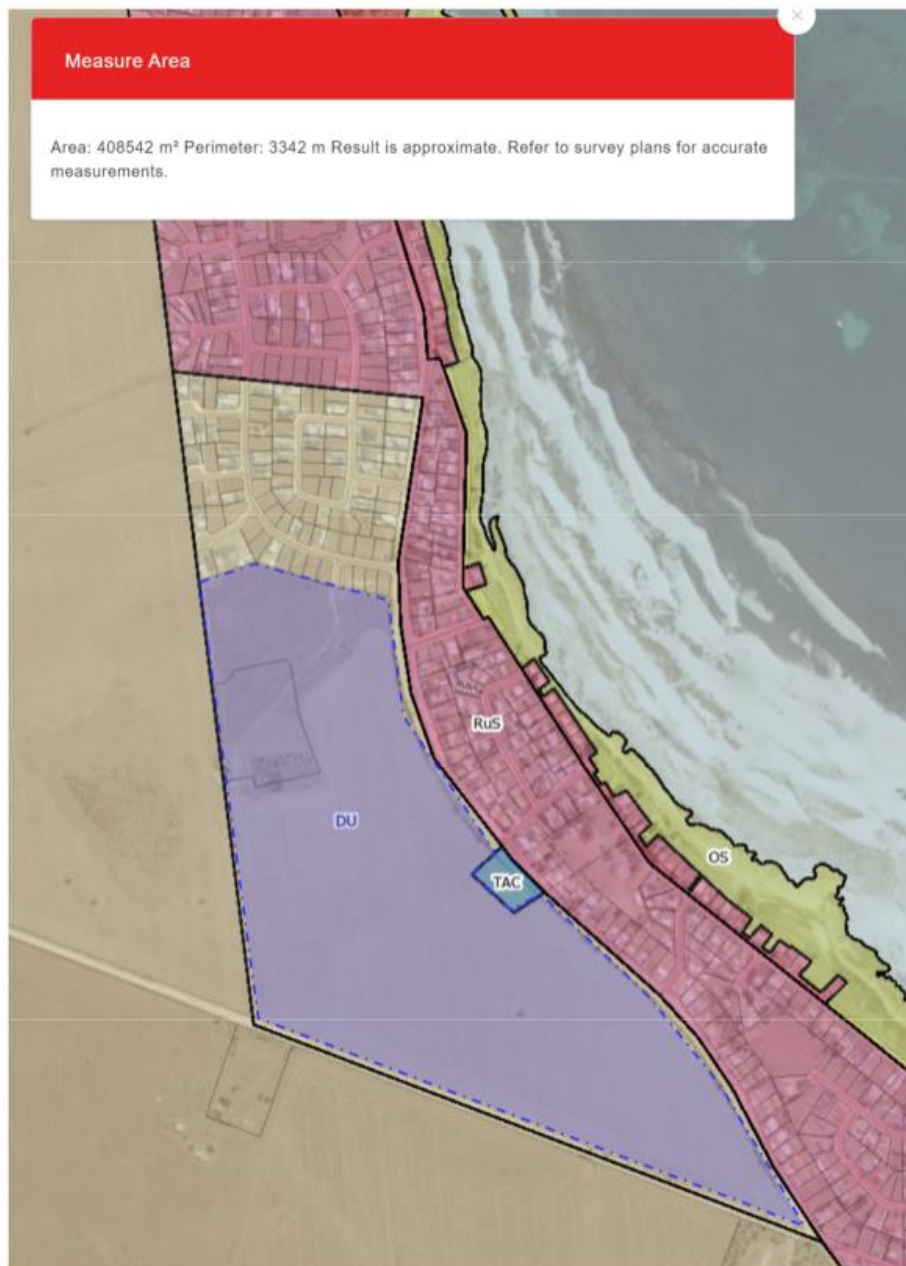
An analysis of the land supply in Point Turton shows that all existing allotments have been sold and developed or held for future development and the only land zoned for future residential land use is the affected area the subject of this Code Amendment and another small portion of a larger rural allotment on the southern edge of the township.

The portion as shown below is zoned Deferred Urban so would require a Code Amendment to be approved for land division to occur and the area zoned is 4.66 hectares in area which allowing 10% for supporting infrastructure such as roads and minimum allotment sizes of 1200 square metres anticipating no available wastewater connection would yield approximately 35 allotments.



**Point Turton – Deferred Urban Zones** Source: SAPPA

The only other land zoned for future residential land use is the undeveloped portion of the affected area of the proposed code amendment shown below. A concept plan has been developed for this area which proposes approximately 338 allotments which would be developed in stages starting with approximately 59 residential allotments.



Point Turton – Deferred Urban Zone – Affected Area Source: SAPPA

Port Victoria

An analysis of the land supply in Port Victoria shows that all existing allotments have been sold and developed or held for future development. The current developable land zoned Neighbourhood as shown in Figure 1 below has been divided in to north and south, with the area already zoned Neighbourhood and undeveloped to the south being approximately 296.4 hectares which allowing 32.5% of this land to allow for supporting infrastructure such as roads, stormwater retention/detention and public open space up to 87 allotments at a minimum of 1200 square metres could be created. The land already zoned Neighbourhood to the north is approximately 87.6 hectares and allowing the same 32.5% to support infrastructure provision would yield 24 allotments with a minimum site area of 1200 square metres or 63 allotments if connections to the community wastewater system were made available. It is unlikely that all developable land will be developed.

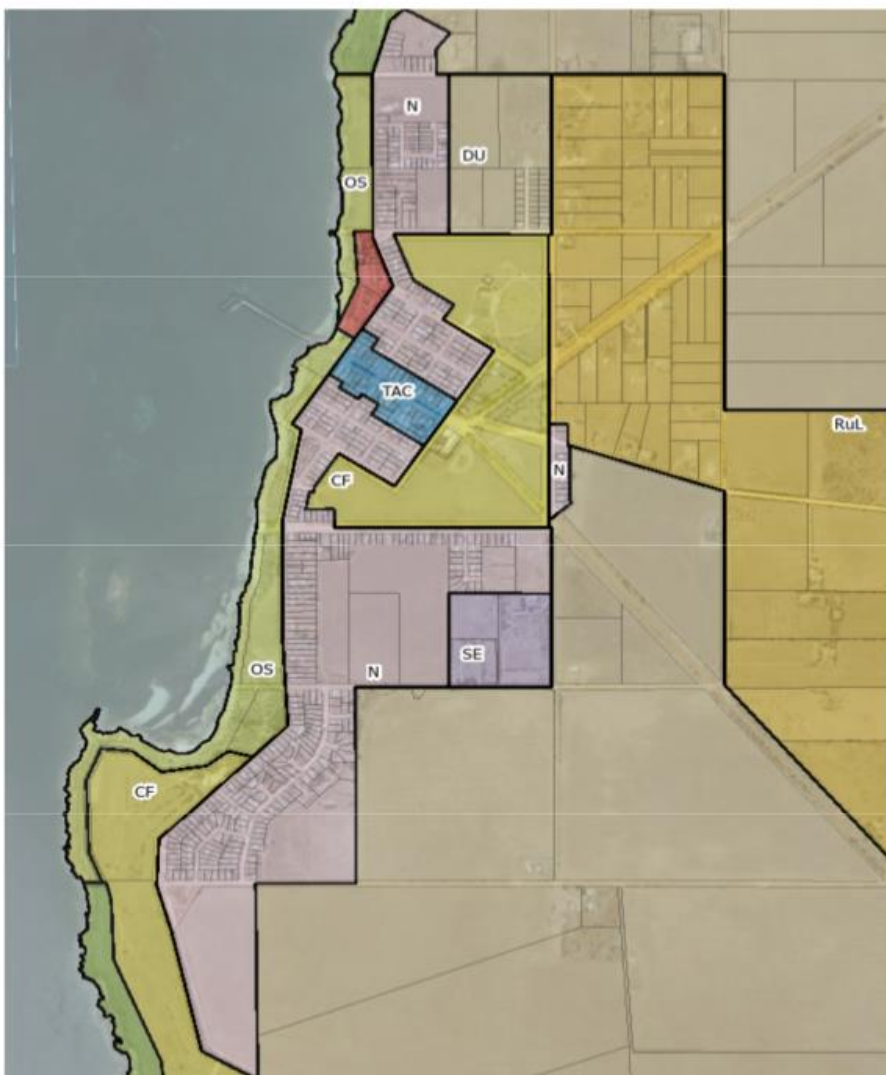


Figure 1– Port Victoria –Current Neighbourhood Zone Source: SAPP

The only other land zoned for future residential land use is the undeveloped portion of the affected area of the proposed code amendment shown below. A concept plan has been developed for the portion of the affected area directly north of the currently developed land which proposes 33 allotments which would be developed in stages starting with 8 residential allotments and the finalisation of the stormwater system with the installation of a detention basin and new pump station.



Port Victoria – Affected Area *Source: SAPP*

**Concept Plans**

**25.6 YORKE PENINSULA SETTLEMENT STRATEGY - FINAL REPORT****Document #:** 23/52984**Department:** Development Services**PURPOSE**

To seek endorsement of the final draft of the Yorke Peninsula Settlement Strategy (Settlement Strategy) for it to be distributed to the Department for Trade and Investment (DTI) to inform the Yorke Peninsula and Mid North Regional Plan (Regional Plan).

**RECOMMENDATION**

That Council endorse the Yorke Peninsula Settlement Strategy – Final Report for distribution to the Department for Trade and Investment to inform the Yorke Peninsula and Mid North Regional Plan.

**LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.2 Deliver strategic and responsible land use planning**Goal:** 5 Responsible Governance and Leadership**Strategy:** 5.2 Effective leadership and informed decision making**BACKGROUND**

The State Planning Commission (the Commission), supported by Planning and Land Use Services (PLUS) of the DTI has commenced preparation of a new regional plan for the Yorke Peninsula and Mid North region.

The regional plan will spatially map the South Australian Government's long-term vision for growth in the Yorke Peninsula and Mid North region. Regional plans play a significant role in identifying land and long-term infrastructure needs to support sustainable growth within the region. It will highlight how these important changes can be accommodated over a 15 to 30-year period, by investigating and guiding:

- Where houses and employment land will go,
- How housing and population will be serviced,
- What infrastructure is needed and how it will be provided,
- Different growth scenarios (and implications for these scenarios).

The plan will include the following items:

- A long-term vision for the region, along with supporting targets and actions for land use, transport infrastructure and the public realm.
- Maps and spatial plans that are relevant to the vision and priorities.
- Contextual information about the region, including forward projections and statistical data and analysis.
- Recommendations about the application of the Planning and Design Code in the region, including future zoning and infrastructure needs, and how land can be developed.
- Identify sufficient land supply to support housing diversity, affordable living, and employment growth.



- Contain clear principles for orderly development and the management of growth, including a hierarchy of plans to guide the form and intensity of settlements and the prioritisation of release of urban lands.
- A framework for the public realm or infrastructure located within the region.
- Performance indicators and targets to measure success in implementing the plan.

## DISCUSSION

The current regional plan lacks robustness regarding highlighting areas within the Council boundaries that would be conducive to further development. This has resulted in two recent private proponent led code amendments being declined by the Minister for Planning. The current preparation of the new regional plan is therefore seen as the perfect opportunity to ensure that the required analytical and spatial data is made available for inclusion to ensure Council can successfully undertake strategic land use planning in the future.

Planning consultants, Future Urban were engaged to undertake a review of twenty-two coastal settlements across the Council area to determine which were best positioned geographically and from a social and physical infrastructure perspective to accommodate additional development. The review was undertaken in two stages with the first stage comparing all settlements and the final stage focusing on the eight settlements that were determined to warrant further investigation into the suitability of future land use changes. The consultants have presented the findings of both stages at Council workshops on 24 August 2022 and 25 May 2023.

The townships identified were Clinton, Coobowie, Hardwicke Bay, Port Julia, Price, Sheoak Flat, Sultana Point and Tiddy Widdy Beach. The opportunities and limitations are provided in the report both analytically and spatially. Preliminary engagement has been undertaken with some State Government agencies and with Regional Development Australia and if endorsed the report will be presented to the DTI to inform the draft version of the Regional Plan. It is anticipated the draft Regional Plan will go out for public consultation towards the end of 2023 at which time Council and the public will all have an opportunity to make a submission.

## COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

## CONSULTATION PROCESS

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

- Corporate Management Team
- Manager Development

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

- Nil

## POLICY IMPLICATIONS

The Settlement Strategy will support and inform the Council's Strategic Management Plan and assist in formulating the Regional Plan.

## BUDGET AND RESOURCE IMPLICATIONS

The Settlement Strategy was funded out of the existing adopted budget.

## RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

The Strategy would inform the preparation of the new Regional Plan for the area and guide any future code amendments and infrastructure improvements.

**ATTACHMENTS**

1. Yorke Peninsula Settlement Strategy (under separate cover) 



**25.7 SUBMISSIONS RECEIVED - PERMIT TO USE PUBLIC ROAD**

Document #: 23/57229

Department: Development Services

**35. PURPOSE**

To consider submissions received in relation to the community engagement process for Permits to Use Public Roads for exclusive use (cropping and grazing).

**36. RECOMMENDATION**

That Council:

1. Receive the written submissions made in response to the community engagement process for Permits to use Public Roads for exclusive use (cropping and grazing purposes).
2. Authorise the following Permits to Use Public Road for exclusive use (cropping and grazing) for a period of (5) years commencing on 1 July 2023 and expiring on 30 June 2028:

Permit No. 137	Dividing Sections 10, 9, 11 & 4 from 12 & 1. Dividing Sections 1, 2, 3, 4, 5 & 11 from 8 & 9.	HD Clinton
Permit No. 89	Dividing Section 409 & Piece 51.	HD Clinton
Permit No. 71	Dividing Sections 21, 22 & 24 & 61, 64, 65, 66, 67, 69, 73, 74 & 75.	HD Tiparra
Permit No. 55	Dividing Section 350 & 352 & 343.	HD Dalrymple
Permit No. 132	Dividing Sections 2 & 189.	HD Muloowurtie
Permit No. 60	Dividing Sections 128,129 and 697 & 61.	HD Melville
Permit No. 46	Dividing Sections 204 & 86 and 82 & 85.	HD Parawurlie
Permit No. 23	Dividing Section 526 & Piece 94.	HD Clinton
Permit No. 59	Dividing Sections 480 & 17.	HD Melville
Permit No. 119	Dividing Sections 2 & 116.	HD Carribe
Permit No. 162	Dividing Sections 31 & 32.	HD Coonarie
Permit No. 33	Dividing Sections 2, 4, 6, 8, 10,12 & 187,188,189. Dividing Sections 188,184, 180,176,172,168,163 & 189,185,181, 177,173,169,164.	HD Currumulka
Permit No. 39	Dividing Sections 91 & 92. Dividing Sections 92 & 93. Sections 93 & 94.	HD Melville
Permit No. 81	Dividing Sections 31 & 84,126,134,135, Dividing Sections 126,127,129 & 134, 133 & 130, Dividing Sections 151, 562 & 144,145 & 150.	HD Tiparra
Permit No. 37	Dividing Sections 235 & 1.	HD Tiparra
Permit No. 19	Dividing Sections 345 & 287, Dividing Sections 272 & 346.	HD Cunningham
Permit No. 31	Dividing Sections 160 & 145.	HD Kilkerran

Permit No. 45	Dividing Sections 159 & 543.	HD Kilkerran
Permit No. 12	Dividing 72 & 71S.	HD Wauraltee
Permit No. 50	Dividing Sections 244 & 34, 33,30.	HD Kilkerran
Permit No. 1	Dividing Sections 158W, 157 & 222, 282, 210, 209E.	HD Kilkerran
Permit No. 160	Dividing Sections 12 & 261.	HD Minlacowie
Permit No. 4	Dividing Sections 222, 221 & 219E & 220.	HD Tiparra
Permit No. 82	Dividing Sections 39, 38 & 40.	HD Maitland
Permit No. 72	Dividing Sections 130S & 1.	HD Kilkerran
Permit No. 44	Dividing Sections 81 & 7.	HD Coonarie
Permit No. 51	Dividing Sections 94, 92, 91 & 1155, 318.	HD Cunningham
Permit No. 92	Dividing Sections 55 & 69.	HD Melville
Permit No. 15	Dividing Sections 192 & 1, 2.	HD Curramulka
Permit No. 7	Dividing Sections 210, 320 & 250. Dividing Sections 250 & 249.	HD Tiparra
Permit No. 155	Dividing Sections 387 & 2.	HD Tiparra
Permit No. 28	Dividing Sections 85 & 229. Dividing Sections 85 & 231, 230.	HD Moorowie
Permit No. 31	Dividing Sections 92 & 567, 91. Dividing Sections 262, 267, 272 & 263, 268, 273, 278. Dividing Sections 452, 264, 269, 274, 279 & 570, 265, 270, 275, 280, 281. Dividing Sections 452, 568, 567 & 526, 261, 262, 263, 264.	HD Tiparra
Permit No. 27	Dividing Sections 19,18,17 & 14,15. Dividing Sections 51, 23, 24, 25, 26 & 44, 30, 29, 27. Dividing Sections 97, 353, 351, 348, 345, 341, 335 & 336, 340, 346, 347, 352, 96. Dividing Sections 345, 343 & 342, 626, 341. Dividing Sections 358, 360, 361,362 & 335, 342. Dividing Sections 336, 337,123,124 & 120,121,122. Dividing Sections 627, 369 & 314, 313. Dividing Sections 314,313 & 120,119. Dividing Sections 46 & 47. Dividing Sections 371 & 372. Dividing Sections 350, 349, 348 & 344, 345. Dividing Sections 343 & 358.	HD Clinton

### 37. LINK TO STRATEGIC PLAN

**Goal:** 1 Economically Prosperous Peninsula

5 Responsible Governance and Leadership

**Strategy:** 1.8 Efficient delivery of permits, leases and licences

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

### 38. BACKGROUND

At the general Council meeting held on 10 May 2023, Council resolved to commence the community engagement process for permits to exclusively use Public Roads for cropping and grazing purposes (Permits), following requests from adjoining property owners to renew existing permits on an exclusive use basis.

Exclusive use means that there will be no access to members of the public. Where Council is considering granting a permit for exclusive use, Council must undertake public consultation in accordance with its Community Engagement Policy PO057. Accordingly, in accordance with the Community Engagement Plan adopted at the above mentioned meeting, Level 2 – Consult community consultation commenced on 16 May 2023 and concluded on 6 June 2023.

### 39. DISCUSSION

A public notice appeared in the Yorke Peninsula Country Times on 16 May 2023, in addition to the public being advised via Council's website and social media sites. Personalised letters were posted to the adjoining landowners affected by the proposed Permits to use Public Road on the same day.

The Community Engagement Report was made available at Council's offices and on Council's website. At the close of the community engagement process on 6 June 2023 multiple submissions were received from the same member of the public (Submitter) (refer Attachment 1). This Submitter does not own or reside at any of the properties that adjoin the roads being considered for Permits.

The Submitter stated *"we often explore Yorke Peninsula traveling on minor unmade roads that often are unnamed or have their road name signs missing"* and that they were unable to find the exact locations of the unmade roads from the information provided by Council.

Council's Property Tenure Officer email exchange with the Submitter explained that it would take quite some time for Council staff to produce a large number of maps for all of the Public Roads being considered for a Permit. The Submitter was directed to the South Australia Property and Planning Atlas website (SAPPA) with instructions on how to navigate the site and locate the Public Roads.

The Submitters concerns in regard to finding the location of unmade roads have been noted and a link to SAPPA will be included in future community consultation processes of this nature.

In addition, Council's Property Tenure Officer also responded to two telephone enquiries and one over the counter enquiry. Council's website had 60 views and Council's Facebook had 621 views.

### 40. COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

Pursuant to the Local Government Act 1999 – Section 223

(1) If a Council proposes to grant an authorisation or permit -

- a) that would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree; or
- c) in relation to a use of activity for which public consultation is required under the regulations, (Local Government (General) Regulations 2013)

The Council must, before granting the authorisation or permit, follow the relevant steps set out in its public consultation policy.

### 41. CONSULTATION PROCESS

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

- Property Tenure Officer

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

- Adjoining Landowners
- Entire community

#### 42. POLICY IMPLICATIONS

PO057 Community Engagement Policy

RO11 Yorke Peninsula Council Fees and Charges Register

#### 43. BUDGET AND RESOURCE IMPLICATIONS

The cost of the Yorke Peninsula Country Times public notice \$320 inclusive of GST is within existing, approved Council budget, as are the relative administrative costs.

Permit fees are to be invoiced in 2023/2024 financial year as per the new fees adopted by the Council at the general Council meeting held on 14 December 2022.

Fee schedule (GST excluded) as a minimum charge for a Permit to Use Public Road based on a fee per hectare.

Cropping	\$70 per hectare
Combination Cropping and Grazing	\$70 per hectare
Grazing	\$30 per hectare
Other (ie, access/vegetation)	\$30 per hectare

Administration fee of \$200 for an initial road permit application.

#### 44. RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

It is important to ensure appropriate public consultation is undertaken and taken into account when considering permits for exclusive use of public roads so as to ensure members of the public are not unreasonably impacted.

Local Government Act 1999

#### 45. ATTACHMENTS

1. **Community Engagement Submissions** [↓](#) 
2. **Community Engagement Plan** [↓](#) 

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Sunday, 28 May 2023 8:40 PM  
**To:** Corporate Email Address; Mayor Braund  
**Cc:** Cr Richard Carruthers; Cr Roger Johns; Cr Alan Headon; Cr Tania Stock; Cr Trevor Clerke; Cr Naomi Bittner; Cr Scott Hoyle; Cr Kylie Gray; Cr Adam Meyer; Cr Kristin Murdock; Cr Michael O'Connell  
**Subject:** Community engagement PERMIT TO USE PUBLIC ROAD  
**Attachments:** 001 28 May 20123 letter to Mayor Community engagement PERMIT TO USE PUBLIC ROAD AAA .pdf; 002 Community-Consultation-Permit-to-Use-Public-Road-for-Cultivation-Purposes.pdf; 003 Screenshot 2023-05-25 at 14-34-22 Community Engagement – Permit to Use Public Road – Yorke Peninsula Council.pdf; 004 Local Government Act 1999 section 223.pdf; 005 Local Government Regulations 2013 section 25.pdf

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

please find attached letter and further information

[REDACTED]




Yorke Peninsula Council  
 att: Mayor Braund  
 cc Elected Members  
 PO Box 57  
 Maitland SA 5573  
 08 8832 0000  
[admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

28 May 2023

Dear Mayor

Re: Community engagement *PERMIT TO USE PUBLIC ROAD*

Council started the community engagement process related to the issuing of 34 permits to use a public road which will end 5pm 6 June 2023.

The CEO presented an agenda to Elected Members where he claims that the report attached constitutes the information required under the Local Government Act 1999 and Local Government Regulations 2018. 

**PURPOSE**

To seek permission to proceed with the community engagement process for Permits to use Public Roads for exclusive use (cropping and grazing).

**RECOMMENDATION**

That Council:

1. Give permission to commence the community engagement process for Permits to use Public Roads for cropping and grazing purposes.
2. Endorse the Community Engagement Report attached, which constitutes the information that is required to be made available to the public as part of the community engagement phase in accordance with 223 (c) of the Local Government Act 1999 and Section 25 (a) of the Local Government Regulations 2018.

**LINK TO STRATEGIC PLAN**

I note that the current Local Government Regulations are listed as *Local Government (General) Regulations 2013 Version: 17.11.2022* and not Local Government Regulations 2018.

I note that the CEO refers to 223 (c) Local Government Act 1999 and Section 25(a) Local Government Regulations which are not components of the Act or Regulations. The Act contains section 223(1)(c) and the Regulation section 25(1)(a); 25(2)(a) and 25A.

None of the above existing sections in the Act or Regulations do describe the scale or method required to report the proposed matter to the community.

The CEO's published invitation for feedback does not inform the public that the issuing of such 34 permits could result in the loss of access to public roads.

The CEO's description is not accurate as it does not inform the public that the proposed 34 permits will grant rights of exclusive occupation and that members of the public could be excluded from using those roads.

The purpose of the public engagement process is to allow the public to consider the impact of the pending council decision on their personal circumstances.

As the CEO's description is inaccurate, insufficient and contradictory it is impossible for the public to make meaningful submissions.

Members of the public are unable to determine if any of the 34 roads mentioned are roads or tracks that are used by the community to access the beach or other favourite locations.

The public consultation process does not achieve the purpose as intended by the Local Government Act as

- the information provided by council does not allow the general public to identify the location of the 34 roads concerned
- a map showing the 34 roads being proposed for a permit is not provided
- a reference to the existing Register of Public roads is not provided
- a copy of SF 129 PERMIT TO USE PUBLIC ROAD is not provided
- contradicting information is provided
- the lack of accurate information does not allow the public to make meaningful submissions.

I do not expect that the community is opposed to the issuing of permits (cropping) for roads that have been planned but not built (paper roads). However the community has the right of unrestricted access to roads and tracks that are already there.

I believe that the public has the right to be informed in a manner that allows an easy and clear identification of the 34 roads concerned.

I ask the Mayor to withdraw the community engagement process.



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Local Government (General) Regulations 2013—17.11.2022

- (iii) the actual land to which the lease or licence relates (which may be identified by a plan kept in conjunction with the register);
- (iv) the purpose for which the lease or licence has been granted.<sup>1</sup>

Note—

- 1 The register must also contain copies of current management plans—see section 207(2)(b) of the Act.

**24—Minor alterations of roads—section 221**

- (1) Pursuant to section 221(3)(c) of the Act, the installation, maintenance, replacement or removal of a telecommunication subscriber connection is classified as a minor alteration to a road.
- (2) In subregulation (1)—
 

*telecommunication subscriber connection* means any pipes, wires, cables, optical fibre or other material suspended above the ground and used to connect a subscriber to a telecommunications or electronic network, and includes any fixture or fitting directly associated with making such a connection.

**25—Public consultation—section 223**

- (1) Pursuant to section 223(1)(c) of the Act, public consultation is required in relation to a proposal—
  - (a) to authorise the use of a road for cultivation purposes under section 222(1) of the Act where any part of the road is to be fenced; or
  - (b) to authorise the use of a road for any other business purpose under section 222(1) of the Act where any part of the road is to be fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree.
- (2) Pursuant to section 223(2) of the Act, the following administrative units of the Public Service must be notified of a proposal to grant an authorisation within the ambit of subregulation (1)(a) other than in relation to a road that has been formed and surfaced:
  - (a) the administrative unit that is, under a Minister, responsible for the administration of the *Development Act 1993*;
  - (b) the administrative unit that is, under a Minister, responsible for the administration of the *Recreational Greenways Act 2000*.

**25A—Electoral advertising posters**

For the purposes of section 226(2a) of the Act, circumstances in which an electoral advertising poster—

- (a) is published by or on behalf of the Electoral Commissioner, the LGA or a council; and
- (b) contains advertising relating to any matter referred to in section 13A(1) of the *Local Government (Elections) Act 1999*; and





## COMMUNITY CONSULTATION

### Permit to Use Public Road for Exclusive Use (Cropping or Grazing)

While most Council roads are used by the general public, our region has a large number of smaller roads that provide access to individual properties, as well as roads that have been planned but not built. These roads are commonly referred to as Unmade Public Roads.

The main purpose of issuing permits for use of unmade public roads is to provide statutory authorisation to property owners allowing them to use Council property for private business purposes.

Pursuant to the Local Government Act 1999 – Section 223

If a council proposes to grant an authorisation or permit that:

- a) would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree; or
- b) in relation to a use or activity for which public consultation is required under the regulations,

The Council must, before granting the authorisation or permit, follow the relevant steps set out in its public consultation policy.

Council has received the following renewal applications for a Permit to Use Public Road for exclusive use (cropping or grazing).

Permit No. 137	Dividing Sections 10,9,11 & 4 from 12 & 1, Dividing Sections 1,2,3,4,5 & 11 from 8 & 9	HD Clinton
Permit No. 89	Dividing Section 409 & Piece 51	HD Clinton
Permit No. 71	Dividing Sections 21,22 & 24 & 61,64,65,66,67,69,73,74 & 75	HD Tiparra
Permit No. 55	Dividing Section 350 & 352 & 343	HD Dalrymple
Permit No. 132	Dividing Sections 2 & 189	HD Muloowurtie
Permit No. 60	Dividing Sections 128, 129 and 697 & 61	HD Melville
Permit No. 46	Dividing Sections 204 & 86 and 82 & 85	HD Parawurlie
Permit No. 23	Dividing Section 526 & Piece 94	HD Clinton
Permit No. 59	Dividing Sections 480 & 17	HD Melville
Permit No. 119	Dividing Sections 2 & 116	HD Carribe
Permit No. 162	Dividing Sections 31 & 32	HD Coonarie
Permit No. 33	Dividing Sections 2, 4, 6, 8, 10, 12 & 187,188,189. Dividing Sections 188,184,180,176,172,168,163 and 189, 185, 181, 177, 173, 169, 164.	HD Curramulka
Permit No. 39	Dividing Sections 91 & 92. Dividing Sections 92 & 93. Sections 93 & 94	HD Melville
Permit No. 81	Dividing Sections 31 & 84,126,134,135, Dividing Sections 126,127,129 & 134, 133 & 130, Dividing Sections 151, 562 & 144,145 & 150.	HD Tiparra



Permit No. 37	Dividing Sections 235 & 1	HD Tiparra
Permit No. 19	Dividing Sections 345 & 287, Dividing Sections 272 & 346	HD Cunningham
Permit No. 31	Dividing Sections 160 & 145	HD Kilkerran
Permit No. 45	Dividing Sections 159 & 543	HD Kilkerran
Permit No. 12	Dividing 72 & 71S	HD Wauraltee
Permit No. 50	Dividing Sections 244 & 34,33,30	HD Kilkerran
Permit No. 1	Dividing Sections 158W, 157 & 222, 282, 210, 209E	HD Kilkerran
Permit No. 160	Dividing Sections 12 & 261	HD Miniacowie
Permit No. 4	Dividing Sections 222,221 & 219E & 220	HD Tiparra
Permit No. 82	Dividing Sections 39, 38 & 40	HD Maitland
Permit No. 72	Dividing Sections 130S & 1	HD Kilkerran
Permit No. 44	Dividing Sections 81 & 7	HD Coonarie
Permit No. 51	Dividing Sections 94,92,91 & 1155,318	HD Cunningham
Permit No. 92	Dividing Sections 55 & 69	HD Melville
Permit No. 15	Dividing Sections 192 & 1,2	HD Curramulka
Permit No. 7	Dividing Sections 210,320 & 250. Dividing Sections 250 & 249	HD Tiparra
Permit No. 155	Dividing Sections 387 & 2	HD Tiparra
Permit No. 28	Dividing Sections 85 & 229. Dividing Sections 85 & 231,230	HD Moorowie
Permit No. 31	Dividing Sections 92 & 567, 91. Dividing Sections 262,267, 272 & 263,268,273,278. Dividing Sections 452,264,269,274,279 & 570,265,270,275,280,281. Dividing Sections 452,568,567 & 526,261,262,263,264	HD Tiparra
Permit No. 27	Dividing Sections 19, 18, 17 & 14, 15. Dividing Sections 51, 23,24,25,26 & 44,30,29,27. Dividing Sections 97,353,351,348, 345,341,335 & 336, 340, 346, 347,352,96. Dividing Sections 345,343 & 342,626,341. Dividing Sections 358,360,361,362 & 335,342. Dividing Sections 336,337,123,124 & 120,121,122. Dividing Sections 627,369 & 314,313. Dividing Sections 314,313 & 120,119. Dividing Sections 46 & 47. Dividing Sections 371 & 372. Dividing Sections 350,349,348 & 344,345. Dividing Sections 343 & 358.	HD Clinton

Approved Permits will be issued for a period of five (5) years commencing on 1 July 2023 and expiring on 30 June 2028.

The consultation period (minimum of 21 days required) will begin on Tuesday, 16<sup>th</sup> May 2023 and close at 5pm Tuesday, 6 June 2023.

**How do I provide my feedback?**

All written submissions must be received by **5pm Tuesday, 6 June 2023** and should be addressed to:

**Community Consultation****Permit to Use Public Roads**

PO Box 57, Maitland SA 5573 or email [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

Please indicate in your submission if you wish to appear before Council on this matter.

**What happens to my feedback?**

- Submissions received from the public consultation process will be collated and presented in a report to Council if required.
- The information from the public consultation process will assist Council in its deliberation associated with endorsing the proposed Permits.

**How do I know my feedback has been received?**

All feedback (submissions or correspondence) will be acknowledged.

**Contact Person**

For more information please contact Sue Beech, Property Tenure Officer on 8832 0000 or [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)



## Community Engagement – Permit to Use Public Road

The main purpose of issuing permits for use of unmade public roads is to provide statutory authorisation to property owners allowing them to use Council property for private business purposes.

Pursuant to Section 223 of the Local Government Act 1999, if Council proposes to grant an authorisation or permit that:

1. would result in any part of a road being fenced, enclosed or partitioned as to impede the passage of traffic to a material degree  
or
2. in relation to a use or activity for which public consultation is required under the regulations, the Council must, before granting the authorisation or permit, follow the relevant steps set out in its public consultation policy.

Approved permits will be issued for a period of five (5) years commencing on 1 July 2023 and expiring on 30 June 2028.

The Yorke Peninsula Council welcomes your feedback on proposed permit authorisations.

The Community Engagement Report which includes details of proposed permit authorisations is available for viewing at Yorke Peninsula Council offices at Maitland, Minlaton and Yorketown and on Council's website [HERE](#) (78.4 kB).

To provide your feedback:

By email – [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

By post – PO Box 57, Maitland SA 5573

All feedback must be returned by 5pm on Tuesday, 6 June 2023.

**Local Government Act 1999—10.11.2021**

## Chapter 11—Land

## Part 2—Roads

## Division 6—Control of work on roads

- establishing a kiosk on the side of a road;
  - extending the business of a restaurant or café to outside tables situated on a footpath or roadside;
  - depasturing stock;
  - cropping.
- (2) A permit may grant rights of exclusive occupation in relation to part of a public road.
- (3) A permit may be granted for a particular occasion or for a term stated in the permit.
- (4) The term of a permit cannot exceed five years.
- (5) This section does not apply to a person who is simply travelling along a road.
- (6) This section does not apply to any water/sewerage infrastructure established or used (or to be established or used) by or on behalf of a water industry entity under the *Water Industry Act 2012*.
- (7) In this section—  
*water/sewerage infrastructure* has the same meaning as in the *Water Industry Act 2012*.

**223—Public consultation**

- (1) If a council proposes to grant an authorisation or permit—
- (a) that would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree; or
  - (c) in relation to a use or activity for which public consultation is required under the regulations,
- the council must, before granting the authorisation or permit, follow the relevant steps set out in its public consultation policy.
- (2) The council must also give written notice of the proposal to agencies that are, under the regulations, to be notified of the proposal.
- (3) The regulations may prescribe exceptions to the operation of subsection (1)(a).

**224—Conditions of authorisation or permit**

- (1) Subject to subsection (2), a council may grant an authorisation or permit under this Division on conditions the council considers appropriate.
- (2) A condition under subsection (1) must comply with any requirements prescribed by the regulations.

**Examples—**

The conditions could for example—

- require compliance with specified safety requirements;
- require the person to whom the authorisation or permit is given to carry out specified work (or additional work) such as earthwork, drainage work and fencing;
- require specified insurance or indemnities;
- require the maintenance of structures erected or installed, or vegetation planted, under the authorisation or permit in good condition and to specified standards;



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**From:** [Redacted]  
**Sent:** Monday, 29 May 2023 4:29 PM  
**To:** Corporate Email Address; Mayor Braund  
**Cc:** Cr Richard Carruthers; Cr Roger Johns; Cr Alan Headon; Cr Tania Stock; Cr Trevor Clerke; Cr Naomi Bittner; Cr Scott Hoyle; Cr Kylie Gray; Cr Adam Meyer; Cr Kristin Murdock; Cr Michael O'Connell  
**Subject:** 12 May 2021 Council endorses to undertake audit of public roads  
**Attachments:** 001 29 May 2023 letter to Mayor 12 May 2021 Council endorses to undertake audit of public roads.pdf; 002 email 22 May 2023 request of information Community Engagement - Permit to Use Public Road.pdf

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[REDACTED]

Yorke Peninsula Council  
att: Mayor Braund  
cc Elected Members  
PO Box 57  
Maitland SA 5573  
08 8832 0000  
[admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

29 May 2023

Dear Mayor,

Re: 12 May 2021 Council endorses to undertake audit of public roads

May 2021 Council endorsed a project plan. Stage 3 of the project plan required:

- Stage 3: Mapping Layer
- Establish a layer in mapping for road rents
- Identify roads that Council maintain, roads under permit.

Estimated completion date was 31 August 2021.

On 22 May 2023 I requested a map from council relating to public roads that are subject to a permit and received the following response (email attached):

... . *Due to the extensive amount of unmade public roads in our region, we are unable to provide you with maps with the details that you have requested.* ...

[REDACTED]

[REDACTED]

- Stage 3 failed to achieve objectives as
  - an established layer in mapping for road permits was **not** provided
  - information identifying roads under a permit was **not** provided

[REDACTED]

Council explicitly states that the 34 permits concerned are for roads that have been previously under a permit (renewal application). Therefore these roads must have been identified when stage 3 of the project plan was completed.

Council has received the following (renewal) applications for a Permit to Use Public Road for exclusive use (cropping or grazing).

The answer received from a council employee on 24 May 2023 that a map is not available allows only to conclude that

- Council staff is not aware that a map or mapping layer for roads exists or
- CEO did not complete stage 3 of the project plan [REDACTED].

[REDACTED]

[REDACTED]




## Community Engagement - Permit to Use Public Road

From: Sue Beech (sue.beech@yorke.sa.gov.au)

To: [REDACTED]

Date: Wednesday, 24 May 2023 at 10:59 am ACST

 This message contains blocked images. [Show images](#) or [Always show images](#)

Dear [REDACTED]

Thank you for your email regarding the Community Engagement Report for Permit to use Public Roads for exclusive use (cropping or grazing).

Due to the extensive amount of unmade public roads in our region, we are unable to provide you with maps with the details that you have requested.

As part of the consultation process, should a landowner occupy land adjacent to a proposed Permit to use a Public Road for exclusive use, Council will issue you with a personalised letter inviting you to provide feedback. We can confirm this does not apply to you at this time.

If you can be more specific as to which location in the Yorke Peninsula region has an unmade road for exclusive use that may have an impact on you or your activities we may be able to narrow down that level of detail for you.

Yours sincerely,

**Sue Beech** | Property Tenure Officer  
Yorke Peninsula Council | Maitland Branch Office  
Ph: 08-8832 0000  
E: [sue.beech@yorke.sa.gov.au](mailto:sue.beech@yorke.sa.gov.au) | W: [www.yorke.sa.gov.au](http://www.yorke.sa.gov.au)

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From: [REDACTED]

Sent: Monday, 22 May 2023 8:49 AM

To: Corporate Email Address <[admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)>

Subject: please forward to Sue Beech community engagement 'permit to use public road for exclusive use (cropping or grazing)'

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Dear Sue,

Re: community engagement 'permit to use public road for exclusive use (cropping or grazing)'

the information provided to the community on council's website and in the Yorke Peninsula Country Times does not allow to easily identify the location of the public roads concerned.

To allow me to participate in the community engagement process, could you please

- provide a map or maps showing the exact location of the public roads concerned and to highlight the parts of the roads to be fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree
- provide detailed information which parts of the roads will be affected by the right of exclusive occupation ( Local Government Act 1999 – Section 222(2))

As the submissions must be returned by 5pm on Tuesday, 6<sup>th</sup> June 2023 I would appreciate if you could supply the requested information as soon as possible but not later than Wednesday, 24<sup>th</sup> May 2023.

Thank you for your help.



[Redacted]

---

**From:** [Redacted]  
**Sent:** Monday, 5 June 2023 1:14 PM  
**To:** Corporate Email Address; Mayor Braund; Cr Richard Carruthers; Cr Roger Johns; Cr Alan Headon; Cr Tania Stock; Cr Trevor Clerke; Cr Naomi Bittner; Cr Scott Hoyle; Cr Kylie Gray; Cr Adam Meyer; Cr Kristin Murdock; Cr Michael O'Connell  
**Subject:** feedback community engagement PERMIT TO USE PUBLIC ROAD  
**Attachments:** 5 June 2023 feedback community engagement PERMIT TO USE PUBLIC ROAD.pdf

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please find submission attached

[Redacted]

[REDACTED]

[REDACTED]

Yorke Peninsula Council  
 att: Mayor Braund, Deputy Mayor and Elected Members  
 PO Box 57  
 Maitland SA 5573  
 08 8832 0000  
[admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

5 June 2023

Dear Mayor, Deputy Mayor and Elected Members

Re: **feedback community engagement PERMIT TO USE PUBLIC ROAD**

thank you for giving the opportunity to provide feedback to the proposed issuing of permits.

On the 16 May 2023 council's CEO published a notice in the Yorke Peninsula Country Times inviting the community to provide feedback on proposed permit authorisations.

This published notice does not alert the community to the fact that 34 proposed permit authorisations will grant the right of **exclusive occupancy to the permit holder**.

This published notice does not alert the community to the fact 34 public roads or tracks will be **excluded from public use** for 5 years, from 1 July 2023 until 30 June 2028 .

The information provided does not allow to determine if existing public roads or existing public tracks that are used by members of the community to reach the beach or other favourite spots are affected by the proposed permits.

The notice refers the community to the Community Engagement Report available on council's web page for details of the proposed 34 permit authorisations. This 'detailed' description (Hd, Dividing Sections) contained in the body of the Community Engagement Report does not allow to find the location of the affected public roads using information provided on council's website or using maps available printed or online.

Council has received the following renewal applications for a Permit to Use Public Road for exclusive use (grapping or grading).

Permit No. 157	Dividing Sections 18,5,11 & 4 from 12 & 1, Dividing Sections 1,7,8,5 & 31 from 8 & 9	HD Clifton
Permit No. 60	Dividing Sections 409 & 500-511	HD Clifton
Permit No. 71	Dividing Sections 23,22 & 24 & 41,46,55,65,67,69,73,74 & 75	HD Tigarra
Permit No. 55	Dividing Sections 502 & 503 & 303	HD Riddetown
Permit No. 132	Dividing Sections 2 & 188	HD Maitland/Lea
Permit No. 60	Dividing Sections 128, 129 and 167 & 61	HD Maitland
Permit No. 46	Dividing Sections 104 & 96 and 51 & 27	HD Riddetown
Permit No. 23	Dividing Sections 52 & Piece 94	HD Clifton
Permit No. 39	Dividing Sections 480 & 17	HD Maitland
Permit No. 118	Dividing Sections 7 & 130	HD Clifton
Permit No. 152	Dividing Sections 31 & 32	HD Clifton
Permit No. 33	Dividing Sections 2, 4, 6, 9, 10, 11A, 12,13,18,18B, Dividing Sections 182,184,185,176,172,158,183 and 189, 185, 281, 277, 173, 186, 184.	HD Curramulka
Permit No. 30	Dividing Sections 61 & 93, Dividing Sections 67 & 93, Sections 55 & 94	HD Maitland
Permit No. 81	Dividing Sections 71 & 84,176,184,193, Dividing Sections 114,117,119 & 134, 114 & 130, Dividing Sections 151, 142 & 144,145 & 150	HD Tigarra

There is no further advise given in the body of the report how to obtain the exact location of the public roads affected by the proposed permits using tools commonly available to the general public.

We often explore Yorke Peninsula traveling on minor unmade roads that are often unnamed or have their road name signs missing.

To ensure that none of these roads are affected by the proposed permits in the future I followed the advise given in the Community Engagement Report. I contacted council twice and asked for the details of certain permits.

Even so council's CEO had recently announced that council has created a mapping layer showing road rents, roads maintained and roads under permit in the council area and the CEO's statement has been confirmed by council's Mayor, council did not provide the requested information as of today 5 June 2023.

The Community Engagement Process fails to provide transparency and to allow the community to consider the impact of Council's pending decision on their personal circumstances.

In fact it appears that the Community Engagement Process is used to keep the community in the dark.

I believe Council's decision must be postponed. The Community Engagement Process must be withdrawn and undertaken again when all necessary information can be provided to the community by council.

Kind regards



attachment

copy redacted email exchange council  
Community Engagement Report  
SF 129 PERMIT TO USE PUBLIC ROAD  
screenshot notice council's website  
scan notice YPCT

Re: Community Engagement - Permit to Use Public Road

From: [REDACTED]  
[REDACTED]@yorke.sa.gov.au

Date: Tuesday, 30 May 2023 at 11:22 am ACST

[REDACTED]

thank you for your email.

I can confirm your statement that the public road (RR0016) is not affected by the public consultation process. I support the issuing of permit no 44 as it appears to be a public road in the area of Foul Bay and known to me.

Due to the limited time of 21 days allocated by council for this public engagement process and the length of time (5 years) the roads will be excluded from public use, I do need your support to identify further roads.

The description (Hd, Dividing Sections) contained in the body of the report does not allow to get the location of the affected public roads using information provided on council's website or using road maps available printed or online.

There is no further advise given in the body of the report how to obtain the exact location of the public roads affected by the proposed permits using tools available to the general public.

However recently council's CEO announced that council has created a mapping layer showing road rents, roads maintained and roads under permit in the council area. The CEO's statement was confirmed recently by council's Mayor. Maybe you could use the information contained in that system.

We often explore Yorke Peninsula traveling on minor unmade roads that often are unnamed or have their road name signs missing.

To ensure that none of these roads are affected by the proposed permits in the future could you please provide the details of the following permits:

Permit No. 37	Permit No. 137	Permit No. 92
Permit No. 19	Permit No. 89	Permit No. 15
Permit No. 31	Permit No. 71	Permit No. 7
Permit No. 45	Permit No. 55	Permit No. 155
Permit No. 12	Permit No. 132	Permit No. 28
Permit No. 50	Permit No. 60	Permit No. 31
Permit No. 1	Permit No. 46	Permit No. 27
Permit No. 160	Permit No. 23	Permit No. 39

Permit No. 4	Permit No. 59	Permit No. 81
Permit No. 82	Permit No. 119	Permit No. 33
Permit No. 72	Permit No. 162	Permit No. 51

Thank you for your help

Regards

[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

On Wednesday, 24 May 2023 at 10:59:05 am ACST, [Redacted] wrote:

Dear [Redacted]

Thank you for your email regarding the Community Engagement Report for Permit to use Public Roads for exclusive use (cropping or grazing).

Due to the extensive amount of unmade public roads in our region, we are unable to provide you with maps with the details that you have requested.

As part of the consultation process, should a landowner occupy land adjacent to a proposed Permit to use a Public Road for exclusive use, Council will issue you with a personalised letter inviting you to provide feedback. We can confirm this does not apply to you at this time.

If you can be more specific as to which location in the Yorke Peninsula region has an unmade road for exclusive use that may have an impact on you or your activities we may be able to narrow down that level of detail for you.

Yours sincerely,

[Redacted]

Yorke Peninsula Council | Maitland Branch Office  
Ph: 08-8832 0000  
E: [REDACTED] W: [www.yorke.sa.gov.au](http://www.yorke.sa.gov.au)

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**From:** [REDACTED]  
**Sent:** Monday, 22 May 2023 8:49 AM  
**To:** Corporate Email Address <[admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)>  
**Subject:** please forward [REDACTED] community engagement 'permit to use public road for exclusive use (cropping or grazing)'

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[REDACTED]

Re: community engagement 'permit to use public road for exclusive use (cropping or grazing)'

the information provided to the community on council's website and in the Yorke Peninsula Country Times does not allow to easily identify the location of the public roads concerned.

To allow me to participate in the community engagement process, could you please

- provide a map or maps showing the exact location of the public roads concerned and to highlight the parts of the roads to be fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree
- provide detailed information which parts of the roads will be affected by the right of exclusive occupation ( Local Government Act 1999 – Section 222(2))

As the submissions must be returned by 5pm on Tuesday, 6<sup>th</sup> June 2023 I would appreciate if you could supply the requested information as soon as possible but not later than Wednesday, 24<sup>th</sup> May 2023.



Thank you for your help.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



**COMMUNITY CONSULTATION**

**Permit to Use Public Road for Exclusive Use (Cropping or Grazing)**

While most Council roads are used by the general public, our region has a large number of smaller roads that provide access to individual properties, as well as roads that have been planned but not built. These roads are commonly referred to as Unmade Public Roads.

The main purpose of issuing permits for use of unmade public roads is to provide statutory authorisation to property owners allowing them to use Council property for private business purposes.

Pursuant to the Local Government Act 1999 – Section 223

If a council proposes to grant an authorisation or permit that:

- a) would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree; or
- b) in relation to a use or activity for which public consultation is required under the regulations,

The Council must, before granting the authorisation or permit, follow the relevant steps set out in its public consultation policy.

Council has received the following renewal applications for a Permit to Use Public Road for exclusive use (cropping or grazing).

Permit No. 137	Dividing Sections 10,9,11 & 4 from 12 & 1, Dividing Sections 1,2,3,4,5 & 11 from 8 & 9	HD Clinton
Permit No. 89	Dividing Section 409 & Piece 51	HD Clinton
Permit No. 71	Dividing Sections 21,22 & 24 & 61,64,65,66,67,69,73,74 & 75	HD Tiparra
Permit No. 55	Dividing Section 350 & 352 & 343	HD Dalrymple
Permit No. 132	Dividing Sections 2 & 189	HD Muloowurtie
Permit No. 60	Dividing Sections 128, 129 and 697 & 61	HD Melville
Permit No. 46	Dividing Sections 204 & 86 and 82 & 85	HD Parawurlie
Permit No. 23	Dividing Section 526 & Piece 94	HD Clinton
Permit No. 59	Dividing Sections 480 & 17	HD Melville
Permit No. 119	Dividing Sections 2 & 116	HD Carribe
Permit No. 162	Dividing Sections 31 & 32	HD Coonarie
Permit No. 33	Dividing Sections 2, 4, 6, 8, 10, 12& 187,188,189. Dividing Sections 188,184,180,176,172,168,163 and 189, 185, 181, 177, 173, 169, 164.	HD Curramulka
Permit No. 39	Dividing Sections 91 & 92. Dividing Sections 92 & 93. Sections 93 & 94	HD Melville
Permit No. 81	Dividing Sections 31 & 84,126,134,135, Dividing Sections 126,127,129 & 134, 133 & 130, Dividing Sections 151, 562 & 144,145 & 150.	HD Tiparra



Permit No. 37	Dividing Sections 235 & 1	HD Tiparra
Permit No. 19	Dividing Sections 345 & 287, Dividing Sections 272 & 346	HD Cunningham
Permit No. 31	Dividing Sections 160 & 145	HD Kilkerran
Permit No. 45	Dividing Sections 159 & 543	HD Kilkerran
Permit No. 12	Dividing 72 & 71S	HD Wauraltee
Permit No. 50	Dividing Sections 244 & 34,33,30	HD Kilkerran
Permit No. 1	Dividing Sections 158W, 157 & 222, 282, 210, 209E	HD Kilkerran
Permit No. 160	Dividing Sections 12 & 261	HD Miniacowie
Permit No. 4	Dividing Sections 222,221 & 219E & 220	HD Tiparra
Permit No. 82	Dividing Sections 39, 38 & 40	HD Maitland
Permit No. 72	Dividing Sections 130S & 1	HD Kilkerran
Permit No. 44	Dividing Sections 81 & 7	HD Coonarie
Permit No. 51	Dividing Sections 94,92,91 & 1155,318	HD Cunningham
Permit No. 92	Dividing Sections 55 & 69	HD Melville
Permit No. 15	Dividing Sections 192 & 1,2	HD Curramulka
Permit No. 7	Dividing Sections 210,320 & 250. Dividing Sections 250 & 249	HD Tiparra
Permit No. 155	Dividing Sections 387 & 2	HD Tiparra
Permit No. 28	Dividing Sections 85 & 229. Dividing Sections 85 & 231,230	HD Moorowie
Permit No. 31	Dividing Sections 92 & 567, 91. Dividing Sections 262,267, 272 & 263,268,273,278. Dividing Sections 452,264,269,274,279 & 570,265,270,275,280,281. Dividing Sections 452,568,567 & 526,261,262,263,264	HD Tiparra
Permit No. 27	Dividing Sections 19, 18, 17 & 14, 15. Dividing Sections 51, 23,24,25,26 & 44,30,29,27. Dividing Sections 97,353,351,348, 345,341,335 & 336, 340, 346, 347,352,96. Dividing Sections 345,343 & 342,626,341. Dividing Sections 358,360,361,362 & 335,342. Dividing Sections 336,337,123,124 & 120,121,122. Dividing Sections 627,369 & 314,313. Dividing Sections 314,313 & 120,119. Dividing Sections 46 & 47. Dividing Sections 371 & 372. Dividing Sections 350,349,348 & 344,345. Dividing Sections 343 & 358.	HD Clinton

Approved Permits will be issued for a period of five (5) years commencing on 1 July 2023 and expiring on 30 June 2028.

The consultation period (minimum of 21 days required) will begin on Tuesday, 16<sup>th</sup> May 2023 and close at 5pm Tuesday, 6 June 2023.



**How do I provide my feedback?**

All written submissions must be received by **5pm Tuesday, 6 June 2023** and should be addressed to:

**Community Consultation**

**Permit to Use Public Roads**

PO Box 57, Maitland SA 5573 or email [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

Please indicate in your submission if you wish to appear before Council on this matter.

**What happens to my feedback?**

- Submissions received from the public consultation process will be collated and presented in a report to Council if required.
- The information from the public consultation process will assist Council in its deliberation associated with endorsing the proposed Permits.

**How do I know my feedback has been received?**

All feedback (submissions or correspondence) will be acknowledged.

**Contact Person**

For more information please contact Sue Beech, Property Tenure Officer on 8832 0000 or [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)



PRINCIPAL OFFICE:  
 8 Elizabeth Street, Maitland  
 Telephone (08) 8832 0000  
 ALL CORRESPONDENCE TO:  
 PO Box 57, MAITLAND, SA 5573  
 Fax (08) 8853 7494  
 Email: admin@yorke.sa.gov.au  
 Website: www.yorke.sa.gov.au



<b>PERMIT TO USE PUBLIC ROAD</b> <b>1 JULY 2023 – 30 JUNE 2028</b> <i>(Permits are issued for a maximum period of five years or otherwise stated by Council)</i> Pursuant to Section 222 of the Local Government Act 1999	SF129 Responsible Officer: Property Tenure Officer Issue Date: 31/01/2023 Next Review Date: 31/12/2027
--	---

**Applicant Details:**

Is the application a **New Permit**  or **Renewal**  **Permit No:** .....

Is this application for exclusive use? **Yes/No**

*(exclusive use means no access by members of the public or cultivation purposes, as public consultation is required, including with adjoining property owners and must be endorsed formally by Council)*

*Please note that applying for exclusive use or cultivation extends the time frame for processing an application.*

<b>First Name:</b>	<b>Surname:</b>
<b>Business Name:</b>	<b>ABN:</b>
<b>Postal Address:</b>	
<b>Contact Person:</b>	<b>Mobile:</b>
<b>Email Address:</b>	

I/We hereby apply to Yorke Peninsula Council (the "Council") for a permit to use the unmade public road described below for the purpose of:

<b>Cropping</b>	<b>Estimated hectares:</b>
<b>Grazing</b>	<b>Estimated hectares:</b>
<b>Cropping &amp; Grazing</b>	<b>Estimated hectares:</b>
<b>Other (details)</b>	<b>Estimated hectares:</b>

Alternatively, I authorise Council staff to estimate hectares using Council's mapping software. **YES/NO**

**Location details:**

<b>Unmade Road/s adjacent to which Property Address:</b>	
<b>Assessment No. (adjoining property):</b>	

*Printed copies are considered uncontrolled.  
 Before using a printed copy, verify that it is the current version.*

Updated 31/01/2023

## SF129 Permit to Use Public Road

**Site Plan:**

To assist with identification of the road/s, please attach a site plan identifying the following: defining the unmade road, adjoining properties (section/allotment numbers), fencing, position of gates, and other infrastructure.

Site Plan Attached      **Yes/No**

**Public Liability Insurance Requirements:**

Copy of Certificate of Currency attached to application: **Yes/No**

*(Please note, if not supplied your application will not proceed)*

**The issuing of the Permit is subject to:**

- The Permit Holder agreeing to the terms and conditions of the Permit as contained herein;
- The Permit Holder paying the prescribed fee (as per Council's Fees and Charges Schedule) on an annual basis;

(Fees GST excluded)

Cropping	\$70 per hectare (minimum charge)
Combination Cropping & Grazing	\$70 per hectare (minimum charge)
Grazing	\$30 per hectare (minimum charge)
Other (access, revegetation)	\$30 per hectare (minimum charge)
Initial Application Fee (new Permits)	\$200

- The Permit Holder maintaining all the appropriate insurances as required by the conditions of this Permit and providing proof of such insurance upon request.

**CONDITIONS OF PERMIT:-****1. Term of Permit**

The Council hereby grants to the Permit Holder a Permit to use the defined area for the above purposes for a term of five (5) years commencing on the 1 July 2023 and expiring on the 30 June 2028, subject to the terms and conditions contained herein.

**2. Renewal Permit**

This Permit may be renewed in accordance with the provisions of Section 222 of the Local Government Act 1999 and Regulations.

**3. Permit Fee**

The Permit Holder shall pay to the Council the prescribed fee annually in advance at the commencement of the permit period upon receipt of an invoice.

**4. Indemnification and Release**

The Permit Holder indemnifies the Council from and against any liability whatsoever arising from his/her occupation of the Council's land and/or the authorised use under this Permit.

The Permit Holder releases the Council from and against any liability whatsoever arising from his/her occupation of the Council's land and/or the authorised use under this Permit.

**5. Insurance**

The Permit Holder agrees to take out and keep current for the term of the Permit Public Liability Insurance for a minimum sum of twenty million dollars (\$20,000,000) per claim, insuring the Permit Holder against all actions, costs, claims, charges, expenses and damages whatsoever which may be claimed against the Council or the Permit Holder or both in relation to the use of the permit area.

*Printed copies are considered uncontrolled.*

*Before using a printed copy, verify that it is the current version.*

*Updated 31/01/2023*

## SF129 Permit to Use Public Road

The Permit Holder must provide evidence of the insurance at the time of payment of the invoice for the permit fee, for the permit to be valid. It is the responsibility of the permit holder to provide to Council a Certificate of Currency to validate the Public Liability Insurance on an annual basis at the insurance anniversary date.

The Permit Holder must inform the Council immediately and in writing if the insurance policy lapses or is cancelled.

**6. Occupational Health, Safety and Welfare Act**

The Permit Holder agrees, in the use of the permit area, to have due regard to the Occupational Health, Safety and Welfare Act.

**7. Keep in Good Repair and Condition**

The Permit Holder shall not take any action that will or is likely to cause degradation or deterioration of the permit area, infrastructure within the road reserve, native vegetation or any nearby land.

To ensure health of existing vegetation is maintained the Permit Holder shall take particular care in the control of noxious weeds and control of proclaimed pest plants. There is to be no removal of native vegetation on the permit area. i.e. (grazing or wood collection). Should the permit holder wish to graze the site, it must be inspected by a Council officer and endorsed

All reasonable steps shall be taken to keep the property as free as possible from vermin such as rabbits and foxes.

**8. Consent for Removal of Fences**

The Permit Holder shall not remove any fences or gates erected on or adjacent to the boundaries of the road reserve without the prior written consent of the Council.

**9. Council's Rights to Inspect**

The Permit Holder shall allow the Council and its officers to enter the permit area at all times to examine the state of repair of the road/road reserve and to conduct all necessary maintenance of infrastructure and water course existing therein.

**10. No Interest in the Land**

The rights and entitlements conferred by the issuing of this Permit shall not create any tenancy estate or interest in or over the permit area other than those of Permit Holder.

The Permit Holder must disclose to any intending purchaser of land abutting the permit area that the permit area is a public road and as such does not form part of any abutting land parcel.

**11. Permit Not Transferable**

To not assign or otherwise transfer this Authorisation without first obtaining the consent of the Council in writing.

**12. Compliance with Acts of Parliament and Regulations**

The Permit Holder must comply with any Act of Parliament, Regulation, by-law or order related to his/her occupation of the Council's land and the authorised use under this Permit at his/her own cost.

**13. Use by Public**

Beyond the erection of such fences, gates, ramps or other additions as provided in this Permit, **nothing entitles the Permit Holder to prevent the free use of the land by the public in all respects as if it were unenclosed.**

**14. Legislation**

Using a public road for business purposes (including grazing or cultivation) without a Permit issued by Council is an offence under the Local Government Act 1999 that carries a maximum penalty of \$2,500.

*Printed copies are considered uncontrolled.  
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*Updated 31/01/2023*





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SERVICES ▼

## Community Engagement – Permit to Use Public Road

The main purpose of issuing permits for use of unmade public roads is to provide statutory authorisation to property owners allowing them to use Council property for private business purposes.

Pursuant to Section 223 of the Local Government Act 1999, if Council proposes to grant an authorisation or permit that:

1. would result in any part of a road being fenced, enclosed or partitioned as to impede the passage of traffic to a material degree;
- or
2. in relation to a use or activity for which public consultation is required under the regulations, the Council must, before granting the authorisation or permit, follow the relevant steps set out in its public consultation policy.

Approved permits will be issued for a period of five (5) years commencing on 1 July 2023 and expiring on 30 June 2028.

The Yorke Peninsula Council welcomes your feedback on proposed permit authorisations.

The Community Engagement Report, which includes details of proposed permit authorisations is available for viewing at Yorke Peninsula Council offices at Maitland, Miniaton and Yorketown and on Council's website [HERE](#) (78.4 KB).

To provide your feedback:

By email – [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

By post – PO Box 57, Maitland SA 5573

**All feedback must be returned by 5pm on Tuesday, 6 June 2023.**

Notice YPCT 16 May 2023

**Permit to Use Public Road**  
The main purpose of issuing permits

property owners allowing them to use Council property for private business purposes.

Pursuant to Section 108 of the Local Government Act 1988, if Council proposes to grant an authorisation or permit that:

- a) would result in any part of a road being fenced, enclosed or partitioned as to impede the passage of traffic to a material degree; or
- b) in relation to a use or activity for which public access is required under the regulations, the Council must, before granting the authorisation or permit, follow the relevant steps set out in its public consultation policy.

Approved permits will be issued for a period of the 12 years commencing on 1st July 2023 and ending on 30th June 2035.

The Tamar Peninsula Council welcomes your feedback on proposed permit authorisations.

The Consultation Engagement Report, which includes details of proposed permit authorisations, is available for viewing at Tamar Peninsula Council office at Meland, Miraton and Yorktown and on Council's website.

To provide your feedback:

on 8632 0000  
Andrew Cawley  
Chief Executive, Tamar Peninsula Council

May 2023

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[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 14 June 2023 10:55 AM  
**To:** Mayor Braund; Corporate Email Address  
**Cc:** Cr Richard Carruthers; Cr Roger Johns; Cr Alan Headon; Cr Tania Stock; Cr Trevor Clerke; Cr Naomi Bittner; Cr Scott Hoyle; Cr Kylie Gray; Cr Adam Meyer; Cr Kristin Murdock; Cr Michael O'Connell  
**Subject:** additional feedback Pubic Engagement Process  
**Attachments:** 14 June 2023 to Mayor Braund community engagement.pdf

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

Please find attached letter.

[Redacted]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Yorke Peninsula Council  
att: Mayor Braund  
cc Elected Members  
PO Box 57  
Maitland SA 5573  
08 8832 0000  
[admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

14 June 2023

Dear Mayor

Re: Community engagement *PERMIT TO USE PUBLIC ROAD*  
additional feedback Public Engagement Process  
letter to the Mayor dated 28 May 2023

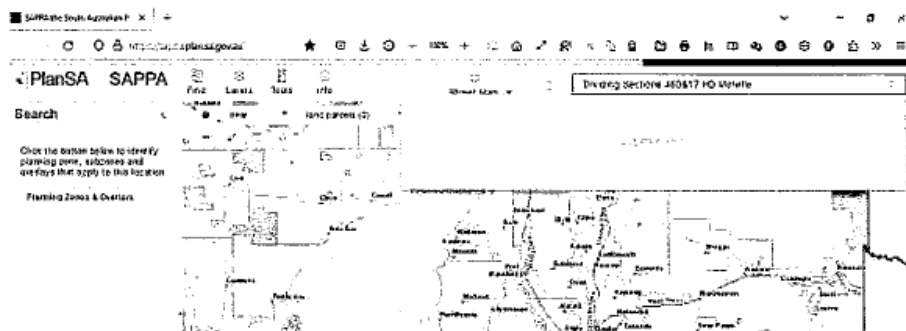
it appears you have ignored my letter dated 28 May 2023 and the evidence provided within.

Council started the community engagement process related to the issuing of 34 permits to use a public road which ended 5pm 6 June 2023.

The CEO's published invitation for feedback did not inform the public that the issuing of such 34 permits could result in the loss of access to public roads.

The CEO's description was not appropriate as it did not inform the public that the proposed 34 permits will grant rights of exclusive occupation and that members of the public could be excluded from using those roads.

The CEO's information was not appropriate as it does not allow a search for the affected public roads using the Property and Planning Atlas (SAPPA) as suggested by council. Trying to search for the location of e.g. Permit No. 59 (or others) returned no results (screenshot attached below).



The suggestion to use SAPPA was not made by council promptly but three days after close of submission (see attached email sent 9 June 2023).

I note that on the 9 June 2023 council advised that it would take 'quite some time' to produce maps of the public roads concerned.  
It appears Council's CEO now expects every single ratepayer to waste his/her time to try to create his/her own map based on insufficient information provided by the CEO.

More than 2 years ago, Elected Members instructed the CEO to create a mapping layer showing 'unmade road reserves' under permits. [REDACTED]

The public receives information from council's CEO that at first glance seems very detailed but turns out to be useless. This means that the consultation process is completely pointless and a waste of council resources.

The public consultation process failed to achieve the desired outcome. The public cannot consider the impact an upcoming Council decision could have on their personal circumstances.

[REDACTED]

Could the Mayor please take immediate appropriate action.

Kind regards,

[REDACTED]

attachment: email council 9 June 2023





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15 June 2023

Record No: 23/58119

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**[REDACTED] -- Response to Submissions – Public Road Audit and Unmade Public Road Permit Consultation**

I am writing in regards to the concerns you raised in your letters to me, and all of the Yorke Peninsula Council Members, dated:

- a) Sunday, 28 May 2023, sent via email on the same day at 8:41pm and Monday, 5 June 2023, sent via email on the same day at 1.14pm (Submission 1 and 3); and
- b) Monday, 29 May 2023, sent via email on the same day at 4:29 (Submission 2); and
- c) Wednesday 14 June 2023, in follow up of Submissions 1, 2 and 3, sent via email on the same day at 11.26am.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I have considered the matters raised by you in Submissions 1, 2 and 3 and provide the following responses:





**Submissions 1 and 3**

Debate Agenda item 25.3 PERMIT TO USE PUBLIC ROAD FOR EXCLUSIVE USE (CROPPING & GRAZING), presented to Council for consideration at its meeting held on 10 May 2023 (Report), was prepared by the Director Development Services (DDS). I sought clarification about the discrepancy in reference to legislative referencing and confirm that these are typographical errors, that is:

- Reference to the name of the Local Government (General) Regulations (Regulations) should show 2013 not 2018;
- Reference to Section 223 (c) of the Local Government Act (Act) should be 223 (1) (a) and (c);
- Reference to Section 25 (a) of the Regulations should be 25 (1) (a) and (b).

Thank you for bringing this to our attention. I am satisfied that there was no deliberate intent. I don't believe that the absence of '(1)' or the '(a)' would have prevented a person from understanding the intent or from locating that subsection within the Act. I also don't think that the missing '(1)' and '(b)' in relation to the Regulations would have prevented a person from understanding the intent or locating the relevant legislation either. The body of the report further explains the requirements too.

Section 223 of the Act states *"the council must, before granting the authorisation or permit, follow the relevant steps set out in its public consultation policy"*. This is stated within the body of the Report and Council's Community Engagement Policy\_PO057 (Policy) is referenced within the Report and is available on Council's website. Further, the Report proposed Level 2 consultation (as defined within the Policy) and provides a Community Engagement Report and Community Engagement Plan.

It is most often not cost effective or practical for Public Notices to contain all of the information that relates to matters being consulted upon; the Public Notice that appeared in the Yorke Peninsula Country Times, and many others like it, provided a summary of the information and stated *"The Community Engagement Report, which includes details of proposed permit authorisations, is available for viewing at Yorke Peninsula Council offices at Maitland, Minlaton and Yorketown and on Council's website."* The public Report clearly states that exclusive use by permit holders is being considered.

In response to an email that you sent to Council's Property Tenure Officer (PTO) on Monday, 22 May 2023 requesting maps showing the location of all of the unmade public roads being considered for permit, the PTO advised (in an email to you on Wednesday, 24 May 2023 at 10.59am):

1. *"Due to the extensive amount of unmade public roads in our region, we are unable to provide you with maps with the details that you have requested."*
2. *"As part of the consultation process, should a landowner occupy land adjacent to a proposed Permit to use a Public Road for exclusive use, Council will issue you with a personalised letter inviting you to provide feedback. We can confirm this does not apply to you at this time."*
3. *"If you can be more specific as to which location in the Yorke Peninsula region has an unmade road for exclusive use that may have an impact on you or your activities we may be able to narrow down that level of detail for you."*

You subsequently provided the PTO with a list of 33 unmade public roads that you would like to determine the location for.

I understand that none of the unmade public roads being considered adjoin your property and that many of them are not clearly visible due to cropping and other farming use and that the PTO has directed you to the Plan SA website (with instructions), where you should be able to determine their location.

The DDS intends to provide your submissions in relation to this community consultation process to the Elected Body for consideration at the general meeting of the Council scheduled to be held on 12 July 2023, including your request that the community consultation process be undertaken again. [REDACTED]

[REDACTED] Please confirm if you would like a copy of your submissions, that is your submissions 1,2 and 3 included into the debate report or, alternatively, included in summary. If I don't receive a response from you in this regard, I will include a copy of your submissions (in redacted form as stated).

I believe that your suggestion regarding referencing the existing Register of Public Roads R009 is a good one and Council will implement this for future consultations of this nature. Council's Permit to use Public Road SF129 is available on Council's website.

#### **Submission 2**

The Stage 3 objective has been met as the mapping layer is established. There is, however, an enormous amount of data that is required to be inputted due to the extensive amount of unmade public roads in the Council area. Council staff are doing the best that they reasonably can with the limited resources available. It was the intention that the audit itself would take several months but it actually took much longer due to unforeseen issues that arose, including boundary discrepancies and employee illness.

The 34 permits are renewals. The permit documentation is stored and managed through Council's records management system.

I do not intend to take any action apart from including your feedback to this community consultation into the agenda for consideration by the Elected Body at the general meeting of the Council, scheduled to be held on 28 June 2023.

Yours sincerely



Darren Braund  
Mayor

CC Deputy Mayor Richard Carruthers  
Cr Adam Meyer  
Cr Alan Headon  
Cr Kristin Murdock  
Cr Kylie Gray  
Cr Michael O'Connell  
Cr Naomi Bittner  
Cr Roger Johns  
Cr Scott Hoyle  
Cr Tania Stock  
Cr Trevor Clerke

[REDACTED]

---

**From:** Mayor Braund  
**Sent:** Thursday, 15 June 2023 4:38 PM  
**To:** [REDACTED]  
**Cc:** Cr Alan Headon; Cr Richard Carruthers; Cr Naomi Bittner; Cr Scott Hoyle; Cr Tania Stock; Cr Adam Meyer; Cr Trevor Clerke; Cr Kylie Gray; Cr Michael O'Connell; Cr Kristin Murdock; Corporate Email Address  
**Subject:** CONFIDENTIAL – Response to Submissions – Public Road Audit and Unmade Public Road Permit Consultation - [REDACTED]  
**Attachments:** CONFIDENTIAL – Response to Submissions – Public Road Audit and Unmade Public Road Permit Consultation - [REDACTED]

Dear [REDACTED]

Further to the letter I sent to you via email this morning, I realised that the paragraph in the letter beginning "*The DDS intends to provide your submissions in relation to this community consultation process to the Elected Body for consideration at the general meeting of the Council scheduled to be held on 12 July 2023*" should read "*The DDS intends to provide your submissions in relation to this community consultation process to the Elected Body for consideration at the general meeting of the Council scheduled to be held on 28 June 2023*", which is consistent with my advice to you in the last paragraph of my letter.

It was initially intended that any submissions received in relation to this consultation, would be presented to the Council for consideration at the general meeting of the Council to be held on 12 July 2023, due to the timing of the public consultation period, however as this ordinary meeting of Council has been adjourned to Wednesday, 28 June 2023 at 5.30pm (as quorum could not be achieved) it is now possible for the matter to be considered at the 28 June meeting. Please find my updated letter to you attached.

Regards,

Mayor Darren Braund  
Yorke Peninsula Council

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YORKE PENINSULA COUNCIL

PRINCIPAL OFFICE:  
8 Elizabeth Street, Maitland  
ALL CORRESPONDENCE TO:  
PO Box 57, MAITLAND, SA 5573  
Telephone (08) 8832 0000  
Email: admin@yorke.sa.gov.au  
Website: www.yorke.sa.gov.au



15 June 2023

Record No: 23/58410

[Redacted]

[Redacted]

[Redacted] – Response to Submissions – Public Road Audit and Unmade Public Road Permit Consultation

I am writing in regards to the concerns you raised in your letters to me, and all of the Yorke Peninsula Council Members, dated:

- a) Sunday, 28 May 2023, sent via email on the same day at 8:41pm and Monday, 5 June 2023, sent via email on the same day at 1.14pm (Submission 1 and 3); and
- b) Monday, 29 May 2023, sent via email on the same day at 4:29 (Submission 2); and
- c) Wednesday 14 June 2023, in follow up of Submissions 1, 2 and 3, sent via email on the same day at 11.26am.

[Redacted]

[Redacted]

I have considered the matters raised by you in Submissions 1, 2 and 3 and provide the following responses:

BRANCH OFFICES  
MINLATON  
YORKETOWN

### Submissions 1 and 3

Debate Agenda item 25.3 PERMIT TO USE PUBLIC ROAD FOR EXCLUSIVE USE (CROPPING & GRAZING), presented to Council for consideration at its meeting held on 10 May 2023 (Report), was prepared by the Director Development Services (DDS). I sought clarification about the discrepancy in reference to legislative referencing and confirm that these are typographical errors, that is:

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- Reference to Section 223 (c) of the Local Government Act (Act) should be 223 (1) (a) and (c);
- Reference to Section 25 (a) of the Regulations should be 25 (1) (a) and (b).

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1. *"Due to the extensive amount of unmade public roads in our region, we are unable to provide you with maps with the details that you have requested."*
2. *"As part of the consultation process, should a landowner occupy land adjacent to a proposed Permit to use a Public Road for exclusive use, Council will issue you with a personalised letter inviting you to provide feedback. We can confirm this does not apply to you at this time."*
3. *"If you can be more specific as to which location in the Yorke Peninsula region has an unmade road for exclusive use that may have an impact on you or your activities we may be able to narrow down that level of detail for you."*

You subsequently provided the PTO with a list of 33 unmade public roads that you would like to determine the location for.

I understand that none of the unmade public roads being considered adjoin your property and that many of them are not clearly visible due to cropping and other farming use and that the PTO has directed you to the Plan SA website (with instructions), where you should be able to determine their location.

The DDS intends to provide your submissions in relation to this community consultation process to the Elected Body for consideration at the general meeting of the Council scheduled to be held on 28 June 2023, including your request that the community consultation process be undertaken again. [REDACTED]

[REDACTED] Please confirm if you would like a copy of your submissions, that is your submissions 1,2 and 3 included into the debate report or, alternatively, included in summary. If I don't receive a response from you in this regard, I will include a copy of your submissions (in redacted form as stated).

I believe that your suggestion regarding referencing the existing Register of Public Roads R009 is a good one and Council will implement this for future consultations of this nature. Council's Permit to use Public Road SF129 is available on Council's website.

#### **Submission 2**

The Stage 3 objective has been met as the mapping layer is established. There is, however, an enormous amount of data that is required to be inputted due to the extensive amount of unmade public roads in the Council area. Council staff are doing the best that they reasonably can with the limited resources available. It was the intention that the audit itself would take several months but it actually took much longer due to unforeseen issues that arose, including boundary discrepancies and employee illness.

The 34 permits are renewals. The permit documentation is stored and managed through Council's records management system.

I do not intend to take any action apart from including your feedback to this community consultation into the agenda for consideration by the Elected Body at the general meeting of the Council, scheduled to be held on 28 June 2023.

Yours sincerely



Darren Braund  
Mayor

CC Deputy Mayor Richard Carruthers  
Cr Adam Meyer  
Cr Alan Headon  
Cr Kristin Murdock  
Cr Kylie Gray  
Cr Michael O'Connell  
Cr Naomi Bittner  
Cr Roger Johns  
Cr Scott Hoyle  
Cr Tania Stock  
Cr Trevor Clerke



## COMMUNITY ENGAGEMENT PLAN

SF215  
Responsible Officer: Community Development & Engagement Officer

Issue Date: 09/12/2021  
Next Review Date: December 2025

**PROJECT NAME: PERMIT TO USE PUBLIC ROAD FOR EXCLUSIVE USE (CROPPING & GRAZING)**

Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status	Evaluation Method
Entire community	Website	Property Tenure Officer	16/05/2023	6/06/2023	C	Letter to adjoining landowners  Report back to Council on outcome of public consultation. Elected members to made decision based on any submissions received from the public consultation process.
Entire community	Social Media	Property Tenure Officer	16/05/2023	6/06/2023	C	
Other	Personalised Letter	Property Tenure Officer	16/05/2023	6/06/2023	C	
Visitors	Ability to appear before Council	Property Tenure Officer	16/05/2023	6/06/2023	C	

**25.8 PERMIT TO USE PUBLIC ROAD FOR EXCLUSIVE USE (CROPPING & GRAZING) - ROUND 2****Document #:** 23/57669**Department:** Development Services**46. PURPOSE**

To seek permission to proceed with the community engagement process for a further round of applications received for Permits to use Public Roads for exclusive use (cropping and grazing).

**47. RECOMMENDATION**

That Council:

1. Give permission to commence the community engagement process for Permits to use Public Roads for exclusive use (cropping and grazing).
2. Endorse the Community Engagement Report attached, which constitutes the information that is required to be made available to the public as part of the community engagement phase in accordance with 223 (1) (c) of the Local Government Act 1999 and Section 25 (1) (a) of the Local Government Regulations 2013.

**48. LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.8 Efficient delivery of permits, leases and licences**49. BACKGROUND**

The main purpose of issuing permits for use of unmade public roads is to provide statutory authorisation to property owners allowing them to use Council property for private business purposes.

At the Council meeting held on 14 December 2022, Council endorsed the setting of fees and charges for a Permit to Use Public Roads. (refer Minute 255/2022 (14/12/2022)).

**50. DISCUSSION**

Staff have consulted with existing Permit holders to negotiate an agreed estimation of the number of hectares being utilised. The Community Engagement Report represents those applications that have been returned for exclusive use. Once the initial phase with existing Permit holders is completed, staff will focus on following up landowners potentially occupying unmade roads without a Permit.

Exclusive use means that there will be no access to members of the public. Public consultation is required including with adjoining property owners and must be endorsed formally by Council.

A public notice will be placed in the Yorke Peninsula Country Times and on Council's social media sites. The Community Engagement Report is available for viewing at Yorke Peninsula Council offices at Maitland, Minlaton and Yorketown and on Council's website (refer Attachment 1).

The consultation period (minimum 21 days) will commence on Tuesday, 4 July 2023 and close at 5pm Wednesday, 26 July 2023.

Following the consultation period, a report will be presented to Council on the outcome of the community engagement for consideration.

Approved Permits will be issued for a period of five (5) years commencing on 1 July 2023 and expiring on 30 June 2028.



The following late applications have been submitted for approval pending the outcome of the community engagement process.

Permit 2	Dividing Sections 92 & 93 HD Ramsay
Permit 20	Dividing Sections 27 & 5, 66 HD Warrenben
Permit 36	Dividing Sections 43 & 501 HD Clinton
Permit 67	Dividing Sections 233 & 234 HD Tiparra
Permit 74	Dividing Sections 84 & 204 HD Moorowie
Permit 98	Dividing Sections 337 & 329E HD Dalrymple
Permit 156	Dividing Sections 81 & 109 HD Ramsay
Permit 161	Dividing Sections 135 & 136, 129 HD Clinton
Permit 164 (New)	Dividing Sections 21, 22 and 15, 14 HD Coonarie

A link to the South Australia Property and Planning Atlas website (SAPPA) is provided in the Community Engagement Report to view unmade roads. If assistance is required to navigate this site, please contact Council's Property Tenure Officer for support.

## 51. COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

Pursuant to the Local Government Act 1999 – Section 223

(1) If a Council proposes to grant an authorisation or permit that:

- (a) Would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree; or
- (c) In relation to a use of activity for which public consultation is required under the regulations,  
(Local Government (General) Regulations 2013),

The Council must, before granting the authorisation or permit, follow the relevant steps set out in its public consultation policy.

## 52. CONSULTATION PROCESS

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

- Property Tenure Officer

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

- Landowners

## 53. POLICY IMPLICATIONS

PO057 Community Engagement Policy

RO11 Yorke Peninsula Council Fees and Charges Register

RO09 Register of Public Roads

## 54. BUDGET AND RESOURCE IMPLICATIONS

The cost of the Yorke Peninsula County Times public notice estimate of \$320 inclusive of GST, is within existing, approved Council budget, as are the relative administrative costs.

Permit fees to be invoiced in 2023/2024 financial year as per the new fees adopted by the Council at the general Council meeting held on 14 December 2022.

Fee schedule (GST excluded) as a minimum charge for a Permit to Use Public Road based on a fee per hectare.



Cropping	\$70 per hectare
Combination Cropping and Grazing	\$70 per hectare
Grazing	\$30 per hectare
Other (ie, access/vegetation)	\$30 per hectare

Administration fee of \$200 for an initial road permit application.

#### **55. RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Section 223 (1) (c) of the Local Government Act 1999 and Section 25 (1) (a) of the Local Government Regulations 2013.

#### **56. ATTACHMENTS**

1. **Community Engagement Report** [!\[\]\(e27c4336460e9e6729a19580c0456728\_img.jpg\)](#) 
2. **Community Engagement Plan** [!\[\]\(5a658b86f2c8900a276c586c1f8f9f2f\_img.jpg\)](#) 



## COMMUNITY CONSULTATION

### Permit to Use Public Road for Exclusive Use (Cropping or Grazing)

While most Council roads are used by the general public, our region has a large number of smaller roads that provide access to individual properties, as well as roads that have been planned but not built. These roads are commonly referred to as Unmade Public Roads.

The main purpose of issuing permits for use of unmade public roads is to provide statutory authorisation to property owners allowing them to use Council property for private business purposes.

Pursuant to the Local Government Act 1999 – Section 223

- (1) If a Council proposes to grant an authorisation or permit that:
- (b) Would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree; or
  - (c) In relation to a use of activity for which public consultation is required under the regulations, (Local Government (General) Regulations 2013),

The Council must, before granting the authorisation or permit, follow the relevant steps set out in its public consultation policy.

Council has received the following renewal applications for a Permit to Use Public Road for exclusive use (cropping or grazing). Exclusive use means that there will be no access to members of the public.

The following late applications have been submitted for approval.

Permit 2	Dividing Sections 92 & 93 HD Ramsay
Permit 20	Dividing Sections 27 & 5, 66 HD Warrenben
Permit 36	Dividing Sections 43 & 501 HD Clinton
Permit 67	Dividing Sections 233 & 234 HD Tiparra
Permit 74	Dividing Sections 84 & 204 HD Moorowie
Permit 98	Dividing Sections 337 & 329E HD Dalrymple
Permit 156	Dividing Sections 81 & 109 HD Ramsay
Permit 161	Dividing Sections 135 & 136, 129 HD Clinton
Permit 164 (New)	Dividing Sections 21, 22 and 15, 14 HD Coonarie

The South Australia Property and Planning Atlas (SAPPA) online application can be used to view unmade roads. Please follow the link to the SAPPA website: <https://sappa.plan.sa.gov.au/>

If assistance is required to navigate this site, please contact Council's Property Tenure Officer for support.

Approved Permits will be issued for a period of five (5) years commencing on 1 July 2023 and expiring on 30 June 2028.



The consultation period (minimum of 21 days required) will begin on Tuesday, 4 July 2023 and close at 5pm Wednesday, 26 July 2023.

**How do I provide my feedback?**

All written submissions must be received by **5pm Wednesday, 26 July 2023** and should be addressed to:

**Community Consultation**

**Permit to Use Public Roads**

PO Box 57, Maitland SA 5573 or email [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)

Please indicate in your submission if you wish to appear before Council on this matter.

**What happens to my feedback?**

- Submissions received from the public consultation process will be collated and presented in a report to Council if required.
- The information from the public consultation process will assist Council in its deliberation associated with endorsing the proposed Permits.

**How do I know my feedback has been received?**

All feedback (submissions or correspondence) will be acknowledged.

**Contact Person**

For more information please contact Sue Beech, Property Tenure Officer on 8832 0000 or [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au)



## COMMUNITY ENGAGEMENT PLAN

SF215  
Responsible Officer: Community Development & Engagement Officer

Issue Date: 09/12/2021  
Next Review Date: December 2025

**PROJECT NAME: PERMIT TO USE PUBLIC ROAD FOR EXCLUSIVE USE (CROPPING & GRAZING)**

Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status	Evaluation Method
Entire community	Website	Property Tenure Officer	<u>4/07/2023</u>	<u>26/07/2023</u>	NS	Letter to adjoining landowners  Report back to Council on outcome of public consultation. Elected members to made decision based on any submissions received from the public consultation process.
Entire community	Social Media	Property Tenure Officer	<u>4/07/2023</u>	<u>26/07/2023</u>	NS	
Other Visitors	Personalised Letter	Property Tenure Officer	<u>4/07/2023</u>	<u>26/07/2023</u>	NS	
	Ability to appear before Council	Property Tenure Officer	<u>4/07/2023</u>	<u>26/07/2023</u>	NS	

**26 GENERAL BUSINESS**

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

**CONFIDENTIAL AGENDA****27 CONFIDENTIAL ITEMS****27.1 ENTERPRISE RESOURCE PLANNING (ERP) REPLACEMENT PROJECT****RECOMMENDATION****Section 90 Order**

That pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.1 Enterprise Resource Planning (ERP) Replacement Project, with the exception of the following persons:

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

The Council is satisfied that, pursuant to Section 90(2) and (3)(k) of the Act, the information to be received, discussed or considered in relation to report Item 27.1 Enterprise Resource Planning (ERP) Replacement Project, is confidential information relating to:

- (k) tenders for the supply of goods, the provision of services or the carrying out of works.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

**27.2 POINT TURTON ABLUTION BLOCK PROCUREMENT****RECOMMENDATION****Section 90 Order**

That pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.2 Point Turton Ablution Block Procurement, with the exception of the following persons:

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

The Council is satisfied that, pursuant to Section 90(2) and (3)(k) of the Act, the information to be received, discussed or considered in relation to report Item 27.2 Point Turton Ablution Block Procurement, is confidential information relating to:

- (k) tenders for the supply of goods, the provision of services or the carrying out of works.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

**RESUMPTION OF PUBLIC MEETING**

**28 NEXT MEETING**

Wednesday 12 July 2023

**29 CLOSURE**