



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

**Date:** Wednesday, 11 October 2023  
**Time:** 5.30pm  
**Location:** Council Chamber  
Minlaton Town Hall  
57 Main Street  
Minlaton

# **AGENDA**

## **Ordinary Council Meeting**

**11 October 2023**

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

## Agenda

<b>1</b>	<b>Welcome and Acknowledgement of Country by Mayor</b> .....	<b>5</b>
<b>2</b>	<b>Opening Prayer</b> .....	<b>5</b>
<b>3</b>	<b>Present</b> .....	<b>5</b>
<b>4</b>	<b>Leave of Absence</b> .....	<b>5</b>
<b>5</b>	<b>Apologies</b> .....	<b>5</b>
<b>6</b>	<b>Conflict of Interest</b> .....	<b>5</b>
<b>7</b>	<b>Minutes of Previous Meeting – for Confirmation</b> .....	<b>5</b>
<b>8</b>	<b>Motions on Notice</b> .....	<b>5</b>
	Nil	
<b>9</b>	<b>Questions on Notice</b> .....	<b>5</b>
	Nil	
<b>10</b>	<b>Questions without Notice</b> .....	<b>5</b>
<b>11</b>	<b>Petitions</b> .....	<b>5</b>
	Nil	
<b>12</b>	<b>Mayor</b> .....	<b>6</b>
	12.1 Mayor's Monthly Report September 2023 .....	6
<b>13</b>	<b>Councillors' Report</b> .....	<b>7</b>
	Nil	
	<b>INFORMATION AGENDA</b> .....	<b>9</b>
<b>14</b>	<b>Items for Exclusion</b> .....	<b>9</b>
<b>15</b>	<b>Receipt of Information Reports</b> .....	<b>9</b>
<b>16</b>	<b>Chief Executive Officer</b> .....	<b>10</b>
	16.1 CEO Activities - September 2023.....	10
	16.2 Action List Report.....	11
	16.3 Yorke Mid North Zone Emergency Management Committee (ZEMC) Annual Report 2022-2023 .....	15
	16.4 Update - Southern Yorke Peninsula Community and Maitland Childcare Centres .....	26
<b>17</b>	<b>Corporate and Community Services</b> .....	<b>28</b>
	17.1 Correspondence received from the Libraries Board of South Australia.....	28
<b>18</b>	<b>Assets and Infrastructure Services</b> .....	<b>58</b>
	18.1 Construction and Maintenance Works Report .....	58
<b>19</b>	<b>Development Services</b> .....	<b>62</b>
	19.1 Inspectorial Report .....	62
	19.2 Environmental Health Officer's Report.....	64
	19.3 Wastewater System Application Decisions.....	66
	19.4 Development Application Decisions .....	69
<b>20</b>	<b>Visitors to the Meeting</b> .....	<b>74</b>

<b>DEBATE AGENDA.....</b>	<b>76</b>
<b>21 Mayor .....</b>	<b>76</b>
Nil	
<b>22 Chief Executive Officer.....</b>	<b>77</b>
22.1 New Policy - Draft PO203 Council Member Behavioural Management Policy .....	77
22.2 Consultation - Proposed ANZAC Memorial Port Clinton .....	117
<b>23 Corporate and Community Services .....</b>	<b>211</b>
23.1 Financial Report As At 30 September 2023.....	211
<b>24 Assets and Infrastructure Services .....</b>	<b>217</b>
24.1 Corny Point - Dairy Road Beach Access .....	217
24.2 Allocation of Rates to Road Related Efficiency Improvement .....	222
<b>25 Development Services.....</b>	<b>225</b>
25.1 Proposed Community Land Management Plan Amendments.....	225
25.2 Proposed New Lease - Port Clinton Progress Association Inc.....	232
25.3 Proposed New Lease - Ardrossan Football Club Inc. ....	235
25.4 Proposed New Lease Central Yorke Football Club Inc.....	238
25.5 Proposed New Land Management Agreement - Lot 104 Marion Street Sultana Point.....	245
25.6 Implementation of Dry Area - New Years Eve - Stansbury .....	259
<b>26 General Business.....</b>	<b>263</b>
<b>CONFIDENTIAL AGENDA.....</b>	<b>264</b>
<b>27 Confidential Items.....</b>	<b>264</b>
27.1 Enterprise Resource Planning (ERP) Replacement Project.....	264
27.2 North Coast Road Stage Two Tender .....	264
<b>28 Next Meeting .....</b>	<b>266</b>
Wednesday 8 November 2023	
<b>29 Closure .....</b>	<b>266</b>



**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 - 13 September 2023

Confidential Council Meeting - 13 September 2023

- 27.1 – Independent Member Appointment to Audit and Risk Committee

**8 MOTIONS ON NOTICE**

Nil

**9 QUESTIONS ON NOTICE**

Nil

**10 QUESTIONS WITHOUT NOTICE**

**11 PETITIONS**

Nil

**12 MAYOR**

**12.1 MAYOR'S MONTHLY REPORT SEPTEMBER 2023**

**Document #:** 23/94040

**Department:** Executive Services

**PURPOSE**

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

**RECOMMENDATION**

That the report be received.

**DISCUSSION**

- 5 September Attend Men's Shed Celebration – Yorketown.
- 12 September Attend Information and Briefing Session – Minlaton.
- 13 September Attend Reconciliation Action Plan Working Party Meeting – Minlaton.  
Attend Information and Briefing Session – Minlaton.
- 27 September Attend Official Opening of YP Field Days – Paskeville.  
Attend Information and Briefing Session – Minlaton.
- 29 September Attend Opening of Stansbury 150 Birthday Celebrations – Stansbury.

**ATTACHMENTS**

Nil

**13 COUNCILLORS' REPORT**

Nil

# INFORMATION AGENDA

**INFORMATION AGENDA**

**14 ITEMS FOR EXCLUSION**

**15 RECEIPT OF INFORMATION REPORTS**

**16 CHIEF EXECUTIVE OFFICER****16.1 CEO ACTIVITIES - SEPTEMBER 2023****Document #:** 23/94045**Department:** Executive Services**PURPOSE**

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

**RECOMMENDATION**

That the report be received.

**DISCUSSION**

- |              |  |
|--------------|--|
| 15 September | Meeting with Roger Hogben and John Edwards in relation to a proposed Vietnam Memorial Walk – Report to November 2023 Council Meeting – Maitland. |
| 19 September | Meeting with Andrew Christiansen, Office for Regional Housing, Renewal SA – Maitland.  |
| 20 September | Attend Local Government CEO Forum – Adelaide.  |
| 26 September | CEO Briefing Session with Workers Compensation Liability Scheme – via Zoom.<br>Corporate Management Team Meeting – Maitland.                     |
| 27 September | Information and Briefing Session – Minlaton.   |
| 28 September | Corporate Management Team Meeting – Maitland.  |

**ATTACHMENTS**

Nil

**16.2 ACTION LIST REPORT****Document #:** 23/95215**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. **Action List - October 2023**  
2. **Completed Action List - October 2023**  

### Council Meeting Action List

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
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 the report.	17/01/2024
28/06/2023	Executive Services	22.1	126/2023	Council endorsed to not adopt a separate employee behavioural standard and to instead integrate them into Council's PO014 - Employee Code of Conduct Policy - and require that a draft, revised PO014 be prepared and returned to Council to consider the consultation with employees and registered industrial associations.	13/12/2023
12/07/2023	Development Services	25.3	170/2023	Arrange for the Mayor and Chief Executive Officer to sign and affix Council's Common Seal to the relevant documents necessary to execute the road closure and proposed sale for Osmond Street, Maitland.	8/11/2023
9/08/2023	Development Services	25.3	190/2023	The matter is laying on the table pending further negotiation with Amplitel Pty Ltd regarding the lease proposal.	8/11/2023
13/09/2023	Executive Services	22.5	200/2023	Draft PO014 Employee Behavioural Standards Policy is proceeding to consultation with employees and registered industrial associations.	13/12/2023
13/09/2023	Assets and Infrastructure Services	24.2	209/2023	Strategy Response To Network Level Heavy Vehicle Route Assessment And Risk Analysis - matter laid on the table.	14/02/2024
13/09/2023	Development Services	25.2	211/2023	Council endorsed authorising the Permit to Use Public Road for exclusive use (cropping and grazing) – Round 2 for a period of one (1) year commencing on 1 July 2023 and expiring on 30 June 2024.	8/11/2023



### Council Meeting Completed Action List

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
9/08/2023	Executive Services	8.1	177/2023	Council rescinded resolution 136/2023 in relation to Permit Use Public Road for Exclusive Use (cropping and grazing) Round 2. Staff have notified permit holders to inform them of the intention to cancel the existing permit.	11/10/2023
9/08/2023	Development Services	25.5	192/2023	Council endorsed to name a portion of unmade, ungazetted, unmaintained Council road reserve dividing Sections 13 and 23, Hundred of Coonarie, Foul Bay as Bellbird Road and advised via Government Gazette.	11/10/2023
13/09/2023	Executive Services	22.1	196/2023	Council has undertaken actions to prepare for the Christmas office closure of all three council offices from 12.30pm on Friday, 22 December 2023 and reopen on Tuesday, 2 January 2024	27/09/2023
13/09/2023	Executive Services	22.2	197/2023	Delegation of Council Powers and Functions Review was undertaken and resolved by Council. All delegation documents have been updated on Council's website.	31/10/2023
13/09/2023	Executive Services	22.3	198/2023	Council received the Legatus Group Annual Report 2022-2023, including the Audited Financial Statements. This documentation has been included in Council's Annual Report.	27/09/2023
13/09/2023	Executive Services	22.4	199/2023	PO021 Safe Environment Policy was endorsed and adopted and included in Council's policy manual and on Council's website.	27/09/2023
13/09/2023	Corporate and Community Services	23.1	201/2023	PO184 Business Enhancement Program has been updated and included in Council's Policy Manual and on Council's website.	27/09/2023
13/09/2023	Corporate and Community Services	23.2	202/2023	Council approved the allocation of Community Grants for 2023/2024. All Community Grant Applicants have been notified of the outcome.	27/09/2023
13/09/2023	Corporate and Community Services	23.3	203/2023	- Council authorised the Mayor and CEO to certify the 2022-2023 audited Annual Financial Statements in their final form when completed.	27/09/2023
13/09/2023	Corporate and Community Services	23.4	204/2023	Council endorsed the 2022/2023 Treasury Management Performance Report as presented.	27/09/2023
13/09/2023	Corporate and Community Services	23.5	205/2023	Council received the financial report and capital projects update report as at 31 August 2023.	27/09/2023

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
13/09/2023	Corporate and Community Services	23.6	206/2023	Council endorsed that it would not contribute \$20,000 to Yorke Peninsula Tourism for the Yorke Peninsula Brand Evolution Project. Yorke Peninsula Tourism has been notified of the outcome.	27/09/2023
13/09/2023	Corporate and Community Services	23.7	207/2023	Council endorsed the updated PO166 Related Party Disclosures Policy and new PR166 Related Party Disclosure Procedure as presented. Council's website and Policy and Procedure Manual have been updated.	27/09/2023
13/09/2023	Assets and Infrastructure Services	24.1	208/2023	Council endorsed and adopted the draft Roads Working Party Terms of Reference as presented for inclusion on Council's website and endorsed the recommendation to accept the three nominations to fill the current vacancies.	27/09/2023
13/09/2023	Development Services	25.1	210/2023	Council received the Access Advisory Working Party Minutes. Council committed \$750 to obtain design plans for the proposed Minlaton Town Hall access ramp - the contractor has been engaged to undertake the plans.	27/09/2023
13/09/2023	Development Services	25.3	212/2023	Council did not endorse approval for the request for a waiver of a Land Management Agreement from limiting development on land at Lot 269 Bush Track, Parsons Beach (Certificate of Title Volume 5429 Folio 895) and the applicant was advised accordingly.	27/09/2023

**16.3 YORKE MID NORTH ZONE EMERGENCY MANAGEMENT COMMITTEE (ZEMC)  
ANNUAL REPORT 2022-2023****Document #:** 23/85294**Department:** Executive Services**PURPOSE**

To provide Elected Members with a copy of the Yorke Mid North Zone Emergency Management Committee (ZEMC) Annual Report for 2022-2023.

**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**

As a member organisation of the Yorke Mid North ZEMC, Yorke Peninsula Council have received a copy of the Yorke Mid North ZEMC Annual Report for 2022-2023 which outlines the activities undertaken by the committee during that year.

**DISCUSSION**

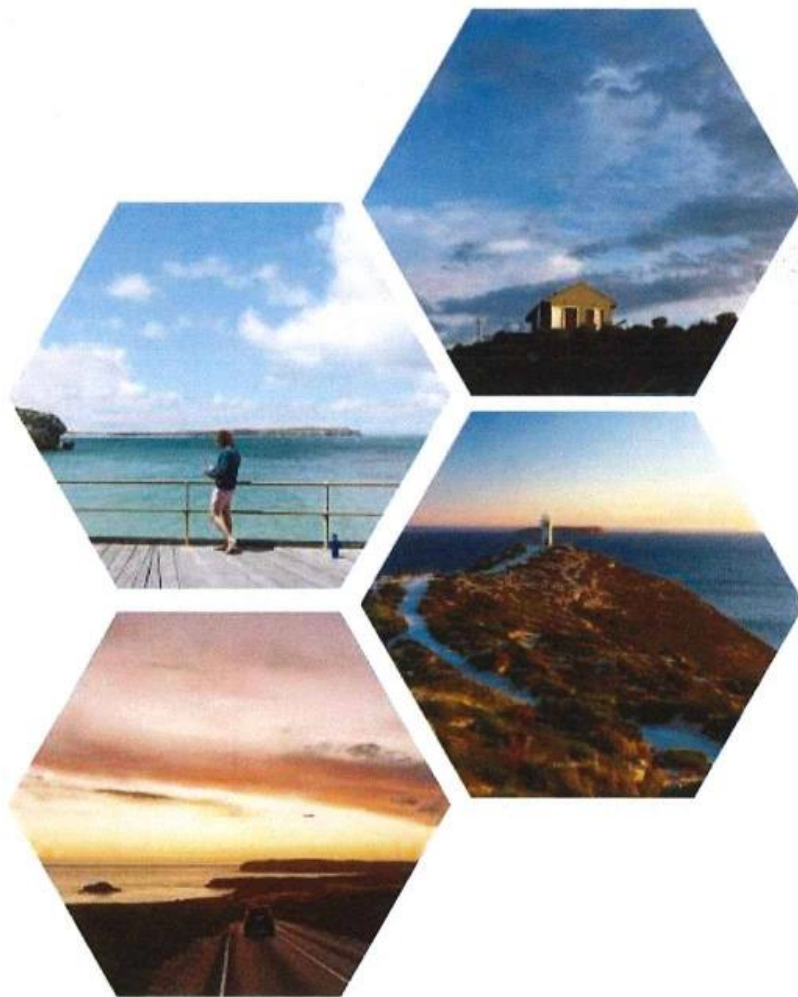
A copy of the Yorke Mid North ZEMC Annual Report 2022-2023 is attached for Elected Members information.

**ATTACHMENTS**

1. **Annual Report - Yorke Mid North Zone Emergency Management Committee ( ZEMC ) - 2022-2023** [↓](#) 

OFFICIAL

**Yorke Mid North**  
**Zone Emergency Management Committee**  
**2022-2023 Annual Report**



*Photos from SATC Media Gallery: Left top - Stenhouse Bay, Josh GLeelen. Left bottom - Dhillba Guuranda-Innes National Park, Josh Geelen. Right top -Pondalowie Bay, Josh Geelen. Right Bottom - Cape Spencer Lighthouse, Michael Waterhouse*

OFFICIAL

**Yorke and Mid North  
Zone Emergency Management Committee****Acknowledgement of Country**

The Yorke and Mid North acknowledges Traditional Owners of Country throughout Australia and recognise the continuing connection to land, waters, and communities. We acknowledge the Nukunu, Ngadjuri, Danggali, Kurna, Narangga and Meru people as Custodians of the Yorke and Mid North region and that their cultural and heritage beliefs are still as important to the Nukunu, Ngadjuri, Danggali, Kurna, Narangga and Meru living people today. We pay our respects to Aboriginal and Torres Strait Islander cultures; and to Elders past and present.

**2022-2023 Annual Report**

This Annual Report is provided in accordance with Part 3, [Annex D of the State Emergency Management Plan \(16 December 2016\) Zone Emergency Management Committee Guidelines](#), which requires Zone Emergency Management Committees (ZEMCs) to submit an annual report to the State Emergency Management Committee for endorsement by 30 August each year.

**Chairperson's Message**

The focus in 2022/23 for the Yorke and Mid North Zone Emergency Management Committee has been to strengthen its understanding and preparedness in the area of recovery. The Security Emergency & Recovery Management team at the Department of Premier Cabinet guided the committee through a recovery exercise in May 2023 looking at the period of 6 -12 months after a fire event.

The committee also re-focused itself from an operational perspective to its purpose of a strategic role.

A thank you to the whole committee including those members that have moved on and the new members joining the committee for their support and resolve.

**Robert Stead****CHAIRPERSON**

OFFICIAL

**Yorke and Mid North  
Zone Emergency Management Committee**



**1. Current Memberships and Organisations represented as at 30 July 2023**

Committee Position	Name	Representing
Chairperson	Robert Stead	Port Pirie Regional Council
Deputy Chair	Jodi Russack	Barunga West Council
Police Local Commander	Superintendent Mark Syrus	SA Police (SAPOL)
Zone Recovery Planner	Vacant	
Executive Officer	Paxton Barr	SA State Emergency Service (SASES)
Emergency Management Project Officer (EMPO)	Beth Reid	SASES
Members – Local Government	David McKinley	Northern Areas Council
	Bobbi Pertini	Yorke Peninsula Council
	Michael McCabe	Mount Remarkable Council
	Paul Simpson	District Council Orroroo Carrieton
	Wayne Vincent	Goyder Regional Council
	Kathryn Johnson	Port Pirie Regional Council
	Sue Gage	Yorke & Northern Local Health Network
	Kristy Morgan	Wakefield Regional Council
	Lawrence Heath	Peterborough District Council
	Mick Tobin	Clare and Gilbert Valley Council
	Tim Neumann	Copper Coast Council
	Steve Davey	Barunga West Council
Members – Other	Daniel Collins	Housing SA
	Mick Shepard	SA Metropolitan Fire Service (SAMFS)
	Andrew Stewart	SA Country Fire Service (SACFS)
	Steve Salamon	SACFS
	Joe Tilley	Dept Environment and Water (DEW)



OFFICIAL

**Yorke and Mid North  
Zone Emergency Management Committee**



	Mary-Anne Young	PIRSA
Proxys	Ben Thompson	Yorke Peninsula Council
	Sam Johnson	Mount Remarkable Council
	David Stevenson	Goyder Regional Council
	Paul Simpson	District Council of Orroroo Carrieton
	Leanne Kunoth	Clare and Gilbert Valley Council
	Ann Frick	District Council of Orroroo Carrieton
	WO1 Killen	Defence
	Tanya Kuiper	SACFS
	Leon Shepley	SAMFS
	Stephen Rufus	District Council of Peterborough
Observers	Priti Meda	SASES
	Clayton Boundey	National Emergency Management Authority (NEMA)
	Lianne Ingle	Defence
	Nyree Young	SAPOL

## 2. Membership changes

The following membership changes have taken place during the preceding year:

- Michael McCabe replaced Brenton Daw as member for Mount Remarkable Council;
- Kristy Morgan replaced Kelly Westell as member for Wakefield Regional Council;
- Mick Shepard replaced Carly White as member for SAMFS.

## 3. Progress and actions of the Zone Emergency Management Committee (ZEMC)

Yorke and Mid North ZEMC met three times throughout 2022-2023.

Activities that have progressed include:

- Undertook an emergency event Recovery Exercise on 11 May 2023.

OFFICIAL

**Yorke and Mid North  
Zone Emergency Management Committee**



- The ZEMC "Taster" Recovery exercise was conducted with the assistance of National Emergency Management Agency (NEMA) representatives and utilising the NEMA Recovery Exercising Toolkit.
- The exercise was a "taster" as to what the toolkit can provide (due to time constraints), the exercise focused only on some key components from the toolkit.
- Updated YMN ZEMC Work Plan and actions March 2023
- ZEMC engaged with Resilience Ready regarding the Upper Spencer Gulf Resilient Ready workshops – these workshops are targeting businesses in how to better prepare for disasters. This is an outstanding action item to seek a way to better improve and educate businesses in disaster resilience. ZEMC will continue to stay in contact with the Resilience Ready team as they hope to hold workshops in other areas around the Zone.

**4. Progress of the Zone Emergency Management Plan (ZEMP)**

Zone EM Plans are to be reviewed biennially by the ZEMC and submitted for endorsement by 30 August each year.

The SASES is currently updating the overall ZEMPs template. Once complete, the Yorke and Mid North ZEMP review will be finalised and sent to ZEMC for approval. The ZEMP will be updated with the latest ABS data and hazard summaries updated where possible.

**5. Issues arising or trends emerging of relevance to the ZEMC**

Feedback on ZEMC by members is that its focus is on being too operational. With reports having strong operational attention. Addition of a purpose statement integrated into the agenda for every meeting to reiterate the purpose of the meetings.

**6. Key workshops, presentations, debriefs or activities conducted**

Date	Activity / Topic	Location
September 2022	DIT presented to the ZEMC on earthquake risk assessments in September 2022: the ZEMC had an outstanding action to seek further information on the public information of the earthquake hazard as well as further understanding of liquefaction. DIT were able to provide all of this to the ZEMC who were satisfied with the information and could mark this action as complete.	



OFFICIAL

**Yorke and Mid North  
Zone Emergency Management Committee**



October 22	YMN and Barossa ZEST exercise.	
30 November 2022	Presentation by Lucy Gale, Barunga West Council on Coastal Estuarine Risk Mitigation program funding and the Port Broughton	ZEMC Meeting
30 November 2022	Presentation on ZMEC induction by Beth Reid, SASSES	30 November 2022
1 March 2023	Presentation by Kirsten-Leigh Barr, Security Emergency and Recovery Management – Recovery in South Australia	ZEMC Meeting
1 March 2023	Presentation by Sue Gage, SA Health on Japanese Encephalitis Virus Infection	ZEMC Meeting

**7. ZEMC meetings**

Date	Event	Location
3 September 2022	ZEMC Executive meeting	
30 November 2022	ZEMC Meeting	Barunga West Council, Port Broughton
23 February 2023	ZEMC Executive meeting	
1 March 2023	ZEMC Meeting	Barunga West Council, Port Broughton
17 March 2023	ZEMC Exercise planning meeting (with NEMA and SERM)	
20 April 2023	ZEMC Exercise planning meeting (with NEMA and SERM)	
9 May 2023	ZEMC Exercise planning meeting (with NEMA and SERM)	
11 May 2023	Recovery Exercise	

OFFICIAL

**Yorke and Mid North  
Zone Emergency Management Committee**



**8. ZEMC members training and development, incidents and activations activities**

Member	Activities
Yorke Peninsula Council	<ul style="list-style-type: none"> <li>Simulation test of a Business Continuity Critical Function Sub Plan was completed in December 2022</li> <li>iResponda Essentials, Bushfire and Bushfire with Plant training has been undertaken across various roles in Council</li> </ul>
Wakefield Regional Council	<ul style="list-style-type: none"> <li>Heavy fuel load across region- significant weed management/roadside spraying and slashing program required</li> <li>Issue in engaging engineering consultancy support- competing/high demand meant delays in flood mitigation works</li> </ul>
Northern Areas Council	<ul style="list-style-type: none"> <li>Nil to report</li> </ul>
Mount Remarkable Council	<ul style="list-style-type: none"> <li>Severely impacted by rain events – Horrocks Highway was closed, due to road works and flooding. Challenging from a traffic point of view; detours in places, damage to road infrastructure due to higher traffic and wet roads</li> </ul>
District Council Orroroo Carrieton	<ul style="list-style-type: none"> <li>Nil to report</li> </ul>
Goyder Regional Council	<ul style="list-style-type: none"> <li>Storm events in November resulted in no phone coverage in Burra for day and a half, could call emergency – asset owners contacted to see how long back up battery operates for</li> </ul>
Port Pirie Regional Council	<ul style="list-style-type: none"> <li>Nil to report</li> </ul>
Yorke & Northern Local Health Network	<ul style="list-style-type: none"> <li>Nil to report</li> </ul>
Peterborough District Council	<ul style="list-style-type: none"> <li>Nil to report</li> </ul>
Clare and Gilbert Valley Council	<ul style="list-style-type: none"> <li>Nil to report</li> </ul>
Copper Coast Council	<ul style="list-style-type: none"> <li>WHS review – in terms of emergency management; improvements to make in this space, reviewing this, reviewing BCP, risk assessments, conducting scenario training etc</li> </ul>

OFFICIAL

**Yorke and Mid North  
Zone Emergency Management Committee**



Barunga West Council	<ul style="list-style-type: none"> <li>• 2 Emergency Management Wardens trained</li> </ul>
SAPOL	<ul style="list-style-type: none"> <li>• SA/NSW Barrier Highway Emergency Management Committee- this committee was relaunched on 9 August 2022 in Broken Hill</li> <li>• On 9 May 2023, a joint exercise was held between SA and NSW regarding a foot and mouth outbreak in Broken Hill. A number of good learnings resulted in this exercise</li> <li>• 'Preparing your community for disaster and emergencies" workshops hosted by Robert Bunch (Legatus Group)</li> </ul>
SA Health	<ul style="list-style-type: none"> <li>• YNLHN sites frequently have incidents that require reference to their BCP's. Most incidents are quickly resolved and only affect one site, not the wider LHN or Zone. Incidents include local flooding, power outages, phone system outages, incidences of challenging behaviour and aggression towards staff</li> </ul>
SASES	<ul style="list-style-type: none"> <li>• Beth Reid included on the reference group for the Legatus Disaster Resilience project, reporting to the ZEMC on the progress of this.</li> </ul>

**9. Recovery activities**

***Security, Emergency and Recovery Management Team (SERM)***

SERM continues to provide leadership, advice and guidance for the State's national security and emergency management governance and policy arrangements.

The review of the State Emergency Management Plan has finished. The State Disaster Recovery Coordination Framework (SDRCF) within the plan describes the principles and arrangements that support a coordinated, effective and community-centred approach to assist impacted South Australian communities. The State Recovery Coordination Framework and associated guidelines describe all the aspects of recovery coordination from initial activation through to scaling back and/or ceasing activities.

Other key initiatives include:

- The review of the Emergency Management Act 2004
- A capability and capacity uplift across the emergency management sector
- Developing a strategy for a safer South Australia
- Working with our National and State agencies to protect our critical infrastructure
- Building recovery preparedness

OFFICIAL

**Yorke and Mid North  
Zone Emergency Management Committee**

SERM attendance at Zone events in 2023;

- The Director, SERM presented on Recovery at the Yorke and Mid North ZEMC on Wednesday 1 March.
- Staff attended the Yorke and Mid North ZEMC Exercise on Thursday 11 May.
- Staff attended the Emergency Animal Disease Exercise in Naracoorte on 5 July 2023.
- Staff attended the Yorke and Mid North ZEMC meeting on Wednesday 9 of August.

***PIRSA – Recovery Ready proposal***

PIRSA ZEMC Member put forward a Recovery Ready proposal to the ZEMC (for progression in the 2023-2024 financial year).

**10. Report on annual review of the Zone Emergency Support Team (ZEST) Operations Manual and ZEST activities and activations**

The ZEST was not activated during 2022-2023. The operational manual remains current.

ZEST Exercises:

- On 5 October 2023, a joint ZEST desktop exercise was conducted between the YMN and Barossa Local Service Areas in preparation for the Fire Danger Season. The exercise was well supported by control agencies and functional support groups. The exercise centered on a large bushfire extending across two Local Served Areas with a focus on the mechanics of joining up two ZESTS. Discussion then moved into a discussion of Recovery for an event of this nature and extent.
- SA/NSW Barrier Highway Emergency Management Committee- this committee was relaunched on 9 August 2022 in Broken Hill. Difficulties in establishing agency representation however the first meeting was very successful with a number of issues discussed and actions made. These meetings will now occur quarterly with the latest on 8 November 2022 at Broken Hill.
- On 9 May 2023, a joint exercise was held between SA and NSW regarding a foot and mouth outbreak in the Broken Hill.

**11. Grant funded programs that are supported by ZEMC**

Barunga West Council Applied for round 1 of Disaster Ready fund Grant.



OFFICIAL

**Yorke and Mid North  
Zone Emergency Management Committee**



---

**Annual Report Authorisation**

A handwritten signature in black ink, appearing to read 'R Stead', is written over a horizontal blue line.

Date: 30 August 2023

**ROBERT STEAD  
CHAIRPERSON**

Yorke and Mid North Zone Emergency Management Committee

Any queries regarding the report to:

Beth Reid  
Emergency Management Program Officer | SA State Emergency Service  
M 0407561837 | E [Beth.Reid@eso.sa.gov.au](mailto:Beth.Reid@eso.sa.gov.au)

Or

Priti Meda  
Manager, Emergency Management and Hazard Planning SA State Emergency Service  
M 0418 181 703 | E [Priti.Meda@eso.sa.gov.au](mailto:Priti.Meda@eso.sa.gov.au)

**16.4 UPDATE - SOUTHERN YORKE PENINSULA COMMUNITY AND MAITLAND CHILDCARE CENTRES****Document #:** 23/89997**Department:** Corporate and Community 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 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, with the total overall budget allocation being \$4,450,000.

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 2023 Ordinary Council Meeting endorsed the terms and conditions of the proposed lease agreement between Council and Jawbem Group (now Adelaide Family Learning and Care Services) 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 Adelaide Family Learning

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

## **DISCUSSION**

Adelaide Family Learning and Care Services (AFLCS), 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.

The Centre's at Minlaton and Maitland currently have around 77 and 93 enrolments respectively.

The Maitland Centre is currently at 65 per cent utilisation (5% increase from August) on average per day. This is due to not all enrolments requiring full-time care placements. The Centre is now advertising for more qualified staff due to approaching it's "upper limit" of placements.

The Centre at Minlaton will have a licence accredited for 80 full-time placements. At this stage, utilisation percentage won't be known until the centre is in operation.

Both centres are seeking qualified educators to support regulatory requirements and to expand services. At Minlaton, 18 local staff have been interviewed and identified for employment.

Resources, internet, training, and other considerations are being planned to build the staff and facility needs before the centre opens.

Romaldi Constructions have provided the following build progress update for the Minlaton Centre (past month, as of 22 September 2023):

- All plasterboard linings completed
- Soffit linings to the building completed
- Joinery shop drawings completed
- Joinery final measure completed
- IT installation completed and tested
- All floor tiling completed
- Vinyl and carpet underway
- Painting of all doors, walls and ceilings first coat completed
- Roof cladding vents and caps completed including scribing in of all cappings
- Carpark civil works underway in preparation for concrete kerbs and start of brick paving
- All service trenches backfilled

## **ATTACHMENTS**

Nil

**17 CORPORATE AND COMMUNITY SERVICES****17.1 CORRESPONDENCE RECEIVED FROM THE LIBRARIES BOARD OF SOUTH AUSTRALIA****Document #:** 23/88988**Department:** Corporate and Community Services**PURPOSE**

To provide Elected Members with a copy of correspondence received from the Libraries Board of South Australia in relation to State Government funding for public libraries in 2023-2024.

**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 State Government provides funding each year towards the operation of public libraries. The Libraries Act 1982 authorises the Libraries Board of South Australia to distribute State Government funds for public libraries.

**DISCUSSION**

Correspondence has been received from the Libraries Board of South Australia in relation to the allocation of State Government grant funding to Yorke Peninsula Council for 2023-2024. A copy of said correspondence is attached for Elected Members information.

	Ardrossan		Central Yorke (Maitland)		Yorke town		Minlaton	
	2022/2023	2023/2024	2022/2023	2023/2024	2022/2023	2023/2024	2022/2023	2023/2024
Materials Grant (GST free)	\$11,603	\$11,351	\$11,603	\$11,351	\$15,575	\$16,045	\$11,575	\$11,613
One Card Library Management System fee (excluding GST)	\$1,154	\$1,116	\$1,154	\$1,116	\$1,700	\$1,645	\$1,175	\$1,137
Community Information Grant (GST free)	\$1,003	\$1,036	\$1,003	\$1,036	\$1,579	\$1,610	\$1,027	\$1,059
Population	2,469	2,605	2,469	2,605	3,886	4,050	2,529	2,665
Council Operating Contribution (minimum)	\$18,863	\$19,787	\$18,863	\$19,787	\$28,538	\$29,654	\$19,628	\$20,196



**ATTACHMENTS**

1. **Ardrossan Community Library - Grant Allocation Letter 2023-2024**  
2. **Maitland Community Library - Grant Allocation Letter 2023-2024**  
3. **Minlaton Community Library - Grant Allocation Letter 2023-2024**  
4. **Yorketown Community Library - Grant Allocation Letter 2023-2024**  

**OFFICIAL: Sensitive**



20 September 2023

Mr Andrew Cameron  
Chief Executive Officer  
Yorke Peninsula Council  
14 Second Street Ardrossan SA 5571

Public Library Services  
North Terrace, Adelaide, South Australia  
GPO Box 1971, Adelaide SA 5001  
phone: (08) 8348 2311  
contactPLS@sa.gov.au  
www.libraries.sa.gov.au

Dear Mr Cameron,

**RE: Public Libraries Grant Allocations for 2023-2024 and Acquittal for 2022-2023**

Under the *Libraries Act 1982* (Act), the Libraries Board of South Australia (Board) is responsible for the distribution of State Government grants to councils for the provision of public library services to their communities.

In June 2023, the Board advised councils that the 2023-2024 State Government grant allocation for public libraries is \$20,710,000, which is consistent with the terms of the Collaboration Agreement<sup>46</sup> between the Board and the Local Government Association (LGA). The total library grants to councils have remained consistent with the previous year's allocation but reflect changes in populations across all councils in the State.

The Board provides funding to your council under the conditions listed in **Attachment A**.

**Materials Grant**

The State Government provides a materials grant to fulfill the following objective under the Act: *"To ensure that the community has available to it adequate research and information services providing access to library materials and information stored in libraries and other institutions both within and outside the State"*.

- The Materials Grant (GST Free) is **\$11,351**

These funds are for the purchase of library materials and are retained by Public Library Services (PLS<sup>47</sup>) to be expended through a central acquisition system. The grant also supports state-wide digital resources and shared collections.

**Other Grants**

The Libraries Board will pay your library's proportional contribution for the development of additional products and the annual maintenance costs of the One Card Library Management System (LMS) software fee totalling **\$1,116** (excluding GST).

The Community Information Grant is (GST Free) is **\$1,036**

---

<sup>46</sup> A copy of the agreement is available from your Library Manager

<sup>47</sup> A business unit in the State Library delivering direct services to public libraries in the Network

**OFFICIAL: Sensitive****Council Operating Contribution**

It is a condition of the School Community Library Agreement, and the provision of the Libraries Board funding, that these funds are provided to the library and expended on its operations during the 2023-2024 year.

For 2023-2024 your Councils financial contribution to the operations of the School Community Library is based on a population of **2,605** and will be a minimum of **\$19,787**

Separate advice has been provided to your Library Manager regarding State Government funding support. This includes information regarding agreed contributions for specified shared state-wide collections and projects.

**Centralised services to public libraries**

In addition to the funds provided in direct grants to Councils, the Board through PLS provides a range of state-wide services to public libraries funded by the State Government.

A summary of PLS services is displayed in **Attachment B**. Information on current projects can be found in the Network's Annual Key Projects and Training Plan, available from your Library Manager.

The key outcomes of centralised service provision include regular reviews of contract performance, i.e., collection material and ICT infrastructure to leverage economies of scale; as well as identifying opportunities for continuous improvement and efficiency gains that will benefit all public libraries in the Network.

**One Card 2.0 Collections Reform Program**

In my letter to your council in June 2023, your administration was informed of the Board's intent to undertake a strategic reform program to ensure the significant collections held by public libraries across the state, including the State Library, are developed, managed, and preserved in a cohesive and efficient manner. This reform program will target collection practices across the sector to achieve enhanced accountability, efficiency gains and integrated planning. This will be achieved through the implementation of savings and non-savings reform streams to deliver maximum benefit to the community.

The Board is currently in the planning stages of an extensive consultation process that will include all relevant stakeholders. The LGA is a significant partner in the process and will be actively involved in this reform program. More information will follow in the coming months.

**Grant Acquittal 2022-2023**

The Board is responsible for ensuring that appropriate reporting requirements are in place to satisfy the Minister that the grant is used effectively and efficiently and only for the purpose for which it was made<sup>48</sup>.

---

<sup>48</sup> Treasurer's Instruction 15, clause 15.10.3

**OFFICIAL: Sensitive**

**Attachment A** details the conditions of the State Government's grants to councils for the provision of public library services.

The Grant Acquittal process consists of:

- 1. Completion of an annual Finance Survey**
  - a. This survey is sent via an electronic link to your library manager for completion.
  - b. The financial data entered must be verified by council's Chief Financial Officer or equivalent and the survey returned electronically by **14 October 2023**.
  
- 2. Completion of a Grant Acquittal Statement - Attachment C**

By signing the Grant Acquittal Statement, the CEO certifies that:

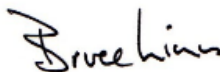
  - a. Grants received have been applied in accordance with the Board's conditions.
  - b. The annual Finance Survey was completed and submitted.

**Please return via email the completed Grant Acquittal Statement by 14 October 2023 to**

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

For further information on the grant allocation or the acquittal process for your library, please contact Dorothy Tsatsos, Senior Finance Officer Public Library Services, via email at [DLPLSFinance@sa.gov.au](mailto:DLPLSFinance@sa.gov.au) or by telephone 7424 6273.

Yours sincerely



Bruce Linn AM  
Chair  
Libraries Board of South Australia

OFFICIAL: Sensitive

## Attachment A - Conditions of the Libraries Board Grant Funding

### 1. Materials Grant

- a. The Materials Grant is managed by PLS and is expended through the centralised acquisitions system.
- b. Materials purchased with the Materials Grant become the property of the council on delivery to the library but must continue to be made available for state-wide use free of any charge in line with the Act, and within established consortium access rules.
- c. Up to 30% of the Materials Grant can be claimed by libraries to be used as **Board Local Purchase**<sup>49</sup> funds under the following conditions:
  - i. Submit a completed Materials Program Form to PLS by **7 October 2023**
  - ii. Board Local Purchase funds will be paid to libraries as part of the grant allocation EFT payment to be managed by the library.
  - iii. Board Local Purchase funds must be used to purchase library materials i.e. books, magazines and newspapers, Audio Visual materials, etc. for public library use.
  - iv. Materials purchased with Board Local Purchase funds must be made available for state-wide use. Local collections that are not shared across the Network cannot be purchased with Board Local Purchase funding<sup>50</sup>.
  - v. Board Local Purchase funds cannot be used for purchasing subscriptions to online resources that are already provided in the statewide digital collection.
  - vi. Annual grant reporting through the Finance Survey must provide evidence that these funds have been expended for this purpose. PLS will continue to monitor the use of Board Local Purchase funds on behalf of the Board.
- d. **Levies** are agreed to by a vote of Network Library Managers and then recommended to the Board. These funds are managed by PLS for expenditure on the agreed state-wide, shared collections and projects. These levies are currently used to fund community languages and to purchase e-books and e-Audio material and fund state-wide subscriptions to a range of digital resources.
- e. **Council Material Contributions** are council funds for purchasing library material in addition to Board funded material. These council contributions can be provided to PLS for inclusion in the centralised acquisitions system, allowing the council to benefit from economies of scale achieved through the consortium contracts. All materials purchased through the centralised acquisitions system must be made available for state-wide use free of any charge in line with the Act and with established consortium access rules.

### 2. Operating Subsidy

- a. The subsidy is provided to councils to offset some of the library's operational costs associated with network focussed functions.
- b. These funds must be used for public library purposes i.e:
  - i. Staffing cost to manage collection reservations and inter-library loans across the network
  - ii. Staffing cost to manage and maintain the library collection
  - iii. Technology such as smart TV's and screens to provide access to webinars or other online presentations and resources; portable devices (laptops, ipads, tablets) for public use; technology that supports digital literacy programs, e.g. virtual reality.
  - iv. Library programs, events and festivals with a focus on literacy and learning
- c. In accordance with the Collaboration Agreement, funds will be transferred to councils

<sup>49</sup> Library materials purchased locally (outside of the centralised acquisition system) with Materials Grant funding

<sup>50</sup> Local collections such as toys, local history, seed libraries, sports equipment, parenting packs, STEAM kits, etc

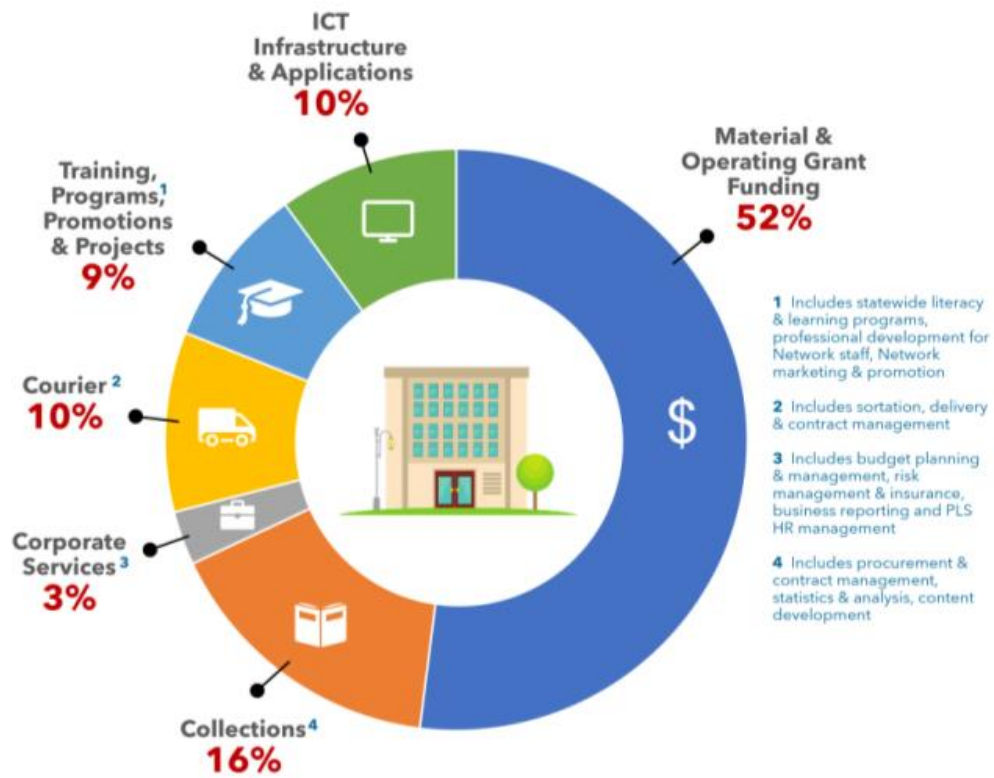
**OFFICIAL: Sensitive**

- d. Annual grant reporting through the Finance Survey must provide evidence that these funds have been expended for public library purposes.
3. **One Card Library Management System Annual Maintenance and support products** costs are deducted from council operating grant funding before payment is made.
4. **Community Information funds** are provided to School Community Libraries to support the gathering and dissemination of local information about community organisations, activities and events.
5. **Council Operating Contributions for School Community Libraries.** The calculation of the value of these funds is based on council population. The Board determines the amount each council will contribute on an annual basis. As part of their financial return councils with School Community Libraries are required to declare that they have contributed these funds to the operations of the library.
6. Funds are provided to councils with the requirement that any funds unspent at the end of a financial year will be made available to the library for the purpose of which they have been granted in subsequent financial years.
7. In keeping with standard grant acquittal processes, recipients of funds are to complete an annual Finance Survey (due on **14 October 2023**) and provide the Board with a **Grant Acquittal Statement** authorised by the Council CEO by **14 October 2023** to certify that the funds provided have been expended in accordance with these grant requirements.

OFFICIAL: Sensitive

Attachment B - Centralised services provided by Public Library Services

### Services provided by Public Library Services



OFFICIAL: Sensitive

Attachment C –Grant Acquittal Statement

LIBRARIES BOARD OF SOUTH AUSTRALIA

2022-2023 LIBRARY GRANTS ACQUITTAL

Ardrossan School Community Library

Council: Yorke Peninsula Council  
Address: 14 Second Street Ardrossan SA 5571

Contact Person for enquiries:-

Name: \_\_\_\_\_ Position: \_\_\_\_\_  
Contact Phone: \_\_\_\_\_ Contact E-mail: \_\_\_\_\_

Library Materials (Local Purchase): \$3,481

Council Operating Contributions: \$18,863

Community Information grant: \$1,003

I certify that:

- the above grants were used for the purpose for which they were provided
- local purchase funds were used to procure library materials that were made available for state-wide usage and any unspent funds will be expended for this purpose during 2023-2024
- the Council contributed the prescribed funds to the operating of the Library Services
- the annual Financial Survey was submitted by 14 October 2023

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title  
Chief Executive Officer/Chief Finance Officer (please circle)

Title:  
School Principal  
(for School Community Libraries only)

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Please email to:  
Dorothy Tsatsos, Senior Finance Officer  
[DLPLSFinance@sa.gov.au](mailto:DLPLSFinance@sa.gov.au)  
by 14 October 2023



**OFFICIAL: Sensitive**



20 September 2023

Mr Andrew Cameron  
Chief Executive Officer  
Yorke Peninsula Council  
Central Yorke School Maitland SA 5573

Public Library Services  
North Terrace, Adelaide, South Australia  
GPO Box 1971, Adelaide SA 5001  
phone: (08) 8348 2311  
contactPLS@sa.gov.au  
www.libraries.sa.gov.au

Dear Mr Cameron,

**RE: Public Libraries Grant Allocations for 2023-2024 and Acquittal for 2022-2023**

Under the *Libraries Act 1982* (Act), the Libraries Board of South Australia (Board) is responsible for the distribution of State Government grants to councils for the provision of public library services to their communities.

In June 2023, the Board advised councils that the 2023-2024 State Government grant allocation for public libraries is \$20,710,000, which is consistent with the terms of the Collaboration Agreement<sup>6</sup> between the Board and the Local Government Association (LGA). The total library grants to councils have remained consistent with the previous year's allocation but reflect changes in populations across all councils in the State.

The Board provides funding to your council under the conditions listed in **Attachment A**.

**Materials Grant**

The State Government provides a materials grant to fulfill the following objective under the Act: *"To ensure that the community has available to it adequate research and information services providing access to library materials and information stored in libraries and other institutions both within and outside the State"*.

- The Materials Grant (GST Free) is **\$11,351**

These funds are for the purchase of library materials and are retained by Public Library Services (PLS<sup>7</sup>) to be expended through a central acquisition system. The grant also supports state-wide digital resources and shared collections.

**Other Grants**

The Libraries Board will pay your library's proportional contribution for the development of additional products and the annual maintenance costs of the One Card Library Management System (LMS) software fee totalling **\$1,116** (excluding GST).

The Community Information Grant is (GST Free) is **\$1,036**

<sup>6</sup> A copy of the agreement is available from your Library Manager

<sup>7</sup> A business unit in the State Library delivering direct services to public libraries in the Network

**OFFICIAL: Sensitive**

### **Council Operating Contribution**

It is a condition of the School Community Library Agreement, and the provision of the Libraries Board funding, that these funds are provided to the library and expended on its operations during the 2023-2024 year.

For 2023-2024 your Councils financial contribution to the operations of the School Community Library is based on a population of **2,605** and will be a minimum of **\$19,787**

Separate advice has been provided to your Library Manager regarding State Government funding support. This includes information regarding agreed contributions for specified shared state-wide collections and projects.

### **Centralised services to public libraries**

In addition to the funds provided in direct grants to Councils, the Board through PLS provides a range of state-wide services to public libraries funded by the State Government.

A summary of PLS services is displayed in **Attachment B**. Information on current projects can be found in the Network's Annual Key Projects and Training Plan, available from your Library Manager.

The key outcomes of centralised service provision include regular reviews of contract performance, i.e., collection material and ICT infrastructure to leverage economies of scale; as well as identifying opportunities for continuous improvement and efficiency gains that will benefit all public libraries in the Network.

### **One Card 2.0 Collections Reform Program**

In my letter to your council in June 2023, your administration was informed of the Board's intent to undertake a strategic reform program to ensure the significant collections held by public libraries across the state, including the State Library, are developed, managed, and preserved in a cohesive and efficient manner. This reform program will target collection practices across the sector to achieve enhanced accountability, efficiency gains and integrated planning. This will be achieved through the implementation of savings and non-savings reform streams to deliver maximum benefit to the community.

The Board is currently in the planning stages of an extensive consultation process that will include all relevant stakeholders. The LGA is a significant partner in the process and will be actively involved in this reform program. More information will follow in the coming months.

### **Grant Acquittal 2022-2023**

The Board is responsible for ensuring that appropriate reporting requirements are in place to satisfy the Minister that the grant is used effectively and efficiently and only for the purpose for which it was made<sup>8</sup>.

---

<sup>8</sup> Treasurer's Instruction 15, clause 15.10.3

**OFFICIAL: Sensitive**

**Attachment A** details the conditions of the State Government's grants to councils for the provision of public library services.

The Grant Acquittal process consists of:

- 1. Completion of an annual Finance Survey**
  - a. This survey is sent via an electronic link to your library manager for completion.
  - b. The financial data entered must be verified by council's Chief Financial Officer or equivalent and the survey returned electronically by **14 October 2023**.
  
- 2. Completion of a Grant Acquittal Statement - Attachment C**

By signing the Grant Acquittal Statement, the CEO certifies that:

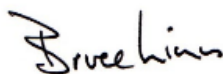
  - a. Grants received have been applied in accordance with the Board's conditions.
  - b. The annual Finance Survey was completed and submitted.

**Please return via email the completed Grant Acquittal Statement by 14 October 2023 to**

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

For further information on the grant allocation or the acquittal process for your library, please contact Dorothy Tsatsos, Senior Finance Officer Public Library Services, via email at [DLPLSFinance@sa.gov.au](mailto:DLPLSFinance@sa.gov.au) or by telephone 7424 6273.

Yours sincerely



Bruce Linn AM  
Chair  
Libraries Board of South Australia

OFFICIAL: Sensitive

## Attachment A - Conditions of the Libraries Board Grant Funding

### 1. Materials Grant

- a. The Materials Grant is managed by PLS and is expended through the centralised acquisitions system.
- b. Materials purchased with the Materials Grant become the property of the council on delivery to the library but must continue to be made available for state-wide use free of any charge in line with the Act, and within established consortium access rules.
- c. Up to 30% of the Materials Grant can be claimed by libraries to be used as **"Board Local Purchase"** funds under the following conditions:
  - i. Submit a completed Materials Program Form to PLS by **7 October 2023**
  - ii. Board Local Purchase funds will be paid to libraries as part of the grant allocation EFT payment to be managed by the library.
  - iii. Board Local Purchase funds must be used to purchase library materials i.e. books, magazines and newspapers, Audio Visual materials, etc. for public library use.
  - iv. Materials purchased with Board Local Purchase funds must be made available for state-wide use. Local collections that are not shared across the Network cannot be purchased with Board Local Purchase funding<sup>10</sup>.
  - v. Board Local Purchase funds cannot be used for purchasing subscriptions to online resources that are already provided in the statewide digital collection.
  - vi. Annual grant reporting through the Finance Survey must provide evidence that these funds have been expended for this purpose. PLS will continue to monitor the use of Board Local Purchase funds on behalf of the Board.
- d. **Levies** are agreed to by a vote of Network Library Managers and then recommended to the Board. These funds are managed by PLS for expenditure on the agreed state-wide, shared collections and projects. These levies are currently used to fund community languages and to purchase e-books and e-Audio material and fund state-wide subscriptions to a range of digital resources.
- e. **Council Material Contributions** are council funds for purchasing library material in addition to Board funded material. These council contributions can be provided to PLS for inclusion in the centralised acquisitions system, allowing the council to benefit from economies of scale achieved through the consortium contracts. All materials purchased through the centralised acquisitions system must be made available for state-wide use free of any charge in line with the Act and with established consortium access rules.

### 2. Operating Subsidy

- a. The subsidy is provided to councils to offset some of the library's operational costs associated with network focussed functions.
- b. These funds must be used for public library purposes i.e:
  - i. Staffing cost to manage collection reservations and inter-library loans across the network
  - ii. Staffing cost to manage and maintain the library collection
  - iii. Technology such as smart TV's and screens to provide access to webinars or other online presentations and resources; portable devices (laptops, ipads, tablets) for public use; technology that supports digital literacy programs, e.g. virtual reality.
  - iv. Library programs, events and festivals with a focus on literacy and learning
- c. In accordance with the Collaboration Agreement, funds will be transferred to councils

<sup>9</sup> Library materials purchased locally (outside of the centralised acquisition system) with Materials Grant funding

<sup>10</sup> Local collections such as toys, local history, seed libraries, sports equipment, parenting packs, STEAM kits, etc

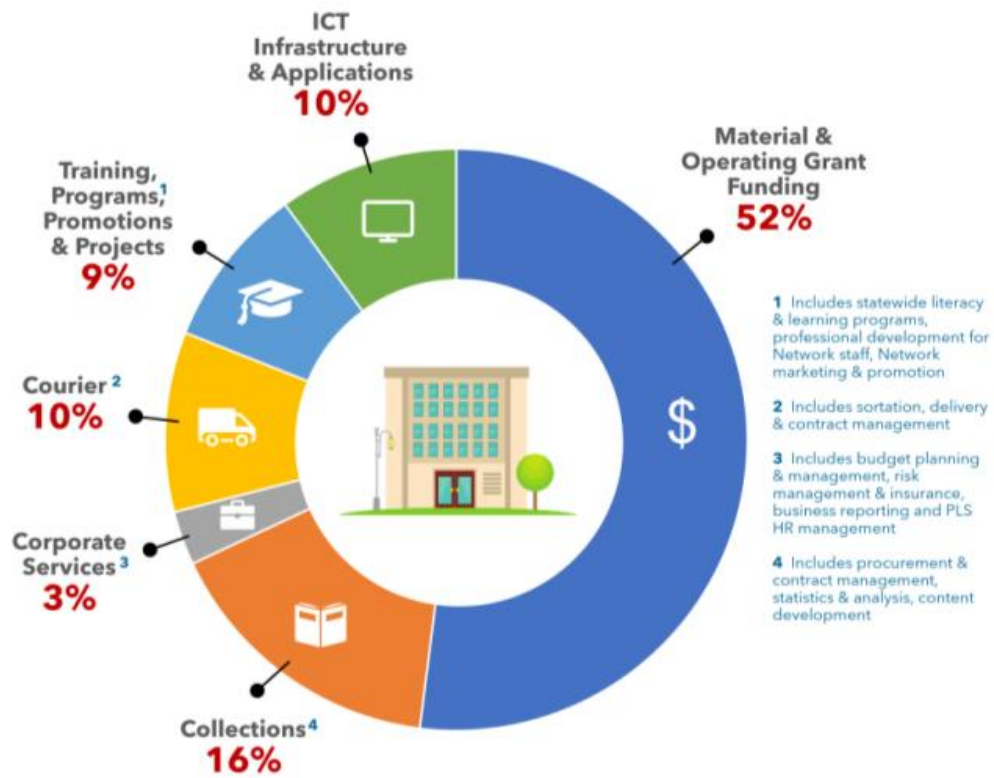
**OFFICIAL: Sensitive**

- d. Annual grant reporting through the Finance Survey must provide evidence that these funds have been expended for public library purposes.
3. **One Card Library Management System Annual Maintenance and support products** costs are deducted from council operating grant funding before payment is made.
4. **Community Information funds** are provided to School Community Libraries to support the gathering and dissemination of local information about community organisations, activities and events.
5. **Council Operating Contributions for School Community Libraries.** The calculation of the value of these funds is based on council population. The Board determines the amount each council will contribute on an annual basis. As part of their financial return councils with School Community Libraries are required to declare that they have contributed these funds to the operations of the library.
6. Funds are provided to councils with the requirement that any funds unspent at the end of a financial year will be made available to the library for the purpose of which they have been granted in subsequent financial years.
7. In keeping with standard grant acquittal processes, recipients of funds are to complete an annual Finance Survey (due on **14 October 2023**) and provide the Board with a **Grant Acquittal Statement** authorised by the Council CEO by **14 October 2023** to certify that the funds provided have been expended in accordance with these grant requirements.

OFFICIAL: Sensitive

Attachment B - Centralised services provided by Public Library Services

### Services provided by Public Library Services



OFFICIAL: Sensitive

Attachment C –Grant Acquittal Statement

LIBRARIES BOARD OF SOUTH AUSTRALIA

2022-2023 LIBRARY GRANTS ACQUITTAL

Central Yorke Peninsula (Maitland) Community Library

Council: Yorke Peninsula Council  
Address: Central Yorke School Maitland SA 5573

Contact Person for enquiries:-

Name: Position:  
Contact Phone: Contact E-mail:

Library Materials (Local Purchase): \$3,480

Council Operating Contributions: \$18,863

Community Information grant: \$1,003

I certify that:

- the above grants were used for the purpose for which they were provided
- local purchase funds were used to procure library materials that were made available for state-wide usage and any unspent funds will be expended for this purpose during 2023-2024
- the Council contributed the prescribed funds to the operating of the Library Services
- the annual Financial Survey was submitted by 14 October 2023

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title  
Chief Executive Officer/Chief Finance Officer (please circle)

Title:  
School Principal  
(for School Community Libraries only)

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Please email to:  
Dorothy Tsatsos, Senior Finance Officer  
[DLPLSFinance@sa.gov.au](mailto:DLPLSFinance@sa.gov.au)  
by 14 October 2023



OFFICIAL: Sensitive



20 September 2023

Mr Andrew Cameron  
Chief Executive Officer  
Yorke Peninsula Council  
2 North Terrace Minlaton SA 5575

Public Library Services  
North Terrace, Adelaide, South Australia  
GPO Box 1971, Adelaide SA 5001  
phone: (08) 8348 2311  
contactPLS@sa.gov.au  
www.libraries.sa.gov.au

Dear Mr Cameron,

### **RE: Public Libraries Grant Allocations for 2023-2024 and Acquittal for 2022-2023**

Under the *Libraries Act 1982* (Act), the Libraries Board of South Australia (Board) is responsible for the distribution of State Government grants to councils for the provision of public library services to their communities.

In June 2023, the Board advised councils that the 2023-2024 State Government grant allocation for public libraries is \$20,710,000, which is consistent with the terms of the Collaboration Agreement<sup>1</sup> between the Board and the Local Government Association (LGA). The total library grants to councils have remained consistent with the previous year's allocation but reflect changes in populations across all councils in the State.

The Board provides funding to your council under the conditions listed in **Attachment A**.

#### **Materials Grant**

The State Government provides a materials grant to fulfill the following objective under the Act: *"To ensure that the community has available to it adequate research and information services providing access to library materials and information stored in libraries and other institutions both within and outside the State"*.

- The Materials Grant (GST Free) is **\$11,613**

These funds are for the purchase of library materials and are retained by Public Library Services (PLS<sup>2</sup>) to be expended through a central acquisition system. The grant also supports state-wide digital resources and shared collections.

#### **Other Grants**

The Libraries Board will pay your library's proportional contribution for the development of additional products and the annual maintenance costs of the One Card Library Management System (LMS) software fee totalling **\$1,137** (excluding GST).

The Community Information Grant is (GST Free) is **\$1,059**

<sup>1</sup> A copy of the agreement is available from your Library Manager

<sup>2</sup> A business unit in the State Library delivering direct services to public libraries in the Network



OFFICIAL: Sensitive

**Council Operating Contribution**

It is a condition of the School Community Library Agreement, and the provision of the Libraries Board funding, that these funds are provided to the library and expended on its operations during the 2023-2024 year.

For 2023-2024 your Councils financial contribution to the operations of the School Community Library is based on a population of **2,665** and will be a minimum of **\$20,196**

Separate advice has been provided to your Library Manager regarding State Government funding support. This includes information regarding agreed contributions for specified shared state-wide collections and projects.

**Centralised services to public libraries**

In addition to the funds provided in direct grants to Councils, the Board through PLS provides a range of state-wide services to public libraries funded by the State Government.

A summary of PLS services is displayed in **Attachment B**. Information on current projects can be found in the Network's Annual Key Projects and Training Plan, available from your Library Manager.

The key outcomes of centralised service provision include regular reviews of contract performance, i.e., collection material and ICT infrastructure to leverage economies of scale; as well as identifying opportunities for continuous improvement and efficiency gains that will benefit all public libraries in the Network.

**One Card 2.0 Collections Reform Program**

In my letter to your council in June 2023, your administration was informed of the Board's intent to undertake a strategic reform program to ensure the significant collections held by public libraries across the state, including the State Library, are developed, managed, and preserved in a cohesive and efficient manner. This reform program will target collection practices across the sector to achieve enhanced accountability, efficiency gains and integrated planning. This will be achieved through the implementation of savings and non-savings reform streams to deliver maximum benefit to the community.

The Board is currently in the planning stages of an extensive consultation process that will include all relevant stakeholders. The LGA is a significant partner in the process and will be actively involved in this reform program. More information will follow in the coming months.

**Grant Acquittal 2022-2023**

The Board is responsible for ensuring that appropriate reporting requirements are in place to satisfy the Minister that the grant is used effectively and efficiently and only for the purpose for which it was made<sup>3</sup>.

**Attachment A** details the conditions of the State Government's grants to councils for the provision of public library services.

---

<sup>3</sup> Treasurer's Instruction 15, clause 15.10.3

OFFICIAL: Sensitive

The Grant Acquittal process consists of:

**1. Completion of an annual Finance Survey**

- a. This survey is sent via an electronic link to your library manager for completion.
- b. The financial data entered must be verified by council's Chief Financial Officer or equivalent and the survey returned electronically by **14 October 2023**.

**2. Completion of a Grant Acquittal Statement - Attachment C**

By signing the Grant Acquittal Statement, the CEO certifies that:

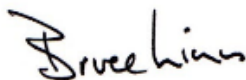
- a. Grants received have been applied in accordance with the Board's conditions.
- b. The annual Finance Survey was completed and submitted.

**Please return via email the completed Grant Acquittal Statement by 14 October 2023 to**

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

For further information on the grant allocation or the acquittal process for your library, please contact Dorothy Tsatsos, Senior Finance Officer Public Library Services, via email at [DLPLSFinance@sa.gov.au](mailto:DLPLSFinance@sa.gov.au) or by telephone 7424 6273.

Yours sincerely



Bruce Linn AM  
Chair  
Libraries Board of South Australia

OFFICIAL: Sensitive

## Attachment A - Conditions of the Libraries Board Grant Funding

### 1. Materials Grant

- a. The Materials Grant is managed by PLS and is expended through the centralised acquisitions system.
- b. Materials purchased with the Materials Grant become the property of the council on delivery to the library but must continue to be made available for state-wide use free of any charge in line with the Act, and within established consortium access rules.
- c. Up to 30% of the Materials Grant can be claimed by libraries to be used as "**Board Local Purchase**"<sup>4</sup> funds under the following conditions:
  - i. Submit a completed Materials Program Form to PLS by **7 October 2023**.
  - ii. Board Local Purchase funds will be paid to libraries as part of the grant allocation EFT payment to be managed by the library.
  - iii. Board Local Purchase funds must be used to purchase library materials i.e. books, magazines and newspapers, Audio Visual materials, etc. for public library use.
  - iv. Materials purchased with Board Local Purchase funds must be made available for state-wide use. Local collections that are not shared across the Network cannot be purchased with Board Local Purchase funding<sup>5</sup>.
  - v. Board Local Purchase funds cannot be used for purchasing subscriptions to online resources that are already provided in the statewide digital collection.
  - vi. Annual grant reporting through the Finance Survey must provide evidence that these funds have been expended for this purpose. PLS will continue to monitor the use of Board Local Purchase funds on behalf of the Board.
- d. **Levies** are agreed to by a vote of Network Library Managers and then recommended to the Board. These funds are managed by PLS for expenditure on the agreed state-wide, shared collections and projects. These levies are currently used to fund community languages and to purchase e-books and e-Audio material and fund state-wide subscriptions to a range of digital resources.
- e. **Council Material Contributions** are council funds for purchasing library material in addition to Board funded material. These council contributions can be provided to PLS for inclusion in the centralised acquisitions system, allowing the council to benefit from economies of scale achieved through the consortium contracts. All materials purchased through the centralised acquisitions system must be made available for state-wide use free of any charge in line with the Act and with established consortium access rules.

### 2. Operating Subsidy

- a. The subsidy is provided to councils to offset some of the library's operational costs associated with network focussed functions.
- b. These funds must be used for public library purposes i.e:
  - i. Staffing cost to manage collection reservations and inter-library loans across the network
  - ii. Staffing cost to manage and maintain the library collection
  - iii. Technology such as smart TV's and screens to provide access to webinars or other online presentations and resources; portable devices (laptops, ipads, tablets) for public use; technology that supports digital literacy programs, e.g. virtual reality.
  - iv. Library programs, events and festivals with a focus on literacy and learning
- c. In accordance with the Collaboration Agreement, funds will be transferred to councils

---

<sup>4</sup> Library materials purchased locally (outside of the centralised acquisition system) with Materials Grant funding

<sup>5</sup> Local collections such as toys, local history, seed libraries, sports equipment, parenting packs, STEAM kits, etc

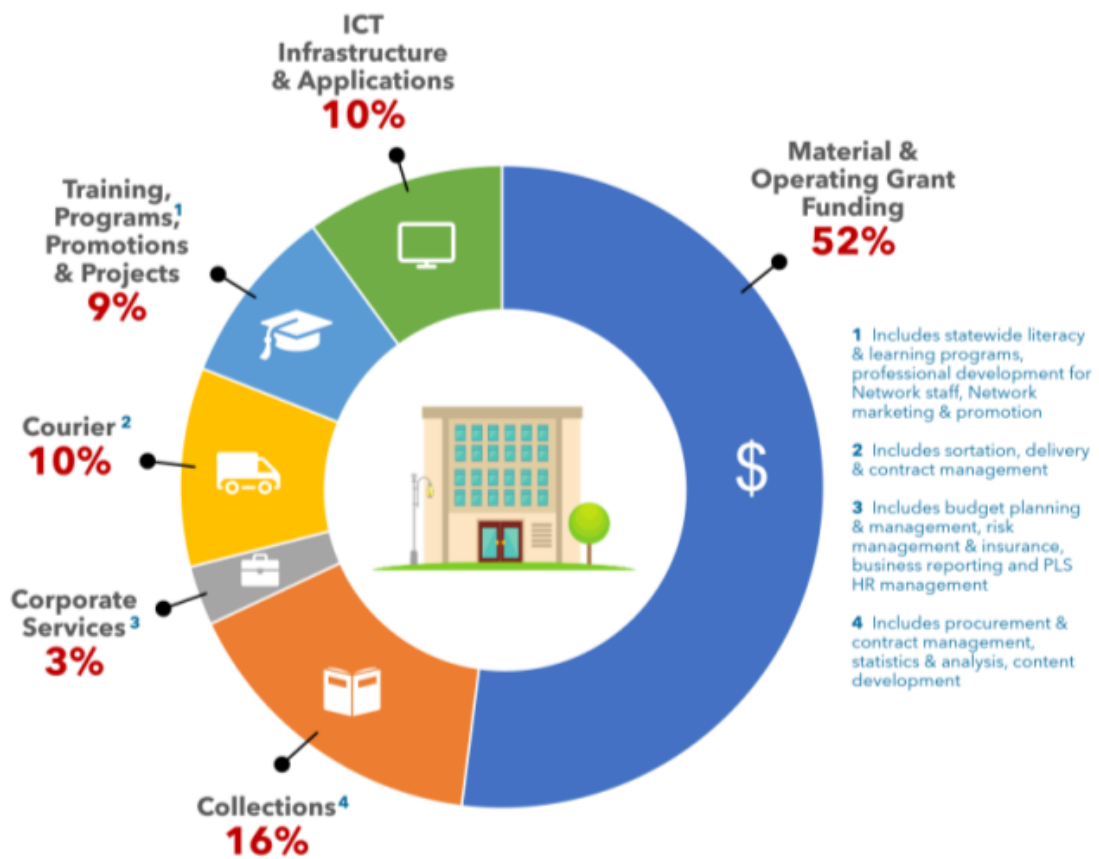
OFFICIAL: Sensitive

- d. Annual grant reporting through the Finance Survey must provide evidence that these funds have been expended for public library purposes.
3. **One Card Library Management System Annual Maintenance and support products** costs are deducted from council operating grant funding before payment is made.
4. **Community Information funds** are provided to School Community Libraries to support the gathering and dissemination of local information about community organisations, activities and events.
5. **Council Operating Contributions for School Community Libraries.** The calculation of the value of these funds is based on council population. The Board determines the amount each council will contribute on an annual basis. As part of their financial return councils with School Community Libraries are required to declare that they have contributed these funds to the operations of the library.
6. Funds are provided to councils with the requirement that any funds unspent at the end of a financial year will be made available to the library for the purpose of which they have been granted in subsequent financial years.
7. In keeping with standard grant acquittal processes, recipients of funds are to complete an annual Finance Survey (due on **14 October 2023**) and provide the Board with a **Grant Acquittal Statement** authorised by the Council CEO by **14 October 2023** to certify that the funds provided have been expended in accordance with these grant requirements.

OFFICIAL: Sensitive

Attachment B - Centralised services provided by Public Library Services

### Services provided by Public Library Services



OFFICIAL: Sensitive

Attachment C –Grant Acquittal Statement

LIBRARIES BOARD OF SOUTH AUSTRALIA

2022-2023 LIBRARY GRANTS ACQUITTAL

Minlaton School Community Library

Council: Yorke Peninsula Council  
Address: 2 North Terrace Minlaton SA 5575

Contact Person for enquiries:-

Name: Position:  
Contact Phone: Contact E-mail:

Council Operating Contributions: \$19,268

Community Information grant: \$1,027

I certify that:

- the above grants were used for the purpose for which they were provided
- the Council contributed the prescribed funds to the operating of the Library Services
- the annual Financial Survey was submitted by 14 October 2023

Signature: \_\_\_\_\_

Signature \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title:  
Chief Executive Officer/Chief Finance Officer (please circle)

Title:  
School Principal  
(for School Community Libraries only)

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Please email to:  
Dorothy Tsatsos, Senior Finance Officer  
[DLPLSFinance@sa.gov.au](mailto:DLPLSFinance@sa.gov.au)  
by 14 October 2023

OFFICIAL: Sensitive



20 September 2023

Mr Andrew Cameron  
Chief Executive Officer  
Yorke Peninsula Council  
Yorke Peninsula Area School Stansbury Road Yorketown SA 5576

Public Library Services  
North Terrace, Adelaide, South Australia  
GPO Box 1971, Adelaide SA 5001  
phone: (08) 8348 2311  
contactPLS@sa.gov.au  
www.libraries.sa.gov.au

Dear Mr Cameron,

**RE: Public Libraries Grant Allocations for 2023-2024 and Acquittal for 2022-2023**

Under the *Libraries Act 1982* (Act), the Libraries Board of South Australia (Board) is responsible for the distribution of State Government grants to councils for the provision of public library services to their communities.

In June 2023, the Board advised councils that the 2023-2024 State Government grant allocation for public libraries is \$20,710,000, which is consistent with the terms of the Collaboration Agreement<sup>31</sup> between the Board and the Local Government Association (LGA). The total library grants to councils have remained consistent with the previous year's allocation but reflect changes in populations across all councils in the State.

The Board provides funding to your council under the conditions listed in **Attachment A**.

**Materials Grant**

The State Government provides a materials grant to fulfill the following objective under the Act: *"To ensure that the community has available to it adequate research and information services providing access to library materials and information stored in libraries and other institutions both within and outside the State"*.

- The Materials Grant (GST Free) is **\$16,045**

These funds are for the purchase of library materials and are retained by Public Library Services (PLS<sup>32</sup>) to be expended through a central acquisition system. The grant also supports state-wide digital resources and shared collections.

**Other Grants**

The Libraries Board will pay your library's proportional contribution for the development of additional products and the annual maintenance costs of the One Card Library Management System (LMS) software fee totalling **\$1,645** (excluding GST).

The Community Information Grant is (GST Free) is **\$1,610**

---

<sup>31</sup> A copy of the agreement is available from your Library Manager

<sup>32</sup> A business unit in the State Library delivering direct services to public libraries in the Network



OFFICIAL: Sensitive

### **Council Operating Contribution**

It is a condition of the School Community Library Agreement, and the provision of the Libraries Board funding, that these funds are provided to the library and expended on its operations during the 2023-2024 year.

For 2023-2024 your Councils financial contribution to the operations of the School Community Library is based on a population of **4,050** and will be a minimum of **\$29,654**

Separate advice has been provided to your Library Manager regarding State Government funding support. This includes information regarding agreed contributions for specified shared state-wide collections and projects.

### **Centralised services to public libraries**

In addition to the funds provided in direct grants to Councils, the Board through PLS provides a range of state-wide services to public libraries funded by the State Government.

A summary of PLS services is displayed in **Attachment B**. Information on current projects can be found in the Network's Annual Key Projects and Training Plan, available from your Library Manager.

The key outcomes of centralised service provision include regular reviews of contract performance, i.e., collection material and ICT infrastructure to leverage economies of scale; as well as identifying opportunities for continuous improvement and efficiency gains that will benefit all public libraries in the Network.

### **One Card 2.0 Collections Reform Program**

In my letter to your council in June 2023, your administration was informed of the Board's intent to undertake a strategic reform program to ensure the significant collections held by public libraries across the state, including the State Library, are developed, managed, and preserved in a cohesive and efficient manner. This reform program will target collection practices across the sector to achieve enhanced accountability, efficiency gains and integrated planning. This will be achieved through the implementation of savings and non-savings reform streams to deliver maximum benefit to the community.

The Board is currently in the planning stages of an extensive consultation process that will include all relevant stakeholders. The LGA is a significant partner in the process and will be actively involved in this reform program. More information will follow in the coming months.

### **Grant Acquittal 2022-2023**

The Board is responsible for ensuring that appropriate reporting requirements are in place to satisfy the Minister that the grant is used effectively and efficiently and only for the purpose for which it was made<sup>33</sup>.

---

<sup>33</sup> Treasurer's Instruction 15, clause 15.10.3



OFFICIAL: Sensitive

**Attachment A** details the conditions of the State Government's grants to councils for the provision of public library services.

The Grant Acquittal process consists of:

**1. Completion of an annual Finance Survey**

- a. This survey is sent via an electronic link to your library manager for completion.
- b. The financial data entered must be verified by council's Chief Financial Officer or equivalent and the survey returned electronically by **14 October 2023**.

**2. Completion of a Grant Acquittal Statement - Attachment C**

By signing the Grant Acquittal Statement, the CEO certifies that:

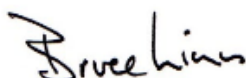
- a. Grants received have been applied in accordance with the Board's conditions.
- b. The annual Finance Survey was completed and submitted.

**Please return via email the completed Grant Acquittal Statement by 14 October 2023 to**

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

For further information on the grant allocation or the acquittal process for your library, please contact Dorothy Tsatsos, Senior Finance Officer Public Library Services, via email at [DLPLSFinance@sa.gov.au](mailto:DLPLSFinance@sa.gov.au) or by telephone 7424 6273.

Yours sincerely



Bruce Linn AM  
Chair  
Libraries Board of South Australia

OFFICIAL: Sensitive

## Attachment A - Conditions of the Libraries Board Grant Funding

### 1. Materials Grant

- a. The Materials Grant is managed by PLS and is expended through the centralised acquisitions system.
- b. Materials purchased with the Materials Grant become the property of the council on delivery to the library but must continue to be made available for state-wide use free of any charge in line with the Act, and within established consortium access rules.
- c. Up to 30% of the Materials Grant can be claimed by libraries to be used as **"Board Local Purchase"**<sup>34</sup> funds under the following conditions:
  - i. Submit a completed Materials Program Form to PLS by **7 October 2023**.
  - ii. Board Local Purchase funds will be paid to libraries as part of the grant allocation EFT payment to be managed by the library.
  - iii. Board Local Purchase funds must be used to purchase library materials i.e. books, magazines and newspapers, Audio Visual materials, etc. for public library use.
  - iv. Materials purchased with Board Local Purchase funds must be made available for state-wide use. Local collections that are not shared across the Network cannot be purchased with Board Local Purchase funding<sup>35</sup>.
  - v. Board Local Purchase funds cannot be used for purchasing subscriptions to online resources that are already provided in the statewide digital collection.
  - vi. Annual grant reporting through the Finance Survey must provide evidence that these funds have been expended for this purpose. PLS will continue to monitor the use of Board Local Purchase funds on behalf of the Board.
- d. **Levies** are agreed to by a vote of Network Library Managers and then recommended to the Board. These funds are managed by PLS for expenditure on the agreed state-wide, shared collections and projects. These levies are currently used to fund community languages and to purchase e-books and e-Audio material and fund state-wide subscriptions to a range of digital resources.
- e. **Council Material Contributions** are council funds for purchasing library material in addition to Board funded material. These council contributions can be provided to PLS for inclusion in the centralised acquisitions system, allowing the council to benefit from economies of scale achieved through the consortium contracts. All materials purchased through the centralised acquisitions system must be made available for state-wide use free of any charge in line with the Act and with established consortium access rules.

### 2. Operating Subsidy

- a. The subsidy is provided to councils to offset some of the library's operational costs associated with network focussed functions.
- b. These funds must be used for public library purposes i.e:
  - i. Staffing cost to manage collection reservations and inter-library loans across the network
  - ii. Staffing cost to manage and maintain the library collection
  - iii. Technology such as smart TV's and screens to provide access to webinars or other online presentations and resources; portable devices (laptops, ipads, tablets) for public use; technology that supports digital literacy programs, e.g. virtual reality.
  - iv. Library programs, events and festivals with a focus on literacy and learning
- c. In accordance with the Collaboration Agreement, funds will be transferred to councils

---

<sup>34</sup> Library materials purchased locally (outside of the centralised acquisition system) with Materials Grant funding

<sup>35</sup> Local collections such as toys, local history, seed libraries, sports equipment, parenting packs, STEAM kits, etc

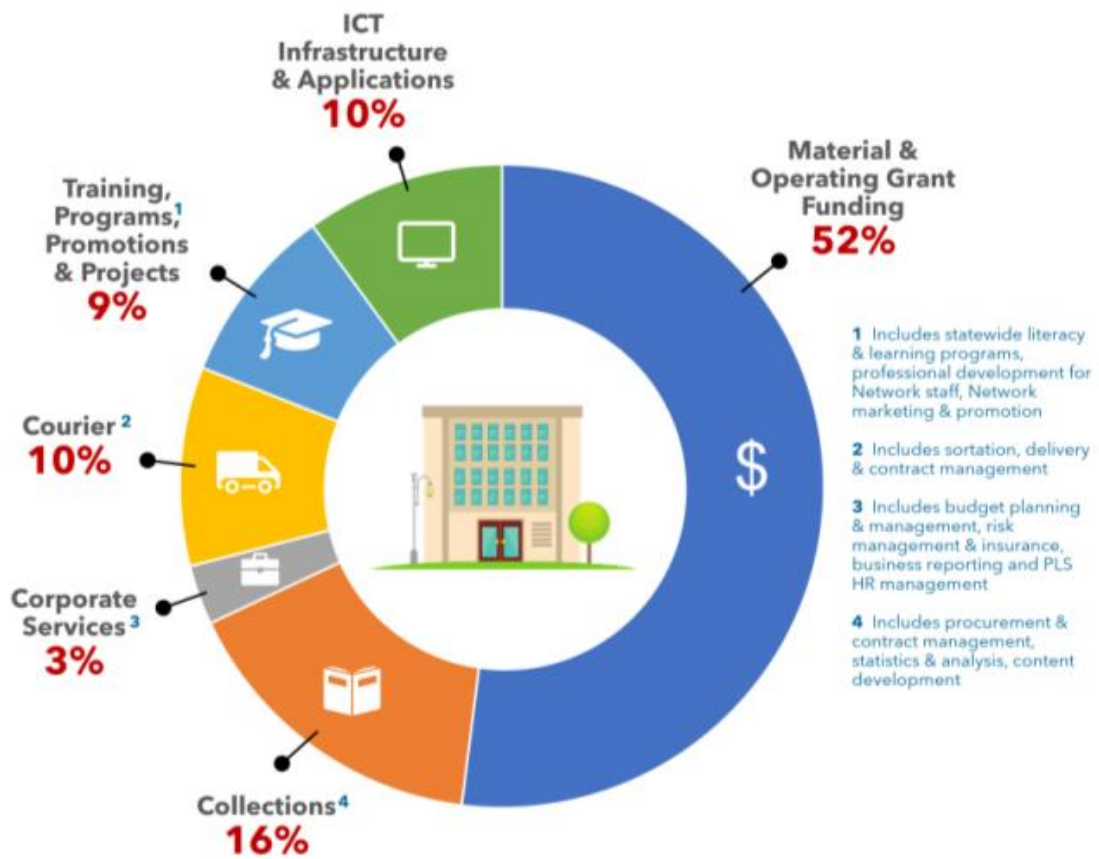
OFFICIAL: Sensitive

- d. Annual grant reporting through the Finance Survey must provide evidence that these funds have been expended for public library purposes.
3. **One Card Library Management System Annual Maintenance and support products** costs are deducted from council operating grant funding before payment is made.
4. **Community Information funds** are provided to School Community Libraries to support the gathering and dissemination of local information about community organisations, activities and events.
5. **Council Operating Contributions for School Community Libraries.** The calculation of the value of these funds is based on council population. The Board determines the amount each council will contribute on an annual basis. As part of their financial return councils with School Community Libraries are required to declare that they have contributed these funds to the operations of the library.
6. Funds are provided to councils with the requirement that any funds unspent at the end of a financial year will be made available to the library for the purpose of which they have been granted in subsequent financial years.
7. In keeping with standard grant acquittal processes, recipients of funds are to complete an annual Finance Survey (due on **14 October 2023**) and provide the Board with a **Grant Acquittal Statement** authorised by the Council CEO by **14 October 2023** to certify that the funds provided have been expended in accordance with these grant requirements.

OFFICIAL: Sensitive

Attachment B - Centralised services provided by Public Library Services

### Services provided by Public Library Services



OFFICIAL: Sensitive

Attachment C –Grant Acquittal Statement

LIBRARIES BOARD OF SOUTH AUSTRALIA

2022-2023 LIBRARY GRANTS ACQUITTAL

Yorke Peninsula Council  
Yorke Peninsula Community Library

Council: Yorke Peninsula Council

Address: Yorke Peninsula Area School Stansbury Road Yorke Peninsula SA 5576

Contact Person for enquiries:-

Name:

Position:

Contact Phone:

Contact E-mail:

Library Materials (Local Purchase): \$1,273

Council Operating Contributions: \$28,538

Community Information grant: \$1,579

I certify that:

- the above grants were used for the purpose for which they were provided
- local purchase funds were used to procure library materials that were made available for state-wide usage and any unspent funds will be expended for this purpose during 2023-2024
- the Council contributed the prescribed funds to the operating of the Library Services
- the annual Financial Survey was submitted by 14 October 2023

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title:

Chief Executive Officer/Chief Finance Officer (please circle)

Title:

School Principal

(for School Community Libraries only)

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Please email to:  
Dorothy Tsatsos, Senior Finance Officer  
[DLPLSFinance@sa.gov.au](mailto:DLPLSFinance@sa.gov.au)  
by 14 October 2023

**18 ASSETS AND INFRASTRUCTURE SERVICES****18.1 CONSTRUCTION AND MAINTENANCE WORKS REPORT****Document #:** 23/92570**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 October 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**

- North Coast Road Stage 2 is out for tender.
- Bitumen Sealing Rehabilitation Program 2023-2024 is out for tender.
- Watercart, Grader replacement and Vibratory Smooth Drum Roller are out for tender.
- Marion Bay Boat Ramp is out for tender.
- Roadside vegetation maintenance activities undertaken by Council are detailed in the table below:

Road Name	Start Point	End Point	Status
<b>North</b>			
Nalyappa Road	Coopers Beach Road	Barnes Road	Completed
<b>South</b>			
Gleasons Road	Marion Bay Road	Liddiard Road	Completed
Goldsworthy Road	Yorke Highway	Quarry Road	Completed
Twelve Mile Road	Yorke Highway	St Vincent Highway	Ongoing

- Attention to parks, gardens and reserves is ongoing, in accordance with available resources and programming.
- Approximately 77 Customer Service Requests (CSRs) have been attended to by staff throughout the reporting period, with activities including:

- Repairs to and replacement of signage: Black Point, Ardrossan, Port Clinton, Minlaton, Wauraltee.
  - Maintenance to public conveniences: Port Clinton, Maitland, Port Vincent, Port Minlacowie Bush Camp, Port Rickaby.
  - Repairs and maintenance to footpaths: Tiddy Widdy Beach, Maitland, Pot Clinton, Ardrossan, Balgowan, Port Vincent.
  - Response to acts of illegal dumping: Yorke Highway.
  - Tree maintenance and planting: Port Victoria, Coobowie, Wool Bay, Stansbury, Port Vincent.
  - Coastal infrastructure maintenance: Black Point, Port Vincent, Port Julia, Ardrossan.
  - Sealed and unsealed road maintenance: Maitland, Ardrossan, Arthurton, Black Point, Yorketown, Coobowie.
  - Maintenance to public buildings: Maitland.
  - Tree trimming: Maitland, Arthurton.
  - Weed spraying: Edithburgh, Yorketown, Wool Bay, Stansbury.
  - Playground equipment maintenance: Warooka.
  - Cemetery maintenance: Ardrossan, Maitland.
- Jetpatcher – Staff from Operation North completed a run of Jetpatching in their areas.
  - Street sweeping was undertaken in the southern sectors of the Council area.
  - The status of road construction and maintenance requirements is summarised in the table below, complementing 2023/2024 budget allocations and 2022/2023 roll overs:

Road	Description of Works	Status / Comments	Estimated Start Date	Estimated Completion Date
<b>Reconstructing and Resheeting</b>				
Kainton Road	One section of patch sheeting at 6448m <sup>2</sup>	Completed		
Mine Hill Road	Re Tyne and reform road with paddock stone from North South Road – East	Completed		
Melton South Road	Reconstruct and re sheet a 7.25 km section from Upper Yorke Road to Wayside Road	Earthworks and reforming commenced	July	November
Gleeson Road	Tyne and re-form existing material	Completed		
Corny Point Road	Reconstruct and re sheet 2400m	Earthworks Commenced	August	October
Spicers Road	Patch Re Sheeting 4 patches 1040m @8320M2	Earthworks Commenced	August	October
Sparrow Road	Patch Re Sheeting 6 patches 1482m @11856M2	Earthworks Commenced	August	October

- Patrol Grading is ongoing throughout the district aligned with the current circuit, technique, and available resources. The following list provides general information on the output levels over the past 24-day period in respective areas (sectors):

	North	Maitland	South	Central
Output (%)	98	87	75	65
<b>Factors influencing Patrol Grader Operators Productivity</b>				
Annual Leave	1 x 5 days <small>Covered by Construction</small>		1 x 1 day 1 x ½ day	1 x 6 days
Personal Leave	1 x 1 day <small>Covered by Construction</small>		1 x 1 day	
Maintenance			1 x ½ day	1 x 2 days
Staff Training	1 x ¼ day	1 x ¼ day		
Inclement Weather Inspections		1 x 3 days		

- LRCIP Stage 3 status - Twenty-two (22) projects funded under Local Roads and Community Infrastructure Program Phase Three (due 30 June 2024) work been completed with the remaining in progress.
- Further details are below.

In progress:

- Walking Trail Upgrades.
- Salt Lake Tourist Trail Upgrades.
- Lookout and Shelter – Hardwicke Bay.
- Coastal Management Strategy Projects.

Completed:

- Arthurton Main Street Beautification.
- Bush Camp Toilets.
- Beach Shelters Port Moorowie.
- Corny Point Township Walking Trail.
- Port Victoria Barbecues.
- 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 Desalinisation Plant User Pays System.
- SYP Water Tower Upgrades.
- SYP Water Tower Extension Project.
- Maitland Town Hall Upgrades.
- Maitland West Terrace Dam.
- Minlaton Rest Centre Exterior 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.
- Disability Access to Port Vincent Institute.
- Yorketown Area School Entrance Upgrade.
- Township Road Reseals.



- CWMS/Waste Water Treatment Plant (WWTP)

Maitland:

- Effluent blockage cleared Yorketown Road.
- WWTP filtration unit replacement commenced.
- Gravity drains cleaning and inspections programme continuing.

Ardrossan:

- WWTP Filtration unit replacement commenced.

Stansbury:

- WWTP Waste tank and decant tanks cleaned internally.
- Irrigation system repairs carried out.

Point Turton:

- WWTP New waste tank lid installed.

- CWMS/Desalination Plant (Desal)

Hardwicke Bay

- New tank pad completed ready for new tank construction in October.

(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 #:** 23/88744

**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 undertaken patrols, inspections and investigations regarding By-law compliance, bush camping, fire prevention, abandoned vehicles, nuisance complaints (littering and illegal dumping), pest animals (pigeons and cormorants) and dog and cat management issues.

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

There have been no reported dog attacks during the reporting period.

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

A complaint has been received regarding the continued excessive barking at a Price property. Rangers will conduct further investigations and ensure the dog owner complies with conditions which have been previously required.

Rangers attended a property at Bluff Beach in relation to a dog wandering at large. It was found the neighbour was letting the dog out to play with their dog. The practice has been stopped. Rangers will continue to monitor.

Two large dogs were reported wandering at large in Yorketown. One of the dogs was struck by a vehicle however the dog was not injured and no damage was caused to the vehicle. Investigations have resulted in the identification of the dogs. The owner will be expiated for both dogs wandering at large.

##### **Cat Control**

Council continues to receive complaints in relation to large numbers of unowned cats in James Well/Rogues Point and Balgowan. Rangers have investigated and will continue to monitor and work with the community on reducing the impact of unowned cats.

Council received a complaint in relation to numerous cats at a Price property. Rangers will investigate and monitor.

**Bush Camping**

Rangers continue to conduct patrols of bush camping reserves. The number of campers using the bush camping reserves continue to be low but are expected to increase in the next report period. There were eight show-cause Notices issued during this period.

One expiation has been issued for camping in an undesignated area on Clan Ranald Road near the Troubridge Lighthouse, Honiton.

**Boat Ramps**

Routine patrols of boat ramps were undertaken to ensure that users pay for the use of the facilities. 16 show-cause notices were issued where the launch permit/ticket could not be observed or confirmed on the EasyPark system. Cautions for failing to display the ticket are given to users who produced a valid permit/ticket and a reason as to why the ticket was not displayed. Records of cautions are maintained to determine repeat offenders.

No expiation notices were issued in relation to boat ramp usage offences.

**Traffic Management**

Rangers routinely patrol townships for breaches of the Australian Road Rules, including foot patrols, paying particular attention to disabled parking bays and vehicles parking on yellow lines and footpaths. No expiations have been issued during the report period.

**Local Nuisance and Litter Control**

Council received two complaints regarding building material being dumped at Clinton and Black Point. On both occasions the offenders could not be identified.

Rangers have been monitoring cormorant numbers and are conducting the Cormorant Management Program at Stansbury and Port Vincent prior to the busy holiday season.

Rangers are also coordinating the Pigeon Management Program in Ardrossan, Minlaton, Stansbury and Yorketown townships. Pigeon numbers continue to be monitored by Rangers.

Council received a complaint of smoke causing a nuisance in Maitland. Council's Ranger attended the property and found a pile of green waste had been lit but extinguished soon by the resident after realising there was an unacceptable amount of smoke. No further action was taken.

**Fire Prevention**

Rangers continue to input data into the Australian Fire Danger Rating System (AFDRS) developed by the Australasian Fire and Emergency Services Authorities Council (AFAC). The data is used to monitor the fuel curing rate and available fuel in tonnes per hectare. This will be done weekly until the available fuel is 100% cured over five different sites across the Council area.

Council Rangers have conducted the initial property inspections pursuant to Section 105 of *The Fire and Emergency Services Act* of all towns and settlements within the Council area. A total of 1010 Section 105f notices have been sent out to property owners to mitigate the risk of fire. This number is slightly higher than last season's inspection notices.

**ATTACHMENTS**

Nil

**19.2 ENVIRONMENTAL HEALTH OFFICER'S REPORT****Document #:** 23/91857**Department:** Development Services**PURPOSE**

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

**RECOMMENDATION**

That the report be received.

**LINK TO STRATEGIC PLAN****Goal:** 4 Community Engaged and Supported**Strategy:** 4.4 Continue delivering compliance and environmental health services and inspections**BACKGROUND**

This report provides Elected Members with information relating to activities of Council's Environmental Health Officer and matters relating to public health and food safety.

**DISCUSSION**

The Environmental Health Officer is responsible for carrying out measures for protecting the public health of the Yorke Peninsula community. This is done in part, by assessing risk(s) and enforcing and monitoring Laws and Regulations within the following areas:

**Food Safety**

- Council uses the voluntary Food Safety Rating Scheme (Scores on Doors) developed by SA Health to guide food inspections.
- Registering new permanent and temporary food businesses.
- Address food safety complaints lodged by the public.

**Wastewater Applications, Installations and Management**

- Ensuring all applications and installations of on-site wastewater disposal and community wastewater management system connections are compliant with state regulations.
- Management of any failing effluent disposal systems/illegal wastewater discharge.
- Assistance with the location of septic tanks and effluent disposal areas on site.

**Asbestos Management**

- Maintenance of Council's Asbestos Register detailing asbestos in Council owned facilities.
- Managing appropriate asbestos removal.
- Advice to the public in relation to risks associated with asbestos and the methodology for removal and disposal of asbestos.

**Living Conditions**

- Managing insanitary conditions as they arise to ensure there is no public health risk.

**Hygiene of Beauty and Skin Penetration Practices**

- Routine inspections to ensure all businesses are compliant with the South Australian Public Health Act 2011.

**Investigating Public Health Complaints/Issues**

- Food Safety recalls issued by SA Health.
- Pest and vermin issues.

**ENVIRONMENTAL HEALTH ACTIVITY STATISTICS (24 March – 21 September 2023)**

	March	April	May	June	July	August	September
<b>Food Business Routine Inspections</b>	0	0	0	0	0	0	0
<b>Food Business Follow up Inspections</b>	1	0	0	0	0	0	0
<b>Food Recalls</b>	1	3	5	5	1	5	1
<b>Complaints</b>	0	0	0	0	0	0	0
<b>Non-Compliant Wastewater Systems</b>	0	2	2	2	2	4	4
<b>Notices Issued</b>	0	0	0	0	0	0	0

**ATTACHMENTS**

Nil

**19.3 WASTEWATER SYSTEM APPLICATION DECISIONS****Document #:** 23/94847**Department:** Development Services**PURPOSE**

To inform the Elected Members of Wastewater Application decisions for the period 01 September to 30 September 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 twenty-three (23) Wastewater Applications processed for the period 1 September to 30 September 2023.

**ATTACHMENTS**

1. **Approval Listing - Wastewater System Application Decisions - 01/09/2023 - 30/09/2023**



**LIST OF WASTE CONTROL APPLICATIONS & DECISIONS ISSUED BY THE ENVIRONMENTAL HEALTH OFFICERS  
UNDER DELEGATION FOR THE PERIOD 1 SEPTEMBER TO 30 SEPTEMBER 2023**

Septic App. No.	Owner	Location	Proposal	Conditions	Assess. No	Decision Date	Applicant
050/100/2022	S E Grant	(Lot 689) 38-40 Robert Street MAITLAND	CWMS Connection	13	10173	29 September 2023	Peninsula Plumbing
050/123/2022	SD & KA Weckert	(Lot 12) 1B Ocean Parade BALGOWAN	Aerobic System	19	410035	29 September 2023	Country Living Homes
050/161/2022	D P & Ahluwalia & S J Price	(Lot 405) Black Point Drive BLACK POINT	CWMS Connection	13	405068	16 September 2023	Longridge Group
050/226/2022	Carobell Pty Ltd	(Lot 1) 9-11 Maitland Road MINLATON	Aerobic System	20	304121	25 September 2023	C Wildash
050/023/2023	Yorke Peninsula Council	(PTS 280) 14 North Terrace MINLATON	Septic & Soakage	14	302844	21 September 2023	K Rosenzweig
050/048/2023	S & N M Latacevski	(Lot 70) 90 Camperdown Terrace PORT MOOROWIE	Septic & Soakage	17	413898	25 September 2023	E Hanna
050/060/2023	M A, C L & D T Zanini	(Lot 103) Kona Crescent SULTANA POINT	Septic & Soakage	18	438416	8 September 2023	Longridge Group
050/064/2023	G J & J M Linke	(Sec 181) 2 Collins Beach Court THE PINES	CWMS Connection	17	106948	25 September 2023	Spartan Plans & Building Services
050/072/2023	A H Plane	(Sec 232) 57 Reliance Road PRICE	Septic & Soakage	14	432377	8 September 2023	Country Living Homes
050/091/2023	A J & F J Hollams	(Lot 25) 6 Aaron Street MAITLAND	Aerobic System	21	412353	7 September 2023	Country Living Homes
050/098/2023	T & J Homes	(Lot 8) 4A Weaver Street COOBOWIE	Septic & Soakage	17	437681	15 September 2023	Country Living Homes

050/099/2023	J M & W J Norman	(Lot 12) 30 Brentwood Road STANSBURY	Septic & Soakage	16	209098	14 September 2023	Selecta Homes & Building Solutions
050/103/2023	L B Woodard-Knight	(Lot 25) 285 Feneley Road WHITE HUT	Septic & Soakage	15	104521	1 September 2023	J R Packer
050/111/2023	K & A L Godfrey	(Lot 47) 6 Dart Close EDITHBURGH	CWMS Connection	12	423637	4 September 2023	Longridge Group
050/113/2023	J Grainger	(Lot 24) 32 Gardner Street PRICE	Septic & Soakage	23	41772	20 September 2023	O Spyridonidis
050/114/2023	J A Bartel	(Lot 31) 10 Bullock Street ARDROSSAN	CWMS Connection	15	429670	21 September 2023	J A Bartel
050/117/2023	T E F Peckover	(Lot 101) 18 Beach Road COOBOWIE	Aerobic System	19	437319	29 September 2023	Longridge Group
050/118/2023	Macmen Pty Ltd	(Sec 96) 211B McCauley Road MAITLAND	Septic & Soakage	17	25239	21 September 2023	S Palecek
050/120/2023	M W Elder	(Lot 21) 66 Warooka Road YORKETOWN	CWMS Connection	15	204198	26 September 2023	Selecta Homes & Building Services
050/123/2023	R Comini	(Lot 3) 33 Passat Street PORT VICTORIA	Aerobic System	20	16246	28 September 2023	R Comini
050/128/2023	D G & K J Daniell	(Lot 8) 38 Beach Road COOBOWIE	Septic & Soakage	21	214429	25 September 2023	D G & K J Daniell
050/137/2023	Lovely Bella Pty Ltd	(PTL 21) 14 Main Street MINLATON	Septic & Soakage	23	433300	7 September 2023	BCA Engineers
050/149/2023	Yorke Peninsula Council	(PTS 362) 2 Main Street BALGOWAN	CWMS Connection	9	37150	21 September 2023	Yorke Peninsula Council



**19.4 DEVELOPMENT APPLICATION DECISIONS****Document #:** 23/94864**Department:** Development Services**PURPOSE**

To inform the Elected Members of Development Application decisions for the period 1 September to 30 September 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 forty-two (42) Development Applications processed on the SA Planning Portal for the period 1 September to 30 September 2023 (refer Attachment 1).

**ATTACHMENTS**

1. **Council Report Attachment - Development Application Decisions - 01/09/2023-30/09/2023** [↓](#) 

**DEVELOPMENT APPROVALS – DEVELOPMENT ASSESSMENT PORTAL – 1 September to 30 September 2023**

21033900	Yorke Peninsula Council	11 PARK TCE EDITHBURGH SA 5583	Water Tanks (Above Ground)	Yorke Peninsula Council	8 Nov 2021	Development Approval Granted
21024330	C Backstrom, J Backstrom	43 MARINE PDE PORT MOOROWIE SA 5576	Adding Back Verandah	Yorke Peninsula Council	28 Jun 2023	Development Approval Granted
23028601	K Jackson	2 FALIE DR PRICE SA 5570	Swimming pool and safety fence	Yorke Peninsula Council	27 Sep 2023	Development Approval Granted
23026227	G SCHWARTZ	10 GRUNDY ST SHEAOAK FLAT SA 5581	Outbuilding (21m X 3.5m X 3.5m)	Yorke Peninsula Council	6 Sep 2023	Development Approval Granted
23024983	D Ahwan	8 WATERLOO BAY RD YORKETOWN SA 5576	Verandah	Yorke Peninsula Council	4 Sep 2023	Development Approval Granted
23024379	W Rosenboom, A Smith	5 CROSS ST EDITHBURGH SA 5583	Outbuilding - Garage	Yorke Peninsula Council	21 Aug 2023	Development Approval Granted
23023323	J GILL	14 DALY TCE HARDWICKE BAY SA 5575	Outbuilding - Garage	Yorke Peninsula Council	22 Aug 2023	Development Approval Granted
23023279	CNj Holding SA Pty Ltd	33 SOUTHSORE RD HARDWICKE BAY SA 5575	Verandah	Yorke Peninsula Council	10 Aug 2023	Development Approval Granted
23022369	R CAVE, M Cave	24 ESPLANADE POINT TURTON SA 5575	Outbuilding (shed)	Yorke Peninsula Council	8 Aug 2023	Development Approval Granted
23022263	I Smith	470 CLINTON RD MAITLAND SA 5573	Outbuilding (20.18m x 9.0m x 3.75m)	Yorke Peninsula Council	23 Aug 2023	Development Approval Granted
23022236	P Freer, S Freer	8 NORTH TCE ARDROSSAN SA 5571	Outbuilding (Lean-to)	Yorke Peninsula Council	3 Aug 2023	Development Approval Granted
23021875	G Golding	17 WHIPBIRD WAY MARION BAY SA 5575	Outbuilding - Carport	Yorke Peninsula Council	28 Jul 2023	Development Approval Granted

23021490	T DORMAN	54 SULTANA POINT RD SULTANA POINT SA 5583	Outbuilding (garage)	Yorke Peninsula Council	14 Aug 2023	Development Approval Granted
23021489	s white	5 HIGH ST BALGOWAN SA 5573	Outbuilding (12.2m x 5m x 3.9m)	Yorke Peninsula Council	25 Jul 2023	Development Approval Granted
23021198	K Waters	40A MAITLAND RD MINLATON SA 5575	Shed for the storage of vehicles and personal items	Yorke Peninsula Council	24 Aug 2023	Development Approval Granted
23019881	P Arnold	19 SULTANA POINT RD EDITHBURGH SA 5583	Extension to existing garage	Yorke Peninsula Council	25 Jul 2023	Development Approval Granted
23019664	RG Nominees Pty Ltd	808 CORNY POINT RD THE PINES SA 5577, 808 CORNY POINT RD THE PINES SA 5577	Implement Shed and Fire Water Tank	Yorke Peninsula Council	19 Jul 2023	Development Approval Granted
23019532	Hardwicke Bay Progress Association	5 PROGRESS RD HARDWICKE BAY SA 5575	The community hall currently has two large rooms. We are intending to remove part of the common w...	Yorke Peninsula Council	26 Jul 2023	Development Approval Granted
23019155	M Kenny	1121 GRAHAM RD MAITLAND SA 5573	Machinery shed	Yorke Peninsula Council	6 Jul 2023	Development Approval Granted
23018755	M Elder	66 WAROOKA RD YORKETOWN SA 5576	Outbuilding - Shed	Yorke Peninsula Council	5 Jul 2023	Development Approval Granted
23017871	R comini - co Zummo Design	33 PASSAT ST PORT VICTORIA SA 5573	Single storey detached dwelling & outbuilding.	Yorke Peninsula Council	26 Jun 2023	Development Approval Granted
23014615	m Pty Ltd	211B MCCAULEY RD MAITLAND SA 5573	Office	Yorke Peninsula Council	5 Jun 2023	Development Approval Granted

23014060	A HANCOCK	29 OUTLOOK RD BLACK POINT SA 5571	Two-storey detached dwelling, ancillary outbuilding & associated earthworks.	Yorke Peninsula Council	14 Jun 2023	Development Approval Granted
23013070	J Norman, W Norman	30 BRENTWOOD RD STANSBURY SA 5582	Single storey detached dwelling	Yorke Peninsula Council	11 May 2023	Development Approval Granted
23012467	A Plane, A Plane	57 RELIANCE RD PRICE SA 5570	Detached Dwelling.	Yorke Peninsula Council	11 May 2023	Development Approval Granted
23011819	T Garthwaite, A Garthwaite	7 PERRY ST EDITHBURGH SA 5583	Single Storey Detached Dwelling and Detached Ancillary Accommodation	Yorke Peninsula Council	10 May 2023	Development Approval Granted
23011637	C Fletcher, H Fletcher	76 CAPTAIN HUTCHINSON DR POINT TURTON SA 5575	Single Storey Detached Dwelling	Yorke Peninsula Council	27 Apr 2023	Development Approval Granted
23011470	K Paues	7 TRENGOVE DR POINT TURTON SA 5575	Outbuilding	Yorke Peninsula Council	27 Apr 2023	Development Approval Granted
23010435	T Homes, J Homes	4A WEAVER ST COOBOWIE SA 5583	Single Storey Detached Dwelling	Yorke Peninsula Council	19 Apr 2023	Development Approval Granted
23009441	M Zanini, D Zanini	LOT 103 KONA CR SULTANA POINT SA 5583	Single Storey Detached Dwelling	Yorke Peninsula Council	12 Apr 2023	Development Approval Granted
23008230	A Hollams, F Hollams	3 ELIAS ST MAITLAND SA 5573, 3 ELIAS ST MAITLAND SA 5573	Single storey detached dwelling and retaining walls.	Yorke Peninsula Council	23 Mar 2023	Development Approval Granted
23003468	N LATACEVSKI	90 CAMPERDOWN TCE PORT MOOROWIE SA 5576	Single storey detached dwelling, outbuilding (shed) and carport	Yorke Peninsula Council	14 Feb 2023	Development Approval Granted

23003231	G Thomas, B Thomas	66 ESPLANADE HARDWICKE BAY SA 5575	Garage addition	Yorke Peninsula Council	15 Mar 2023	Development Approval Granted
23002888	N Gogoll, R Gogoll	9 YANDRA DR PORT RICKABY SA 5575	Single Storey Detached Dwelling & Deck.	Yorke Peninsula Council	7 Feb 2023	Development Approval Granted
22038448	C Fletcher	76 CAPTAIN HUTCHINSON DR POINT TURTON SA 5575	Outbuilding - Garage	Yorke Peninsula Council	11 Jul 2023	Development Approval Granted
22036997	B Perks	26-28 MAIN ST MINLATON SA 5575	Installation of Smoke Detection and Alarm System	Yorke Peninsula Council	29 Nov 2022	Development Approval Granted
22035659	EDITHBURGH FOOTBALL CLUB AND SPORTS ASSOC	21 PARK TCE N EDITHBURGH SA 5583	New club change rooms; Alteration to internal existing club rooms; New sport field lighting	Yorke Peninsula Council	10 Nov 2022	Development Approval Granted
22033037	Yorke Peninsula Council	14 NORTH TCE MINLATON SA 5575	Child Care Centre	Yorke Peninsula Council	5 Oct 2022	Development Approval Granted
22032899	SKSJ Nominees Pty Ltd	26 OUTLOOK RD BLACK POINT SA 5571	Construct a new two storey dwelling with balcony, rear verandah and colorbond shed	Yorke Peninsula Council	18 Oct 2022	Development Approval Granted
22025643	J Grainger	32 GARDNER ST PRICE SA 5570, 32 GARDNER ST PRICE SA 5570, 32 GARDNER ST PRICE SA 5570	2 x transportable buildings comprising 4 rooms with verandah and decking for use as workers accom...	Yorke Peninsula Council	21 Sep 2022	Development Approval Granted
22006558	A GOLJA	27 CAPTAIN HUTCHINSON DR POINT TURTON SA 5575	Outbuilding (Garage)	Yorke Peninsula Council	9 Jun 2022	Development Approval Granted
21038424	A Desyllas	8 FIFTH ST BALGOWAN SA 5573	Detached two-storey dwelling & outbuilding (garage).	Yorke Peninsula Council	25 Jul 2022	Development Approval Granted

**20 VISITORS TO THE MEETING**

Michael 'Dusty' Millar and Alan Brown (re Item 22.2 – Consultation – Proposed ANZAC Memorial Port Clinton)

Charmaine Kimber (re Item 25.1 – Proposed Community Land Management Plan Amendments)

# DEBATE AGENDA

**DEBATE AGENDA**

**21      MAYOR**

Nil



**22 CHIEF EXECUTIVE OFFICER****22.1 NEW POLICY - DRAFT PO203 COUNCIL MEMBER BEHAVIOURAL MANAGEMENT POLICY****Document #:** 23/95598**Department:** Executive Services**PURPOSE**

To seek Council endorsement for the proposed Draft PO203 Council Member Behavioural Management Policy (Policy).

**RECOMMENDATION**

That Council endorse and adopt the proposed Draft PO203 Council Member Behavioural Management Policy as presented, for inclusion in Council's policy manual and on Council's website.

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

The Behavioural Management Framework commenced as part of the local government reforms on 17 November 2022 and incorporates:

- The legislative framework within which members of the Council (Council Members) must operate;
- The Behavioural Standards for Council Members;
- The mandatory Behavioural Management Policy.

In addition, the Behavioural Standards Panel was established as an independent statutory authority to receive and consider complaints referred to it under certain circumstances, alleging Misbehaviour, Repeated Misbehaviour or Serious Misbehaviour and has the power to impose sanctions on Council Members who breach the Behavioural Standards for Council Members (Standards) and or a Behavioural Management Policy (Behavioural Requirements).

The Standards replaced the former mandatory Code of Conduct for Council Members.

Transitional regulations deemed the Local Government Association's (LGA) Model Behavioural Management Policy (Model Policy) as the applicable policy (provided in Attachment 2) for all councils, until such time as councils adopt their own policy. Council must, prior to 10 November 2023, adopt a Behavioural Management Policy.

**DISCUSSION**

Section 262B of the Local Government Act 1999 (Act) sets out a range of matters that must be included within a Behavioural Management Policy. The Model Policy was developed in consultation with Local Government Risk Services and the Office of Local Government, to provide a framework for Councils which is consistent with the legislative requirements. It also captures the changes to the role of the Mayor, as set out in section 58 of the Act, consistent with the increased leadership obligations.

The Behavioural Requirements are intended to facilitate appropriate behaviours by members of the Council and assist with meeting obligations relating to leadership and positive and constructive working relationships, as set out in sections 58 and 59 of the Act.

The content of the Model Policy has been transposed into Council's policy template for consideration as the proposed, draft Policy, with minor alterations including:

- Uniform the use of definitions;
- Simplify terminology with the use of brackets;
- Change the word "*Report*" under Clause 4.5.4 of the Model Policy to "*Documenting Findings/Conclusions/Recommendations*" under Clause 4.4.2.4 of the Policy, so as to avoid any potential confusion with the requirement for a Council Agenda Report;
- Receipt of the complaint will be acknowledged within five business days or as soon as reasonably practicable, to make fair and reasonable allowance for resource availability in our regional Council.

A copy of the proposed draft Policy is provided in Attachment 1. A copy of the Model Policy is provided for Elected Member ease of reference as Attachment 2.

## **COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

### **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:

- Local Government Association (Model Policy)

### **POLICY IMPLICATIONS**

PO001 Peak Work Health Safety and Return to Work Policy

PO063 Records Management Policy

PO089 Elected Member Allowances and Benefits Policy

PO091 Risk Management Policy

PO135 Elected Member Training and Development Policy

PO135A Elected Member Training and Development Plan

PO148 Fraud and Corruption Policy

PO150 Gifts and Benefits Policy

PO171 Public Interest Disclosure Policy

PR121 Capture of Elected Members Records Procedure

PR152 Public Interest Disclosure Procedure

### **BUDGET AND RESOURCE IMPLICATIONS**

The costs associated with the resources required to be made available under this Policy, including third parties, in addition to any costs associated with the Panel, will be met within Council's existing budget for the time being. These costs, however, must be monitored and considered on an ongoing basis to determine if further budget and resources are necessary to meet such requirements in the future.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

It is important to ensure that an appropriate policy is in place in order for Council to meet its legislative obligations for Council Member behavioural management.

Local Government Act 1999

Independent Commission Against Corruption Act 2012

Ombudsman Act 1972

Public Interest Disclosure Act 2018

LGA Model Behavioural Management Policy

**ATTACHMENTS**

1. **PO203 Elected Member Behavioural Management Policy - Draft** [↓](#) 
2. **Local Government Association - Model Behavioural Management Policy** [↓](#) 



## COUNCIL POLICY

### Council Member Behavioural Management

<b>Policy Number:</b>	PO203		
<b>Strategic Plan Objective:</b>	5. Responsible Governance and Leadership		
<b>Policy Owner:</b>	Chief Executive Officer	<b>Record Number:</b>	22/111665
<b>Responsible Officer:</b>	Governance Officer	<b>Minute Reference:</b>	TBA
<b>Date Adopted:</b>	TBA	<b>Next Review Date:</b>	TBA

#### 1. POLICY OBJECTIVES

This Behavioural Management Policy (Policy) has been prepared and adopted in accordance with Section 262B of the Local Government Act 1999 (Act).

This Policy forms part of the Behavioural Management Framework (BMF) for members of the Council (Council Members) and sets out the approach to the management of complaints about the behaviour of Council Members and the process to be adopted where there has been an alleged breach of the Behavioural Requirements. It is intended to facilitate appropriate behaviours by Council Members and assist with meeting obligations relating to leadership and positive and constructive working relationships as set out in sections 58 and 59 of the Act.

This Policy does not apply to complaints about Council employees or the Council as a whole.

#### 2. SCOPE

This Policy applies to Council Members.

#### 3. DEFINITIONS

Refer to Attachment 1.

#### 4. POLICY STATEMENT

Nothing in this Policy is intended to prevent Council Members from seeking to resolve disputes and complaints (refer to clause 4.2 Dispute versus Complaint) in a proactive, positive and courteous manner before they are escalated.

The following principles apply:

- Where a Council Member considers there has been behaviour that is inconsistent with the Behavioural Requirements, a Council Member may, in appropriate circumstances, seek to respectfully and constructively raise this issue with the Council Member concerned, without the need to lodge a complaint under this Policy.

---

**PO203 – Council Member Behavioural Management Policy**


---

- If a matter proceeds to a complaint, all Council Members will continue to comply with the procedures set out in this Policy and support the Person Responsible for Managing the Complaint (Person Responsible).
- A consistent approach to the assessment, investigation and resolution of complaints will be adopted to facilitate timely and efficient resolution and minimisation of costs.
- Where required, Council may engage the assistance of skilled advisors and support persons in the assessment, investigation and resolution of complaints and avoid adopting an unreasonably legalistic approach.

Council will manage complaints under this Policy with as little formality and technicality and with as much expedition as the requirements of the matter and the Act allow and with proper consideration of the matter. Council is not bound by Rules of Evidence but will inform itself in the manner considered most appropriate given the nature of the complaint.

**4.1 The Complaint Management Process**

- This Policy sets out the procedures for dealing with an allegation of a breach of the Behavioural Requirements applying to Council Members.
- A complaint made in accordance with this Policy must be lodged within 6 months of the behaviour that is inconsistent with the Behavioural Requirements occurring. A decision may be made to accept a complaint lodged more than 6 months after the behaviour that is inconsistent with the Behavioural Requirements occurring on a case-by-case basis, at the discretion of the Person Responsible.
- Community members can lodge a complaint with the Council in accordance with this Policy but cannot lodge a complaint directly with the Behavioural Standards Panel (Panel).

**4.2 Dispute versus Complaint**

It is important to distinguish between a dispute and a complaint. A dispute is generally a difference of opinion or disagreement between two parties. It may involve a heated discussion or some other unsatisfactory exchange between parties but may not amount to conduct inconsistent with the Behavioural Requirements. Ideally disputes will be handled directly by the parties involved and will not escalate to a complaint requiring action (even informal action) under this Policy. The Mayor (or another person) may play a role in facilitating a resolution to a dispute.

This Policy is intended to deal with matters where conduct is alleged to have been inconsistent with the Behavioural Requirements, rather than where Council Members have differences of opinion, even when robustly put.

**4.3 Confidentiality**

Complaints made in accordance with this Policy will be managed on a confidential basis until such a time as they are required to be reported to Council in a public meeting in accordance with this Policy or are otherwise lawfully made public or disclosed.

Access to information relating to complaints and information about complaints will be limited to parties to the complaint and individuals with a responsibility within the complaint handling process or as otherwise provided for within this Policy and/or required by legislation.

A person who has access to information about a complaint (including the complainant and the person complained about) must not directly, or indirectly disclose to any person (including to a Council Member) that information except:

- For the purpose of dealing with the complaint;
- Where required by law;

---

**PO203 – Council Member Behavioural Management Policy**


---

- For the purpose of obtaining legal advice or legal representation, or medical or psychological assistance from a medical practitioner, psychologist or counsellor;
- Where the disclosure is made to an external party, investigating the complaint, or mediator/conciliator engaged in accordance with this Policy;
- Where the information has been made public in accordance with this Policy or this Policy otherwise authorises or requires the disclosure of the information.

This is not to be confused with formal consideration at a Council Meeting of any matter arising from application of this Policy. Items presented to Council must be assessed on a case-by-case basis in accordance with the requirements of section 90 of the Act.

A complainant may request their identity be kept confidential from the person complained about. This does not constitute an anonymous complaint. The Person Responsible will consider such requests on a case-by-case basis, having regard to any applicable legal requirements.

#### 4.4 Stages of Action

This Policy has three distinct stages to the approach that will be taken to address complaints about the behaviour of Council Members:

- **Part 1 - Informal Action:** Where the matter can be resolved directly between the parties.
- **Part 2 - Formal Action:** Where the matter cannot be resolved using informal action and a formal process of consideration is required.
- **Part 3 - Referrals to the Behavioural Standards Panel:** The circumstance under which the Mayor, the Council or other appropriately authorised person(s) will make a referral.

##### 4.4.1 Part 1: Informal Action

Council encourages informal resolution of concerns regarding behaviour alleged to be contrary to the Behavioural Requirements. A person may therefore consider raising the matter directly with the Council Member concerned.

Alternatively, a person may raise their concern with the Mayor on an informal basis. If the concerns relate to or involve the Mayor the person may raise the matter with the Deputy Mayor or other Council Member appointed by the Council as the Person Responsible under this Policy.

If the Mayor/Person Responsible considers that access to resources to support impacted parties and facilitate early resolution of the matter should be provided, the Mayor/Person Responsible will request the Chief Executive Officer (CEO) to facilitate access to relevant resources. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

Where the Mayor or Person Responsible addresses the matter through informal action, a record should be made setting out:

- Details of the complainant;
- Details of the person complained about;
- A summary of the matter;
- A summary of actions taken in response;
- Details of agreed actions (if any).

**PO203 – Council Member Behavioural Management Policy**

---

If informal action does not successfully resolve the matter, the record may be made available to an investigation process as provided for under this Policy or to the Panel.

**4.4.2 Part 2: Formal Action**

This Part sets out the process for formal action in response to a complaint regarding the behaviour of Council Members and addresses the manner in which a complaint will be:

- Received;
- Assessed;
- Investigated;
- Resolved;
- Recorded.

A complaint made under this Policy must:

- Be received in writing and marked with "Confidential Council Member Complaint" and forwarded to the relevant email or physical address as published on the [Council's website](#).
- Provide the name of the Council Member who has allegedly breached the Behavioural Requirements, the name and contact details of the complainant, the name and contact details of the person submitting the complaint (if different to the complainant) and the name and contact details of any witnesses or other persons able to provide information about the complaint.
- Be specific (including identifying the Behavioural Requirements the complainant alleges have been breached).
- Provide as much supporting evidence as possible to assist an investigation, including the grounds and circumstances of the complaint (e.g. where, when, impact of the behaviour, actions taken to try to resolve the issue, relevant records or documents).
- Identify the outcome being sought.
- Be lodged within six (6) months of the alleged conduct occurring on the basis that it is important to address alleged breaches of Behavioural Requirements in a timely manner (with discretion provided to the Person Responsible to allow a longer time limit to apply in particular cases. This will be assessed on a case-by-case basis).

**4.4.2.1 Receipt of a Complaint**

This step is an administrative process undertaken by the CEO or delegate:

- Receipt;
- Initial acknowledgement;
- Record keeping;
- Allocation of the matter to the Person Responsible.

The CEO or delegate does not undertake an assessment of the merits of the complaint.

Receipt of the complaint will be acknowledged within five business days or as soon as reasonably practicable and a copy of this Policy will be provided to the person making the complaint.



**PO203 – Council Member Behavioural Management Policy**

---

The complaint should be directed to the Person Responsible in accordance with this Policy.

A complainant may withdraw their complaint at any stage.

**4.4.2.2 Initial Complaint Assessment**

An initial assessment is not an investigation or adjudication of a complaint and no findings as to the merits of the complaint will be made at this stage.

**STEP 1**

The Person Responsible will undertake an assessment of the complaint to determine whether the content of the complaint relates to the Behavioural Requirements and whether the conduct occurred in the context of the Council Member carrying out their official functions and duties.

In undertaking the assessment, the Person Responsible will have regard to the following matters:

- The person that is making the complaint (or on whose behalf the complaint has been made) has a sufficient interest in the matter;
- The complaint is Trivial, Frivolous or Vexatious or not made in good faith;
- The complaint has been lodged with another authority;
- The subject matter of the complaint has been or is already being investigated by the Council or another body;
- It is unnecessary or unjustifiable for the Council to deal with the complaint;
- The Council has dealt with the complaint adequately;
- Reporting obligations to either the Local Government Association Mutual Liability Scheme (LGAMLS) or the Local Government Association Workers Compensation Scheme (LGAWCS).

**STEP 2**

If the Person Responsible considers the matter warrants further consideration, the person complained about should be advised that a complaint has been received and is undergoing an initial assessment in accordance with this Policy. They should be provided a summary of the matter, at a sufficient level of detail, to understand the nature of the allegations and enable them to provide a preliminary response. This may be achieved by a discussion between the Person Responsible and the person complained about, taking into account the principles of this Policy.

The person complained about may have a support person present during any discussions. The person complained about should be given a reasonable opportunity, but no more than ten business days, to provide a response to support the initial assessment. The Person Responsible may provide a longer period of time for provision of a response at their discretion. The Person Responsible should have regard to any response provided in determining the action resulting from the initial assessment.

**Action from Initial Assessment**

The Person Responsible will determine what action will result from the initial assessment. A matter may proceed to formal consideration under this Policy, unless there are grounds to take one of the following actions pursuant to section 262B(2)(b):



**PO203 – Council Member Behavioural Management Policy**

---

- Refusing to deal with the complaint (including under Section 270(4a)(a)(i) of the Act which precludes a review of a decision to refuse to deal with such a complaint);
- Determining to take no further action;
- Referring to an alternative resolution mechanism or to propose training for relevant parties (e.g. facilitated discussion, provision of training, mediation, arbitration, conflict resolution, etc.);
- Referring the matter to another body or agency (e.g., the Ombudsman SA or the Panel).

The outcome of the initial assessment will be advised to the complainant and person complained about in writing as far as is permitted by law.

**Refusing to Deal with the Complaint/Determining to Take No Further Action**

Where the Person Responsible makes a decision not to proceed with formal consideration of the matter the following steps should be taken:

- The complainant must be provided written reasons explaining the decisions;
- The person complained about should be provided with a brief summary of the complaint and the reasons for not proceeding;
- A record of these steps and the decision not to proceed should be made;
- Whilst a matter may not proceed, the Person Responsible may discuss the issues informally with the parties and identify strategies to build skills, facilitate positive relationship development and reduce the likelihood of repeat occurrences.

**Decision to Refer to Alternative Resolution Mechanism:**

The Person Responsible may form the view that the optimal way to deal with the complaint is to implement an alternative resolution mechanism such as facilitated discussion, mediation, arbitration, conflict resolution or training.

The Person Responsible should discuss the use of a proposed alternative resolution mechanism with the complainant and the person complained about to determine whether there is support for this approach.

If so, the Person Responsible should request the CEO take steps to facilitate access to appropriate internal or external support (not being for the purposes of obtaining legal advice) for parties to the complaint. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

The complainant and the person complained about should be provided written confirmation of the alternative resolution mechanism to be used for the purposes of resolving the complaint.

**Decision to Refer to Another Body or Agency**

Where the Person Responsible makes a decision to refer the matter to another body or agency the person will follow any direction from that body or agency regarding what information is to be provided to the complainant and the Council Member complained about regarding the referral.

**Decision to Proceed to Formal Consideration**

Where the Person Responsible makes a decision to proceed to formal consideration the following steps should be taken:

**PO203 – Council Member Behavioural Management Policy**

- The person complained about should be provided with a copy of this Policy, contact details of the Person Responsible and a summary document setting out:
  - The specific provision(s) of the Behavioural Requirements alleged to have been breached;
  - The circumstances where this breach is alleged to have occurred.
 In circumstances where the complainant has not requested their identity be kept confidential, a copy of the complaint may be provided in full.
- The complainant should be advised of the decision to proceed and the contact details of the Person Responsible.

**4.4.2.3 Formal consideration**

Where a decision to formally consider the complaint has been made, the Person Responsible will determine how to proceed:

- The Person Responsible may determine that they are the appropriate person to formally consider the complaint; or
- The Person Responsible may determine to engage a third party to formally consider the complaint, for example:
  - An investigator who will report to the Person Responsible; or
  - An external service provider with skills relevant to the matter who will report to the Person Responsible.

If the Person Responsible determines a third party should be engaged, they will request the CEO to facilitate engagement of an appropriate service provider. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

The Person Responsible will advise both the complainant and the person complained about that they are able to have a support person accompany them during discussions relating to the complaint.

It is the expectation of Council that both the complainant and the person complained about will cooperate with any such process to consider the complaint and, if requested, participate in meetings in a timely manner.

Failure by the Council Member complained about to comply with this requirement may be taken into account when considering the actions to be taken under section 2628(2)(e) of the Act and may constitute grounds for referral to the Panel for Misbehaviour.

Further consideration by the Person Responsible (or the third party engaged), may (at the discretion of that person) involve:

- Exploring the complaint with the complainant and the person who is the subject of the complaint;
- Speaking with other persons who have been nominated by the parties to have observed the behaviour;
- Speaking directly with witnesses to the conduct complained about;
- Requesting the provision of information or documents relevant to the investigation, which may include access to audio or video recordings of meetings.

**PO203 – Council Member Behavioural Management Policy**

During the formal consideration of a matter appropriate records should be kept by the Person Responsible.

**4.4.2.4 Documenting Findings/Conclusions/Recommendations**

The Person Responsible (or the third party engaged) will document their findings/conclusions/recommendations, either by way of correspondence between the parties and/or a written account, setting out (as applicable):

- The allegations made in the complaint;
- Summary of evidence to which the investigation had regard;
- Findings;
- Conclusions;
- Recommendations.

Recommended action for the parties to consider and/or participate in such as, but not limited to, the imposition of sanctions as per the Act, may include:

- Discussions with parties to the complaint to seek agreement;
- Formal mediation if not already undertaken;
- Conciliation;
- Arbitration;
- Education and further training.

including where there is no breach found. A copy of the documented, proposed findings/conclusions/recommendations should be provided to the parties to the complaint, in draft format (noting that the complainant's identity may need to be redacted), who should be given a reasonable opportunity, but no more than ten business days, to make submissions in relation to the draft findings/conclusions/recommendations. The Person Responsible (or the third party engaged) may provide a longer period of time for lodgement of submissions to the draft findings/conclusions/recommendations at their discretion. The Person Responsible (or the third party engaged) should have regard to any submissions made in preparing a final findings/conclusions/ recommendations.

**Outcome - No breach found**

Where the finding is that no breach of the Behavioural Requirements has occurred, the complaint will remain confidential in accordance with the requirements of this Policy, except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled at the next practicable Council Meeting (noting that the complainant's identity may need to be redacted). If no such request is received, no further action will be taken.

**Outcome - Breach Found and Actions Agreed**

Where the finding is that a breach of the Behavioural Requirements has occurred and the complainant and the person complained about agree to a path for resolution (where the conduct complained about is not raised by the person directly affected by the conduct it will usually be appropriate to discuss the proposed resolution with that person prior to finalising agreement - this is intended to apply in a circumstance where the 'victim' is not the complainant to provide them a reasonable opportunity to have input into the resolution), that agreement will be documented including matters such as:

- Actions to be undertaken;

**PO203 – Council Member Behavioural Management Policy**

---

- Responsibility for completing actions;
- Timeframes for completion of actions;
- What will occur if there is a repeat of the behaviours complained about;
- Monitoring arrangements for completion of actions;
- What will occur if the actions aren't completed;
- Confirmation that the matter is considered resolved.

The agreement reached will be made in writing, including a commitment by parties to the complaint to abide by the agreement (which may be by electronic means). A copy of the agreement will be retained by each party and a copy held in Council's records management system.

The complaint will remain confidential in accordance with the requirements of this Policy except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled at the next practicable Council meeting (noting that the complainant's identity may need to be redacted). The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.

**Outcome - Breach Found No Agreed Action**

Where the finding is that a breach of the Behavioural Requirements has occurred and the parties to the complaint have failed to reach agreement as to the resolution of the matter, a final report should be presented to Council for determination. The Person Responsible should request the CEO to include the final report in the Council Meeting Agenda as soon as practicable.

**4.4.2.5 Actions of Council**

Where the parties are not able to agree on an approach to resolve the matter, the matter will be provided to Council for determine the actions to be taken which may include:

- Taking no further action;
- Passing a censure motion in respect of the member;
- Requiring the member to issue a public apology (in a manner determined by the Council);
- Requiring the member to undertake a specified course of training or instruction;
- Removal or suspension from one or more offices held in the member's capacity as a Council Member or by virtue of being a Council Member — but not the office of Council Member;

If Council determines to take action, a report on the matter must be considered at a meeting open to the public.

Where Council determines to take no further action, the complainant will be advised of this along with reasons, which may include:

- The ground that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the Council to deal with or continue to deal with the complaint;



**PO203 – Council Member Behavioural Management Policy**

- The ground that the subject matter of the complaint has been or is already being investigated, whether by the Council or another person or body; or
- The ground that the Council has dealt with the complaint adequately.

In making a determination under section 262C(1) Council should be reasonably prescriptive about the manner and time periods in which the action must be completed. Section 262E defines a failure to comply with a requirement of the Council under 262C(1) as Misbehaviour, which may result in a referral to the Panel.

The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.

**4.4.3 Part 3: Referrals to the Behavioural Standards Panel**

The Panel is an independent statutory authority consisting of three members and has powers to impose sanctions on Council Members who breach the Behavioural Requirements.

In accordance with section 262Q of the Act a complaint alleging Misbehaviour, Repeated Misbehaviour or Serious Misbehaviour may be made to the Panel by certain persons as set out below. The Panel's jurisdiction arises in the circumstances of Misbehaviour, Repeated Misbehaviour and Serious Misbehaviour.

A complaint alleging Misbehaviour, Repeated Misbehaviour or Serious Misbehaviour by a Council Member may be referred to the Panel by:

- A resolution of the Council;
- The Mayor; or
- At least 3 members of the Council
- Responsible person under 75G – direction not to attend meeting.

**Behavioural Standards Panel Contact Officer**

Council must appoint a person as the contact officer for matters referred to the Behavioural Standards Panel. Council's Governance Officer is the appointed contact officer (Contact Officer), or another person appointed by the CEO, and is responsible for the provision of information to and receipt of notice from the Panel.

**4.5 Responsibilities**

The Mayor, Deputy Mayor or other Council Member appointed by the Council as the Person Responsible is responsible under this Policy to:

- Perform the tasks bestowed upon the Person Responsible pursuant to this Policy.
- In consultation with the CEO, facilitate access to resources to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint.
- In consultation with the CEO, engage external resources to assist with investigation and resolution of matters.

The CEO (or delegate) is responsible under this Policy to:

- Manage the administrative receipt, acknowledgement, record keeping and allocation of a complaint lodged in accordance with this Policy;
- Facilitate access to external resources to support the resolution of complaints lodged in accordance with this Policy.

**PO203 – Council Member Behavioural Management Policy**

---

The Contact Officer is responsible under this Policy to:

- Comply with any lawful request of the Panel for information related to a matter under consideration.
- Receive and respond to notices relating to matters under consideration by the Panel.

Where the Contact Officer is not the CEO, the Contact Officer should keep the CEO informed of the status of matters under consideration by the Panel.

**4.6 LGA Mutual Liability Scheme and LGA Workers Compensation Scheme**

In managing matters within the scope of the BMF, Council must also adhere to the LGAMLS and/or the LGAWCS Rules. Where an incident, circumstance or matter occurs which may give rise to a claim, Council must provide notice to the LGAMLS and/or LGAWCS in accordance with the LGAMLS and/or LGAWCS Scheme Rules. The provision of early notice allows for adequate risk management and prevention strategies to be put in place.

**4. COMPLAINTS**

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

**5. REVIEW**

Section 262B of the Act requires Council to review this Policy within 12 months of the conclusion of each periodic election. This Policy will also be reviewed as deemed necessary in consideration of any changes to legislation and relevant standards, codes and guidelines or audit findings.

**6. TRAINING**

Ongoing training and relevant resources will be provided to all Council Members to ensure they have the skills and knowledge necessary to perform their role in accordance with the Behavioural Requirements and the Act.

Training and relevant support will be provided to persons with specific obligations under this Policy to facilitate the management, reporting and resolution of complaints alleging a breach of the Behavioural Requirements.

Training requirements will also be reviewed as deemed necessary in consideration of any changes to legislation and relevant standards, codes and guidelines or audit findings.

**7. RECORDS**

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

**8. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS**

PO001 Peak Work Health Safety and Return to Work Policy

PO063 Records Management Policy

PO089 Elected Member Allowances and Benefits Policy

PO091 Risk Management Policy

PO135 Elected Member Training and Development Policy

PO135A Elected Member Training and Development Plan

**PO203 – Council Member Behavioural Management Policy**

---

- PO148 Fraud and Corruption Policy
- PO150 Gifts and Benefits Policy
- PO171 Public Interest Disclosure Policy
- PR121 Capture of Elected Members Records Procedure
- PR152 Public Interest Disclosure Procedure

**9. REFERENCES AND LEGISLATION**

- Local Government Act 1999
- Independent Commission Against Corruption Act 2012
- Ombudsman Act 1972
- Public Interest Disclosure Act 2018
- LGA Model Behavioural Management Policy

**10. COUNCIL DELEGATION**

Any applicable delegations are available on Councils website via the Delegations register via Council's website <https://yorke.sa.gov.au/about-us/forms-plans-and-publications/registers/>.

**11. VERSION HISTORY**

Version No	Issue Date	Description of Change
New Policy		This Policy replaces the LGA Model Policy, developed to assist councils with the implementation of reforms associated with behavioural management for Council Members, arising from the Statutes Amendment (Local Government Review) Act 2021.

**PO203 – Council Member Behavioural Management Policy**

**ATTACHMENT 1: DEFINITIONS**

Term/Reference	Definition
Behavioural Management Framework (BMF)	<p>There are four components to the Council Member Behavioural Management Framework (BMF).</p> <p>Part 1 The legislative framework within which all Council Members must operate.</p> <p>Part 2 The Standards for Council Members, determined by the Minister for Local Government (developed in consultation with the local government sector), which apply to all Council Members in South Australia.</p> <p>Part 3 The mandatory Behavioural Management Policy relating to the management of behaviour of Council Members and adopted pursuant to Section 262B of the Local Government Act.</p> <p>Part 4 The optional Behavioural Support Policy (or policies), designed to support appropriate behaviour by Council Members and adopted pursuant to Section 75F of the Local Government Act. Council determined not to adopt a Behavioural Support Policy (or policies) at the general meeting of the Council held on 10 May 2023 (minute reference 108/2023).</p> <p>In addition, the Panel has been established to assess and deal with matters referred to it.</p>
Behavioural Requirements	The Behavioural Standards for Council Members, this Policy and/or any Behavioural Support Policy adopted by the Council.
Behavioural Standards for Council Members	Established by the Minister for Local Government and published as a notice in the SA Government Gazette, specifying standards of behaviour to be observed by members of councils (and providing for any other matter relating to behaviour of members of councils).
Behavioural Standards Panel (Panel)	An independent statutory authority comprising three members with powers to impose sanctions on Council Members who breach legislative and policy requirements has been



**PO203 – Council Member Behavioural Management Policy**

	established to assess and deal with matters referred to it.
Frivolous	Includes without limitation, a matter of little weight or importance, or lacking in seriousness.
Misbehaviour	<p>As defined in Section 262E of the Act as:</p> <ul style="list-style-type: none"> <li>(a) A failure by a member of a council to comply with a requirement of the council under Section 262C(1); or</li> <li>(b) A failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or</li> <li>(c) A failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1.</li> </ul> <p><b>Plain language explanation:</b></p> <ul style="list-style-type: none"> <li>(a) A Council Member fails to take the action required by council; or</li> <li>(b) A Council Member fails to comply with this policy; or</li> <li>(c) A Council Member fails to comply with an agreement reached pursuant to this policy.</li> </ul>
Person Responsible for Managing the Complaint (Person Responsible)	<p>Means, subject to any resolution of the Council to the contrary —</p> <ul style="list-style-type: none"> <li>1. The Mayor;</li> <li>2. If the complaint relates to or involves the Mayor, the Deputy Mayor;</li> <li>3. If the complaint relates to or involves the Mayor and Deputy Mayor, another Council member appointed by Council.</li> </ul>
Repeated Misbehaviour	<p>Is defined in Section 262E of the Act as a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2 (Ch 5-Members of council, Pt 4-Member integrity and behaviour, Div 2-Member behaviour)</p> <p><b>Plain language explanation:</b></p> <p>A second or subsequent breach of the Behavioural Requirements.</p>

**PO203 – Council Member Behavioural Management Policy**

Rules of Evidence	The rules that the evidence (all of the information) given directly to a court by a witness must comply with. A court can only take notice of evidence that complies. Much of the Law of Evidence relevant to South Australia is contained in the Evidence Act 1929.
Serious Misbehaviour	Defined in Section 262E of the Act as a failure by a member of a council to comply with Section 75G (Health and safety duties). <b>Plain language explanation:</b> A breach of health and safety duties (including sexual harassment) as set out in section 75G of the Act.
Trivial	Includes without limitation, a matter of little worth or importance; that is trifling; or insignificant.
Vexatious	Includes a matter raised without reasonable grounds or for the predominate purpose of causing annoyance, delay or detriment, or achieve another wrongful purpose



**LG Equip**

# Model Behavioural Management Policy

August 2022

Document Set ID: 781625  
Version: 5, Version Date: 31/10/2022

*This model policy was developed in preparation for the commencement of the Behavioural Management Framework as part of the implementation of the Statutes Amendment (Local Government Review) Act 2021 and associated changes to the Local Government Act 1999 and endorsed by the LGA Board on 23 August 2022.*

*This resource has been prepared by the Local Government Association of SA (LGA) to assist councils with implementation of legislative changes arising from Local Government Reforms, incorporating advice from Norman Waterhouse Lawyers, for the guidance of and use by member councils.*

© The LGA claims copyright ownership of the content of this document for member councils in South Australia only. Member councils of the LGA may download, display, print, reproduce and alter the material for use by member councils only. The LGA reserves the right to revoke such permission at any time should a council no longer be a member council. Apart from this permission and uses permitted under the Copyright Act 1968, all other rights are reserved. For further information regarding the use of LGA information/resources please contact the Governance Team on (08) 8224 2000 or [governance@lga.sa.gov.au](mailto:governance@lga.sa.gov.au).



# LG Equip

## Contents

<b>Foreword</b> .....	<b>i</b>
Legal Framework.....	i
Commencement of Behavioural Management Framework .....	ii
<b>1. Purpose</b> .....	<b>1</b>
<b>2. Glossary</b> .....	<b>1</b>
<b>3. Principles</b> .....	<b>3</b>
<b>4. The Complaint Management Process</b> .....	<b>3</b>
4.1. Dispute versus Complaint .....	4
4.2. Confidentiality.....	4
4.3. Stages of Action .....	5
4.4. Part 1: Informal action .....	5
4.5. Part 2: Formal action.....	6
4.6. Behavioural Standards Panel .....	13
<b>5. Responsibilities</b> .....	<b>14</b>
<b>6. Related Legislation</b> .....	<b>15</b>

Document Set ID: 781625  
Version: 5, Version Date: 31/10/2022

## Foreword

This model policy document has been developed to assist councils with the implementation of reforms associated with behavioural management for council members, arising from the *Statutes Amendment (Local Government Review) Act 2021*.

All councils must adopt a Behavioural Management Policy relating to the management of behaviour of council members, including the process for receipt and management of a complaint received regarding the conduct of a council member.

Section 262B of the *Local Government Act 1999* (the Local Government Act) sets out a range of matters that must be included within the policy and requires that council review the operation of the Behavioural Management Policy within 12 months after the conclusion of each periodic election.

## Legal Framework

There are four components to the Elected Member Behavioural Management Framework (BMF).

- Part 1 The legislative framework within which all council members must operate.
- Part 2 The Behavioural Standards for Council Members, determined by the Minister for Local Government (developed in consultation with the local government sector), which apply to all council members in South Australia.
- Part 3 The mandatory *Behavioural Management Policy* relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act.
- Part 4 Optional *Behavioural Support Policy* (or policies), designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.

In addition, the Behavioural Standards Panel, an independent statutory authority comprising three members with powers to impose sanctions on council members who breach legislative and policy requirements has been established<sup>1</sup> to assess and deal with matters referred to it.

## LGA Mutual Liability Scheme and LGA Workers Compensation Scheme

In managing matters within the scope of the Behavioural Management Framework, councils must also adhere to the Local Government Association Mutual Liability Scheme (LGAMLS) and/or the Local Government Association Workers Compensation Scheme (LGAWCS) Rules. Where an incident, circumstance or matter occurs which may give rise to a claim, councils must provide notice to the LGAMLS and/or LGAWCS in accordance with the LGAMLS & LGAWCS Scheme Rules. The provision of early notice allows for adequate risk management and prevention strategies to be put in place so as to absolutely minimise risk.

---

<sup>1</sup> Chapter 13, Part A1—Member Behaviour, Division 2—Behavioural Standards Panel, *Local Government Act 1999*

## Commencement of Behavioural Management Framework

The provisions relevant to the Behavioural Management Framework are intended to commence immediately following the 2022 council periodic elections. At this time, the Behavioural Standards for Council Members will replace the former Code of Conduct for Council Members. At the same time, the investigative and disciplinary powers of the Behavioural Standards Panel will commence.

To support councils' compliance with the Behavioural Management Framework requirements, transitional provisions will be enacted which will deem the LGA's Model Policy as *the* Behavioural Management Policy for each council. At any time afterwards, councils can review their Behavioural Management Policy and determine any changes it may wish to make to the document.

The LGA Model Behavioural Management Policy was developed in consultation with Local Government Risk Services, the Office of Local Government and the LGA's *Legal Connect* partners, Norman Waterhouse Lawyers. The Model Policy sets the framework which is consistent with the legislative requirements. However, there are a range of matters within the Policy that councils may wish to customise to meet requirements specific to each council when consideration is given to changes to the Policy.

The LGA Model Behavioural Management Policy reflects the changes to the role of the principal member of council, set out in section 58 of the *Local Government Act 1999*. Consistent with the increased leadership obligations, the Policy assigns responsibility for the management of complaints to the Mayor (except in circumstances where the complaint relates to the conduct of the Mayor). Councils may determine and appoint an alternative person to be responsible for managing any complaints received in accordance with this Policy.

Councils are required to consider the adoption of a Behavioural Support Policy (or policies)<sup>2</sup> and the LGA has developed a model Behavioural Support Policy to assist with that consideration. Behavioural Support Policies are intended to support appropriate behaviours by members of the council and will assist with meeting obligations relating to leadership and positive and constructive working relationships as set out in sections 58 and 59 of the *Local Government Act*.

---

<sup>2</sup> Section 75F(7) of the *Local Government Act 1999* requires councils, within six months after the conclusion of each periodic election to review the operation of existing Behavioural Support Policies, or consider whether it should adopt a Behavioural Support Policy.



## Behavioural Management Policy

Responsibility	Chief Executive Officer
Effective date	From the day on which section 147(6) of the Statutes Amendment (Local Government Review) Act 2021 comes into operation
Next review date	Refer to regulation 16 of the <i>Local Government (Transitional Provisions) (Conduct) Amendment Regulations 2022</i>
Applicable Legislation	Local Government Act 1999 s262B <i>Local Government (Transitional Provisions) (Conduct) Amendment Regulations 2022</i>

### 1. Purpose

This Policy has been prepared and adopted pursuant to section 262B of the *Local Government Act 1999* (the Local Government Act).

This Behavioural Management Policy forms part of the Behavioural Management Framework for council members and sets out the approach to the management of complaints about the behaviour of council members. It sets out the process to be adopted where there has been an alleged breach of the Behavioural Standards for Council Members, this Behavioural Management Policy and/or any Behavioural Support Policy adopted by the Council (***the behavioural requirements***).

### 2. Glossary

***Behavioural Management Framework*** – comprises four components:

- The legislative framework within which all council members must operate;
- The Behavioural Standards for Council Members, determined by the Minister for Local Government, which apply to all council members in South Australia;
- The mandatory Behavioural Management Policy (this document) relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act;
- Optional Behavioural Support Policy (or policies) designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.

***behavioural requirements*** – in this document refers collectively and individually to the Behavioural Standards for Council Members, the Behavioural Management Policy and any Behavioural Support Policies adopted by the Council.

***Behavioural Standards for Council Members*** – established by the Minister for Local Government, and published as a notice in the SA Government Gazette, specifying standards of behaviour to be observed by members of councils; and providing for any other matter relating to behaviour of members of councils.

**frivolous** – includes without limitation, a matter of little weight or importance, or lacking in seriousness.

**misbehaviour** – is defined in section 262E of the *Local Government Act 1999* as:

- (a) A failure by a member of a council to comply with a requirement of the council under section 262C(1); or
- (b) A failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or
- (c) A failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1

**person responsible for managing the complaint** means, subject to any resolution of the Council to the contrary –

1. the Mayor;
2. if the complaint relates to or involves the Mayor, the Deputy Mayor;
3. if the complaint relates to or involves the Mayor and Deputy Mayor, another council member appointed by Council.

**repeated misbehaviour** – is defined in section 262E of the *Local Government Act 1999* as a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2 (Ch 5-Members of council, Pt 4-Member integrity and behaviour, Div 2-Member behaviour)

**serious misbehaviour** – is defined in section 262E of the *Local Government Act 1999* as a failure by a member of a council to comply with section 75G (Health and safety duties)

**trivial** – includes without limitation, a matter of little worth or importance; that is trifling; or insignificant.

**vexatious** – includes a matter raised without reasonable grounds or for the predominate purpose of causing annoyance, delay or detriment, or achieve another wrongful purpose

### 3. Principles

Nothing in this Policy is intended to prevent council members from seeking to resolve disputes and complaints in a proactive, positive and courteous manner before they are escalated.

The following principles will apply:

- Where a council member considers there has been behaviour that is inconsistent with the **behavioural requirements** is, a council member may, in appropriate circumstances, seek to respectfully and constructively raise this issue with the member concerned, without the need to lodge a complaint under this Policy;
- If a matter proceeds to a complaint, all council members will continue to comply with the procedures set out in this Policy and support the person responsible for managing the complaint;
- a consistent approach to the assessment, investigation and resolution of complaints will be adopted to facilitate timely and efficient resolution and minimisation of costs;

- Where required, Council may engage the assistance of skilled advisors and support persons in the assessment, investigation and resolution of complaints and avoid adopting an unreasonably legalistic approach.
- ongoing training and relevant resources will be provided to all council members to ensure they have the skills and knowledge necessary to perform their role in accordance with the **behavioural requirements** and the *Local Government Act 1999*.
- training and relevant support will be provided to persons with specific obligations under this Policy to facilitate the management, reporting and resolution of complaints alleging a breach of the **behavioural requirements**.

Council will manage complaints under this Policy with as little formality and technicality and with as much expedition as the requirements of the matter and the Local Government Act allow and with proper consideration of the matter. Council is not bound by rules of evidence but will inform itself in the manner considered most appropriate given the nature of the complaint.

#### 4. The Complaint Management Process

This Policy sets out the procedures for dealing with an allegation of a breach of the **behavioural requirements** applying to council members. These procedures do not apply to complaints about council employees or the council as a whole.

A complaint made in accordance with this Policy must be lodged within 6 months of the behaviour that is inconsistent with the **behavioural requirements** occurring. A decision may be made to accept a complaint lodged more than 6 months after the behaviour that is inconsistent with the **behavioural requirements** occurring on a case-by-case basis, at the discretion of the person responsible for managing the complaint.

Community members can lodge a complaint with the Council in accordance with this Policy but cannot lodge a complaint directly with the Behavioural Standards Panel.

##### 4.1. Dispute versus Complaint

It is important to distinguish between a dispute and a complaint. A dispute is generally a difference of opinion or disagreement between two parties. It may involve a heated discussion or some other unsatisfactory exchange between parties but may not amount to conduct inconsistent with the **behavioural requirements**. Ideally disputes will be handled directly by the parties involved and will not escalate to a complaint requiring action (even informal action) under this Policy. The Mayor (or another person) may play a role in facilitating a resolution to a dispute.

This Policy is intended to deal with matters where conduct is alleged to have been inconsistent with the **behavioural requirements**, rather than where members of council have differences of opinion, even when robustly put.

##### 4.2. Confidentiality

Complaints made in accordance with this Policy will be managed on a confidential basis until such a time as they are required to be reported to Council in a public meeting in accordance with this Policy or are otherwise lawfully made public or disclosed.

Access to information relating to complaints and information about complaints will be limited to parties to the complaint and individuals with a responsibility within the complaint handling process or as otherwise provided for within this Policy<sup>3</sup>.

A person who has access to information about a complaint (including the complainant and the person complained about) must not directly, or indirectly disclose to any person (including to a council member) that information except:

- For the purpose of dealing with the complaint
- Where required by law
- For the purpose of obtaining legal advice or legal representation, or medical or psychological assistance from a medical practitioner, psychologist or counsellor
- Where the disclosure is made to an external party, investigating the complaint, or mediator/conciliator engaged in accordance with this Policy
- Where the information has been made public in accordance with this Policy or this Policy otherwise authorises or requires the disclosure of the information.

This is not to be confused with formal consideration at a Council Meeting of any matter arising from application of this Policy. Items presented to Council must be assessed on a case-by-case basis in accordance with the requirements of section 90 of the *Local Government Act 1999*.

A complainant may request their identity be kept confidential from the person complained about. This does not constitute an anonymous complaint. The person responsible for managing the complaint will consider such requests on a case-by-case basis, having regard to any applicable legal requirements.

#### 4.3. Stages of Action

This Policy has three distinct stages to the approach that will be taken to address complaints about the behaviour of Council Members:

- Part 1: Informal Action: Where the matter can be resolved directly between the parties.
- Part 2: Formal Action: Where the matter cannot be resolved using informal action and a formal process of consideration is required.
- Part 3: Referrals to the Behavioural Standards Panel: the circumstance under which the Mayor, the Council or other authorised person(s) will make a referral.

#### 4.4. Part 1: Informal action

Council encourages informal resolution of concerns regarding behaviour alleged to be contrary to the **behavioural requirements**. A person may therefore consider raising the matter directly with the council member concerned.

Alternatively, a person may raise their concern with the Mayor on an informal basis. If the concerns relate to or involve the Mayor the person may raise the matter with the Deputy Mayor (if appointed) or

<sup>3</sup> There are circumstances in the *Work Health and Safety Act 2012* where information must be disclosed, for example where the health and safety of an employee is at risk.



other council member appointed by the Council as the person responsible for managing complaints under this Policy.

If the Mayor or person responsible for managing the complaint considers that access to resources to support impacted parties and facilitate early resolution of the matter should be provided, the Mayor or person responsible for managing the complaint will request the CEO to facilitate access to relevant resources. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

#### 4.4.1. Record keeping

Where the Mayor or person responsible for managing the complaint addresses the matter through informal action, a record should be made setting out:

- Details of the complainant
- Details of the person complained about
- A summary of the matter
- A summary of actions taken in response
- Details of agreed actions (if any)

If informal action does not successfully resolve the matter, the record may be made available to an investigation process as provided for under this Policy or to the Behavioural Standards Panel.

#### 4.5. Part 2: Formal action

This Part sets out the process for formal action in response to a complaint regarding the behaviour of council members and addresses the manner in which a complaint will be:

- Received
- Assessed
- Investigated
- Resolved
- Recorded

A complaint made under the Behavioural Management Policy must:

- be received in writing. Subject to an alternative resolution of the Council, a complaint should be marked with "Confidential Council Member Complaint" and forwarded to the relevant email or physical address as published on the Council's website.
- Provide the name of the council member who has allegedly breached the **behavioural requirements**, the name and contact details of the complainant, the name and contact details of the person submitting the complaint (if different to the complainant) and the name and contact details of any witnesses or other persons able to provide information about the complaint.
- Be specific (including identifying the **behavioural requirements** the complainant alleges have been breached)

- Provide as much supporting evidence as possible to assist an investigation, including the grounds and circumstances of the complaint (e.g. where, when, impact of the behaviour, actions taken to try to resolve the issue, relevant records or documents)
- Identify the outcome being sought
- Be lodged within six (6) months of the alleged conduct occurring on the basis that it is important to address alleged breaches of **behavioural requirements** in a timely manner (with discretion provided to the person responsible for managing the complaint to allow a longer time limit to apply in particular cases. This will be assessed on a case-by-case basis).

#### 4.5.1. Receipt of a Complaint

This step is an administrative process undertaken by the CEO or delegate:

- receipt
- initial acknowledgement
- record keeping; and
- allocation of the matter to the person responsible for managing the complaint.

The CEO or delegate does not undertake an assessment of the merits of the complaint.

Receipt of the complaint will be acknowledged within 2 business days or as soon as reasonably practicable and a copy of this Policy will be provided to the person making the complaint.

The complaint should be directed to the person responsible for managing the complaint in accordance with this Policy.

A complainant may withdraw their complaint at any stage.

#### 4.5.2. Initial complaint assessment

An initial assessment is not an investigation or adjudication of a complaint and no findings as to the merits of the complaint will be made at this stage.

##### Step 1

The person responsible for managing the complaint will undertake an assessment of it to determine whether the content of the complaint relates to the **behavioural requirements** and whether the conduct occurred in the context of the council member carrying out their official functions and duties.

In undertaking the assessment, the person responsible for managing the complaint will have regard to the following matters<sup>4</sup>:

- the person that is making the complaint (or on whose behalf the complaint has been made) has a sufficient interest in the matter
- the complaint is trivial, frivolous or vexatious or not made in good faith

<sup>4</sup> The person responsible for managing the complaint will also have regard to whether the council has obligations to report the matter to either the Local Government Association Mutual Liability Scheme (LGAMLS) or the Local Government Association Workers Compensation Scheme (LGAWCS), pursuant to the Rules of those Schemes and council's agreement with those bodies.

- the complaint has been lodged with another authority
- the subject matter of the complaint has been or is already being investigated by the Council or another body
- it is unnecessary or unjustifiable for the Council to deal with the complaint
- the council has dealt with the complaint adequately.

### Step 2

If the person responsible for managing the complaint considers the matter warrants further consideration, the person complained about should be advised that a complaint has been received and is undergoing an initial assessment in accordance with this Policy. They should be provided a summary of the matter, at a sufficient level of detail, to understand the nature of the allegations and enable them to provide a preliminary response. This may be achieved by a discussion between the person responsible for managing the complaint and the person complained about, taking into account the principles of this Policy. The person complained about may have a support person present during any discussions.

The person complained about should be given a reasonable opportunity, but no more than ten business days, to provide a response to support the initial assessment. The person responsible for managing the complaint may provide a longer period of time for provision of a response at their discretion. The person responsible for managing the complaint should have regard to any response provided in determining the action resulting from the initial assessment.

### Action from initial assessment

The person responsible for managing the complaint will determine what action will result from the initial assessment. A matter may proceed to formal consideration under this Policy, unless there are grounds to take one of the following actions pursuant to section 262B(2)(b):

- refusing to deal with the complaint<sup>5</sup>
- determining to take no further action
- referring to an alternative resolution mechanism or to propose training for relevant parties (e.g. facilitated discussion, provision of training, mediation, arbitration, conflict resolution, etc.)
- referring the matter to another body or agency (e.g., the Ombudsman SA or the Behavioural Standards Panel)

The outcome of the initial assessment will be advised to the complainant and person complained about in writing as far as is permitted by law.

### ***Refusing to deal with the complaint/Determining to take no further action***

Where the person responsible for managing the complaint makes a decision not to proceed with formal consideration of the matter the following steps should be taken:

<sup>5</sup> Section 270(4a)(a)(i) of the *Local Government Act 1999* precludes a review of a decision to refuse to deal with the complaint

- the complainant must be provided written reasons explaining the decision<sup>6</sup>
- the person complained about should be provided with a brief summary of the complaint and the reasons for not proceeding.
- A record of these steps and the decision not to proceed should be made.

Whilst a matter may not proceed, the person responsible for managing the complaint may discuss the issues informally with the parties and identify strategies to build skills, facilitate positive relationship development and reduce the likelihood of repeat occurrences.

***Decision to refer to alternative resolution mechanism:***

The person responsible for managing the complaint may form the view that the optimal way to deal with the complaint is to implement an alternative resolution mechanism such as facilitated discussion, mediation, arbitration, conflict resolution or training.

The person responsible for managing the complaint should discuss the use of a proposed alternative resolution mechanism with the complainant and the person complained about to determine whether there is support for this approach.

If so, the person responsible for managing the complaint should request the CEO take steps to facilitate access to appropriate internal or external support (not being for the purposes of obtaining legal advice) for parties to the complaint. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

The complainant and the person complained about should be provided written confirmation of the alternative resolution mechanism to be used for the purposes of resolving the complaint.

***Decision to refer to another body or agency***

Where the person responsible for managing the complaint makes a decision to refer the matter to another body or agency the person will follow any direction from that body or agency regarding what information is to be provided to the complainant and the elected member complained about regarding the referral.

***Decision to proceed to formal consideration:***

Where the person responsible for managing the complaint makes a decision to proceed to formal consideration the following steps should be taken:

- the person complained about should be provided with a copy of this Policy, contact details of the person responsible for managing the complaint and a summary document setting out:
  - the specific provision(s) of the ***behavioural requirements*** alleged to have been breached; and
  - the circumstances where this breach is alleged to have occurred.

In circumstances where the complainant has not requested their identity be kept confidential, a copy of the complaint may be provided in full.

<sup>6</sup> Section 262D, *Local Government Act 1999*



- the complainant should be advised of the decision to proceed and the contact details of the person responsible for managing the complaint.

#### 4.5.3. Formal consideration

Where a decision to formally consider the complaint has been made the person responsible for managing the complaint will determine how to proceed:

- The person responsible for managing the complaint may determine that they are the appropriate person to formally consider the complaint; or
- The person responsible for managing the complaint may determine to engage a third party to formally consider the complaint, for example:
  - an investigator who will report to the person responsible for managing the complaint; or
  - an external service provider with skills relevant to the matter who will report to the person responsible for managing the complaint.

If the person responsible for managing the complaint determines a third party should be engaged, they will request the CEO to facilitate engagement of an appropriate service provider. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

The person responsible for managing the complaint will advise both the complainant and the person complained about that they are able to have a support person accompany them during discussions relating to the complaint.

It is the expectation of Council that both the complainant and the person complained about will cooperate with any such process to consider the complaint and, if requested, participate in meetings in a timely manner.

*Failure by the elected member complained about to comply with this requirement may be taken into account when considering the actions to be taken under section 262B(2)(e) of the Local Government Act and may constitute grounds for referral to the Behavioural Standards Panel for misbehaviour.*

Further consideration by the person responsible for managing the complaint (or the third party engaged), may (at the discretion of that person) involve:

- explore the complaint with the complainant and the person who is the subject of the complaint
- speaking with other persons who have been nominated by the parties to have observed the behaviour
- speaking directly with witnesses to the conduct complained about
- requesting the provision of information or documents relevant to the investigation, which may include access to audio or video recordings of meetings.

During the formal consideration of a matter appropriate records should be kept by the person responsible for managing the complaint.

#### 4.5.4. Report

The person responsible for managing the complaint (or the third party engaged) should ensure a report is prepared summarising the matter and setting out their findings, conclusions and recommendations. The report should set out:

- Allegations made in the complaint
- Summary of evidence to which the investigation had regard
- Findings
- Conclusions
- Recommendations

A report will generally include a recommended action for the parties to consider and/or participate in such as, but not limited to the imposition of sanctions as per the Local Government Act:

- discussions with parties to the complaint to seek agreement
- formal mediation if not already undertaken
- Conciliation
- Arbitration
- Education and further training

A copy of the draft report should be provided to the parties to the complaint who should be given a reasonable opportunity, but no more than ten business days, to make submissions in relation to the draft report. The person responsible for managing the complaint (or the third party engaged) may provide a longer period of time for lodgement of submissions to the draft report at their discretion. The person responsible for managing the complaint (or the third party engaged) should have regard to any submissions made in preparing a final report.

#### Outcome – No breach found

Where the finding is that no breach of the **behavioural requirements** has occurred a final report should be prepared by the person responsible for managing the complaint (or third party engaged) and provided to the complainant and the person complained about.

The complaint will remain confidential in accordance with the requirements of this Policy, except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled<sup>7</sup> at the next practicable Council meeting. If no such request is received, no further action will be taken.

---

<sup>7</sup> Note that the complainants identity may need to be redacted.

#### Outcome – agreed actions (breach found)

Where the finding is that a breach of the **behavioural requirements** has occurred and the complainant and the person complained about<sup>8</sup> agree to a path for resolution, that agreement will be documented including matters such as:

- actions to be undertaken
- responsibility for completing actions
- timeframes for completion of actions
- what will occur if there is a repeat of the behaviours complained about
- monitoring arrangements for completion of actions
- what will occur if the actions aren't completed
- confirmation that the matter is considered resolved

The agreement reached will be made in writing, including a commitment by parties to the complaint to abide by the agreement (which may be by electronic means). A copy of the agreement will be retained by each party and a copy held in Council records.

The complaint will remain confidential in accordance with the requirements of this Policy except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled<sup>9</sup> at the next practicable Council meeting.. The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.<sup>10</sup>

#### Outcome – no agreed action (breach found)

Where the finding is that a breach of the **behavioural requirements** has occurred and the parties to the complaint have failed to reach agreement as to the resolution of the matter a final report should be presented to Council for determination. The person responsible for managing the complaint should request the CEO to include the final report in the Council Agenda as soon as practicable.

#### 4.5.5. Actions of Council

Where the parties are not able to agree on an approach to resolve the matter, the matter will be provided to Council for determine the actions to be taken which may include:

- taking no further action
- passing a censure motion in respect of the member;
- requiring the member to issue a public apology (in a manner determined by the Council)
- requiring the member to undertake a specified course of training or instruction;

<sup>8</sup> Where the conduct complained about is not raised by the person directly affected by the conduct it will usually be appropriate to discuss the proposed resolution with that person prior to finalising agreement. This is intended to apply in a circumstance where the 'victim' is not the complainant to provide them a reasonable opportunity to have input into the resolution.

<sup>9</sup> Note that the complainants identity may need to be redacted.

<sup>10</sup> Schedule 4(1)(d), *Local Government Act 1999*



- removal or suspension from one or more offices held in the member's capacity as a member of the Council or by virtue of being a member of the Council – but not the office of Member of the Council;

If Council determines to take action, a report on the matter must be considered at a meeting open to the public<sup>11</sup>.

Where Council determines to take no further action, the complainant will be advised of this along with reasons, which may include:

- (a) the ground that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the council to deal with or continue to deal with the complaint;
- (b) the ground that the subject matter of the complaint has been or is already being investigated, whether by the council or another person or body; or
- (c) the ground that the council has dealt with the complaint adequately.

In making a determination under section 262C(1) Council should be reasonably prescriptive about the manner and time periods in which the action must be completed. Section 262E defines a failure to comply with a requirement of the council under 262C(1) as 'misbehaviour' which may result in a referral to the Behavioural Standards Panel.

The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.<sup>12</sup>

#### 4.6. Behavioural Standards Panel

The Behavioural Standards Panel is an independent statutory authority consisting of three members and has powers to impose sanctions on council members who breach the **behavioural requirements**.

In accordance with section 262Q of the *Local Government Act 1999* a complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour may be made to the Panel by certain persons as set out below. The Panel's jurisdiction arises in the circumstances set out below:

<b>Legislative definition</b>	<b>Plain language explanation</b>
<p><b>misbehaviour</b> means—</p> <ul style="list-style-type: none"> <li>(a) a failure by a member of a council to comply with a requirement of the council under section 262C(1); or</li> <li>(b) a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or</li> <li>(c) a failure by a member of a council to</li> </ul>	<p>Misbehaviour means:</p> <ul style="list-style-type: none"> <li>(a) a council member fails to take the action required by council; or</li> <li>(b) a council member fails to comply with this policy; or</li> </ul>

<sup>11</sup> Section 262C(2), *Local Government Act 1999*

<sup>12</sup> Schedule 4(1)(d), *Local Government Act 1999*



comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1;	(c) a council member fails to comply with an agreement reached pursuant to this policy
<i>repeated misbehaviour</i> means a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2;	A second or subsequent breach of the <b>behavioural requirements</b>
<i>serious misbehaviour</i> means a failure by a member of a council to comply with section 75G.	A breach of health and safety duties (including sexual harassment) as set out in section 75G of the <i>Local Government Act 1999</i>

A complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour by a member of council may be referred to the Panel by<sup>13</sup>:

- A resolution of the council;
- the Mayor; or
- at least 3 members of the council
- Responsible person under 75G – direction not to attend meeting.

**Behavioural Standards Panel Contact Officer**

Council must appoint a person as the contact officer for matters referred to the Behavioural Standards Panel. The contact officer is responsible for the provision of information to and receipt of notice from the Behavioural Standards Panel.

**5. Responsibilities**

The Mayor, Deputy Mayor (if appointed) or other council member appointed by the council as the person responsible for managing complaints is responsible under this Policy to:

- Perform the tasks bestowed upon the person responsible for dealing with a complaint pursuant to this Policy
- In consultation with the CEO, facilitate access to resources to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint.
- In consultation with the CEO, engage external resources to assist with investigation and resolution of matters.

The CEO (or delegate) is responsible under this Policy to:

<sup>13</sup> Section 262Q, *Local Government Act 1999*



- manage the administrative receipt, acknowledgement, record keeping and allocation of a complaint lodged in accordance with this Policy
- facilitate access to external resources to support the resolution of complaints lodged in accordance with this Policy.

The Behavioural Standards Panel Contact Officer (appointed by the council) is responsible under this Policy to:

- comply with any lawful request of the Panel for information related to a matter under consideration.
- Receive and respond to notices relating to matters under consideration by the Panel.

Where the Behavioural Standards Panel Contact Officer is not the CEO, the Contact Officer should keep the CEO informed of the status of matters under consideration by the Panel.

## 6. Related Legislation

*Independent Commission Against Corruption Act 2012*

*Local Government Act 1999*

*Ombudsman Act 1972*

*Public Interest Disclosure Act 2018*

Document Set ID: 781625  
Version: 5, Version Date: 31/10/2022



**LG Equip**

148 Frome St  
Adelaide SA 5000

GPO Box 2693  
Adelaide SA 5001

T (08) 8224 2000

E [lgasa@lga.sa.gov.au](mailto:lgasa@lga.sa.gov.au)

**[lga.sa.gov.au](http://lga.sa.gov.au)**

Document Set ID: 781625  
Version: 5, Version Date: 31/10/2022



**22.2 CONSULTATION - PROPOSED ANZAC MEMORIAL PORT CLINTON****Document #:** 23/95834**Department:** Executive Services**PURPOSE**

For Council to consider the community engagement process undertaken by members of the Port Clinton community relating to a proposed ANZAC Memorial at the corner of Yoolamardy Terrace and Yelta Street, Port Clinton.

**RECOMMENDATION A**

That Council, having considered the community engagement undertaken by members of the Port Clinton community relating to a proposed ANZAC Memorial at the corner of Yoolamardy Terrace and Yelta Street, Port Clinton (ANZAC Memorial Consultation), are satisfied that the ANZAC Memorial Consultation meets the requirements of Council's Community Engagement Policy (PO057) Level 2 Consult community engagement requirements.

**OR****RECOMMENDATION B**

That Council:

1. Having considered the community engagement undertaken by members of the Port Clinton community relating to the proposed ANZAC Memorial at the corner of Yoolamardy Terrace and Yelta Street, Port Clinton (ANZAC Memorial Consultation), are satisfied that the ANZAC Memorial Consultation does not meet the requirements of Council's Community Engagement Policy (PO057), Level 2 Consult community engagement requirements;

**AND**

2. Determines to undertake its own community engagement process to meet the requirements of Council's Community Engagement Policy (PO057), Level 2 Consult, in relation to the proposed ANZAC Memorial at the corner of Yoolamardy Terrace and Yelta Street, Port Clinton.

**LINK TO STRATEGIC PLAN****Goal:** 4 Community Engaged and Supported**Strategy:** 4.6 Continuous improvement in communicating with and engaging the community**BACKGROUND**

Council have received a request from the Port Clinton Progress Association (Progress), to consider a request from community members for landowner consent relating to a proposed ANZAC Memorial at the corner of Yoolamardy Terrace and Yelta Street, Port Clinton. Consideration regarding the adequacy of the community engagement process undertaken by members of the Port Clinton community, relating to a proposed ANZAC Memorial, is required.

**DISCUSSION****Consultation Undertaken Background Summary**

A Port Clinton community member first contacted the Council in around August 2021 to enquire as to the process required to gain Council approval (by way of landowner consent) to install an ANZAC Memorial at the corner of Yoolamardy Terrace and Yelta Street, Port Clinton. In response, site plans and measurements were requested so that Council could determine the most appropriate process. Council subsequently received a completed Application for Memorial Plaque (Council standard form

SF208) on 25 February 2022, enclosing a quotation and photographs from Mr Millar as provided in Attachment 1.

Council's Operations Manager received an email on 30 March 2022, advising that the Progress supported the approval being sought for the proposed ANZAC Memorial. Council's response on 4 April 2022 included the following advice:

*"As part of any request of this nature we request you consult with adjacent land owners & show council proof of this & their approval. Council also need to know the finished height . if you can keep it below a metre a Development application is not required."*

and

*"Need you to do some consultation . Try & get support for others around the area.( map attached for possible affected Households. Consult with these as minimum ) Can you do door knock & get signatures at Easter or show us proof of consultation somehow. You also need to clarify height. I can then take it to Management for possible decision."*

A copy of the *"map attached for possible affected Households. Consult with these as minimum"* is provided in Attachment 2.

Council then received a letter on 9 September 2022 (dated 7 September 2022) enclosing a petition, letters of support from the Port Vincent and Port Victoria RSL sub-branches and Stansbury RSL and photos, from Mr Millar stating that it had been sent on behalf of the Progress. A copy of the letter is provided in Attachment 3.

Following a telephone conversation with Mr Millar, Council's Property Tenure Officer (PTO) wrote to the Progress on 11 October 2022, advising that consultation is required with adjacent landowners and that a petition is not considered to be consultation, rather that consultation is informing and involving the community in decision making processes. A copy of the PTO's letter is provided in Attachment 4.

In an email to the Mayor on 3 April 2023, Mr Millar included the following update:

*"As guided by Progress and council, I chaired a town meeting on Saturday to consult and provide information regarding the ANZAC memorial we are trying to erect here on a road reserve overlooking the ocean."*

and

*"So now its up to our local Progress to arrange a date where the residents can vote on the options presented. I believe the results along with the original proposal will be sent to council."*

Council did not instruct Mr Millar or the Progress to hold a town meeting, but were not opposed to a town meeting forming part of the consultation process.

Council's Governance Officer (GO) received an email from another Port Clinton community member on 28 April 2023, advising *"we are preparing for the next step in the Anzac Day memorial project"* and seeking *"YP council guidance in a couple of matters"*. Council's GO provided a detailed response on 3 May 2023, including the advice:

*"Council would typically treat the installation of a structure like the Anzac Day Memorial (ADM), in a particular location, as a 'Level 2' Consult under our Community Engagement Policy PO057 (attached). A letter or survey (which you can call a voting slip) **must** be provided to the affected property owners. I have attached a map showing who Council would consider to be the affected property owners, along with an example letter and survey that Council have utilised in the past. Progress could potentially include more than one option, for example a permanent structure or a non-permanent structure that can be installed for specific events."* A copy of the GO's response is provided in Attachment 5.

On 23 May 2023 Council received a copy of a letter, dated 15 May 2023, signed by Mr Millar and Mr Brown (May Consultation Letter), that is understood to have been hand delivered to *some* of the property owners identified by Council as affected property owners in Attachment 6 (Affected Property Owners). The information that Council received on 23 May 2023 also advised that four Affected Property Owners were emailed separately, with the date on those emails showing as 20 May 2023.

It is understood that some Affected Property Owners received the 20 May 2023 emails in response to their request for the May Consultation Letter.

At the request of the Progress, Council's GO and PTO assisted the Progress by counting the votes (understood to be the votes resulting from the Port Clinton community consultation voting process undertaken by community members) that were provided to them by the Progress Secretary. The GO and PTO counted and recorded the votes on 2 June 2023 at the Maitland Council Office with the Progress Secretary present (the voting papers had previously been delivered to the Maitland Council Office in a locked box on 29 May 2023 by the Progress Secretary, for which the Progress Secretary retained the key).

On 7 August 2023, Council received a hand delivered letter from Mr Brown, enclosing a letter dated 2 August 2023 from the Progress Chairman providing "*the committee's thoughts and consideration of the proposal*" and requesting that Council "*initiate their process on the proposed memorial*", as provided in Attachment 7.

Council have received feedback from multiple parties regarding the proposed ANZAC Memorial and it is clear that there is divide and angst amongst members of the community. The key issues are:

- The suggested permanency of the ANZAC Memorial; and
- Community member concerns about the consultation process undertaken, particularly relating to who was/was not contacted/adequately consulted.

There is no evidence to suggest that the consultation undertaken with Affected Property Owners met the requirements of a Level 2 Consult under Council's Community Engagement Policy (PO057) (Policy). A copy of the policy is provided within Attachment 5.

## **COMMUNITY ENGAGEMENT PLAN**

Level 2 - Consult

Council typically require a Level 2 Consult consultation process, in accordance with the Policy requirements, when considering the installation of a structure like the proposed ANZAC Memorial.

## **CONSULTATION PROCESS**

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

- Corporate Management Team
- Governance Officer
- Property Tenure Officer

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

- Nil

## **POLICY IMPLICATIONS**

PO057 Community Engagement Policy

PO091 Risk Management Policy








## **BUDGET AND RESOURCE IMPLICATIONS**

Resources required in managing the request for landowner approval are being met within the existing Council budget. Should Council grant landowner approval in the future, the cost associated with the proposed ANZAC Memorial will not be required to be met by Council.

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

Compliance with the requirements of Council's Policy, along with the risks of non-compliance for the Council, must be considered when determining the adequacy of the community engagement process undertaken by members of the Port Clinton community for the proposed ANZAC Memorial.

**ATTACHMENTS**

1. **Application for Memorial Plaque - Cliff Overlooking Foreshore Port Clinton - Port Clinton Progress Association - Redacted (under separate cover)** 
2. **Advice - Map - Minimum Consultation Possible Affected Households - Proposed ANZAC Memorial Port Clinton** [↓](#) 
3. **Advice - Establishment of ANZAC Memorial - Letter of Support - Port Clinton Progress Association - Redacted** [↓](#) 
4. **Response - Advice - Request for Land Owners Consent - ANZAC Memorial - Port Clinton Progress Association - Consultation Required** [↓](#) 
5. **Response - Advice - Request for Land Owners Consent - ANZAC Memorial - Port Clinton Progress Association - Consultation Required - Redacted** [↓](#) 
6. **Advice - Consultation With Property Owners - Proposed ANZAC Memorial Port Clinton - Brown - Redacted** [↓](#) 
7. **Advice - Recognition of Voting for Proposed ANZAC Memorial - Feedback from Progress Committee ~ Port Clinton Progress Association - Redacted** [↓](#) 

Public Comments

TOIKE PENINSULA COU





RECEIVED  
09 SEP 2022

Attention: Sue Beech

BY:.....

Property Tenure Officer

Yorke Peninsula Council

7<sup>th</sup> September, 2022

To whom it may concern,

My name is Michael "Dusty" Millar, I am the Port Clinton Caravan Park Manager and have been for the past 9 ½ years. As part of my job description, I attend the Port Clinton Progress Association and present a monthly report to the committee.

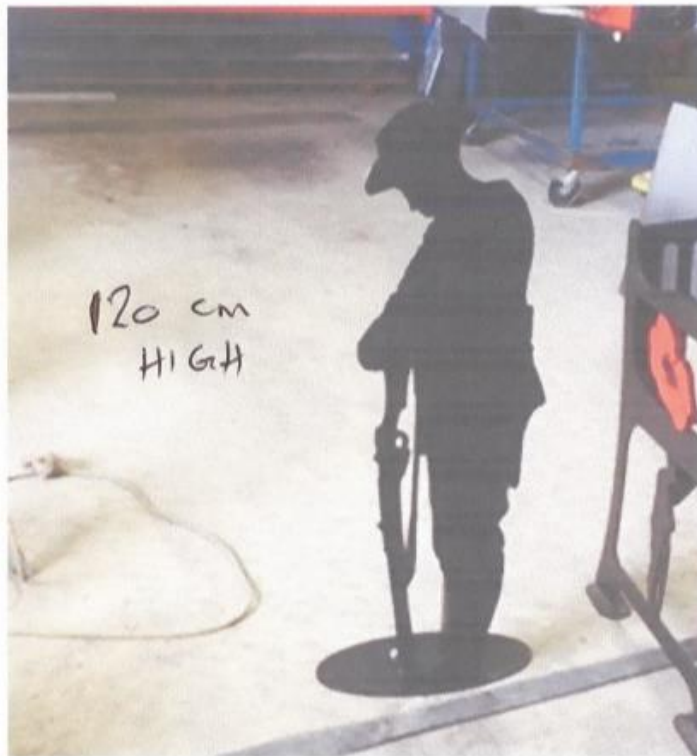
I am also a returned serviceman who saw active service in IRAQ in 2003, I served 29 years in the RAN. I have attended ANZAC Day services all my life and approximately 5 years ago got permission from our local Progress association to oversee our local town dawn service. Port Clinton has a road reserve which overlooks the St Vincent Gulf and the views from this reserve are awesome and we are lucky to have this reserve to hold our ANZAC Day dawn service. This service gains momentum each year with people coming from far and wide to attend our service. Here in town, we have approximately 12 ex-servicemen/women, majority of them have served in theatre. Most of these ex-serving members assist me on ANZAC Day.

In May 2021, I approached the local Progress Association requesting permission to investigate the feasibility of putting an ANZAC Memorial on the Road Reserve on the corner of Yelta St and Yoolamardy Terrace here in Port Clinton. I was asked to approach council for advice and in October 2022 I was given permission from Progress to apply. I then contacted Sue Beech at council, seeking advice on how to pursue this application. I filled in an application and submitted it along with a detailed map of the road reserve and the positioning of the memorial.

On the 4<sup>th</sup> of April I was contacted by Stephen Goldsworthy, Operations Manager for Yorke Peninsula Council. He asked me if we were prepared to look at an alternative site for the memorial. I advised him that we were not. He asked me if the Progress wanted to pursue this further and I asked if he could do this on the Progress Associations behalf. He also suggested that I should put a petition together and get residents both semi-permanent and permanent to support this initiative by signing the petition. Currently there are approximately 200 residents living permanently in Port Clinton. Enclosed within this submission is a petition signed only by permanent and semi-permanent residents from Clinton.

The road reserve is mainly dolomite but there is a very well grassed portion on the Yelta Street side of the reserve, and our flagpole is central on the ocean side of the grassed area. It makes sense to place the memorial just behind the flagpole as majority of the ANZAC Day crowd sit/stand on the grassed area. The ANZAC Day presenters/speaker's dais is set up adjacent to the flagpole and proposed memorial site. The actual spot has a clear view to the ocean. The reserve is very popular with the caravan community, lots of them park on the reserve and









## RSL PORT VINCENT SUB BRANCH

PO BOX 839, PORT VINCENT. SA 5581 .

ABN – 65 093 462 755

Port Clinton Progress Association.  
Port Clinton SA  
03/09/2022

Dear Mr Miller

I am writing to you in support of your endeavours to erect a Memorial (Monument) to all Service people that have served , or continue to serve for Australia. We commend you and your committee on your efforts and we know that in a small town that such a thing is important for the gathering of the community on occasions when we remember. Eg. ANZAC Day, Remembrance Day and any other time that a service suits. We wish you all the best in achieving a positive outcome for your community.

Yours in Service

A handwritten signature in black ink, which appears to read 'T. N. Clarke'.

Trevor Clerke  
Secretary,  
RSL Port Vincent Sub Branch  
Ph [REDACTED]



17<sup>th</sup> July 2022

To whom it may concern,

I am writing on behalf of the RSL Port Victoria Sub-Branch members, who give their full support to Mr Michael Miller and the Port Clinton Progress Association with their project to install an ANZAC Memorial in their town.

The town has a hard-working group of volunteers who want to provide a place of significance for their service/ex-service members and their families, as well as the community, to attend ANZAC and Remembrance Day services. The memorial will be an important part of the history of recognising Australian conflicts from WW1 through to current day, and will ensure that future generations will be able to comprehend and recognise the fundamental sacrifices suffered by our servicemen and women.

This seaside destination has visitors from all over Australia who attend their ANZAC and Remembrance Day Services.

The President and members of the RSL Port Victoria Sub-Branch commend the Port Clinton Progress Association for supporting Mr Miller, and the foresight and diligence in recognising the importance of the development of an ANZAC Memorial.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Carole Gill'.

**Carole Gill**  
Secretary

Mobile: [REDACTED]

RSL Port Victoria Sub-Branch  
PO Box 52, Port Victoria SA 5573

ptclintoncp@outlook.com

---

**From:** Stansbury@rslsa.org.au  
**Sent:** Wednesday, 20 July 2022 7:51 AM  
**To:** Port Clinton Caravan park  
**Subject:** Re: Support request

Good Morning Michael,

Stansbury RSL is in support of your application to install an Anzac Memorial on the site of your Remembrance Services. We wish you the best in your application and look forward to a successful Outcome.

Lest We Forget

Doug Carruthers  
Secretary  
Stansbury RSL

---

**From:** Port Clinton Caravan park <ptclintoncp@outlook.com>  
**Sent:** Monday, 11 July 2022 1:30 PM  
**To:** Ardrossan@rslsa.org.au <Ardrossan@rslsa.org.au>; Edithburgh@rslsa.org.au <Edithburgh@rslsa.org.au>; portvictoria@rslsa.org.sa <portvictoria@rslsa.org.sa>; PortVincent@rslsa.org.au <PortVincent@rslsa.org.au>; Stansbury@rslsa.org.au <Stansbury@rslsa.org.au>; Yorketown@rslsa.org.au <Yorketown@rslsa.org.au>  
**Cc:** [REDACTED]  
**Subject:** Support request

Good afternoon all,

My name is Michael "Dusty" Millar, I am the Port Clinton Caravan Park Manager and have been for the past 9 years. I am an ex serviceman, I served 29 years in the RAN and saw active service in the Northern Arabian Gulf (IRAQ) in 2003, under Operation Bastille, Operation Slipper and Operation Falconer, all part of the International Coalition Against Terrorism (ICAT).

I organise the ANZAC Day service here at Pt Clinton, assisted mainly by a group of ex-servicemen/women. Each year our service gets bigger and better, this year we had a bagpipe player (ex RAAFie) and had approximately 150 people in attendance.

Here in Pt Clinton, we are very lucky to have a road reserve which is a block of land on top of a cliff, overlooking the ocean. We hold our service on this block of land, with councils permission.

I approached the Pt Clinton Progress Assn requesting them to approve the installation of an ANZAC memorial on this block of land. The progress not only approved me to champion this initiative, but will also pay for the memorial and its installation. The memorial is metal and is approximately 3f x 4f (photo attached, it's the one to the left of the gentleman in the photo).

I submitted a request to the YP council on behalf of my Progress Assn and the request was denied due to a local land owner displaying his angst against this initiative. The local land owner is against it as he thinks it will block his view and he thinks he owns this block of land. His front door is approx. 30mtrs from the proposed instal site. The council recommended that I get the local town folk to sign a petition and re-submit my/our application to council.

One of the Loxton/Waikerie's district councillors has a holiday house here in Pt Clinton, he has offered to help me with this application and he suggested I should contact the YP RSL clubs to see if I/we can get letters of support, as part of my/our council application.

Also the councillor is in the process of contacting all the YP local councillors requesting they also support this memorial.


Would it be possible for your RSL secretary/committee to provide me/us with a support letter for this ANZAC memorial to be installed on this block of land.

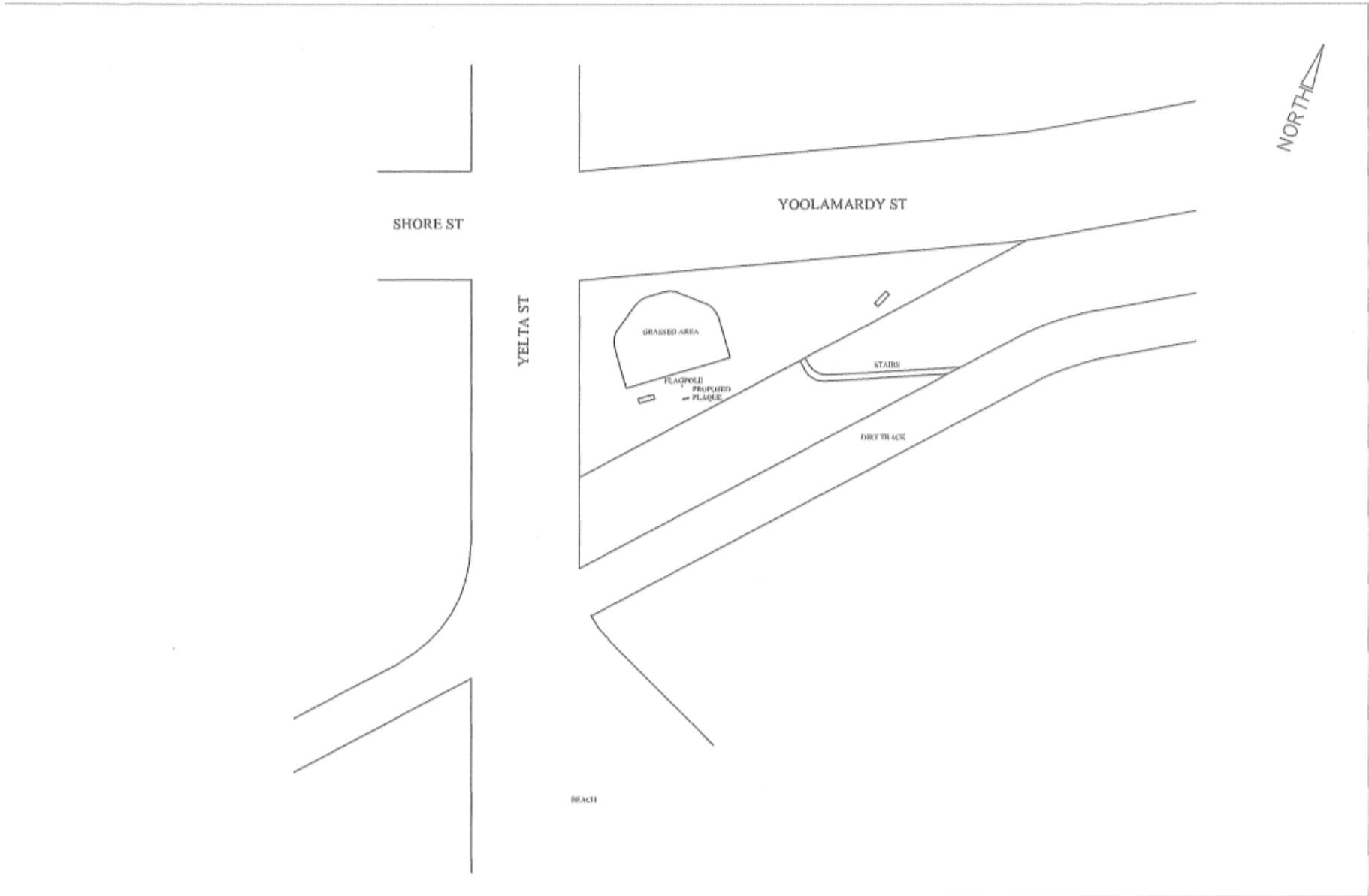
Thank you for considering this and look forward to hearing from you.

Regards

Michael "Dusty" Millar

On behalf of the Port Clinton Progress Association

  
ptclintoncp@outlook.com



ANDERSON DRAFTING  
P.O. BOX 61

COPYRIGHT RESERVED  
THE DESIGN AND DETAILS HEREIN REMAIN THE PROPERTY OF

ANDERSON DRAFTING

SITE  
SCALE 1:500

PLAQUE FOR  
PORT CLINTON PROGRESS ASSOCIATION

24

I wish to show my support for the construction of a return servicemen/servicewomen memorial which will be located on the road reserve cnr of Yoolamardy and Yelta Street.



The memorial is approximately 91 centimetres x 121 centimetres (picture attached)

Name	Address	Signature	Permanent Resident	Semi Permanent
New Appledore		N. W. Appledore		✓
John MARTIN		[Signature]	"	
DIANNE MARTIN		[Signature]	"	
Janne Perry.		[Signature]	✓	
Trevor Perry.		[Signature]		
Carmel		[Signature]	✓	
Ken WHICKON		[Signature]		
Wendy Golding		[Signature]	✓	
Crystal Hall		[Signature]	✓	
D. BROWN		[Signature]	"	

I wish to show my support for the construction of a return servicemen/servicewomen memorial which will be located on the road reserve cnr of Yoolamardy and Yelta Street.




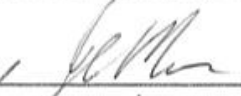






The memorial is approximately 91 centimetres x 121 centimetres (picture attached)

Name	Address	Signature	Permanent Resident	Semi Permanent
JESS IDEAN	[REDACTED]			✓
JASON SLY				✓
Megan Barnett				✓
Neville Katoschke				✓
TRENDR BLACKBOLOUGH			✓	
ANNE BESLEY			✓	
GARY SICKENDICK			✓	
<del>JOFF WILSON</del>			✓	
BERND KOHN			✓	
Terence Ambrose				



I wish to show my support for the construction of a return servicemen/servicewomen memorial which will be located on the road reserve cnr of Yoolamardy and Yelta Street.




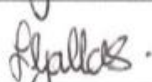

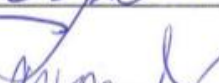




The memorial is approximately 91 centimetres x 121 centimetres (picture attached)

Name	Address	Signature	Permanent Resident	Semi Permanent
Jane Hoare				✓
Ray Hoare				✓
CHRISTINE WARREN			✓	
John MAMHIRE			✓	
Julie Angel			✓	
NEVILLE ATKINS			✓	
JEFF HARRIS			✓	
Jason Thomson			✓	
Jodie Prior			✓	
Darcen Murray			✓	



I wish to show my support for the construction of a return servicemen/servicewomen memorial which will be located on the road reserve cnr of Yoolamardy and Yelta Street.

The memorial is approximately 91 centimetres x 121 centimetres (picture attached)

Name	Address	Signature	Permanent Resident	Semi Permanent
DOMA MACPHERSON			✓	
WENDY MACPHERSON			✓	
Joyce Page			✓	
Lesley Gallas				✓
M. TSCHARAN			✓	
J. MEAK			✓	
NEIL SKEWES			✓	
Judy Shephard			✓	
Norma Stringer			✓	
CHRIS O'CALLAGHAN			✓	










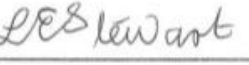

I wish to show my support for the construction of a return servicemen/servicewomen memorial which will be located on the road reserve cnr of Yoolamardy and Yelta Street.

The memorial is approximately 91 centimetres x 121 centimetres (picture attached)

Name	Address	Signature	Permanent Resident	Semi Permanent
Jody Deed	[REDACTED]	<i>J Deed</i>		✓
Jim Deed		<i>J Deed</i>		✓
Chantelle Cash		<i>Chantelle Cash</i>		✓
Brad Deed		<i>Brad Deed</i>		✓
MURRAY DUTHIE		<i>Murray Duthie</i>		✓
NORMA DUTHIE		<i>Norma Duthie</i>		✓
Ryan Duthie		<i>Ryan Duthie</i>		✓
Glenn Duthie		<i>Glenn Duthie</i>		✓
Gail AHEARN		<i>Gail Ahearn</i>		✓
ALICE DUTHIE		<i>Alice Duthie</i>		✓



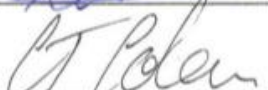
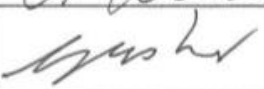


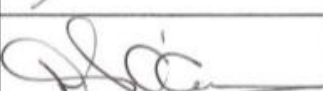



I wish to show my support for the construction of a return servicemen/servicewomen memorial which will be located on the road reserve cnr of Yoolamardy and Yelta Street.

The memorial is approximately 91 centimetres x 121 centimetres (picture attached)

Name	Address	Signature	Permanent Resident	Semi Permanent
ADRIAN CORK			✓	
<del>DAVID MATTHEWS</del>				✓
JULIE BOWDEN				✓
GREG SULLIVAN				✓
KATHY SCHUTZ			✓	
MURRAY SCHUTZ			✓	
Shani Baldwin-Smith			✓	
M.A Stewart				✓
LE STEWART				✓
David Matthews				✓

I wish to show my support for the construction of a return servicemen/servicewomen memorial which will be located on the road reserve cnr of Yoolamardy and Yelta Street.

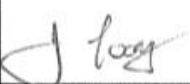


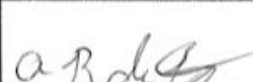


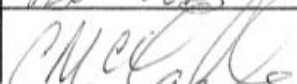

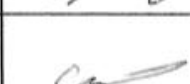
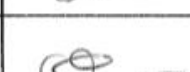
The memorial is approximately 91 centimetres x 121 centimetres (picture attached)

Name	Address	Signature	Permanent Resident	Semi Permanent
Sue Matthews				✓
Tony Collins			✓	
Carol Coleman			✓	
Geoffrey Usher			✓	
Peter Dymola Harris				✓
STEVE O'CONNOR			✓	
Dona O'Connor			✓	
Leon Andeewer			✓	
B. Sprunger			✓	
A. ...			✓	





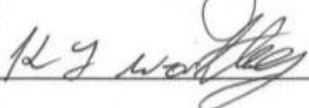
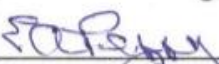


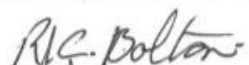

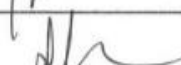
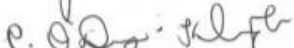
I wish to show my support for the construction of a return servicemen/servicewomen memorial which will be located on the road reserve cnr of Yoolamardy and Yelta Street.

The memorial is approximately 91 centimetres x 121 centimetres (picture attached)

Name	Address	Signature	Permanent Resident	Semi Permanent
Joseph Toomey			✓	
Bob Morris			✓	
Cristine Warren			✓	
Andrew de Jong			✓	
Laura Toomey			✓	
R.W. SAUNDERS			✓	
P. McCallion			✓	
S. CURYER				✓
G. Mackintosh				✓
M. KOCH			✓	




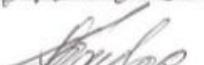


I wish to show my support for the construction of a return servicemen/servicewomen memorial which will be located on the road reserve cnr of Yoolamardy and Yelta Street.

The memorial is approximately 91 centimetres x 121 centimetres (picture attached)

Name	Address	Signature	Permanent Resident	Semi Permanent
MICHAEL MILLAR			✓	
Donna Haray				✓
Kym Worthley				✓
Evelyn Perry				✓
RAY FERRY				✓
Christine Locke			✓	
CRAIG BOLTON			✓	
IAN KOHN				✓
Julie Kohn				✓
Nicola O'Donoghue			✓	

I wish to show my support for the construction of a return servicemen/servicewomen memorial which will be located on the road reserve cnr of Yoolamardy and Yelta Street.







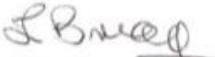
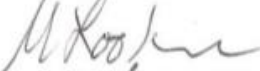


The memorial is approximately 91 centimetres x 121 centimetres (picture attached)

Name	Address	Signature	Permanent Resident	Semi Permanent
Chrissy Morcom			YES	
R. CLAUSEN		R. Clausen	YES	
Margie Halgaard		M.R. Halgaard	yes	
John Yard		A.A. Yard	Yes	
Jan Halliday			yes.	
Brenda Nelson		B.N. Nelson	YES	
JUNE TAYLOR			YES	
Maxine Brodes			YES.	
Patricia Halls		Patricia Halls	Yes!	
Debra Kellaway			Yes	



I wish to show my support for the construction of a return servicemen/servicewomen memorial which will be located on the road reserve cnr of Yoolamardy and Yelta Street.

The memorial is approximately 91 centimetres x 121 centimetres (picture attached)

Name	Address	Signature	Permanent Resident	Semi Permanent
MARCELLO MAROTTI			YES	
RAY RILEY			YES	
Annette Speck			YES.	
ROBERT SPECK			YES	
P. WATLEY				✓
TREVOR COGGINS			YES.	
Lynne Breez				✓
MICHELLE LOOKER				✓
Ed Coorze				✓
[Signature]				—








I wish to show my support for the construction of a return servicemen/servicewomen memorial which will be located on the road reserve cnr of Yoolamardy and Yelta Street.

The memorial is approximately 91 centimetres x 121 centimetres (picture attached)

Name	Address	Signature	Permanent Resident	Semi Permanent
Rodney Millett		R. Millett		✓
Lee Rae Yates		L. Yates	✓	
David Yates		D. Yates	✓	
LYNDA O'CALLAGHAN		L. O'Callaghan	✓	
ALAN HEADON		A. Headon	✓	
PAM HEADON		P. Headon	✓	
Elaine Peters		E. Peters		✓
Shane Peters		S. Peters		✓
Loannell Hicks		L. Hicks	✓	
P. M. Pettitt		P. M. Pettitt		✓



I wish to show my support for the construction of a return servicemen/servicewomen memorial which will be located on the road reserve cnr of Yoolamardy and Yelta Street.

The memorial is approximately 91 centimetres x 121 centimetres (picture attached)

Name	Address	Signature	Permanent Resident	Semi Permanent
Susan Wams				✓
R. SAUNDERS			✓	R95033
WJ NEED				✓
IAN THORNTON			<del>✓</del>	✓
Pam Quin				✓
Laurie Quin				✓
Ri Sullivan		R Sullivan		✓
P. Wolfenden			✓	
R. MacDOUGAL				✓
GEORGE KLUNYK			✓	

I wish to show my support for the construction of a return servicemen/servicewomen memorial which will be located on the road reserve cnr of Yoolamardy and Yelta Street.

The memorial is approximately 91 centimetres x 121 centimetres (picture attached)

Name	Address	Signature	Permanent Resident	Semi Permanent
B. RIGLIN				✓
E. WILSON		E. Wilson		✓
G. CAMPE			✓	



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



11 October 2022

The Secretary  
Port Clinton Progress Association  
PO Box 240  
PORT CLINTON SA 5570

Dear Tricia,

**Proposed Anzac Memorial Project**

Council received a request for land owners consent from Dusty Millar on behalf of the Port Clinton Progress Association (PCPA) to erect an Anzac Memorial located on the road reserve at the corner of Yelta Street and Yoolmardy Terrace, Port Clinton.

Whilst Council fully supports this commendable project, it is the responsibility of PCPA who represent the Port Clinton community to work together to ensure residents are in favour of community projects.

I have spoken to Mr Millar and suggested that consultation is required with adjacent landowners to reach an amicable agreement or look at alternate sites. Whilst Mr Millar provided a petition to Council that indicated the majority of the community are in favour of the project, this is not consultation. Consultation is informing and involving the community in decision making processes.

I have since spoken with Mr Alan Headon and he has agreed to meet with Council staff, along with your newly elected President, Donna O'Connor to discuss further.

Thank you for your cooperation.

Yours sincerely

Sue Beech

**Property Tenure Officer**

BRANCH OFFICES  
MINLATON

**Mary Herrmann**

---

**From:** Mary Herrmann  
**Sent:** Wednesday, 3 May 2023 2:12 PM  
**To:** Alan  
**Cc:** Sue Beech  
**Subject:** Voting for Anzac Day memorial  
**Attachments:** Port Clinton Property Owner Consultation Map.pdf; Example Letter to Property Owners.pdf; Example Survey to Property Owners.pdf; W1168 Generating QR Codes.PDF.pdf; PO057 Community Engagement Policy.PDF

Hi Alan,

I have answered your questions in green, underneath each question you asked, for ease of reference. I hope that what I have provided helps, however please feel free to email me or give me a call if you need further detail or assistance. I will be on leave next week and the week after, but I will keep an eye on my emails. I have copied in Sue, who is our experienced Property Tenure Officer, as she will also be happy to help.

Well done for stepping up to help and I hope it all goes well.

Kind Regards,  
Mary.

-----Original Message-----

From: Alan <[REDACTED]>  
Sent: Friday, 28 April 2023 10:51 AM  
To: Mary Herrmann <[Mary.Herrmann@yorke.sa.gov.au](mailto:Mary.Herrmann@yorke.sa.gov.au)>  
Subject: Voting for Anzac Day memorial

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.

Good morning Mary, I hope this email finds you well, we are preparing for the next step in the Anzac Day memorial project and would like the YP council guidance in a couple of matters please.

1. Voting day.

We have set a date of 27th of May, what forms of advertising must we engage to ensure compliance with any voting criteria ? And when should this commence ?.

Council would typically treat the installation of a structure like the Anzac Day Memorial (ADM), in a particular location, as a 'Level 2' Consult under our [Community Engagement Policy PO057](#) (attached). A letter or survey (which you can call a voting slip) **must** be provided to the affected property owners. I have attached a map showing who Council would consider to be the affected property owners, along with an example letter and survey that Council have utilised in the past. Progress could potentially include more than one option, for example a permanent structure or a non-permanent structure that can be installed for specific events.

Council also notify the public about the ADM project and seek feedback about what is being proposed and any options via its Facebook (FB) page (a number of posts would be made), website and in the YP Country Times. Progress should also place a number of posts on their FB page, place a notice in the YP Country Times, place posters around the Port Clinton township, in prominent and frequently used areas (such as the shop and community centre) and place an article(s) in the Progress newsletter to notify the public about the ADM project and seek feedback about what is being proposed and any options. I suggest that all feedback is sought using the same wording (i.e. as per the letter/survey examples) and form (i.e. as per the examples such as a tear off slip/survey form (which can be

hard copy and electronic) and Council is happy to share the posts that Progress create on its FB page and website if Progress would like us to (subject to the standard approval required from the CEO prior to posting).

Progress could create a simple and free online survey, which mirrors the wording and format of the hardcopies (i.e. as per the letter/survey examples) through a provider such as [Survey Monkey](#) (which collates all the answers people submit on line and puts them into a simple report) and that way, regardless of where the property owners live, they would be able to submit feedback. Progress could consider also creating a QR code to make it easy for people to just scan it and go straight to the survey (for example) – this is pretty easy to do and I have attached some instructions that Council staff use, to assist, if Progress decide they want to do this.

People could still choose to write to Progress in a format other than that distributed by Progress, to provide feedback if they wished to and this should be included in the final consideration by Progress.

## 2. Voter registration.

What is the process used for recording eligible voters on the day of the vote ?.

I suggest that you have hard copies of the posters/wording/flyers/voting slips etc. on display and available at the town meeting and that anyone who attends can either vote online or complete the same hard copy feedback form (i.e. voting slip), which would be placed into the locked box by the person. Progress can determine at a formal meeting as to whether or not they will accept votes from persons who do not own property or live (people may live in a property that they do not own) in Port Clinton.

## 3. Voting paper information.

Can you advise what mandatory information is required from each individual voter when filling out a voting slip ?.  
What voting format / information must put on the voting slip for the voter ?.

The public **must** be provided with adequate information about what is being proposed (size, location, pictures/drawings, how the location was chose, why etc,) and what other alternatives are available (i.e. no ADM, temporary ADM etc.) to inform decision making. The examples should provide some guidance.

## 4. Can we include postal votes ?

Yes, as above.

## 5. Can we include "proxy votes" ?

If you set up online feedback, you shouldn't need to, and anyone who is representing someone else can fill out a form on their behalf on the day.

## 6. Is a locked box required for the completed voter slips ?.

See 7.

## 7. Who is responsible for completing the count of votes ?.

As above.

I suggest that all responses/feedback from the consultation process, including any responses/feedback obtained at the town meeting should be collated by the Progress secretary (hard copies would be mailed to a specific address and a locked box could be provided at the shop for example to which only the secretary and the president/chairperson have the key – Council have a box that Progress could loan if required – Council would also be happy to receive community feedback if Progress would like us to do so, which would be forwarded to the Progress secretary) and the final numbers not disclosed or revealed until the nearest possible meeting of the Progress held after the town meeting (As is reasonably practical). The Progress could nominate a number of Progress office bearers to assist the Progress Secretary in collating and tallying the feedback, such as the president/chairperson, public officer and treasurer, in preparation for the official Progress meeting. I would suggest that a summary of the feedback and the final numbers is provide in the agenda for the official Progress meeting and not copies of all of the feedback.



Anyone who has anything to say at the town meeting can be directed to provide their feedback via the feedback forms (or voting slips, whatever you call them) rather than verbally.

8. What format is required for the recording of the counted votes ?

See above – Progress Agenda.

9. The voting location will be the Clinton town hall and will be manned by progress and social club members is this satisfactory.

Yes.

Your guidance in the above would be greatly appreciated as we want to ensure that a fair and approved process is used for this matter.

Kind regards

Alan Brown



Sent from my iPad



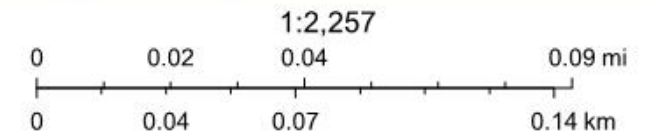
# Yorke Peninsula Council



03/05/2023, 09:40:58

Parcel Owners

Google Street View



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, Foursquare, METI/NASA, USGS, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community





# COUNCIL POLICY

## Community Engagement

<b>Policy Number:</b>	PO057		
<b>Strategic Plan Objective:</b>	4. Community Engaged and Supported		
<b>Policy Owner:</b>	Chief Executive Officer	<b>Record Number:</b>	16/14028[v7]
<b>Responsible Officer:</b>	Manager Business & Public Relations	<b>Minute Reference:</b>	210/2021 (10/11/2021)
<b>Date Adopted:</b>	10/11/2021	<b>Next Review Date:</b>	July 2025

### 1. POLICY OBJECTIVES

The purpose of this policy is to ensure that Council meets its legislative obligations in regard to public consultation by:

- Using appropriate and cost effective methods which are relevant to the specific circumstances of each consultation topic
- Informing and involving the local community, key stakeholders and interested parties
- Using feedback to enhance decision making.

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

### 2. SCOPE

This Policy applies to:

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

The Chief Executive Officer is responsible for the implementation of the Community Engagement Policy, establishing the consultation level, reporting outcomes of the consultations to the council, reviewing the value of the policy, and determining elements within that process where Council has delegated responsibility.

**PO057 – Community Engagement Policy**

---

**3. DEFINITIONS**

Refer to Attachment 1.

**4. POLICY STATEMENT**

The preparation and adoption of this policy fulfils the council's obligations under section 50(1) of the *Local Government Act 1999*. Section 50 provides that:

- The council must set out the steps that the council will follow in cases where the Local Government Act requires consultation on a matter, and
- The council may set out the steps that council will follow in other cases involving the council's decision-making.

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

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

As recommended by the Local Government Association of South Australia (refer *Community Engagement Framework; A Model Framework for leading practice in Local Government in South Australia, June 2016*), this Policy has been informed by the International Association for Public Participation (IAP2) products for public participation processes.

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

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

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

- Determining the manner, places and times of its principal office (section 45)
- Adopting or varying a public consultation policy (section 50)
- Altering the Code of Practice relating to the principles, policies and procedures that Council will apply to enable public access to Council and Committee Meetings, their minutes and release of documents (section 92) Adopting Strategic Management Plans (section 122)
- Adopting Annual Business Plan and Budgets (section 123)

**PO057 – Community Engagement Policy**

- Excluding land from classification as community land (section 193)
- Revoking the classification as community land (section 194)
- Adopting, amending or revoking a management plan for community land (section 197)
- Amending or revoking a management plan for community land (section 198)
- Alienating of community land where the management plan does not allow it (section 202)
- Alienating roads (section 223)
- Planting vegetation where it will have a significant impact on residents, the proprietors or nearby residents (section 232)
- Carrying out representation reviews (section 12(5))
- Considering a change of status of Council or name change (section 13)
- Carrying out commercial activities – Prudential Arrangements (section 48)
- Making Bylaws (section 249)
- Making Orders (section 259)

Refer to Appendix 2 for a Schedule of Minimum Requirements per the Local Government Act 1999 and the steps to be followed.

Where there are legislative requirements for consultation under other legislation applicable to the Council such as the *Planning, Development and Infrastructure Act 2016*, these specific processes take precedence over this policy, should there be any inconsistency. Where there is no legislative requirement for consultation, selection of the appropriate level will determine the resource requirements for the consultation.

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

Level 1 <b>INFORM</b>	Level 2 <b>CONSULT</b>	Level 3 <b>INVOLVE</b>	Level 4 <b>COLLABORATE</b>
One way communication providing balanced and objective information to assist community understanding about something that is going to happen or has happened.	Two way communication designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	Facilitating active participation by stakeholders designed to help identify issues and views from a diverse range of perspectives so that concerns and aspirations are understood and considered throughout a decision making process.	Working together in partnership to determine how to develop understanding of all issues and interests as stakeholders work out alternatives and identify preferred solutions to support the process of decision making.
<b>Examples of when we will use Inform:</b>	<b>Examples of when we will use Consult:</b>	<b>Examples of when we will use Involve:</b>	<b>Examples of when we will use Collaborate:</b>
<ul style="list-style-type: none"> <li>• A decision is made for legislative, financial, environmental or</li> </ul>	<ul style="list-style-type: none"> <li>• There are several options available.</li> <li>• Final decisions are being shaped.</li> </ul>	<ul style="list-style-type: none"> <li>• We need community knowledge to influence the decision.</li> </ul>	<ul style="list-style-type: none"> <li>• We will seek direct advice from those who possess specific</li> </ul>

**PO057 – Community Engagement Policy**

<p>technical reasons.</p> <ul style="list-style-type: none"> <li>There is no opportunity to influence the decision.</li> </ul>	<ul style="list-style-type: none"> <li>Issues and concerns are unclear.</li> </ul>	<ul style="list-style-type: none"> <li>There is likely to be a high level of interest/ community impact.</li> <li>There is a high degree of complexity.</li> </ul>	<p>knowledge or special interests.</p>
<p><b>We will explain:</b></p> <ul style="list-style-type: none"> <li>What the decision was and how the decision was made.</li> <li>What is going to happen.</li> <li>Where further information can be found.</li> </ul>	<p><b>We will ask:</b></p> <ul style="list-style-type: none"> <li>Which option is preferred?</li> <li>What would the impact be?</li> <li>Any suggestions for improvement?</li> </ul>	<p><b>We will ask:</b></p> <ul style="list-style-type: none"> <li>What would the community like to see happen, or</li> <li>What have we not considered or are not aware of, or</li> <li>How should we proceed with this?</li> </ul>	<p><b>We will partner to:</b></p> <ul style="list-style-type: none"> <li>Seek solutions or alternatives based on specific areas of expertise.</li> <li>Gain acceptance of recommendations based on specific areas of expertise.</li> </ul>
<p><b>Our promise:</b></p> <p>We will keep you informed.</p>	<p><b>Our promise:</b></p> <p>We will keep you informed, listen to and acknowledge your concerns and aspirations and provide feedback on how community input influenced the decision.</p>	<p><b>Our promise:</b></p> <p>We will work with the community to ensure that concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how the community's input influenced the decision.</p>	<p><b>Our promise:</b></p> <p>Council will look to the community for direct advice and innovation in developing solutions and incorporate advice and recommendations into the decisions as much as possible.</p>

**We will do this through:**

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

Please refer to Section 5 of this policy. Some of these methods are not appropriate whilst under a 'declared public health emergency'.

<ul style="list-style-type: none"> <li>Council's website.</li> <li>Council's social media.</li> <li>Public notices in the Country Times.</li> <li>Letter of advice to affected properties.</li> <li>Letter / email to Progress Associations.</li> </ul>	<ul style="list-style-type: none"> <li>Council's website.</li> <li>Council's social media.</li> <li>Media releases.</li> <li>Letter or survey to primary &amp;/or secondary properties.</li> <li>Letter / email or survey to Progress Associations.</li> <li>Copies of major reports or plans</li> </ul>	<ul style="list-style-type: none"> <li>Council's website.</li> <li>Council's social media.</li> <li>Advertisements.</li> <li>Media releases &amp; / or briefing sessions.</li> <li>Facilitated workshops or focus groups.</li> <li>Community forums.</li> <li>Individual Progress Association Newsletters/noticeboards.</li> <li>Surveys.</li> </ul>	<ul style="list-style-type: none"> <li>Public meetings or workshops.</li> <li>Special interest groups.</li> <li>Council's Advisory Committees and Working Parties.</li> <li>Report to Council summarising submissions for formal Council decision.</li> </ul>
---	--	--	---

**PO057 – Community Engagement Policy**

	<p>made available at Council offices.</p> <ul style="list-style-type: none"> <li>Report to Council summarising submissions for formal Council decision.</li> </ul>	<ul style="list-style-type: none"> <li>Letter or survey to affected properties / community groups.</li> <li>Council publications.</li> <li>Copies of major reports or plans made available at Council offices.</li> <li>Report to Council summarising submissions for formal Council decision.</li> </ul>	<ul style="list-style-type: none"> <li>Community partnership projects.</li> </ul>
--	--	---	---

Within the following timeframes:

<p>No minimum period required.</p> <p>Or</p> <p>Compliance with statutory requirements (if applicable)</p>	<p>Minimum three weeks.</p> <p>Or</p> <p>Compliance with statutory requirements (if applicable)</p>	<p>Minimum six weeks.</p> <p>Or</p> <p>Compliance with statutory requirements (if applicable)</p>	<p>As required (e.g. per Terms of Reference regarding meeting schedules).</p>
--	---	---	---

**5. PUBLIC HEALTH EMERGENCY: PUBLIC ACCESS AND PUBLIC CONSULTATION**

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

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

On 8 April 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the *Local Government Act 1999*, the *Public Access and Public Consultation Notice (No 2) 2020* (Notice No 2) varying or suspending the operation of the specified provisions of the *Local Government Act 1999* as set out in Schedule 1 to Notice No 2. Notice No 2 commenced operation on 8 April 2020.

For the period Notice No 2 has effect (as provided for in Notice No 2), this Public Consultation Policy is altered as set out below and those alterations have effect notwithstanding any other provision in this Policy to the contrary.

For the avoidance of doubt, save for the alterations to the Policy as set out below, the Policy otherwise applies to public consultation undertaken by the Council for the purposes of the *Local Government Act 1999*.

**5.1. Alterations to Public Consultation Policy**

**5.1.1 Definitions**



**PO057 – Community Engagement Policy**

---

For the purposes of these alterations the Council includes an officer or employee of the Council acting within the scope of that person's ordinary functions and duties except in circumstances where these alterations expressly require a matter to be considered at a meeting of the Council.

**5.1.2 Statutory Requirement to Hold Public Meetings Suspended**

The Council will not publish a notice in a newspaper circulating in the area of the Council inviting interested persons to attend a public meeting or meeting of the Council in relation to any matter within the scope of Sections 123, 151 or 156 of the *Local Government Act 1999* for which public consultation is required under the *Local Government Act 1999*. The Council will not hold such a public meeting or invite persons to attend a meeting of the Council to ask questions or make submissions on the matter.

The Council will publish a notice in a newspaper circulating in the area of the Council inviting interested persons to make written submissions within the period stated in the notice (which will not be less than 21 days after the publication of the notice) in relation any matter within the scope of Sections 123, 151 or 156 of the *Local Government Act 1999* for which public consultation is required under the *Local Government Act 1999*. The Council will consider the submissions at a meeting of the Council.**5.1.3 Other Requirement to Hold Public Meeting Suspended**

The Council will not hold a public meeting in relation to any matter for which the *Local Government Act 1999* requires the Council to follow the steps set out in its public consultation policy.

The Council will not hold a public meeting in relation to any matter for which this Policy would, but for this provision, require the Council to hold a public meeting.

To the extent this Policy would otherwise require the Council to hold a public meeting in relation to a matter, the Council will instead publish a notice on its website or in a newspaper circulating in the area of the Council inviting interested persons to make written submissions in relation to any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the *Local Government Act 1999* to consult for a lesser period). The Council will consider the submissions.

**5.1.4 Other Requirement to Undertake in Person Consultation Activity Suspended**

The Council will not undertake any form of face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which the *Local Government Act 1999* requires the Council to follow the steps set out in its public consultation policy.

The Council will not undertake any form of face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which this Policy would, but for this provision, require the Council to hold such an activity.

To the extent this Policy would otherwise require the Council to hold a face-to-face or in person public consultation activity in relation to a matter, the Council will instead publish a notice on its website or in a newspaper circulating in the

**PO057 – Community Engagement Policy**

---

area of the Council inviting interested persons to make written submissions in relation any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the *Local Government Act 1999* to consult for a lesser period). The Council will consider the submissions.

**5.1.5 Suspension of Other Inconsistent Provisions**

To the extent that any other provision of this Policy could be read as requiring the Council to undertake public consultation with a person face-to-face or in person, the provision is suspended while these provisions are in effect and the provisions of paragraph D operate in their stead.

**6. ACCEPTING COMMUNITY FEEDBACK**

Council will not accept or consider anonymous feedback or submissions, unless the specific circumstances are reasonable to allow it. Additionally, comments made on social media will not be treated as formal feedback or a submission.

**7. COMPLAINTS**

Complaints about this Policy can be made in writing to the Chief Executive Officer. All complaints will be managed in accordance with Council's Complaints Policy PO147.

**8. REVIEW**

This Policy will be reviewed every four years, or more frequently if legislation or Council's needs change. The review will be conducted in consultation with employees and/or their nominated representative(s).

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

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

**9. TRAINING**

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

This Policy will be provided to Elected Members and all employees who have responsibilities under this Policy to engage with the community.

**10. RECORDS**

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

**11. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS**

SF215 Community Engagement Plan

**12. REFERENCES AND LEGISLATION**

Local Government Act 1999

Local Government Association's Model Public Consultation Policy

**PO057 – Community Engagement Policy**

Community Engagement Handbook; A Model Framework for leading practice in Local Government in South Australia, June 2016.

**13. COUNCIL DELEGATION**

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

**14. VERSION HISTORY**

<b>Version No</b>	<b>Issue Date</b>	<b>Description of Change</b>
1	07/04/2003	New Policy
2	14/09/2010	Minor Revision.
3	10/06/2015	Policy Name Changed
4	08/02/2017	
5	11/09/2019	
6	13/05/2020	Item 5 Public Health Emergency Added
7	10/11/2021	Minor Revision

**PO057 – Community Engagement Policy****ATTACHMENT 1: DEFINITIONS**

<b>Term/Reference</b>	<b>Definition</b>
Act	The Local Government Act 1999 (SA)
Community	The people who; live, work, conduct business activities or use the facilities in public places in the Yorke Peninsula region.
Council	The Yorke Peninsula Council. For the purposes of clause 5.1 the Council includes an officer or employee of the Council acting within the scope of that person's ordinary functions and duties except in circumstances where these alterations expressly require a matter to be considered at a meeting of the Council.
Policy	Refers to this Community Engagement Policy.
Stakeholder	Is someone who may be directly affected by or have a direct or general interest in the decision or issue under consideration.
Submissions	Written (including email) responses from the community in relation to a specific consultation which must be received by the Council within the specified timeframe.

**PO057 – Community Engagement Policy**

**ATTACHMENT 2: DEFINITIONS**

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

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

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

LOCAL GOVERNMENT ACT 1999 (SA)		
TOPIC	SECTION	LEGISLATIVE REQUIREMENT
<p><b>Representation Reviews</b></p> <p>Review and reporting to the Electoral Commissioner.</p>	12	<p><b>Representation Options Paper</b></p> <p>By public notice:</p> <ul style="list-style-type: none"> <li>◦ Inform the public of the preparation of the representation options paper; and</li> <li>◦ Invite interested persons to make written submissions to the council on the subject of the review within a period specified by the council (being a period of at least 6 weeks)</li> </ul> <p>Publish a copy of the notice in a newspaper circulating within its area.</p> <p>Ensure that copies of the representation options paper are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council.</p> <p><b>Report</b></p> <p>Make copies of its report available for public inspection at the principal office of the council; and</p> <p>By public notice:</p> <ul style="list-style-type: none"> <li>◦ inform the public of the preparation of the report and its availability; and</li> <li>◦ invite interested persons to make written submissions to the council on the report within a period specified by the council (being a period of at least 3 weeks); and</li> </ul> <p>Publish a copy of the notice in a newspaper circulating within its area.</p> <p>The council must give any person who makes written submissions in response to an invitation under subsection (9) an opportunity to appear personally or by representative before the council or a council committee and to be heard on those submissions.</p> <p>Council must then finalise its report and refer to the Electoral Commissioner.</p>
<p><b>Status of a Council/ Change of Name</b></p> <ul style="list-style-type: none"> <li>• Change from a municipal council to a district council, or change from a district council to a municipal council</li> </ul>	13(2)	<ul style="list-style-type: none"> <li>• The council must give public notice of the proposal;</li> <li>• The notice must contain an invitation to interested persons to make written submissions to the council on the matter within a period specified by the council (being a period of at least 6 weeks);</li> <li>• Publish a copy of the notice in a newspaper circulating within its area;</li> <li>• The council must give any person who makes written submissions in response to an invitation under this section an opportunity to appear personally or by representative before the council or a council committee and to be heard on those submissions.</li> </ul>

**PO057 – Community Engagement Policy**

<ul style="list-style-type: none"> <li>Alter the name of the council, the area of the council, or the name of a ward.</li> </ul>		
<p><b>Principal Office – Opening hours</b></p>	<p>45 (3)</p>	<p>A council should consult with its local community in accordance with its public consultation policy about the manner, places and times at which its offices will be open to the public for the transaction of business, and about any significant changes to these arrangements.</p>
<p><b>Commercial Activities – Prudential Requirements</b></p>	<p>48 (2) (d) 48 (5), (6)</p>	<p>Report addressing prudential issues to include -</p> <ul style="list-style-type: none"> <li>the level of consultation with the local community, including contact with persons who may be affected by the project and the representations that have been made by them, and the means by which the community can influence or contribute to the project or its outcomes</li> <li>A report under subsection (1) must be available for public inspection at the principal office of the council once the council has made a decision on the relevant project (and may be available at an earlier time unless the council orders that the report be kept confidential until that time).</li> <li>However, a council may take steps to prevent the disclosure of specific information in order to protect its commercial value or to avoid disclosing the financial affairs of a person (other than the council).</li> </ul>
<p><b>Public Consultation Policies</b></p>	<p>50</p>	<p>(1) For the purposes of this Act, a council must prepare and adopt a public consultation policy.</p> <p>(2) A public consultation policy—</p> <ul style="list-style-type: none"> <li>(a) must set out steps that the council will follow in cases where this Act requires that a council must follow its public consultation policy; and</li> <li>(b) may set out steps that the council will follow in other cases involving council decision-making.</li> </ul> <p>(3) The steps referred to in subsection (2)—</p> <ul style="list-style-type: none"> <li>(a) in a case referred to in subsection (2)(a)—must provide interested persons with a reasonable opportunity to make submissions in the relevant circumstances; and</li> <li>(b) may vary according to the classes of decisions that are within the scope of the policy.</li> </ul> <p>(4) However, a public consultation policy for a case referred to in subsection (2)(a) must at least provide for—</p> <ul style="list-style-type: none"> <li>(a) the publication of a notice— <ul style="list-style-type: none"> <li>(i) in a newspaper circulating within the area of the council; and</li> <li>(ii) on a website determined by the chief executive officer,</li> </ul>                     describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and (b) the consideration by the council of any submissions made in response to an invitation under paragraph (a).</li> </ul> <p>(5) A council may from time to time alter its public consultation policy, or substitute a new policy.</p> <p>(6) However, before a council—</p> <ul style="list-style-type: none"> <li>(a) adopts a public consultation policy; or</li> <li>(b) alters, or substitutes, a public consultation policy, the council must—</li> <li>(c) prepare a document that sets out its proposal in relation to the matter; and</li> </ul>



**PO057 – Community Engagement Policy**

		<p>(d) publish in a newspaper circulating within the area of the council a notice of the proposal inviting interested persons to make submissions on the proposal within a period (which must be at least one month) stated in the notice; and</p> <p>(e) consider any submissions made in response to an invitation under paragraph (d).</p> <p>(7) A council is not required to comply with subsection (6) in relation to the alteration of a public consultation policy if the council determines that the alteration is of only minor significance that would attract little (or no) community interest.</p> <p>(8) A person is entitled to inspect (without charge) a public consultation policy of a council at the principal office of the council during ordinary office hours.</p> <p>(9) A person is entitled, on payment of a fee fixed by the council, to a copy of a public consultation policy.</p>
<b>Code of Practice – Access to meetings and documents</b>	92 (5) (6) (7)	<p>(5) Before a council adopts, alters or substitutes a code of practice under this section it must—</p> <ul style="list-style-type: none"> <li>◦ make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection or purchase at the council's principal office and available for inspection on a website determined by the chief executive officer; and</li> <li>◦ follow the relevant steps set out in its public consultation policy.</li> </ul> <p>(6) A person is entitled to inspect (without charge) the code of practice of a council at the principal office of the council during ordinary office hours.</p> <p>(7) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.</p>
<b>Strategic Management Plans</b>	122 (6)	<p>Council must adopt a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the development and review of its strategic management plans.</p>
<b>Annual Business Plan</b>	123 (4) (5)	<p>(4) For the purposes of subsection (3)(b), a public consultation policy must at least provide for the following:</p> <p>(a) the publication in a newspaper circulating within the area of the council and on a website determined by the chief executive officer of a notice informing the public of the preparation of the draft annual business plan and inviting interested persons —</p> <ul style="list-style-type: none"> <li>(i) to attend— <ul style="list-style-type: none"> <li>(A) a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice); or</li> <li>(B) a meeting of the council to be held on a date stated in the notice at which members of the public may ask questions, and make submissions, in relation to the matter for a period of at least 1 hour, (on the basis that the council determines which kind of meeting is to be held under this subparagraph); or</li> </ul> </li> <li>(ii) to make written submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and</li> </ul> <p>(b) the council to make arrangements for a meeting contemplated by paragraph (a)(i) and the consideration by the council of any submissions made at that meeting or in response to the invitation under paragraph (a)(ii).</p> <p>(5) The council must ensure that copies of the draft annual business plan are available at the meeting under subsection (4)(a)(i), and for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council at least 21 days before the date of that meeting.</p>

**PO057 – Community Engagement Policy**

<p><b>Change to Basis of Rating Report</b></p>	<p>151(7) (8)</p>	<p>(7) A public consultation policy for the purposes of subsection (5)(e) must at least provide for—</p> <p>(a) the publication in a newspaper circulating within the area of the council a notice describing the proposed change, informing the public of the preparation of the report required under subsection (5)(d), and inviting interested persons—</p> <p>(i) to attend a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; or</p> <p>(ii) to make written submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and</p> <p>(b) the council to organise the public meeting contemplated by paragraph (a)(i) and the consideration by the council of any submissions made at that meeting or in response to the invitation under paragraph (a)(ii).</p> <p>(8) The council must ensure that copies of the report required under subsection (5)(d) are available at the meeting held under subsection (7)(a)(i), and for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council at least 21 days before the end of the period for public consultation.</p>
<p><b>Rating – Differential Rates</b></p>	<p>156 (14a) (14d) (14e)</p>	<p>(14a) Before a council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraph (a), (b) or (c) of subsection (1) to a differentiating factor under another of those paragraphs, the council must –</p> <p>(a) prepare a report on the proposed change; and</p> <p>(b) follow the relevant steps set out in its public consultation policy .</p> <p>(14d) A public consultation policy for the purposes of subsection (14a) must at least provide for—</p> <p>(a) the publication in a newspaper circulating within the area of the council a notice describing the proposed change, informing the public of the preparation of the report required under subsection (14a)(a), and inviting interested persons—</p> <p>(i) to attend a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; or</p> <p>(ii) to make written submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and</p> <p>(b) the council to organise the public meeting contemplated by paragraph (a)(i) and the consideration by the council of any submissions made at that meeting or in response to the invitation under paragraph (a)(ii).</p> <p>(14e) The council must ensure that copies of the report required under subsection (14a)(a) are available at the meeting held under subsection (14d)(a)(i), and for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council at least 21 days before the end of the period for public consultation.</p>
<p><b>Community Land Classification:</b></p> <p>All local government land (except a road) acquired by or brought under the care, control and management of Council is taken to have been classified as community land unless Council resolves before it</p>	<p>193(2) (6)</p>	<p>(2) Before the council resolves to exclude land from classification as community land under subsection (1)(a), it must follow the relevant steps set out in its public consultation policy.</p> <p>(6) A council must give notice in the Gazette of a resolution—</p> <p>(a) to exclude land from classification as community land under subsection (4);</p> <p>or</p> <p>(b) to classify, as community land, land that had previously been excluded from classification as such under subsection (5).</p>

**PO057 – Community Engagement Policy**

becomes local government land to exclude it from classification.		
<b>Revocation of classification of land as community land.</b>	194 (2)	<p>Before a council revokes the classification of land as community land—</p> <p>(a) the council must prepare a report and make publicly available a report on the proposal containing—</p> <p>(i) a summary of the reasons for the proposal; and</p> <p>(ii) a statement of any dedication, reservation or trust to which the land is subject; and</p> <p>(iii) a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the council proposes to use the proceeds; and</p> <p>(iv) an assessment of how implementation of the proposal would affect the area and the local community; and</p> <p>(v) if the council is not the owner of the land—a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and</p> <p>(b) the council must follow the relevant steps set out in its public consultation policy.</p>
<b>Management Plans – Public Consultation</b>	197 (1) (2) (3)	<p>(1) Before a council adopts a management plan for community land it must—</p> <p>(a) make copies of the proposed plan available for inspection or purchase at the council's principal office; and</p> <p>(b) follow the relevant steps set out in its public consultation policy.</p> <p>(2) A council may adopt a management plan without complying with the requirements of subsection (1) if the council adopted the plan after a process of public notification and consultation before the commencement of this Act.</p> <p>(3) A council must give public notice of its adoption of a management plan.</p>
<b>Amendment or revocation of management plans</b>  NB: A Council cannot dispose of community land until revocation of its classification as community land.	198 (2) (3) (4)	<p>(2) A council may only adopt a proposal for amendment to, or revocation of, a management plan after the council has carried out the public consultation that would be required if the proposal were for a new management plan.</p> <p>(3) However, public consultation is not required if the amendment has no impact or no significant impact on the interests of the community.</p> <p>(4) A council must give public notice of its adoption of a proposal for the amendment or revocation of a management plan.</p>
<b>Alienation by lease or licence</b>  NB: Specific provisions relate to the Adelaide Park Lands – under the Parklands Act 2005.	202 (2) (3)	<p>(2) Before the council grants a lease or licence relating to community land, it must follow the relevant steps set out in its public consultation policy.</p> <p>(3) However, a council need not comply with the requirements of subsection (2) if -</p> <p>(a) the grant of the lease or licence is authorised in an approved management plan for the land, and the term of the proposed lease or licence is five years or less; or</p> <p>(b) the regulations provide, in the circumstances of the case, for an exemption from compliance with a public consultation policy.</p>
<b>Authorisations /Permits</b>  • Where road would be fenced,	223 (1) (2)	<p>(1) If a council proposes to grant an authorisation or permit—</p> <p>(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</p>

**PO057 – Community Engagement Policy**

<p>enclosed or portioned so as to impede passage of traffic to a material degree</p> <ul style="list-style-type: none"> <li>• Use or activity for which public consultation required under regulations</li> </ul>		<p>(c) in relation to a use or activity for which public consultation is required under the regulations,</p> <p>the council must, before granting the authorisation or permit, follow the relevant steps set out in its public consultation policy.</p> <p>(2) The council must also give written notice of the proposal to agencies that are, under the regulations, to be notified of the proposal.</p>
<p><b>Roads – Trees</b></p>	<p>232</p>	<p>Before a council plants vegetation, or authorises or permits the planting of vegetation, on a road that may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, follow the relevant steps set out in its public consultation policy.</p>
<p><b>Passing by-laws</b></p> <p>NB: No specific reference to Council’s Public Consultation Policy, but minimum standards apply.</p>	<p>249 (1) (2)</p>	<p>(1) If it is proposed that a council make a bylaw, the council must, at least 21 days before resolving to make the by-law—</p> <p>(a) make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the council, and so far as is reasonably practicable on the Internet; and</p> <p>(b) by notice in a newspaper circulating in the area of the council—</p> <p>(i) inform the public of the availability of the proposed by-law; and</p> <p>(ii) set out the terms of the by-law, or describe in general terms the by-law’s nature and effect.</p> <p>(2) A council must give reasonable consideration to a written or other acceptable submission made to the council on a proposed by-law.</p>
<p><b>Power to Make Orders</b></p> <p>Councils must take reasonable steps to prepare and adopt policies relating to the power to make orders.</p>	<p>259 (2)</p>	<p>A council must—</p> <p>(a) prepare a draft of a policy; and</p> <p>(b) by notice in a newspaper circulating in the area of the council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) and invite interested persons to make written representations on the draft within a period specified by the council (being a period of at least 4 weeks).</p> <p>The requirement of subsection .259 (2) also apply to Council adopting an amendment to a policy, unless the council determines that the amendment is of only minor significance.</p>

18 September 2017

PRINCIPAL OFFICE:  
8 Elizabeth Street, Maitland  
Telephone (08) 8832 0000  
ALL CORRESPONDENCE TO:  
PO Box 57, MAITLAND, SA 5573  
Fax (08) 8853 2494  
Email: admin@yorke.sa.gov.au  
Website: www.yorke.sa.gov.au



Dear Ratepayer,

**Energised Edithburgh Outdoor Gym Space**

In partnership, the Yorke Peninsula Council ("Council"), the Edithburgh Progress Association ("Progress"), and the Yorketown Area School ("the School") were successful in securing funding under the Sustainable Communities Programme to create an outdoor gym space in Edithburgh.

The Stronger Communities Programme supports the Australian Government's commitment to deliver social benefits across Australia by funding small capital projects and input from the community is a key element.

The funding has provided a valuable opportunity for community members to work together towards creating a valuable, interactive outdoor gym space that will contribute to improved community health, participation and wellbeing.

In particular, students from the Yorketown Area School played a significant role in the project planning, design and risk management processes. This has provided participants with an insight into the requirements of preparing for medium to large scale projects and the opportunity for a sense of contribution to their community, along with skill development both relevant for today and into the future.

The students worked closely with Council and Progress ("the Project Team") and a local personal trainer, to consider and select some versatile outdoor gym equipment combinations, providing for a wide range of participants and abilities. We have attached pictures and information about the equipment to this letter as Attachments 1 and 2.

The Project Team have also identified the preferred location as the grassed area in front of the existing gazebo, located on O'Halloran Parade, adjacent to Cross Street, as shown in Attachment 3. Now, we would like your feedback as to the proposed location. By selecting either Option 1 – O'Halloran Parade, Edithburgh, adjacent to Cross Street or Option 2, where an alternative location can be nominated, and returning the slip at the bottom of this letter by Wednesday, 11 October 2017, you can have your say about where you would like to see the equipment located. Responses can be returned via email to [mary.herrmann@yorke.sa.gov.au](mailto:mary.herrmann@yorke.sa.gov.au), to any Council office or via mail to PO Box 57, Maitland SA 5573.

For further information, please contact Mary Herrmann at the Yorke Peninsula Council on 8832 0000 or via the above email address.

Your participation will be greatly appreciated.

Yours sincerely  
Mary Herrmann  
**GOVERNANCE OFFICER**



Please cut here

**Have your say!**

Where do you prefer the Edithburgh Outdoor Gym to be located?

**Option 1** - O'Halloran Parade, Edithburgh, adjacent to Cross Street

**Option 2** – Alternative Location \_\_\_\_\_

**Please return by Wednesday, 11 October 2017**

**BRANCH OFFICES**

MINLATON: Phone 08 8853 3800  
YORKETOWN: Phone 08 8853 0000



**BENCH PRESS**

Develops pectorals, deltoids and triceps.

Lay on the bench with head under the bar, hold onto the bar. Push the bar upwards using your arms then lower to the starting position.

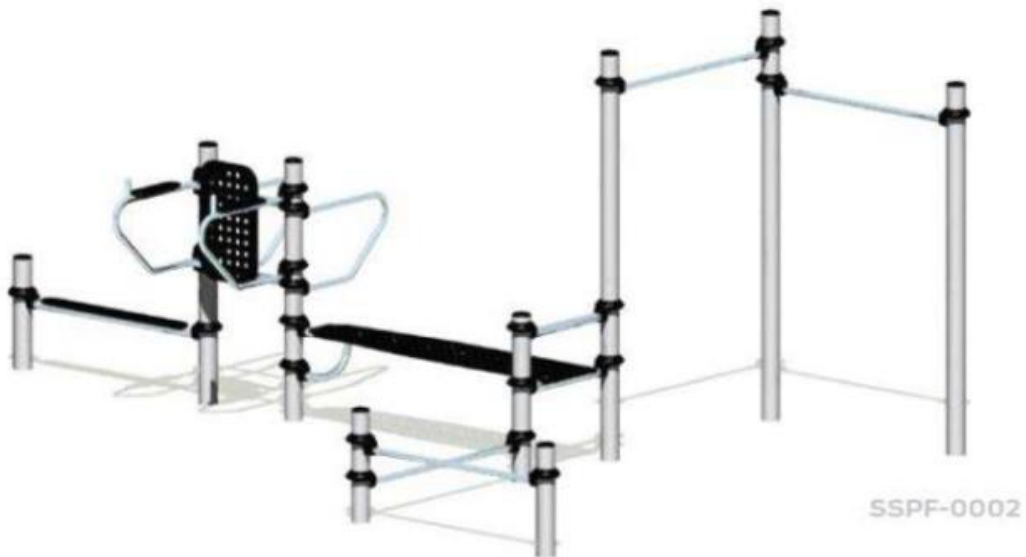


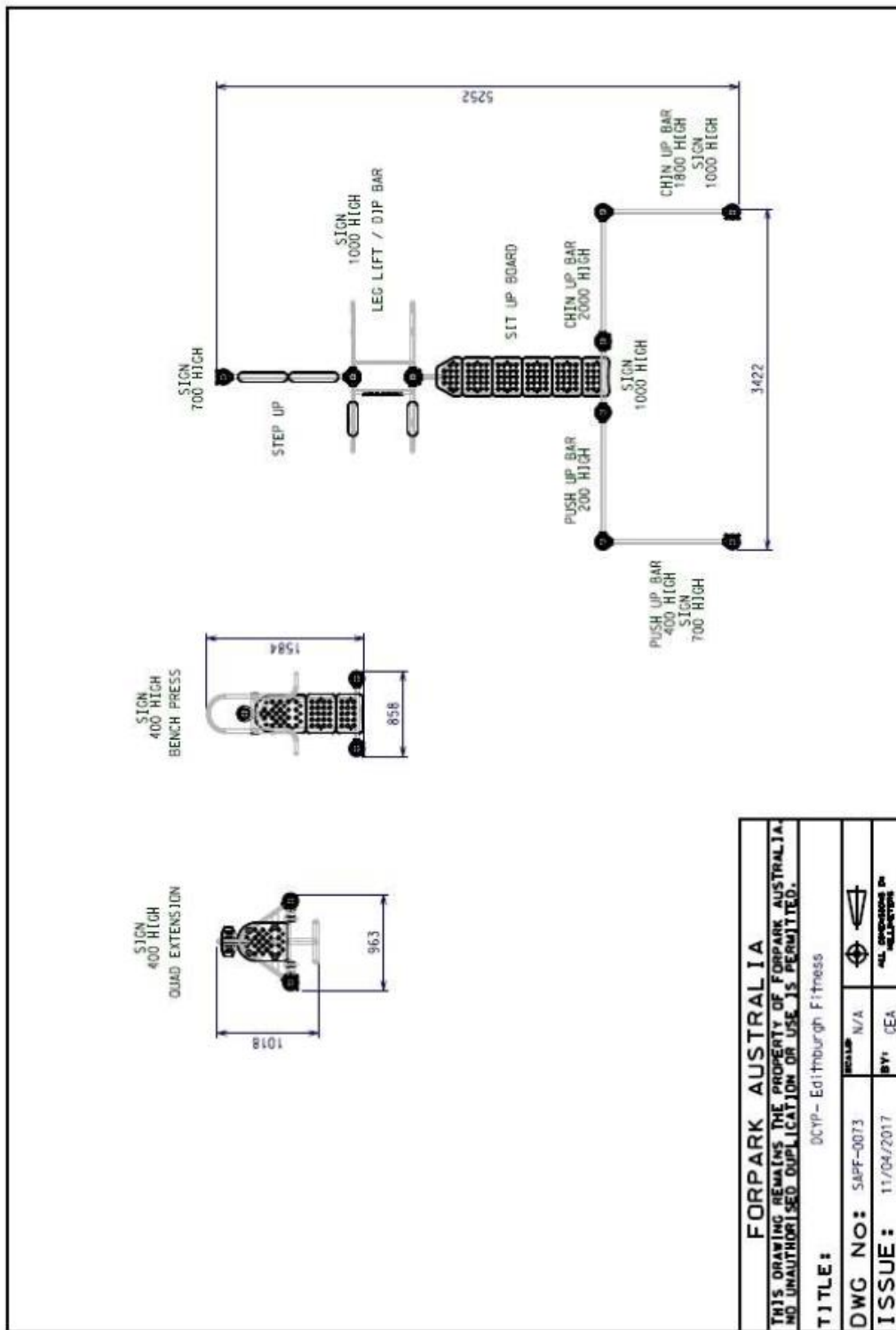
**QUAD EXTENSION**

Develops quadriceps.

In a seated position, place knees over the top bar and with ankles under the lower front bar. Move lower legs forward and upward until knees are straight. Return to original position.

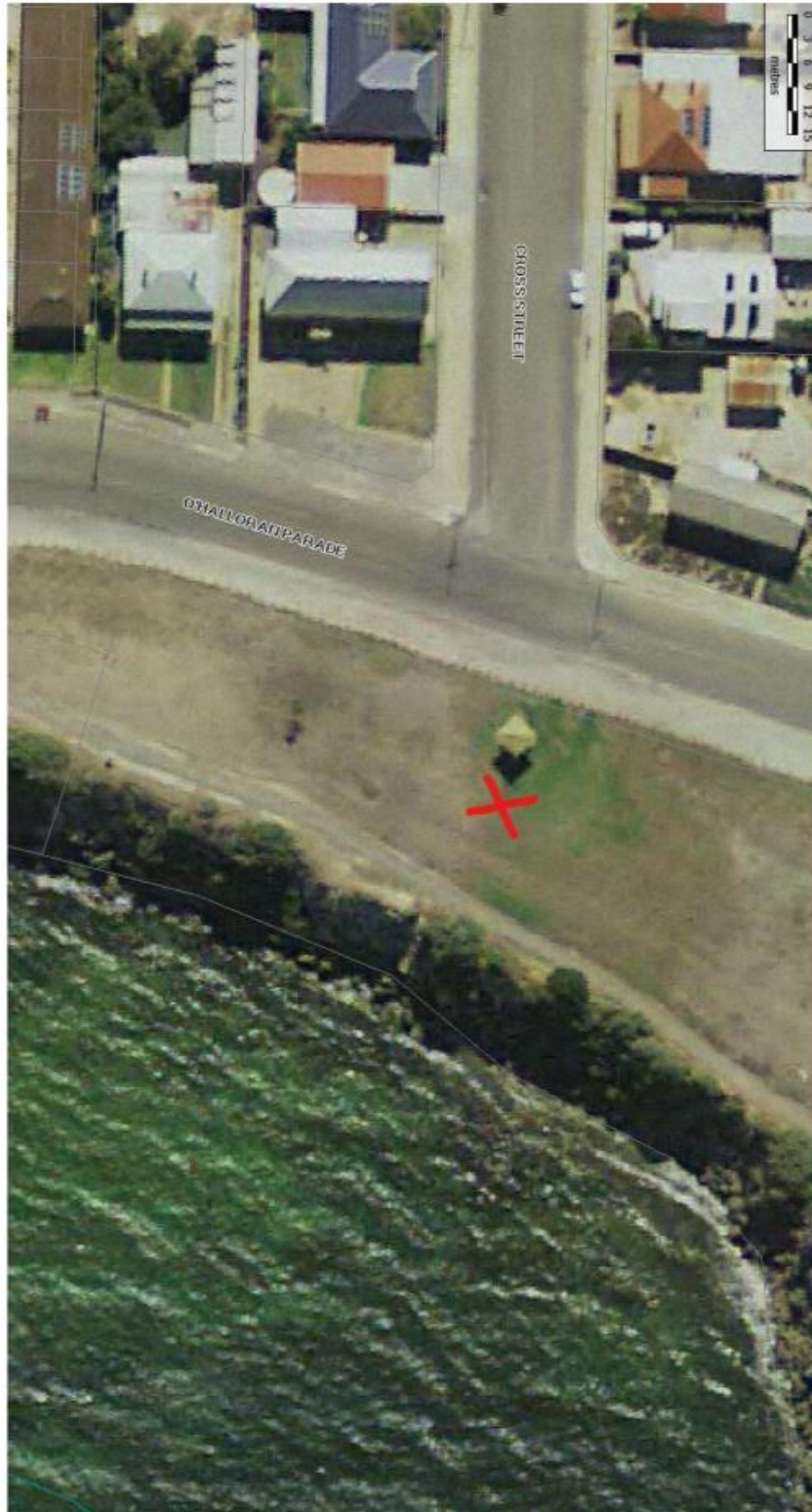
**COMBINATION**








<b>FORPARK AUSTRALIA</b>	
THIS DRAWING REMAINS THE PROPERTY OF FORPARK AUSTRALIA. NO UNAUTHORISED DUPLICATION OR USE IS PERMITTED.	
<b>TITLE:</b>	DCYP - Edithburgh Fitness
<b>DWG NO:</b>	SAPF-0073
<b>ISSUE:</b>	11/04/2017
<b>BY:</b>	CEA
<b>SCALE:</b>	N/A
<b>ALL DIMENSIONS IN METRES</b>	







<p>1</p>  <p><b>Bench Press</b> Laying on the bench with head under the bar, hold onto the bar. Push the bar upwards using your arms and lower to the original position. Develops pectorals, deltoids &amp; triceps.</p>	<p>4</p>  <p><b>Butterfly Press</b> In a seated position, extend arms horizontally and press forearms against handles. Pull arms together towards the center of the chest then release slowly. Develops pectorals.</p>
<p>2</p>  <p><b>Oblique Pivot</b> In a standing position, place feet on the foot rests and hold onto handles. Swing hips from left to right. Develops abdominals &amp; lower back.</p>	<p>5</p>  <p><b>Aerobic Walker</b> In a standing position place feet on foot rests and hold onto handle. Move feet backward and forward in a walking motion. Develops cardio system, quadriceps, hamstrings &amp; calves.</p>
<p>3</p>  <p><b>Leg Press</b> In a seated position place feet on foot bar. Holding onto side supports push feet away by extending knees and hips. Return to original position. Develops quadriceps, glutes &amp; calves.</p>	<p>6</p>  <p><b>Plyo Box Jumps</b> Standing with feet shoulder width apart, perform a quarter squat before aggressively swinging the arms forward and jumping onto the box. Step down from the box and repeat. Develops hamstrings &amp; calves.</p>



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



<b>WORK INSTRUCTION – GENERATING QR CODES</b>	WI168
	Responsible Officer: Information Technology Officer
	Issue Date: 19/01/2023
	Next Review Date: March 2027

1. Open Microsoft Word
2. Press Ctrl + F9. You must do this, as just typing curly brackets {} won't work.
3. Type DisplayBarcode plus arguments and switches. For example **DisplayBarcode "http://www.microsoft.com" QR \q 3**, which displays a QR code that links you to [www.microsoft.com](http://www.microsoft.com).



4. To see the barcode, right-click the Field code and select **Toggle Field Codes**.
5. Save and finalise the QR Code document to SC22/78 with the following titling format: QR Code – (use case of QR Code)
6. The QR Code can now be screen-snipped and placed in any document or publication

Reference:

<https://support.microsoft.com/en-us/office/field-codes-displaybarcode-6d81eade-762d-4b44-ae81-f9d3d9e07be3>

THIS ARIAL PHOTO HAS 4 BLACK  
CROSSES, THEY ARE THE HOMES OF  
THE PEOPLE OF THE ATTACHED  
EMAILS. I SPOKE WITH TONY  
LAST WEEK, & WITH JENNY FROM  
MILNER MEATS, THEY BOTH STATED THAT  
THEY WOULD DISCUSS AS A GROUP &  
EMAIL THEIR RESPONSES TO EMAIL  
ADDRESS, AS SHOWN. THE OTHER HOMES  
MARKED WITH A RED CROSS WILL BE HAND  
DELIVERED.





From: Alan [REDACTED]  
Subject: Fwd: Voting information on Anzac memorial proposal  
Date: 20 May 2023 at 12:57:18 pm  
To: [REDACTED]

---

Sent from my iPad

Begin forwarded message:

**From:** Alan <[REDACTED]>  
**Date:** 20 May 2023 at 12:53:16 pm ACST  
**To:** [REDACTED]  
**Subject: Voting information on Anzac memorial proposal**

Dear Port Clinton resident, the attached documents relate to the Anzac memorial proposal. This collation of papers will be given to all Port Clinton residents possible to ensure that the Yorke Peninsula council has a clear and unbiased representation of what the people have as their preference.

One of attachments is an overhead picture from the Yorke Peninsula council, they have identified who they feel might be affected if the the motion is carried to adopt option A.

On the 27th of May there will be a polling booth at the community hall open from 9:00am till 12:00, it will be



managed by 3 persons, there will be 2 persons at the entrance they are both current AEC registered and trained, they will be recording the names and addresses of each voter along with their signature as a record of each person voting on the day.

There will be one person inside the hall occupying the location of the locked voting box to ensure that each person is lodging only 1 vote.

At the conclusion of the day, this box will be secured at a location within the town or the YP council office at Maitland ( yet to be approved).

The voting will be held open for 1 week after the 27th of May to allow for any late or email voters, the process for email votes is the following.

On receipt of your voting package please ensure that the entire contents are read thoroughly. Then each person is to email the progress association indicating what option is preferred or include a brief summary of your suggestion if choosing option D.

Please ensure you include your address in Port Clinton so it can referenced when audited.

On receipt of email votes they will be kept on the progress email records to ensure transparent and secure tracking.

On the 3rd of June the locked box along with all email votes will be collated by a Justice Of The Peace. They will then count and stamp each vote placing the counting results in the locked box along with the voting slips for delivery to the Yorke Peninsula Council.

This will not be the end of the process as the Yorke Peninsula council will then complete their own enquires.

Please if you have any questions call me Alan Brown on [REDACTED] or email me.



Anzac Me...mation.pdf  
1.3 MB

Sent from my iPad

From: Alan [REDACTED]  
Subject: Fwd: Voting information on Anzac memorial proposal  
Date: 20 May 2023 at 12:56:28 pm  
To: [REDACTED]

---

Sent from my iPad

Begin forwarded message:

**From:** Alan <[REDACTED]>  
**Date:** 20 May 2023 at 12:53:16 pm ACST  
**To:** [REDACTED]  
**Subject: Voting information on Anzac memorial proposal**

Dear Port Clinton resident, the attached documents relate to the Anzac memorial proposal. This collation of papers will be given to all Port Clinton residents possible to ensure that the Yorke Peninsula council has a clear and unbiased representation of what the people have as their preference.

One of attachments is an overhead picture from the Yorke Peninsula council, they have identified who they feel might be affected if the the motion is carried to adopt option A.

On the 27th of May there will be a polling booth at the



community hall open from 9:00am till 12:00, it will be managed by 3 persons, there will be 2 persons at the entrance they are both current AEC registered and trained, they will be recording the names and addresses of each voter along with their signature as a record of each person voting on the day.

There will be one person inside the hall occupying the location of the locked voting box to ensure that each person is lodging only 1 vote.

At the conclusion of the day, this box will be secured at a location within the town or the YP council office at Maitland ( yet to be approved).

The voting will be held open for 1 week after the 27th of May to allow for any late or email voters, the process for email votes is the following.

On receipt of your voting package please ensure that the entire contents are read thoroughly. Then each person is to email the progress association indicating what option is preferred or include a brief summary of your suggestion if choosing option D.

Please ensure you include your address in Port Clinton so it can referenced when audited.

On receipt of email votes they will be kept on the

progress email records to ensure transparent and secure tracking.

On the 3rd of June the locked box along with all email votes will be collated by a Justice Of The Peace. They will then count and stamp each vote placing the counting results in the locked box along with the voting slips for delivery to the Yorke Peninsula Council.

This will not be the end of the process as the Yorke Peninsula council will then complete their own enquires.

Please if you have any questions call me Alan Brown on [REDACTED] or email me.



Anzac Me...mation.pdf

1.3 MB

Sent from my iPad

From: Alan a [REDACTED]  
Subject: Fwd: Voting information on Anzac  
memorial proposal  
Date: 20 May 2023 at 12:55:41 pm

To: [REDACTED]

Sent from my iPad

Begin forwarded message:

**From:** Alan <[REDACTED]>  
**Date:** 20 May 2023 at 12:53:16 pm ACST  
**To:** [REDACTED]  
**Subject: Voting information on Anzac memorial proposal**

Dear Port Clinton resident, the attached documents relate to the Anzac memorial proposal. This collation of papers will be given to all Port Clinton residents possible to ensure that the Yorke Peninsula council has a clear and unbiased representation of what the people have as their preference.

One of attachments is an overhead picture from the Yorke Peninsula council, they have identified who they feel might be affected if the the motion is carried to adopt option A.

On the 27th of May there will be a polling booth at the community hall open from 9:00am till 12:00, it will be



managed by 3 persons, there will be 2 persons at the entrance they are both current AEC registered and trained, they will be recording the names and addresses of each voter along with their signature as a record of each person voting on the day.

There will be one person inside the hall occupying the location of the locked voting box to ensure that each person is lodging only 1 vote.

At the conclusion of the day, this box will be secured at a location within the town or the YP council office at Maitland ( yet to be approved).

The voting will be held open for 1 week after the 27th of May to allow for any late or email voters, the process for email votes is the following.

On receipt of your voting package please ensure that the entire contents are read thoroughly. Then each person is to email the progress association indicating what option is preferred or include a brief summary of your suggestion if choosing option D.

Please ensure you include your address in Port Clinton so it can be referenced when audited.

On receipt of email votes they will be kept on the progress email records to ensure transparent and secure tracking.

On the 3rd of June the locked box along with all email votes will be collated by a Justice Of The Peace. They will then count and stamp each vote placing the counting results in the locked box along with the voting slips for delivery to the Yorke Peninsula Council.

This will not be the end of the process as the Yorke Peninsula council will then complete their own enquires.

Please if you have any questions call me Alan Brown on [REDACTED] or email me.



Anzac Me...mation.pdf  
1.3 MB

Sent from my iPad

From: Alan [REDACTED]  
Subject: Fwd: Voting information on Anzac memorial proposal  
Date: 20 May 2023 at 12:54:38 pm  
To: [REDACTED]

---

Sent from my iPad

Begin forwarded message:

**From:** Alan <[REDACTED]>  
**Date:** 20 May 2023 at 12:53:16 pm ACST  
**To:** [REDACTED]  
**Subject: Voting information on Anzac memorial proposal**

Dear Port Clinton resident, the attached documents relate to the Anzac memorial proposal. This collation of papers will be given to all Port Clinton residents possible to ensure that the Yorke Peninsula council has a clear and unbiased representation of what the people have as their preference.

One of attachments is an overhead picture from the Yorke Peninsula council, they have identified who they feel might be affected if the the motion is carried to adopt option A.

On the 27th of May there will be a polling booth at the



community hall open from 9:00am till 12:00, it will be managed by 3 persons, there will be 2 persons at the entrance they are both current AEC registered and trained, they will be recording the names and addresses of each voter along with their signature as a record of each person voting on the day.

There will be one person inside the hall occupying the location of the locked voting box to ensure that each person is lodging only 1 vote.

At the conclusion of the day, this box will be secured at a location within the town or the YP council office at Maitland ( yet to be approved).

The voting will be held open for 1 week after the 27th of May to allow for any late or email voters, the process for email votes is the following.

On receipt of your voting package please ensure that the entire contents are read thoroughly. Then each person is to email the progress association indicating what option is preferred or include a brief summary of your suggestion if choosing option D.

Please ensure you include your address in Port Clinton so it can referenced when audited.

On receipt of email votes they will be kept on the

progress email records to ensure transparent and secure tracking.

On the 3rd of June the locked box along with all email votes will be collated by a Justice Of The Peace. They will then count and stamp each vote placing the counting results in the locked box along with the voting slips for delivery to the Yorke Peninsula Council.

This will not be the end of the process as the Yorke Peninsula council will then complete their own enquires.

Please if you have any questions call me Alan Brown on [REDACTED] or email me.



Anzac Me...mation.pdf

1.3 MB

Sent from my iPad

15<sup>th</sup> May 2023

Dear Port Clinton householder,

As part of the process for the submission of the ANZAC Memorial proposal, council has advised us to inform all house owners near or adjacent to the proposed site, what is being proposed/submitted.

A submission was given to local council in September 2022, it consisted of:

- a. Covering letter.
- b. Petition with 140 residents' signatures.
- c. Photos of the proposed memorial plaque/soldiers.
- d. Supporting letters from local RSL clubs; and
- e. Detailed map of proposed memorial site.

Council then advised us that we needed to conduct a proper consultation meeting with town residents to inform them of all the details. This was held on 01 April 2023 in the Community Hall, with 85 residents attending.

The next step is for residents to vote on which proposal option is presented or offer your own opinion on what it should be and where it should be located.

On 27<sup>th</sup> May between 9am and noon at the Port Clinton Community Hall, town residents can cast their vote, or if they are not here that date, they can cast a postal vote. Postal votes can be sent to Secretary, Pt Clinton Progress Assn c/o General Store Pt Clinton, or emailed to [ptclintonprogress@gmail.com](mailto:ptclintonprogress@gmail.com)... It is vitally important that any postal vote/s has your name, address, and signature on it please. You cannot put more than one person details on a voting form, one form, one person's details.

For those of you who could not attend the consultation meeting on 01 April 2023, please find attached photos of the proposed memorial and soldiers, along with a site map of where it will be set up (if approved).

Thank you.

Dusty and Alan



## PORT CLINTON ANZAC MEMORIAL VOTING PAPER

Please place a tick in the box next to the option you are choosing.

If you have an alternative option, please write it in the section provided.

**OPTION A**

Memorial to be placed on the cliff top, corner of Yelta Street and Yoolamardy Terrace as shown on Appendix 1 (and as stated in the original proposal to council)

**OPTION B**

A temporary memorial in the same location as Option A, but will be installed for only 7 days prior and 7 days after all celebrated days of remembrance.

**OPTION C**

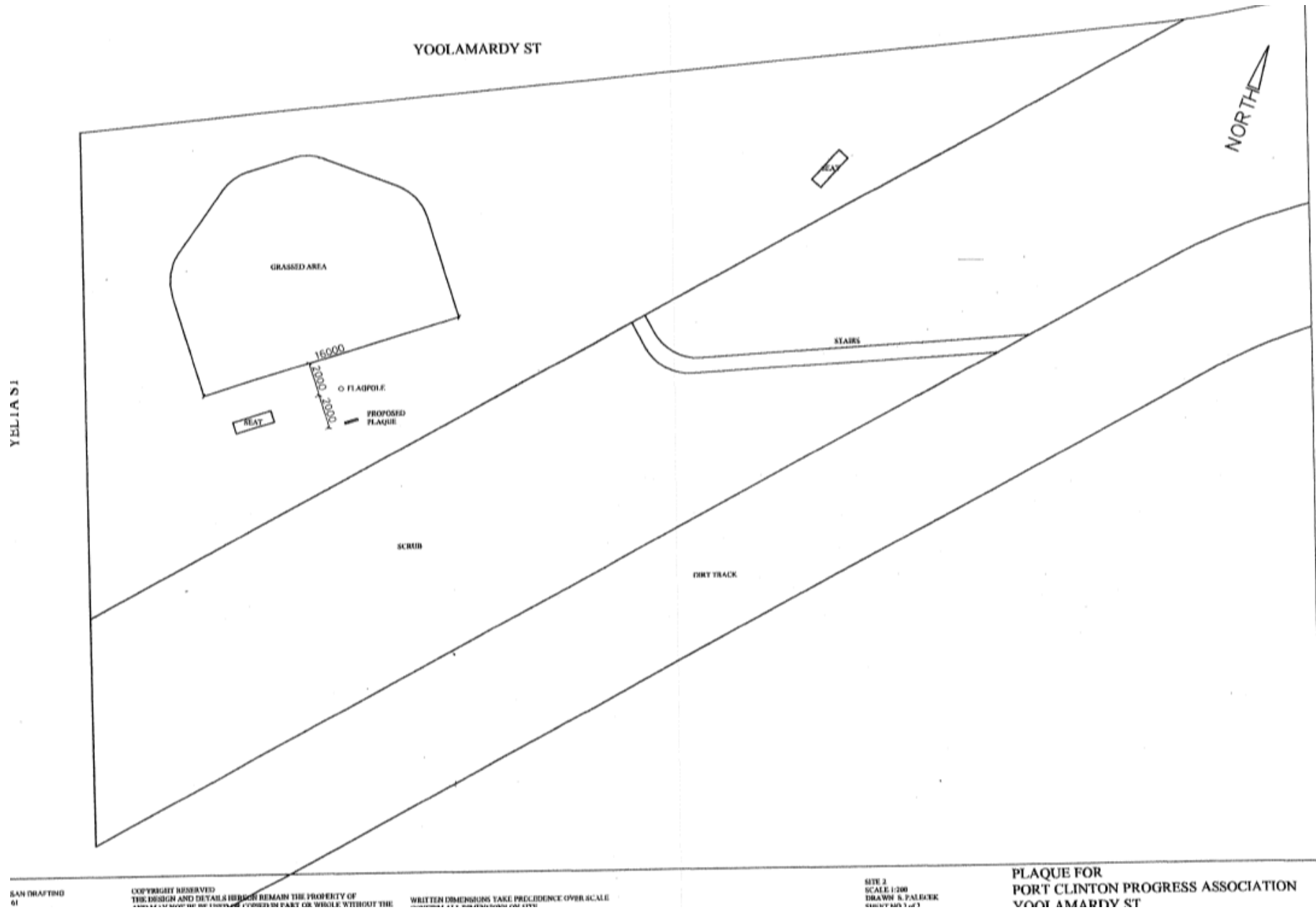
No Anzac memorial to be placed at the cliff top corner of Yelta Street and Yoolamardy Terrace.  
Memorial to be placed at the Community Hall, Cumberland Road.

**OPTION D**

Suggestions for another location:

---

---



SAN DRAFTING  
01

COPYRIGHT RESERVED  
THIS DESIGN AND DETAILS HEREBY REMAIN THE PROPERTY OF  
DRAWN BY: S. PALLOK  
WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE

SITE 2  
SCALE 1:200  
DRAWN S. PALLOK  
DATE 10/10/23

PLAQUE FOR  
PORT CLINTON PROGRESS ASSOCIATION  
YOOLAMARDY ST



Approximation Only: Proposed memorial will consist of a centre plaque 900 high by 1200 wide with resting soldiers in silhouette. Each side 1200 high.

**VOTING DAY**

May 27<sup>th</sup> 2023

Community Hall 9am – 12noon

Various voting options will be on voting slip

Absentee votes: please email [portclintonprogress@gmail.com](mailto:portclintonprogress@gmail.com)  
for more details

Yorke Peninsula Council

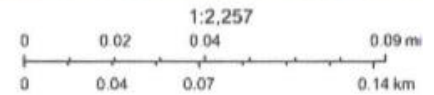


05/05/2023, 09:40:58

Parcel Owners

Google Street View

PROPOSED SITE LOCATION  
& OPTION A



Esri Community Maps Contributors, © OpenStreetMap  
Microsoft, Esri, HERE, Garmin, FourSquare, METI/NASA  
USGS. Source: Esri, Maxar, Earthstar Geographics, and

15<sup>th</sup> May 2023

Dear Port Clinton householder,

As part of the process for the submission of the ANZAC Memorial proposal, council has advised us to inform all house owners near or adjacent to the proposed site, what is being proposed/submitted.

A submission was given to local council in September 2022, it consisted of:

- a. Covering letter.
- b. Petition with 140 residents' signatures.
- c. Photos of the proposed memorial plaque/soldiers.
- d. Supporting letters from local RSL clubs; and
- e. Detailed map of proposed memorial site.

Council then advised us that we needed to conduct a proper consultation meeting with town residents to inform them of all the details. This was held on 01 April 2023 in the Community Hall, with 85 residents attending.

The next step is for residents to vote on which proposal option is presented or offer your own opinion on what it should be and where it should be located.

On 27<sup>th</sup> May between 9am and noon at the Port Clinton Community Hall, town residents can cast their vote, or if they are not here that date, they can cast a postal vote. Postal votes can be sent to Secretary, Pt Clinton Progress Assn c/o General Store Pt Clinton, or emailed to [ptclintonprogress@gmail.com](mailto:ptclintonprogress@gmail.com)... It is vitally important that any postal vote/s has your name, address, and signature on it please. You cannot put more than one person details on a voting form, one form, one person's details.

For those of you who could not attend the consultation meeting on 01 April 2023, please find attached photos of the proposed memorial and soldiers, along with a site map of where it will be set up (if approved).

Thank you.

Dusty and Alan

## PORT CLINTON ANZAC MEMORIAL VOTING PAPER

Please place a tick in the box next to the option you are choosing.

If you have an alternative option, please write it in the section provided.

**OPTION A**

Memorial to be placed on the cliff top, corner of Yelta Street and Yoolamardy Terrace as shown on Appendix 1 (and as stated in the original proposal to council)

**OPTION B**

A temporary memorial in the same location as Option A, but will be installed for only 7 days prior and 7 days after all celebrated days of remembrance.

**OPTION C**

No Anzac memorial to be placed at the cliff top corner of Yelta Street and Yoolamardy Terrace.  
Memorial to be placed at the Community Hall, Cumberland Road.

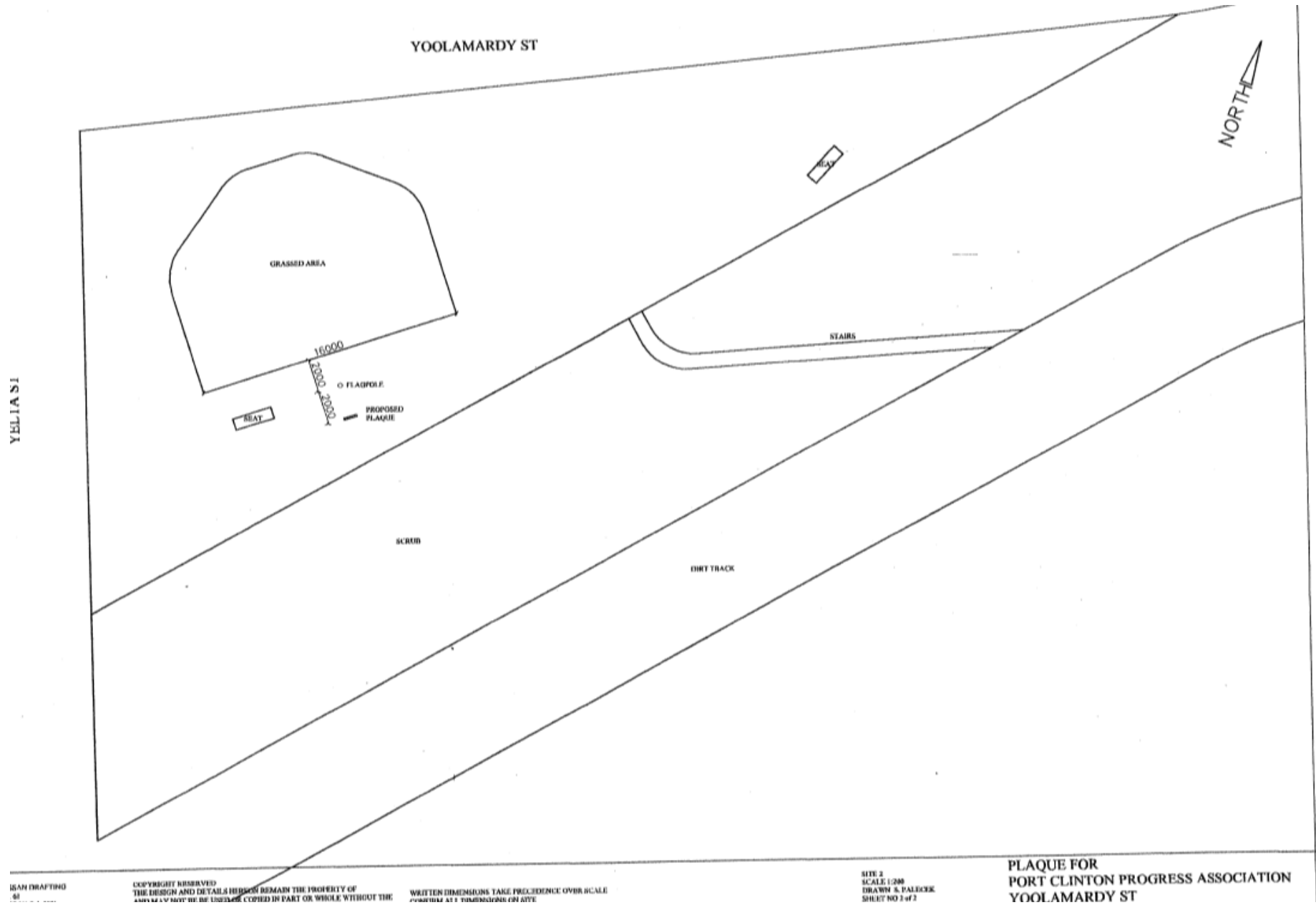
**OPTION D**

Suggestions for another location:

---

---







Approximation Only: Proposed memorial will consist of a centre plaque 900 high by 1200 wide with resting soldiers in silhouette Each side 1200 high.

**VOTING DAY**

May 27<sup>th</sup> 2023

Community Hall 9am – 12noon

Various voting options will be on voting slip

Absentee votes: please email [portclintonprogress@gmail.com](mailto:portclintonprogress@gmail.com)  
for more details

Yorke Peninsula Council

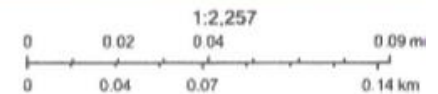


10/05/2023, 09:40:58

Parcel Owners

Google Street View

PROPOSED SITE LOCATION  
of  
OPTION A



Esri Community Maps Contributors, © OpenStreetMap contributors, Microsoft, Esri, HERE, Garmin, Foursquare, METI/NASA/USGS Source: Esri, Maxar, Earthstar Geographics, an



BY:.....

7<sup>th</sup> of August 2023

To: The Yorke Peninsula Council.  
Attention: Mary Herrmann.  
Topic: Proposed Anzac Memorial at Port Clinton.

Dear Mary,

As discussed at our last meeting with Michael Millar, Sue Beach and yourself I have attached the documentation that was required for the Council as per their process.

To assist you with understanding the attachments I will quickly explain what I have undertaken in the previous weeks.

Following our meeting at the YP council, I asked the Chairperson of the Progress if he could call a special meeting so that I could engage the committee to finalise the documentation that you had asked for.

This meeting did not take place as a committee member requested 22 days' notice as per the constitution.

It was then tabled for discussion at the meeting held on the 31<sup>st</sup> of July by the Progress committee.

Prior to the meeting there were several emailed sent from 2 members of the progress committee asking questions regarding the proposal and the processes that were used, as the Progress committee had not been involved with any of the processes used for the proposal, I emailed the Progress Chairperson stating I would attend the meeting on the 31<sup>st</sup> of July to answer all questions that may arise involving the Anzac memorial proposal.

At the meeting on the 31<sup>st</sup> of July, the questions from the 2 progress committee members were read out to all the attendees, to which I answered all questions that were relevant.

At this meeting I asked the committee if they would supply me with a letter from the progress acknowledging the Vote and results of the Port Clinton residents.

As you will read in the letter from Daniel Poulter the progress chairperson, there were 2 committee members who did not understand why there was a need for this letter and were quite obstinate and derogatory with their comments.

So, as you will read in the letter from the Progress Chairperson Daniel Poulter there were 10 progress committee members present at the meeting,

7 said yes, 1 abstained and 2 said no, 4 of the 7 members that said yes are office bearers.

The emails that are attached are from each of the 10 individual committee members, this was adopted as their way of communicating to the YP council both the collective and individual thoughts on both letter and the Towns preference following the voting results.

In closing Michael Miller and I are now handing the results of the Clinton Resident voting and their preference for option A, that being that the memorial as per the submission being placed on a permanent basis on the cliff top, at the corner of Yelta St and Yoolamardy terrace. This along with the supporting documentation from the Progress Committee, in our belief has met all that is required for the Yorke Peninsula Council to now initiate its own processes in the approval of this much needed and wanted acknowledgement of the past and present men and women who have and are still fighting to allow us the ability to call Australia the lucky country.

Kindest Regards



Alan Brown



2/8/2023

To. the Yorke Peninsula Council.

Attention. Mary Herrmann.

Topic. Port Clinton Anzac Memorial Proposal

My name is Daniel Poulter I am the elected Chairperson of the Port Clinton Progress Association.

At our last progress meeting on Monday the 31<sup>st</sup> of July, Alan Brown updated the progress committee on the status of the Anzac Proposal as voted on by the town residents on the 27<sup>th</sup> of may.

He informed us that he required a letter from the progress committee that reflects the committee's thoughts and consideration of the proposal.

At this meeting there was general discussion as to how we as a committee meet your requirements, so to be fair to all committee members I submit the following.

We as the Port Clinton Progress Committee recognise that a vote has been held on the proposed Anzac memorial and ask that the YP Council initiate their process on the proposed memorial.

At this meeting 2 of the committee members would not commit to any part of the required process as they could not understand why it was needed. The other committee members as shown below agreed to proposal as voted on by the town residents.

In closing this letter will be accompanied by emails from the other committee members with their respective thoughts.

Daniel Poulter said Yes

Tanya Brown said Yes

Deb Kellaway said Yes

Geoff Harris said Yes

Louanne Pound said Yes

John Manhire said Yes

Alan Headon {abstaining}

Annette Speck said Yes

Ashley Ryan said No

Lois Barker said No

For your consideration

Daniel Poulter







---

## Required

1 message

---

**Debra Kellaway**

Thu, 3 Aug 2023  
at 7:41 am

<

To: Tanya Brown <portclintonprogress@gmail.com>

Hi Tanya,

I spoke to Daniel yesterday and let him know that **Jeff** and I both support the town vote so we are a YES.

Thanks

Sent from my iPhone

On 2 Aug 2023, at 4:53 pm, Tanya Brown  
<portclintonprogress@gmail.com> wrote:

[Quoted text hidden]



---

## Letter to council.

1 message

---

**Debra Kellaway**

Fri, 4 Aug 2023 at  
7:18 am

<

To: Tanya Brown <portclintonprogress@gmail.com>

Good morning Tanya. Jeff and I are happy with the letter.  
Let's put this thing to bed!

Cheers

Deb and Jeff

[Quoted text hidden]



---

## Vote

1 message

---

**Tanya Brown**

Sun, 6 Aug 2023 at  
5:43 pm

<[REDACTED]>  
To: Port Clinton Progress Assoc  
<portclintonprogress@gmail.com>

I agree with the letter and the town vote.

Kind Regards  
Tanya Brown

A handwritten signature in blue ink, appearing to be 'Tanya Brown', with a long horizontal line extending to the right.



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



---

## Letter to council.

1 message

**j.manhire** [REDACTED] >

Thu, 3 Aug 2023 at  
11:06 am

To: Port Clinton Progress Assoc  
<portclintonprogress@gmail.com>

Yes I agreed John Manhire

Sent from my Galaxy

----- Original message -----

From: Port Clinton Progress Assoc  
<portclintonprogress@gmail.com>

Date: 3/8/23 10:01 am (GMT+09:30)

To: [REDACTED]

Subject: Letter to council.

[Quoted text hidden]



Sent from my iPhone

On 3 Aug 2023, at 10:02 am, Port Clinton Progress Assoc <[portclintonprogress@gmail.com](mailto:portclintonprogress@gmail.com)> wrote:

[Quoted text hidden]  
<Image.jpg>



---

## Letter to council.

1 message

---

**Louanne POUND**

Thu, 3 Aug 2023 at  
10:21 am

<[REDACTED]>

To: Port Clinton Progress Assoc  
<portclintonprogress@gmail.com>

Good morning Tanya,

I believe that is correct on my behalf.

Thank you for the work and following up on this.

Regards

Louanne

--

[Quoted text hidden]



---

## Required

1 message

---

**Alan Headon** <[REDACTED]> Mon, 31 Jul 2023  
at 6:36 pm

To: Port Clinton Progress Assoc  
<portclintonprogress@gmail.com>

Hi Tanya, firstly hope Daniel passed on my apologies for tonight. Secondly I would have to declare a conflict of interest on the vote for or against the memorial, and not vote as I could be called on to adjudicate the decision at a council meeting. I have had to take this stance on previous occasions over the years. Hope all goes well. Cheers Alan.

[Quoted text hidden]



---

## Letter to council.

1 message

---

**Lois Barker** <[REDACTED]>

Thu, 3 Aug 2023  
at 1:31 pm

To: Daniel Poulter <[REDACTED]>, Port Clinton  
Progress Assoc <portclintonprogress@gmail.com>

To Daniel

I have just read your letter and unfortunately you have misrepresented my view with regards to the memorial and I will not accept this letter as is.

At no time did I say I would not commit to any part of the process nor did I say I could not understand why it was needed. This is a false misrepresentation from myself and I take offence to that.

In fact my words were the process was not followed correctly as per the guidelines that Council provided back in March 2023.

My statement in this letter of support should be read: Lois is satisfied for the Yorke Peninsula Council to consider all feedback and due diligence undertaken by the initiators and that I leave it in the hands of the Council to make the final decision.

Regards

Lois Barker



---

## Letter to council.

1 message.

---

**Port Clinton Progress Assoc**  
<portclintonprogress@gmail.com>

Thu, 3 Aug  
2023 at 1:44  
pm

To: Lois Barker <[REDACTED]>, Daniel Poulter  
<[REDACTED].com>

Dear Lois

Thankyou for replying to the email from Daniel, this reply will be attached to the letter and passed onto the council as per their request.

Kind regards

Tanya Brown

[Quoted text hidden]

!

To Daniel,

In response to your letter to council, I do not approve or accept the attached letter of support was not the discussion we had on Monday 31<sup>st</sup> July. At no time did I ever respond with the words 'I do not commit'. Stop putting words into people's mouths! The progress committee was not to actually vote as we already did that on the 31<sup>st</sup> May 2023. The purpose of the letter of support was to now hand over to Council to continue their part in finalising the outcome for the Anzac Memorial. As per your email to me on the 7<sup>th</sup> June 2023 (see below), you stated that the process for the memorial committee was to support the four (4) options. Therefore the letter of support should state that I support the four options.

Daniel, I find that you're contradicting yourself as you stated at the meeting you voted no to a permanent memorial whereby now you are agreeing with the town residents that you want a permanent memorial.

After Monday's meeting, I believe a number of committee members were unclear of what the letter of support was to contain. A question I would ask is, "do they actually know what they are saying yes to?". For example, at the meeting it was explained that we are handing over to Council to continue with their process. A couple of committee members agreed to that however it wasn't Tanya (secretary) reiterated to them 'are we agreeing to the town residents then handing over to Council?' This is where they became confused and just agreed with the answer yes!

In summary, my response as a committee member is for the Yorke Peninsula Council to undertake their part in finalising this Anzac Memorial. At no stage do I agree with the town votes as I do not believe they are legitimate nor was the process followed as per the Council's Community Engagement Policy.

Regards,

Ashley Ryan

Re: Memorial Letter - Voting

 Yorke Peninsula Carpets <[redacted]>  
To: [redacted]

  Reply  Reply All  Forward  
Wed 7/

Evening Ashley

As for your concerns you will need to email council and Mr Miller, the process was not organised by progress, all we are apart of is supporting all four options, if you have any more questions you will need to follow up with them.

Thanks Daniel

[Quoted text hidden]  
[Quoted text hidden]  
<Image.jpg>

Yorke Peninsula Carpets <[redacted]>  
To: Port Clinton Progress Assoc <portclintonprogress@gmail.com>

Fri, 4 Aug 2023 at 12:59 pm

[Quoted text hidden]





---

## In Response

1 message

---

**Port Clinton Progress Assoc**  
<portclintonprogress@gmail.com>

Fri, 4 Aug  
2023 at 2:05  
pm

To:

[REDACTED]  
[REDACTED] >

Dear Ashley,  
Thankyou for replying to the email from Daniel, This reply will be attached to the letter and passed onto the Council as per there request.

Kind Regards

Tanya Brown

## 23 CORPORATE AND COMMUNITY SERVICES

### 23.1 FINANCIAL REPORT AS AT 30 SEPTEMBER 2023

**Document #:** 23/91494

**Department:** Corporate and Community Services

#### PURPOSE

For Council to consider the financial report and capital projects update report as at 30 September 2023.

#### RECOMMENDATION

That Council receive the financial report and capital projects update report as at 30 September 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 in the following monthly report.
- The reports do not include year-end income and expense accruals.
- Both reports include year to date commitments i.e. orders raised but not yet paid for.
- **Attachment 1 - Uniform Presentation of Finances (UPF)**
  - Note 1 - Rates, Service Charges (Waste, CWMS and Water), Landscape Levy and Rate Rebates, totalling approximately \$28.4m, have been raised for the 2023/2024 financial year but are only due and payable either in full in September 2023 or by quarterly instalments in September 2023, December 2023, March 2024 and June 2024.
  - Note 2 - includes income from building and planning activity of approximately \$53,000 and septic tank registration fees of approximately \$20,000.
  - Note 3 - \$1.0m collected for user charges (boat ramps, caravan parks, cemetery fees, hall hire, etc.) of which approximately \$800,000 relates to Caravan Parks.

- Note 4 - grants, subsidies & contributions of approximately \$1.2m received to date.
  - Note 5 - approximately \$150,000 of investment, reimbursements and miscellaneous income.
  - Note 6 - commitments of approximately \$3.8m with \$2.6m being for waste management services.
  - Note 7 - depreciation for three months of the financial year has been included in the YTD expenditure being approximately 25% of the 2023/2024 annual budget estimate.
  - Notes 8 and 9 - commitments of approximately \$3.9m (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 several month end adjustments, corrections to existing purchase orders and raising of new ones, backdated journals and correction of incorrectly allocated amounts. Making these adjustments means the report shows expenditure incurred as well as expenditure forecast for the remainder of the year along with budget remaining against each project.

## COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

## CONSULTATION PROCESS

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

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

- Nil

## POLICY IMPLICATIONS

PO142 Budget Reporting and Amendment Policy

## BUDGET AND RESOURCE IMPLICATIONS

This is the third update for the 2023/2024 financial year. At this early stage, overall financial performance is forecast to remain on track against Council's endorsed Budget. However, pending adjustments for an increase to buildings and structures depreciation, following last year's asset revaluation, these will have a negative impact on current projections. It should be noted that Council's 2022/2023 accounts are currently being finalised, the impact on the 2023/2024 budget will not be accounted for in Council's financial reports until the audited statements are adopted in October/November 2023.

Expenditure on capital projects, including commitments, has increased from the previous month due to the completion of several prior year projects and movement of several current year projects into the procurement phase. After three months in the 2023/2024 financial year, 77% of the 2023/2024 budgeted capital funds remain uncommitted.

Projects that were not commenced or incomplete (for various reasons) at the end of 2022/2023 have been rolled over to 2023/2024 for completion. Council endorsed the rollovers at its August 2023 meeting. These amounts have been included in both the capital projects update report and the UPF.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

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

Council risks being 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 30 September 2023** [!\[\]\(9bfa69b6b0f097b09744337d04f22d78\_img.jpg\) !\[\]\(7d26c345cabf494d35782f002b741ce9\_img.jpg\)](#)
2. **Capital Projects Update Report as at 30 September 2023** [!\[\]\(40fb90293499d45782783c449b0d92d0\_img.jpg\) !\[\]\(7da84d8385265e3244ec94f60d0fcdb1\_img.jpg\)](#)

<b>YORKE PENINSULA COUNCIL</b> <b>UNIFORM PRESENTATION OF FINANCES</b> <b>AS AT 30 SEPTEMBER 2023</b>							
	2023/24 YTD Actuals \$'000	2023/24 Commitments \$'000	2023/24 YTD Expenditure (incl Commitments) \$'000	Notes	2022/23 Full Year Revised Budget \$'000	2022/23 Full Year Budget Revisions \$'000	2023/24 Full Year Adopted Budget \$'000
<b>Income</b>							
Rates	28,425		28,425	1	28,423		28,423
Statutory Charges	91		91	2	408		408
User Charges	1,028		1,028	3	5,101		5,101
Grants, Subsidies and Contributions - Capital	630		630		1,990	241	1,749
Grants, Subsidies and Contributions - Operating	563		563	4	2,608	123	2,485
Investment Income	80		80		168		168
Reimbursements	53		53	5	171		171
Other Income	35		35		124		124
	<b>30,905</b>		<b>30,905</b>		<b>38,992</b>	<b>364</b>	<b>38,629</b>
<b>Expenses</b>							
Employee Costs	2,762	3	2,765		11,291		11,291
Materials, Contracts and Other Expenses	3,277	3,922	7,199	6	16,737	1,645	15,093
Depreciation, Amortisation and Impairment	2,865		2,865	7	11,461		11,461
Finance Cost	10		10		279		279
	(8,914)	(3,925)	(12,839)		(39,768)	(1,645)	(38,123)
<b>Operating Surplus/ (Deficit)</b>	<b>21,991</b>	<b>(3,925)</b>	<b>18,066</b>		<b>(775)</b>	<b>(1,281)</b>	<b>506</b>
Timing adjustment for grant revenue							
<b>Adjusted Operating Surplus (Deficit)</b>	<b>21,991</b>	<b>(3,925)</b>	<b>18,066</b>		<b>(775)</b>	<b>(1,281)</b>	<b>506</b>
<b>Net Outlays on Existing Assets</b>							
Capital Expenditure on renewal and replacement of Existing Assets	(1,593)	(818)	(2,412)	8	(10,546)	(648)	(9,898)
Add back Depreciation, Amortisation and Impairment	2,865		2,865		11,461		11,461
Add back Proceeds on Sale of Assets	42				174	25	149
	<b>1,314</b>	<b>(818)</b>	<b>453</b>		<b>1,089</b>	<b>(623)</b>	<b>1,712</b>
<b>Net Outlays on New and Upgraded Assets</b>							
Capital Expenditure on New and Upgraded Assets	(1,119)	(1,212)	(2,332)	9	(9,799)	(2,841)	(6,959)
Amounts received specifically for New and Upgraded Assets	496		496		3,788	837	2,952
Add back Proceeds for Sale of Surplus Assets							
	<b>(623)</b>	<b>(1,212)</b>	<b>(1,835)</b>		<b>(6,011)</b>	<b>(2,004)</b>	<b>(4,007)</b>
<b>Annual Net Impact to Financing Activities (surplus/(deficit))</b>	<b>22,682</b>	<b>(5,956)</b>	<b>16,684</b>		<b>(5,697)</b>	<b>(3,908)</b>	<b>(1,789)</b>

Note : Totals may not add due to rounding

Yorke Peninsula Council Monthly Capital Projects Update as at 30 September 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																				
** Only projects \$25,000 and greater are individually listed below, however the totals shown are for the entire asset class.			<table border="1"> <tr> <th colspan="3">LEGEND</th> </tr> <tr> <td>1</td> <td>●</td> <td>Activity currently completed or on schedule</td> </tr> <tr> <td>2</td> <td>●</td> <td>Activity currently up to 2 months behind schedule</td> </tr> <tr> <td>3</td> <td>●</td> <td>Activity currently more than 2 months behind schedule</td> </tr> <tr> <td>0</td> <td>●</td> <td>Activity currently not started</td> </tr> </table>						LEGEND			1	●	Activity currently completed or on schedule	2	●	Activity currently up to 2 months behind schedule	3	●	Activity currently more than 2 months behind schedule	0	●	Activity currently not started												
LEGEND																																			
1	●	Activity currently completed or on schedule																																	
2	●	Activity currently up to 2 months behind schedule																																	
3	●	Activity currently more than 2 months behind schedule																																	
0	●	Activity currently not started																																	
			Planning	Design	Approval	Services	Procurement	Delivery	\$2,676,847	\$2,028,247	\$4,705,094	\$20,345,559	\$15,640,464	77% TOTAL																					
<b>Buildings &amp; Other Structures</b>																																			
45750 - Interment Wall - Port Vincent Cemetery	DS	Jun-23	●	●	N/A	N/A	●	●	\$0	\$23,091	\$23,091	\$25,400	\$2,309	9%	[Rolled over from 2022/23] Survey has been done, contractor has been engaged.																				
47525 - Miniatur Child Care Centre [BSBRGP]	ES	Dec-23	●	N/A	N/A	N/A	●	●	\$760,844	\$1,033,434	\$1,794,277	\$2,048,439	\$254,162	12%	[Rolled over from 2022/23] Work in progress, anticipated completion by December 2023.																				
60205 - Point Turton CP - Upper Level Amenities	CCS	Jun-23	●	●	●	●	●	●	\$0	\$7,273	\$7,273	\$320,756	\$313,483	98%	[Rolled over from 2022/23] Tenders endorsed and contractor appointed to undertake project in 2023/2024, development application is in process. Contractor engaged to build a retaining wall.																				
44626 - Stansbury Seawall	CCS	Jun-24	●	●	●	N/A	●	●	\$3,273	\$0	\$3,273	\$331,000	\$327,727	99%	Consulting with engineers in order to finalise design.																				
44656 - Marion Bay Boat Ramp	CCS	Jun-26	●	●	●	N/A	●	●	\$4,720	\$0	\$4,720	\$3,800,000	\$3,795,280	100%	Concluding application for DA which will require minor modification to design. Building authority approval to be sought following coastal protection approval and DA conclusion. Aim to tender project in late Sep-23. Also concurrently Council's Director A&I is working with the SA DiT on securing a land tenure license to occupy the maritime zone past the Mean High Water Mark and DiT lodgement of notices pertaining to native title not extinguished at the ramp location. Resolution of land tenure and native title are two conditions to be satisfied before letting of a construction contract.																				
60200 - Point Turton Caravan Park Storage Shed	CCS	Dec-23	●	●	●	N/A	●	●	\$3,807	\$15,231	\$19,038	\$40,000	\$20,962	52%	Development application is lodged and supplier selected.																				
45794 - Port Rickaby Caravan Park Water Supply Upgrade	CCS	Dec-23	●	●	N/A	N/A	●	●	\$161,485	\$4,273	\$165,758	\$176,945	\$11,187	6%	Project is near completion and park has partially reopened to visitors.																				
60006 - Port Rickaby caravan park Dump Point	CCS	Jun-24	●	●	●	N/A	●	●	\$0	\$1,860	\$1,860	\$49,420	\$47,560	96%	Wastewater engineer engaged.																				
<b>Total Buildings &amp; Other Structures</b>									<b>\$934,129</b>	<b>\$1,093,959</b>	<b>\$2,028,087</b>	<b>\$6,840,025</b>	<b>\$4,811,938</b>	<b>70%</b>																					
<b>CWMS Infrastructure</b>																																			
44254 - Maitland wtp, Buffer tank, odour control system, roofing, shed roller door, tank aerators and Drain replacement	CCS	Jun-24	●	N/A	N/A	N/A	●	●	\$15,813	\$36,284	\$52,097	\$115,500	\$63,403	55%	Odour control system materials on order, new aerators ordered, planning for other projects has commenced, awaiting on quotations.																				
44253 - Yorketown Miniatur Road and Warooka CWMS pump station switchboard renewal and flowmeter	CCS	Apr-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$80,000	\$80,000	100%	Planning commenced, quotations to be sourced once finalised.																				
44260 - Port Vincent caravan park main pump station monitoring system, Ventnor St. valve, Marina Station Pump 2 and wtp waste Pump replacement	CCS	Dec-23	●	N/A	N/A	N/A	●	●	\$0	\$25,090	\$25,090	\$25,251	\$161	1%	Purchase orders placed for monitoring system and Marina pump station pump, wtp pumps and valving, awaiting installation.																				
44264 - Point Turton wtpw Install pre-treatment filtration system, replacement of irrigation pump 2 and AAT tank aerators	CCS	Jun-24	●	●	N/A	N/A	●	●	\$0	\$31,610	\$31,610	\$118,790	\$87,180	73%	New Aerators purchased awaiting installation, quotations being sourced for other works.																				
<b>Total CWMS Infrastructure</b>									<b>\$15,813</b>	<b>\$156,424</b>	<b>\$172,237</b>	<b>\$394,721</b>	<b>\$222,484</b>	<b>56%</b>																					
<b>Land</b>																																			
45797 - Yorketown Main Street Beautification (formerly Charles Street Land Purchase)	DS	Jun-20	N/A	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$100,000	\$100,000	100%	[Rolled over from 2022/23] Budget allocation to be retained for potential contribution towards future Main Street beautification works.																				
<b>Total Land</b>									<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>100%</b>																					
<b>Plant, Equipment &amp; Other Assets</b>																																			
40026 - Various Coastal Management Strategy Projects [LRCIP Phase 3]	CCS	Jun-24	●	●	N/A	N/A	●	●	\$54,013	\$0	\$54,013	\$54,013	\$0	0%	[Rolled over from 2022/23] Beach access stairs at Magazine Bay and Wool Bay steps completed. Other Coastal Management Projects to be undertaken will depend on the budget remaining for LRCIP Phase 3.																				
44500 - Major Plant Replacement - Vibratory Roller	CCS	Jun-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$195,000	\$195,000	100%	Tenders prepared and registered in September.																				
62002 - Major Plant Replacement - Patrol Grader	CCS	Jun-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$515,000	\$515,000	100%	Tenders prepared and registered in September.																				
61203 - Major Plant Replacement - Utes	CCS	Jun-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$66,000	\$66,000	100%	Assessing quotations, awaiting information on related trade-ins.																				
62020 - Major Plant Replacement - Semi Water Tanker - North	CCS	Jun-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$120,000	\$120,000	100%	Tenders prepared and registered in September.																				
61210 - Fleet Vehicle Replacement	CCS	Jun-24	●	N/A	N/A	N/A	●	●	\$113,484	\$45,984	\$159,468	\$198,343	\$38,875	20%	1 x delivery in August, 1 x delivered in September, 1 x due for delivery in October 2023 (committed) 1 x not yet ordered (remaining budget)																				
40030 - ICT Equipment (Monitors & Computers Replacement, Video Editing Laptop)	CCS	Jun-24	●	N/A	N/A	N/A	●	●	\$14,521	\$395	\$14,916	\$35,700	\$20,784	58%	Monitors and video editing laptop received, others not ordered yet.																				
<b>Total Plant, Equipment &amp; Other Assets</b>									<b>\$185,835</b>	<b>\$88,393</b>	<b>\$274,228</b>	<b>\$1,254,385</b>	<b>\$980,157</b>	<b>78%</b>																					
<b>Transport Infrastructure</b>																																			
59650 - Yorketown Airstrip - Runway Lighting Upgrade [Support Regional Aviation Program]	CCS	Jul-24	●	N/A	N/A	N/A	●	●	\$189,361	\$482	\$189,843	\$194,180	\$4,337	2%	[Rolled over from 2022/23] Completed in July 2023, budget adjustment to be requested at first quarter.																				
54102 - Unsealed Roads Intersection Upgrades	CCS	Jun-23	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$193,000	\$193,000	100%	[Rolled over from 2022/23] Project in planning phase.																				
45053 - Arthurton Main Street Upgrade [LRCIP Phase 3]	CCS	Jun-23	●	●	N/A	N/A	●	●	\$104,437	\$0	\$104,437	\$40,781	-\$63,656	-156%	[Rolled over from 2022/23] Completed, budget adjustment to be requested. Invoice to be sent to Arthurton Progress for further contribution of funds towards the project.																				
45046 - Hardwicke Bay Shelter & Boat Ramp Carpark [LRCIP Phase 3]	CCS	Jun-23	●	●	N/A	N/A	●	●	\$36,219	\$2,847	\$39,066	\$37,737	-\$1,329	-4%	[Rolled over from 2022/23] Progress installing shelter with roof to be done by contractor.																				
57117 - Edith Street Medium Strip Extension - Edithburgh	CCS	Sep-23	●	●	●	N/A	●	●	\$37,536	\$7,998	\$45,534	\$64,000	\$18,466	29%	Near completion, pram ramp to be installed.																				
57118 - James Wells Kerb/ Road Repairs	CCS	Dec-23	●	●	●	N/A	●	●	\$5,145	\$0	\$5,145	\$28,000	\$22,855	82%	Nearing completion, Council to jetpatch road.																				
54021 - Gleasons Rd - Marion Bay Rd to Liddiards Rd	CCS	Oct-23	●	N/A	N/A	N/A	●	●	\$76,149	\$0	\$76,149	\$123,512	\$47,363	38%	Commenced, expected to complete in October 2023.																				
53519 - South Coast Rd - Yorke Hwy to Meehan Hill	CCS	Jun-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$293,097	\$293,097	100%	Scheduled to commence in May 2024 for completion in June 2024.																				
54081 - Heel Rd - Sheoak Beach Rd to Goldsmith Beach Rd	CCS	Dec-23	●	N/A	N/A	N/A	●	●	\$713	\$0	\$713	\$454,889	\$454,176	100%	Scheduled to commence in October 2023 for completion in June 2024.																				
57119 - Town Rehabilitation South	CCS	Apr-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$659,522	\$659,522	100%	Scheduled to commence in January 2024 for completion in April 2024.																				
54101 - New Honiton Rd - Troughbridge Hill Rd to Goldsmith Beach Rd	CCS	May-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$128,850	\$128,850	100%	Scheduled to commence in April 2024 for completion in May 2024.																				
57108 - Corny Point Rd - Brutus Rd to Turton Rd	CCS	Nov-23	●	N/A	N/A	N/A	●	●	\$38,608	\$221,540	\$260,148	\$331,016	\$70,868	21%	Works commenced, material being delivered, projected finish in November.																				
57116 - Dust Suppression	CCS	Apr-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$50,000	\$50,000	100%	Scheduled to commence and completion in April 2024.																				
54027 - Nalyappa Rd - Coopers Rd to Barnes Rd	CCS	Dec-23	●	N/A	N/A	N/A	●	●	\$24,604	\$0	\$24,604	\$408,200	\$381,596	94%	Works commenced projected finish December 2023.																				
53011 - Melton South Rd - Upper Yorke Rd to Wayside Rd	CCS	Nov-23	●	N/A	N/A	N/A	●	●	\$71,644	\$264,190	\$335,834	\$576,020	\$340,186	50%	Works commenced projected finish November 2023.																				
54077 - Sandy Church Rd - Spencer Hwy to 3.45 Km East	CCS	Mar-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$501,232	\$501,232	100%	Scheduled to commence in November 2023 for completion in March 2024.																				
57109 - Patch Work North - Various Rds	CCS	Jun-24	●	N/A	N/A	N/A	●	●	\$29,954	\$31,585	\$61,539	\$791,995	\$730,456	92%	Works commenced.																				
57112 - Patch Works South - Various Rds	CCS	Jun-24	●	N/A	N/A	N/A	●	●	\$54,008	\$44,755	\$98,763	\$476,680	\$377,917	79%	Works commenced.																				
54099 - Dowlingville Slant Rd - Yorke Hwy to Cook Rd	CCS	Dec-23	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$200,424	\$200,424	100%	Scheduled to commence in October 2023 for completion in December 2023.																				



Yorke Peninsula Council Monthly Capital Projects Update as at 30 September 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
49500 - Reseal Allocation	AIS	Jun-24	●	N/A	N/A	N/A	●	●	\$735,954	\$0	\$735,954	\$1,735,902	\$999,948	58%	[Rolled over from 2022/23] Expenditure to date reflects completion of 2022/2023 reseal program in July 2023. Ordinarily, over a large seal campaign, Council's contract manager (Works Manager) would adjust down the quantum of areas to be resealed to reconcile back to Council's seal budget but such was complicated by the timing of council works being spread over 6 months through weather impacts and having to fit in with Department of Infrastructure and Transport. Making for quantities of work likely to be done very difficult to predict. Overspend compounded by decision to reduce the seal budget by approximately \$220k to accommodate the unbudgeted Clinton Road rain damage repairs flagged as unbudgeted around the time of the works. Current year program will be reduced to remaining budget allocation.
54102 - Intersection Upgrades	AIS	Jun-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$607,716	\$607,716	100%	Relevant intersections have been identified and inspected by Assets Manager.
52490 - Rubble Raising	AIS	Jun-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$500,000	\$500,000	100%	In planning stage
57535 - Sealed Road Rehabilitation Stabilisation Works	AIS	Jun-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$250,000	\$250,000	100%	In planning stage
49499 - Additional Roads (works to be assigned)	AIS	Jun-24	●	N/A	N/A	N/A	●	●	\$0	\$0	\$0	\$202,557	\$202,557	100%	In planning stage
57024 - North Coast Road Upgrade (Stage 2)	AIS	Jun-24	●	●	N/A	N/A	●	●	\$14,913	\$9,994	\$24,907	\$2,300,000	\$2,275,093	99%	Tenders reviewed by evaluation panel. Report to October council meeting.
60040 - Maitland Plane Tree Root Control (Robert Street Concept Design)	AIS	Jun-20	●	●	N/A	N/A	●	●	\$5,200	\$0	\$5,200	\$136,431	\$131,231	96%	[Rolled over from 2022/23] Concept design being altered for future Council endorsement. Budget adjustment to be requested at first quarter, increase to project budget due to sale of a Maitland township road reserve.
<b>Total Transport Infrastructure</b>									<b>\$1,446,147</b>	<b>\$606,525</b>	<b>\$2,052,672</b>	<b>\$11,409,255</b>	<b>\$9,356,583</b>	<b>82%</b>	
<b>Stormwater Infrastructure</b>															
40080 - Miniaton Depot Stormwater Works	AIS	May-22	●	●	●	N/A	●	●	\$0	\$0	\$0	\$37,061	\$37,061	100%	[Rolled over from 2022/23] Design finalised, quotations to be sourced across multiple trades.
44304 - Stormwater Drainage - Corny Point Road	AIS	Jun-23	●	●	N/A	N/A	●	●	\$20,190	\$15,046	\$35,236	\$38,100	\$2,864	8%	[Rolled over from 2022/23] Survey work completed and design works commenced.
59425 - Stormwater - Maitland Drainage [LRCIP] & [LRCIP Phase 3]	AIS	Jun-23	●	●	N/A	N/A	●	●	\$73,446	\$0	\$73,446	\$68,881	-\$4,565	-7%	[Rolled over from 2022/23] Completed. Budget adjustment to be requested.
59433 - Edithburgh - Gillerton terraces Drainage works -Stage 3	AIS	Jun-24	●	●	N/A	N/A	●	●	\$0	\$0	\$0	\$62,000	\$62,000	100%	Sourcing quotations in September 2023.
59449 - Maitland Western stormwater dam spillway installation stage 2	AIS	Oct-23	●	●	N/A	N/A	●	●	\$0	\$44,858	\$44,858	\$50,000	\$5,142	10%	Purchase order issued for construction works.
<b>Total Stormwater Infrastructure</b>									<b>\$93,636</b>	<b>\$59,904</b>	<b>\$153,540</b>	<b>\$256,022</b>	<b>\$102,482</b>	<b>40%</b>	
<b>Water Scheme Infrastructure</b>															
44283 - Hardwicke Bay water scheme increased storage capacity	AIS	Dec-23	●	●	N/A	N/A	●	●	\$0	\$21,645	\$21,645	\$80,000	\$58,355	73%	New tank pad installed and new tank purchased awaiting installation.
<b>Total Water Scheme Infrastructure</b>									<b>\$0</b>	<b>\$21,645</b>	<b>\$21,645</b>	<b>\$86,150</b>	<b>\$64,505</b>	<b>75%</b>	

Note : Totals may not add due to rounding.

## 24 ASSETS AND INFRASTRUCTURE SERVICES

### 24.1 CORNY POINT - DAIRY ROAD BEACH ACCESS

**Document #:** 23/92399

**Department:** Assets and Infrastructure Services

#### PURPOSE

To seek permission for Council staff to consult with the property owners of Section 1, Dairy Road Corny Point to negotiate a lease agreement for the purpose of providing community access to the beach.

#### RECOMMENDATION

That Council:

1. Endorse staff to consult with the property owners of Section 1, Dairy Road Corny Point to negotiate a lease agreement for the purpose of providing community access to the beach.
2. Authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal in order to execute the lease documents.

#### 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

#### BACKGROUND

This access point historically is used by numerous residences at the eastern end of the town as well as caravan park visitors due to being the only public access in this area. The area is also extremely popular for the launching of boats. Very little work is required to be undertaken other than the preparation of a lease agreement plus the fencing of the agreed alignment.

#### DISCUSSION

This beach access has been in place for many years on private property, however the land has recently changed ownership. The new owners are concerned with the responsibility of public liability allowing public access, via their land.

Council's current road reserve, which extends to the beach, contains a portion of unmade road including vegetation and sand dunes, therefore not allowing easy access to be created. Council could create a new access, however factors against this process include large costs and regulatory requirements, such as Native Vegetation applications and Development applications for Removal of the dune system, along with Coastal Protection Board consultation.

Taking this into consideration, staff have consulted with the new owners, including site meetings, as well as the Elected Members District Tour visiting for discussion with a representative of the landowners. More recently a presentation was made to the Elected Members Information and Briefing Session, by landowner representatives. Council's preference would be purchasing a small portion of this land.

Landowners have explained that in this current climate with beach camping, as well as irresponsible behaviour by four-wheel drive owners, preference in the first instance would be to lease this access point to Council.

Also, to note, while the area is still currently in use, some of the area utilised for parking is starting to encroach into the land and create environmental concerns to owners.

Consultation discussions have considered that Council, if agreed, could fence the currently used road and alternate parking could be undertaken along the edge of Dairy Road keeping the leasing of land to a minimum. Whilst the landowners are not keen on selling Council the land, for reasons listed above, this could be explored into the future, to save on resources and requirements around renewal of lease agreements.

## COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

Community engagement is not required for a lease or licence for a term five (5) years or less, pursuant to Section 202 of the Local Government Act 1999.

## 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:

- Landowners

## POLICY IMPLICATIONS

Nil

## BUDGET AND RESOURCE IMPLICATIONS

Council staff to prepare lease agreement, using in house resources.

A peppercorn lease fee to apply.

Survey – Not required. However, location agreement with both parties, site plan and measurements will be undertaken by Council.

Fencing – Estimated cost \$4,500.

## RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Reputational Risk – Public outcry if access was closed off with no access provided.

Environmental Risk – If closed, possibility other locations targeted, and new access points made resulting in vegetation and dune damage.

## ATTACHMENTS

1. **Corny Point Dairy Road Beach Access - Plan Proposed Leased Area** [↓](#) 
2. **Community Engagement Plan** [↓](#) 

# CORNY POINT DAIRY ROAD BEACH ACCESS

CORNY POINT

Yorke Peninsula Council

DAIRY ROAD



6/14/2023, 2:23:16 PM

Parcel Owners

— PRIVATE PROPERTY

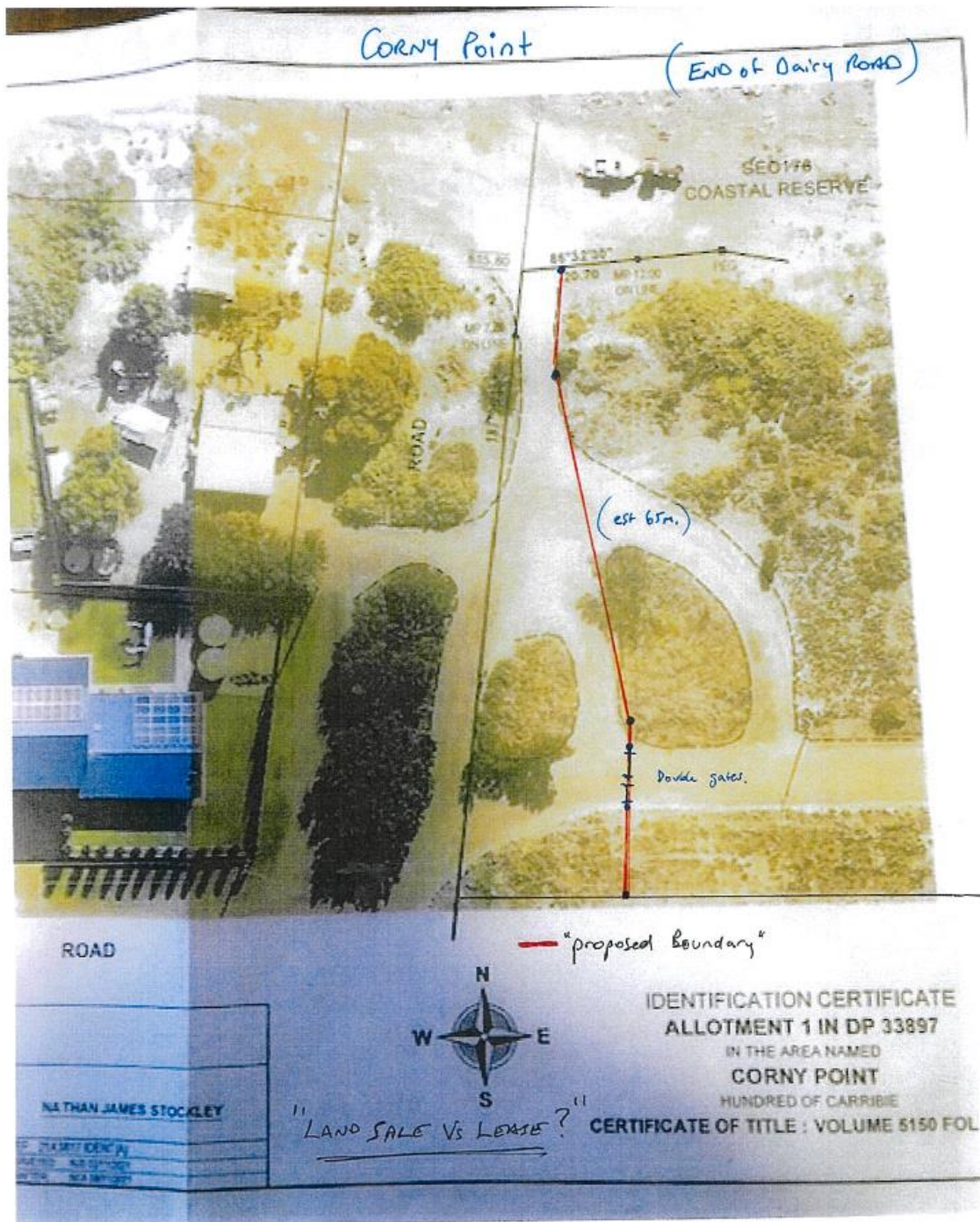
0 0.01 0.01 0.03 mi  
0 0.01 0.03 0.05 km

PUBLIC ACCESS OF PRIVATE PROPERTY  
 \* OWNERS INSURANCE CONCERNS  
 (LIABILITY -)

Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri

Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri







<b>COMMUNITY ENGAGEMENT PLAN</b>	SF215 Responsible Officer: Community Development & Engagement Officer
----------------------------------	--

**Refer: Corny Point - Dairy Road Beach Access**

Issue Date: 09/12/2021
Next Review Date: December 2025

<b>PROJECT NAME:</b>
----------------------

Stakeholders	Level 1 INFORM	Responsibility	Start Date	End Date	Status	Evaluation Method
Affected residents	Personalised Letter		11/10/2023	11/11/2023	NS	Staff to negotiate and prepare lease agreement with landowners. Signed lease agreement by both parties.



**24.2 ALLOCATION OF RATES TO ROAD RELATED EFFICIENCY IMPROVEMENT****Document #:** 23/93761**Department:** Assets and Infrastructure Services**PURPOSE**

To seek Council support for the intended use of 2% rate funding endorsed by Council on 28 June 2023.

**RECOMMENDATION**

That Council endorse allocation of \$405,114 of unallocated 2023/24 budget to road related efficiency improvements noted as follows:

1. Purchase two 'freeroll' grader roller attachments.
2. Purchase one rear blade grader attachment for road shoulder maintenance.
3. Increase Equivalent Full Time positions by two to facilitate better patrol grader utilisation.

**LINK TO STRATEGIC PLAN****Goal:** 2 Community Connected through Infrastructure**Strategy:** 5.2 Effective leadership and informed decision making  
5.6 Continuous improvement of Council processes**BACKGROUND**

At the Council meeting dated 28 June 2023 Council in Minute Number 138/2023 resolved:

"Endorse an increase in Council's Operating Budget of \$202,557 for the purposes of road maintenance and a further increase to Council's Capital Budget of \$202,557 for the purpose of road renewal in addition to the amounts provided for in the Draft Annual Business Plan which was adopted for public consultation".

Council's CEO and Director of Infrastructure and Assets committed to bringing back to a Council Information and Briefing Session, options for how the above referenced funds could be applied. Such was workshopped at Council's 27 September 2023 Information and Briefing session. The workshop subject matter is seen in Attachment 1.

**DISCUSSION**

Council's Director Assets and Infrastructure has had discussions with Council's Works Supervisors, and with Council's external Roads Working Party.

The highest efficiency related issue is the impact of a lack of staff availability on grader utilisation across Council's four patrol maintenance grading crews. Between sickness, leave, LSL, training etc, and there being insufficient trained up staff to relieve, such translates into periods of down time where graders are parked up. If Council employs another two plant operators, such can work in construction teams when there is no need for relief staff on the patrol grading teams, but fill the gap when there is a relief patrol grader staff need.

The second highest rated efficiency improvement area related to compaction equipment. Council currently uses static weight (i.e. no vibration) combination rollers towed by patrol graders. This method is both slow and reduces grading length achieved with turning limitations. Council staff believe a detachable hydraulically controlled solid rubber wheel roller fitted to the graders would be more efficient.

Additionally, for shoulder maintenance works, Council needs at least one rear blade sweep implement for attachment to the rear of graders undertaking shoulder work. Such implement effectively blades off and sweeps away behind the grader any remaining fill material brought to the bitumen edge as part of shoulder grading.

Whilst there are other options looked at, the costs of such are more aligned to future budget capex consideration.

The intention would be to sell the old tow behind combo rollers and add the funds to the \$405k of rates for application as per the Council recommendation.

## **COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

## **CONSULTATION PROCESS**

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

- CEO
- Works Manager
- Works Supervisors
- Grader Operators

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

- Roads Working Party

## **POLICY IMPLICATIONS**

Nil

## **BUDGET AND RESOURCE IMPLICATIONS**

Nil - use funds allocated in the 2023/24 budget.

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

Nil

## **ATTACHMENTS**

1. Extra 2% rates Road Options [↓](#) 

**Extra 2% Unallocated Rates Road Funding Options for EM Workshop Discussion**

Options Summary- variation of plant changes and or additional grader operators to improve machinery utilisation.



MULTITASKS FOR TRACTORS

**MTH - MTH/HP**

FAE multi-function head for tractors from 300 to 500 hp.

The top-of-the-range FAE multi-function machine enabling milling of rock slabs, crushing of stones, milling of asphalt and ground stabilization, with a maximum operating depth of 30 cm. The gear transmission enables operation with constantly optimal levels of torque and power. The variable displacement chamber guarantees excellent results in terms of breaking down materials. The volume of the chamber increases based on depth with a reduction in fuel consumption and an increase in operating speed. The Hardox® wear-resistant counter blade and grid on the rear hood guarantee the desired granulometry of material processed. [Read less](#)



Points	Description
5	<b>Excellent</b> - Exceeds required standard.
4	<b>Very Good</b> - Exceeds the required standards.
3	<b>Good</b> - Meets the standard required.
2	<b>Acceptable</b> - Meets standard in most aspects but fails in some.
1	<b>Marginally adequate/Success not assured</b> - Fails standard in some aspects. Limited information or inadequate/partial response.
0	<b>Inadequate</b> - Significantly or completely fails to meet standard.

Options Evaluation matrix

Options	Indicative cost	Combir	Better use of existing plant	Better outcome on ground	Better effectiveness	Value for money	Comments
Rock shredder /stabiliser for North	\$250,000.00	16	5	4	4	3	Ability to better effectively reform and treat roads than current use of grid/vib roller - initial cost outlay offset by increased efficiencies over coming years
Fendt Tractor for shredder	\$500,000.00	16	5	4	4	3	Cost partially offset by trade in of existing Case tractor and further by increased efficiencies
Grader roller attachments for patrol graders	\$66,000.00	19	5	4	5	5	Cost partially offset by trade in of patrol tow behind multi- better efficiencies, manouvurability and outcomes
Purchase of additional grader & 2 FTE	\$700,000.00	15	4	4	4	3	Will add an extra sector and reduce size of remaing four areas to deliver greater level of service
Additional plant/ grader operators	\$200,000.00	20	5	5	5	5	Will need to attract 2 X grader operators to float between North and South on 72 hour patrol shift to achive this
Contracting out areas of Capex programme	TBA	15	4	4	4	3	By contracting out some capex we can redirect our plant and labour to reforming existing roads.
Contracting Patrol grading in optimun months	TBA	16	3	5	4	4	Additional contracting patrol grading between May-October, concentrating on our H/M use roads and programming with current grading schedules
Self Propelled CW34 CAT multi Rollers -const'n	\$270,000.00	17	4	5	4	4	Better compaction up to 20t Multi rollers compared to 5t tow behind, cost off set by trading current roller and tractor

## 25 DEVELOPMENT SERVICES

### 25.1 PROPOSED COMMUNITY LAND MANAGEMENT PLAN AMENDMENTS

**Document #:** 23/85872

**Department:** Development Services

#### PURPOSE

For Elected Members to receive the submissions in relation to the community engagement process for the proposed Community Land Management Plan Amendment to reclassify Lot 72 in Deposited Plan 61751, Marina Drive Port Vincent from Category 1 – Reserve, to Category 3 – Public and Community Facilities, and give consideration to proceeding with the reclassification.

#### RECOMMENDATION

That Council receive the written submissions in response to the community engagement process for the proposed Community Land Management Plan Amendment to reclassify Lot 72 in Deposited Plan 61751, Marina Drive Port Vincent from Category 1 – Reserve, to Category 3 – Public and Community Facilities.

and

#### RECOMMENDATION

1. That Council endorse proceeding to reclassify Lot 72 in Deposited Plan 61751, Marina Drive Port Vincent from Category 1 – Reserve, to Category 3 – Public and Community Facilities.
- or
2. That Council does not endorse proceeding to reclassify Lot 72 in Deposited Plan 61751, Marina Drive Port Vincent from Category 1 – Reserve, to Category 3 – Public and Community Facilities.

#### LINK TO STRATEGIC PLAN

**Goal:** 1 Economically Prosperous Peninsula

4 Community Engaged and Supported

**Strategy:** 1.2 Deliver strategic and responsible land use planning

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

4.6 Continuous improvement in communicating with and engaging the community

#### BACKGROUND

Port Vincent Landing Pty Ltd (the Developer) has lodged a development application for a major development, known as 'Dockside'. The proposed development is for the construction of a five storey mixed use development, incorporating apartments, commercial tenancies, café, swimming pool and associated amenities, on private land adjacent the Port Vincent boat ramp facilities at Lot 1 of Marina Drive, Port Vincent.

The Dockside development includes the proposed construction of 198 parking spaces to be developed upon both private and public land consisting of:

- 31 spaces on the Dockside site at Lot 1 of Marina Drive;
- 22 spaces on adjacent private land owned by the Developer at Lots 81 and 82 of Marina Drive;
- 43 spaces on Council Community land at Lot 72 of Marina Drive
- 12 spaces created through the proposed reconfiguration of the adjoining boat trailer parking area (in addition to the retention of the existing number of boat trailer parking spaces);
- 67 spaces on road reserve along Breakwater Drive;
- 4 spaces (including short-term parking opportunities within Loading Zones) on-street road reserve along Marina Drive; and
- 19 Spaces on Council Community land at Lot 73 Marine Parade.

A separate development application has been lodged for development of the Finger E within the marina, known as 'Float'. The proposed development will consist of nine floating homes and a café. An additional 26 car spaces are proposed along the southern side of Breakwater Drive along with two additional spaces and a loading zone at the eastern end of Breakwater Drive to service the floating homes and café.

At its meeting of 12 April 2022, Council provided 'in principle' support to the following only:

- To fund 50% of the costs for the realignment of the boat ramp car park.
- For carparking on Council owned land being Lot 72 at the Developer's cost.
- To provide carparking on Breakwater Drive at the Developer's cost.

The above is not a commitment by Council for taking financial responsibility of carparking provisions. Any construction costs for any parking are wholly at the Developer's cost in alignment with any other development.

The Developer has requested a reclassification of the Community Land Management Plan (CLMP) for Lot 72 in Deposited Plan 61751, Marina Drive, Port Vincent from Category 1 – Reserve to Category 3 – Public and Community Facilities to ensure the CLMP is appropriate for the proposed public carparking to assist in facilitating enough carparking arrangements for the development to proceed.

At the Council meeting held 12 July 2023, Council resolved to commence with a community engagement process for the proposed Community Land Management Plan Amendment to reclassify Lot 72 in Deposited Plan 61751, Marina Drive Port Vincent from Category 1 – Reserve to Category 3 – Public and Community Facilities.

## DISCUSSION

A public notice was placed in the Yorke Peninsula Country Times on 18 July 2023 and on Council's website. Personalised letters were mailed to residents of the Port Vincent Marina and houses 97 to 115 of Marine Parade, Port Vincent. At the conclusion of the community engagement process Council's website received 57 views and 298 Facebook views. A total of twenty (20) written submissions were received (refer Attachment 1).

Submissions in relation to the design and layout of the existing boat ramp parking area, including the proposed breakwater parking area are outside of the scope of this consultation. These areas are yet to be finalised and rely on the outcome of the proposed reclassification of Lot 72.

### Summary of Submissions

For	8
Against	9
Ambiguous	1
Developer's response to Marina Residents	1

Residents' response to Developer	1
<b>For</b>	<b>Against</b>
I believe the change of use will not only allow for car parking, it will enhance the overall site and Aboriginal Well area with landscaping and improve the overall use of the area and public amenity.	Unnecessary surrender of public space for further commercial development.
I offer my full support to the proposed amendment to the CLMP over Lot 72 which will subsequently allow much needed carparking over a portion of this Reserve which will provide safe access to the historic well and will also support the proposed Dockside development.	The loss of community land that is currently a reserve, to allow a developer to build a car park is not supported
For the benefit of the community and the developers proposal, I think this area (Lot 72) best suits the land use whilst maintaining the natural scrubland behind the proposed change of use area.	Lot 72 is a reserve and should be preserved as such
We are both supportive of the changes to the Community Land Management Plan to enable carparking to be created in this reserve. Carparking within a portion of Lot 72 will improve road safety in this part of the Marina and provide safe access to the well site.	A car park at Lot 72 will add extra congestion for entry and egress to the marina.
Additional parking is essential so that there is no impact on the current boat ramp and parking facilities.	I strongly object to any proposed change, Lot 72 should retain its current classification. This area should have additional planting and be maintained as a green entrance to the marina.
The idea of utilizing the block of land, which is currently informally used as car parking anyway, as an official car park is an excellent initiative.	I believe Lot 72 should remain as a category 1 – Reserve. The respect that this cultural and historical landmark deserves is further diminished if more endemic vegetation is removed and a car park encircles it.
The proposed rezoning of Lot 72 to facilitate car parking will be of far greater benefit than any loss of a small parcel of vacant land.	We don't believe community land should be forgone for the commercial benefit of the Developer.
I believe the change of use will not only allow for car parking, it will enhance the overall site and aboriginal well area.	No mention was made of taking over precious community land and converting it to a paved car park (community meetings).
Narungga Nations Aboriginal Corporation response detailed below.	The principle of giving community land to a developer who cannot meet the development criteria using their own land for a carpark does nothing to drive the economy of Port Vincent.

### Summary of Submission from South Australian Native Title Services on behalf of Narungga Nations Aboriginal Corporation (NNAC)

NNAC understands that the proposed reclassification of Lot 72 is to facilitate the construction of carparking for public and private purposes as part to the proposed Dockside development. NNAC



also acknowledges the stated willingness of the developer to engage with Narungga representatives to seek their input and guidance on preserving this sensitive area.

The NNAC does not oppose the Dockside development, however requests that any reclassification of Lot 72 should be conditional on the Dockside developer entering into a suitable cultural heritage agreement with NNAC.

### **Conclusion**

At the Council meeting of 13 April 2022, Council resolved to provide in principle agreement for car parking on Council owned land being Lot 72 of the west side of Marina Drive, at the developer's cost.

Should Council endorse the amendments to the Community Land Management Plans to reclassify Lot 72 in Deposited Plan 61751 Marina Drive, Port Vincent from Category 1 – Reserve to Category 3 – Public and Community Facilities, Council will have the opportunity to work in collaboration with the Developer and NNAC to design and improve Lot 72 for the benefit of all parties. Facilitating and developing a Cultural Heritage Agreement with NNAC will keep this important cultural site protected and enhanced for the benefit of the Narungga people and the wider community.

Reclassifying Lot 72 does not give approval of any proposed carpark design, it is simply allowing Lot 72 to be used for a wider range of activities. The carpark design and improvements to Lot 72 will be a separate assessment by Council, which will include a partnership with the Developer and NNAC.

Should Council endorse not to proceed to reclassify the Community Land Management Plans to reclassify Lot 72 in Deposited Plan 61751 Marina Drive, Port Vincent from Category 1 – Reserve, to Category 3 – Public and Community Facilities, the land will not be able to be developed to provide public car parking. The Developer would need to propose alternative parking arrangements to meet the minimum car parking requirements to facilitate development approval of the development.

### **COMMUNITY ENGAGEMENT PLAN**

Level 2 - Consult

Pursuant to the Local Government Act 1999;

Section 198 – Amendment or revocation of management plan

- (2) A council may only adopt a proposal for amendment to, or revocation of, a management plan after the council has carried out the public consultation that would be required if the proposal were for a new management plan.

### **CONSULTATION PROCESS**

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

- Corporate Management Team
- Property Tenure Officer

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

- Nil

### **POLICY IMPLICATIONS**

PO056 Council Infrastructure Policy

PO128 Asset Management Policy

PO124 Asset Accounting Policy

PO057 Community Engagement Policy

Yorke Peninsula Economic Development & Tourism Strategy 2022 - 2026

**BUDGET AND RESOURCE IMPLICATIONS**

If any new carparking is to be vested back to Council after construction, the Developer will first provide 'whole of life' maintenance costings acceptable to Council, and pay a bond that can be drawn down over time by Council to maintain the infrastructure, otherwise the Developer will retain ownership and maintenance liability for new carparking.

This is consistent with Council's current approach to asset management and financial sustainability.

Any legal or other costs associated with the facilitation and development of a Cultural Heritage Agreement will be borne by the Developer including improvements and on-going maintenance of the Narungga Well site.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**




Section 199 of the Local Government Act 1999 – Effect of management plan

Native Title Act 1993

Aboriginal Heritage Act 1988

Indigenous Land Use Agreement

**ATTACHMENTS**

1. **Submissions (under separate cover)** 
2. **Location Map** [↓](#) 
3. **Community Engagement Plan** [↓](#) 

Lot 72 MARINA DRIVE, PORT VINCENT





## COMMUNITY ENGAGEMENT PLAN

**PROJECT NAME: Proposed Community Land Management Plan Amendments**

Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status
Entire community	Public Notice	Property Tenure Officer	18/07/2023	14/08/2023	C
Entire community	Website	Property Tenure Officer	18/07/2023	14/08/2023	C
Entire community	Social Media	Property Tenure Officer	18/07/2023	14/08/2023	C
Affected residents	Personalised Letter	Property Tenure Officer	18/07/2023	14/08/2023	C
Progress Associations	Personalised Letter	Property Tenure Officer	18/07/2023	14/08/2023	C
Entire community	Ability to appear before Council	Property Tenure Officer	18/07/2023	14/08/2023	C

**25.2 PROPOSED NEW LEASE - PORT CLINTON PROGRESS ASSOCIATION INC.****Document #:** 23/85278**Department:** Development Services**PURPOSE**

Endorse a lease to the Port Clinton Progress Association Inc. for a period of five (5) years with a further five (5) year right of renewal, being a total of ten (10) years, for the Port Clinton Swimming Pool and Community Hall.

**RECOMMENDATION**

That Council:

1. Endorse a lease to the Port Clinton Progress Association Inc. for a period of five (5) years with a further five (5) year right of renewal, being a total of ten (10) years, for the Port Clinton Swimming Pool and Community Hall.
2. Authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal in order to execute the lease documents.

**LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.8 Efficient delivery of permits, leases and licences**BACKGROUND**

At the Council meeting held 9 August 2023, Council resolved to commence with a community engagement process for a proposed new lease to Port Clinton Progress Association Inc. for the Port Clinton Swimming Pool and Community Hall for a period of five (5) years with a further five (5) year right of renewal, being a total of ten (10) years.

**DISCUSSION**

A public notice was advertised in the Yorke Peninsula Country Times on 15 August 2023, on Council's website and on 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 6 September 2023, Council received 25 website views and 971 Facebook views, however no submissions were received.

**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.

**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:

- Port Clinton Progress Association Inc.

**POLICY IMPLICATIONS**

PO057 Community Engagement Policy

**BUDGET AND RESOURCE IMPLICATIONS**

Public Notice – Yorke Peninsula Country Times \$285.60 inc GST (cost Lessee's responsibility)

Annual lease fees \$50 plus GST

**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.

**ATTACHMENTS**

1. **Community Engagement Plan** [↓](#) 





<b>Community Engagement Plan</b>	SF215
	Issue Date: 09/12/2021
	Next Review Date: December 2025
<b>Project: Proposed New Lease - Port Clinton Progress Association Inc - Community Hall and Swimming Pool</b>	

Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status	Evaluation Method
Entire community	Public Notice	Property Tenure Officer	15/08/2023	6/09/2023	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	15/08/2023	6/09/2023	C	
Entire community	Social Media	Property Tenure Officer	15/08/2023	6/09/2023	C	

**25.3 PROPOSED NEW LEASE - ARDROSSAN FOOTBALL CLUB INC.****Document #:** 23/85299**Department:** Development Services**PURPOSE**

Endorse a lease for a period of five (5) years with further rights of renewal for three (3) by five (5) years with an overall lease term of twenty (20) years to Ardrossan Football Club Inc.

**RECOMMENDATION**

That Council:

1. Endorse a lease for a period of five (5) years with further rights of renewal for three (3) by five (5) years with an overall lease term of twenty (20) years to Ardrossan Football Club Inc.
2. Authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal in order to execute the lease documents.

**LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.8 Efficient delivery of permits, leases and licences**BACKGROUND**

At the Council meeting held 9 August 2023, Council resolved to commence with the community engagement process for a proposed new lease to Ardrossan Football Club Inc. for a period of five (5) years with further rights of renewal for three (3) by five (5) years with an overall lease term of twenty (20) years.

**DISCUSSION**

A public notice was advertised in the Yorke Peninsula Country Times on 15 August 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 6 September 2023, Council received 31 website views and 806 Facebook views, however no submissions were received.

**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.

**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:

- Ardrossan Football Club Inc.

**POLICY IMPLICATIONS**

PO057 Community Engagement Policy

**BUDGET AND RESOURCE IMPLICATIONS**

Public Notice – Yorke Peninsula Country Times \$302.40 inc GST (cost Lessee's responsibility)

Annual lease fees \$50 plus GST

**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.

**ATTACHMENTS**

1. **Community Engagement Plan** [↓](#) 



	SF215
<b>Community Engagement Plan</b>	
	Issue Date: 09/12/2021
	Next Review Date: December 2025
<b>Project: Proposed New Lease - Ardrossan Football Club Inc.</b>	

Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status	Evaluation Method
Entire community	Public Notice	Property Tenure Officer	15/08/2023	6/09/2023	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	15/08/2023	6/09/2023	C	
Entire community	Social Media	Property Tenure Officer	15/08/2023	6/09/2023	C	

**25.4 PROPOSED NEW LEASE CENTRAL YORKE FOOTBALL CLUB INC.****Document #:** 23/86965**Department:** Development Services**PURPOSE**

To seek approval to proceed with the community engagement process for a proposed new lease to the Central Yorke Football Club Inc.

**RECOMMENDATION**

That Council:

1. Give permission to commence the community engagement process for a proposed new lease to the Central Yorke Football Club Inc., for a term of five (5) years, with further rights of renewal for three (3) by five (5) years with an overall lease term 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.

**LINK TO STRATEGIC PLAN****Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.8 Efficient delivery of permits, leases and licences**BACKGROUND**

The current ground only lease agreement with the Central Yorke Football Club Inc. (CYFC), Section 385 Rogers Terrace, Maitland expired on 31 August 2023. The lease is in monthly holdover, pending the outcome of the community engagement process.

The Maitland Football Club was established in 1880. In 1997 CYFC combined with the Arthurton Football Club to form the Central Yorke "Cougars" Football Club. The CYFC currently has around 300 players, members and sponsors and enjoys the support of many spectators each week.

The new clubrooms on the site were constructed in 2014 and officially opened in April 2015. The new clubrooms boast a modern commercial kitchen and bar and is enjoyed not only by the CYFC but the whole community. It is regularly used for community events such as the annual ANZAC Day breakfast, seminars, funerals and fundraisers.

The oval and facilities are used by many groups including; Yorke Peninsula Football League trainings, school based carnivals, girls football, indigenous football carnivals. The Maitland Lutheran School uses the oval for their Sports Day athletics. The Maitland Cricket Club also use the oval and facilities and contribute to the upkeep of the same.

CYFC have a volunteer groundskeeper who maintains the oval in beautiful condition all year round for the enjoyment of the community.

CYFC is proud of their facilities and wishes to enter into a long term tenure to continue with developing and improving their facilities so that it can be enjoyed by future generations.

**DISCUSSION**

The CYFC has requested a new lease agreement for a term of five (5) years, with further rights of renewal for three (3) by five (5) years with an overall lease term of twenty (20) years.

The current lease expired on 31 August 2023, however pursuant to Clause 34 of the current lease agreement, the lease will continue as a monthly tenancy, pending the outcome of the community engagement process. The new lease commencement date will be post dated to 1 September 2023.

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.

The consultation period (minimum of 21 days required) will commence 8am on Tuesday, 17 October 2023 and conclude at 5pm on Wednesday, 8 November 2023.

A public notice will be placed in the Yorke Peninsula Country Times and on Council's social media platform and website. The Community Engagement Report will be available for viewing at each of the Yorke Peninsula Council offices (Maitland, Minlaton and Yorketown).

Following the consultation period, a report will be presented to Council on the outcome of the consultation for their consideration.

To progress a new lease to the Club, Council must:

- Give permission to commence the community engagement process for a proposed new lease to the Central Yorke Football Club Inc., for facilities located at Section 385 Rogers Terrace, Maitland for a period of five (5) years, with further rights of renewal for three (3) by five (5) years with an overall lease term 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.

### **Lease Proposal**

- Term five (5) years with further rights of renewal for three (3) by five (5) years with an overall lease term of twenty (20) years commencing on 1 September 2023, pending outcome of the community engagement process.
- Ground only lease. Any buildings, structures, fences, improvements, and fixtures that are on that property now, or are erected during the term of this Lease, are acknowledged to belong to the CYFC. Maintenance responsibilities for these structures would remain with the CYFC.
- The annual rent, being a peppercorn rental, consistent with that currently being paid by other community groups.
- The permitted use – various sports, community and sporting functions.

### **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 community engagement policy.

### **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:

- Central Yorke Football Club Inc.

### **POLICY IMPLICATIONS**

PO057 Community Engagement Policy



**BUDGET AND RESOURCE IMPLICATIONS**

Public Notice – Yorke Peninsula Country Times, estimated cost \$370 (cost Lessee's responsibility)

Annual Lease fees \$50 excluding GST

**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 community engagement policy.

**ATTACHMENTS**

1. **Community Engagement Report** [!\[\]\(49aa2e1da5fe39294864e9598c593810\_img.jpg\) !\[\]\(7d0a8d8b1031f74abe67b09fcf4a2322\_img.jpg\)](#)
2. **Community Engagement Plan** [!\[\]\(6557fa7496e6a507d2326ea0bef061ee\_img.jpg\) !\[\]\(1fe0339452ba17bd8ae951d8509f80d6\_img.jpg\)](#)



## Community Engagement Report

### Central Yorke Football Club Inc.

### Lease Proposal



The Yorke Peninsula Council is seeking public feedback on a proposal to renew the lease for the Central Yorke Football Club Inc. (CYFC) located at Section 385 Rogers Terrace, Maitland.

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**

- Term five (5) years with a further rights of renewal for three (3) by five (5) years with an overall lease term of twenty (20) years.
- The current lease is in monthly holdover. The new lease will be back dated to 1 September 2023 pending the outcome of the community engagement process.
- Ground only lease. Any buildings, structures, fences, improvements, and fixtures that are on that property now; or are erected during the term of this Lease; are acknowledged to belong to the CYFC.

- The annual rent being a peppercorn rental, consistent with that currently being paid by other community groups.
- The permitted use – Various sports, community and sporting functions.



### Background

The Maitland Football Club was established in 1880. In 1997 the club combined with the Arthurton Football Club to form the Central Yorke “Cougars” Football Club. The CYFC currently has around 300 players, members and sponsors and enjoys the support of many spectators each week.

The new clubrooms on the site were constructed in 2014 and officially opened in April 2015. The new clubrooms boast a modern commercial kitchen and bar and is enjoyed not only by the CYFC but the wider community. It is regularly used for community events such as the annual ANZAC Day breakfast, seminars, funerals and fundraisers.

The oval and facilities are used by many groups including, Yorke Peninsula Football League trainings, school based carnivals, girls football, indigenous football carnivals and the Maitland Lutheran School uses the oval for their Sports Day athletics.

The Maitland Cricket Club also use the oval and facilities and contribute to the upkeep of the same.

CYFC have a volunteer groundskeeper who maintains the oval in beautiful condition all year round for the enjoyment of the community.

The Club is proud of their facilities and wish to enter into a long term tenure to continue with developing and improving their facilities so that it can be enjoyed by future generations.

### **HAVE YOUR SAY**

The Yorke Peninsula Council welcomes your feedback on the proposed Central Yorke Football Club Inc. 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 Wednesday 8 November 2023.**

Please indicate in your submission if you wish to appear before Council in this matter.

Please note your submission including your name (excluding any personal contact and address details) will be provided in a Council Agenda for Council's consideration in determining this matter.

### **Next Step**

Following the public consultation period, all submissions received will be provided to Council for consideration, and a determination will be made on the lease proposal.

### **More Information**

Got a question about the lease proposal?

Contact Council's Property Tenure Officer, Sue Beech on [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au) or Ph: 8832 0000.





\_\_\_\_\_

**Refer: Proposed New Lease Central Yorke Football Club Inc.**

\_\_\_\_\_

Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status
Entire community	Public Notice	Property Tenure Officer	17/10/2023	8/11/2023	NS
Entire community	Website	Property Tenure Officer	17/10/2023	8/11/2023	NS
Entire community	Ability to appear before Council	Property Tenure Officer	17/10/2023	8/11/2023	NS

**25.5 PROPOSED NEW LAND MANAGEMENT AGREEMENT - LOT 104 MARION STREET SULTANA POINT****Document #:** 23/91602**Department:** Development Services**PURPOSE**

To seek authorisation from Council for the Mayor and Chief Executive Officer to execute a new Land Management Agreement relating to development at Allotment 104 Deposited Plan 128805 in the area named Sultana Point Hundred of Melville, commonly known as Lot 104 Marion Street, Sultana Point.

**RECOMMENDATION**

That Council authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal on the relevant documents relating to the new Land Management Agreement over land described as Allotment 104, Deposited Plan 128805, in the area named Sultana Point Hundred of Melville, as contained within Certificate of Title Volume 6265 Folio 643.

**LINK TO STRATEGIC PLAN****Goal:** 2 Community Connected through Infrastructure**Strategy:** 1.2 Deliver strategic and responsible land use planning**BACKGROUND**

Mosel Surveyors on behalf of Nikolaos and Helen Koutsampasis (“the Owner”) have requested Council execute documents to permit a new Land Management Agreement (LMA) Deed to be registered on the Certificate of Title of the land relating to Development Application 22026941.

The subject land is Allotment 104, Deposited Plan 128805, in the area named Sultana Point Hundred of Melville, commonly known as Lot 104 Marion Street, Sultana Point (“the Land”).

The LMA was offered as part of Development Application 22026941 which is for a land division creating 5 additional allotments and an extension of Nelcebee Street, Sultana Point. The proposal includes the provision of a temporary turning area on the Land to enable users of the public road (including Council vehicles and members of the general public) to turn around at the end of Nelcebee Street.

**DISCUSSION**

The Land has an area of 4.844 hectares and adjoins an existing residential development on the western fringe of the Sultana Point settlement. The proposed land division seeks to create five new residential allotments of 1200m<sup>2</sup> each and the continuation of the Nelcebee Street road reserve in order to provide access to those allotments. The balance of the Land (4.14 hectares) is to remain undeveloped at this time.

In order to facilitate the safe and convenient movement of traffic on the new section of Nelcebee Street, an adequate turning area is required where the road reserve terminates at the Land (refer to Attachment 2 – Proposed New LMA for the Proposed Plan of Division).

The Owner proposes to enter into a new LMA Deed with Council to make available and keep available, a temporary turning area on their land, for free and unrestricted access for the users of Nelcebee Street to turn around at the end of the road.

The LMA will be registered on the Certificate of Title of the Land and will be binding on the current and future Owner of the Land, until such time as future development of the Land is approved by the



Council and that development provides either a suitable space for vehicles using the road to turn around, or there is a continuation of the road on to the Land for use as part of that development.

**COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

**CONSULTATION PROCESS**

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

- Planning Officer
- Director Assets & Infrastructure Services

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

- Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET AND RESOURCE IMPLICATIONS**

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

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Planning, Development and Infrastructure Act 2016, section 192

Local Government Act 1999, section 38(1)

**ATTACHMENTS**

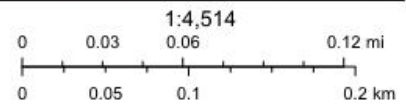
1. **Location Map - Lot 104 Marion St Sultana Point** [↓](#) 
2. **Proposed New LMA - Lot 104 Marion St Sultana Point** [↓](#) 

Location Map - Lot 104 Marion St, Sultana Point



9/25/2023, 1:00:03 PM

Owner Details



Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri

Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri |

**LAND MANAGEMENT AGREEMENT**

---

Nikolaos Koutsampasis and Helen Koutsampasis **(the Owner)**

and

Yorke Peninsula Council **(the Council)**

**LAND MANAGEMENT AGREEMENT**

---

<b>Details</b>	<b>3</b>
<b>Agreed Terms</b>	<b>4</b>
1. <b>Defined terms &amp; interpretation</b>	<b>4</b>
1.1. Defined terms	4
1.2. Interpretation	4
2. <b>Owner's obligations</b>	<b>5</b>
3. <b>Council's obligations</b>	<b>5</b>
4. <b>Restriction on leasing and other dealings</b>	<b>6</b>
5. <b>Termination and review</b>	<b>6</b>
6. <b>Breach</b>	<b>6</b>
7. <b>Notices</b>	<b>7</b>
8. <b>Governing law</b>	<b>7</b>
9. <b>Entire agreement and variation</b>	<b>7</b>
10. <b>Registration</b>	<b>7</b>
11. <b>Costs</b>	<b>8</b>
12. <b>General provisions</b>	<b>8</b>
<b>Signing Page</b>	<b>9</b>

## Details

---

### Date

### Parties

Name **Nikolaos Koutsampapis and Helen Koutsampasis**  
Short form name **The Owner**  
Role Owner  
Notice Details PO Box 301 Edithburgh SA 5583

Name **Yorke Peninsula Council**  
Short form name **The Council**  
Role Council  
Notice Details PO Box 57 Maitland SA 5573

## BACKGROUND

- A. The Owner is the registered proprietor of the land being Allotment 104 in DP128805 which is comprised in portion of Certificate of Title Volume 6265 Folio 643 (**the Land**).
- B. The Council has granted Development Application numbered 22026941 (**the Application**) Planning Consent and Land Division Consent under the *Planning, Development and Infrastructure Act 2016* (**the Act**) to undertake a division of the whole of the land in Certificate of Title Volume 6265 Folio 643 (**the Development Site**).
- C. A portion of the road to be constructed will terminate at the boundary between the Development Site and the Land.
- D. This Deed only applies to the Land.
- E. The Council and the Owner wish to ensure that there is sufficient space on the Land to allow vehicles accessing Nelcebee Street on the Development Site to turn at the point where that road terminates at the Land.
- F. Pursuant to the provisions of section 192(1) of the Act, the Owner has agreed with the Council to enter into this Deed relating to the development and management of the Land subject to the terms and conditions set out below.

## Agreed Terms

---

### 1. Defined terms & interpretation

#### 1.1. Defined terms

In this Deed unless the context otherwise requires:

**Council** means Yorke Peninsula Council with its successors and assigns.

**Development** has the meaning ascribed to it in the *Planning, Development and Infrastructure Act 2016*.

**Land** includes any part or parts of the Land.

**Owner** means the owner of the Land. The term 'the Owner' where the Owner is a company includes its successors, assigns and transferees and where the Owner is a person, includes their heirs, executors, administrators and transferees and where the Owner consists of more than one person or company the term includes each and every one or more of such persons or companies jointly and each of them severally and their respective successors, assigns, heirs, executors, administrators and transferees of the companies or persons being registered or entitled to be registered as the proprietor of an estate in fee simple to the Land or to each and every one of all separate allotments into which the Land may be divided after the date of this Deed.

**Proposed Plan of Division** means the Plan attached to this Deed as Annexure A.

**Person** shall include a corporate body.

**Road** means the road on the Development Site that terminates at the boundary between the Development Site and the Land as shown on the Plan attached to this Deed as Annexure A and known as Nelcebee Street.

#### 1.2. Interpretation

- (a) The parties acknowledge that the matters recited above are true and accurate and agree that they shall form part of the terms of this Deed;
- (b) In the interpretation of this Deed unless the context shall otherwise require or admit;
  - (i) words and phrases used in this Deed which are defined in the *Planning, Development and Infrastructure Act 2016* or in the Regulations made under the Act shall have the meanings ascribed to them by the Act or the Regulations as the case may be;
  - (ii) reference to a statute shall include all amendments for the time being in force and any other statute enacted in substitution therefore and the regulations or by-laws and the expression 'statute', 'Act' and 'Act of Parliament' shall mean any State or Federal statute and the regulations or by-laws for the time being in force there under and any notice demand order direction requirement or obligation issued made given or imposed under or pursuant to any statute regulation or by-law;



- (iii) words importing the singular shall embrace the plural and words importing one gender shall embrace the other genders and vice versa respectively;
  - (iv) any reference to a person shall be deemed to include a corporate body and vice versa;
  - (v) where two or more persons are bound under this Deed to observe or perform any obligation or Deed whether express or implied then they shall be bound jointly and each of them severally; and
  - (vi) anything which the Owner is required to do under this Deed shall be done at the cost of the Owner.
- (c) Clause headings are provided for reference purposes only and shall not be resorted to in the interpretation of this Deed.
  - (d) The requirements of this Deed are at all times to be construed as additional to the requirements of the Act and any other legislation affecting the Land.

## **2. Owner's obligations**

- (a) The Owner shall ensure that:
  - (i) the Land marked Temporary Turning Area, as delineated on the Proposed Plan of Division, is made available and kept available for free and unrestricted access at all times for the users (including Council vehicles and members of the general public) of the Road in order to turn around at the end of Nelcebee Street;
  - (ii) no barriers or fences are erected restricting access from the Road or the Development Site to the area marked Temporary Turning Area on the Proposed Plan of Division; and
  - (iii) no Development is carried out on the land marked Temporary Turning Area on the Proposed Plan of Division without the express written waiver of the requirements of this Deed by the Council.

## **3. Council's obligations**

- (a) The Council agrees with the Owner not to unreasonably refuse to:
  - (i) approve any matter that is required to be approved under this Deed; and
  - (ii) approve and execute a rescission of this Land Management Agreement upon issue of a section 138 clearance by the relevant planning authority to enable the Owner to lodge the rescission in series with the other required documents for the Deposit of a Plan of Division to divide the Land as set out in Clause 5 (c) herein.
- (b) The Council will treat the area marked Temporary Turning Area on the Proposed Plan of Division in terms of risk in the same manner it deals with its normal risks for Public Roads under its control.

**4. Restriction on leasing and other dealings**

The Owner shall not grant any lease licence easement or other right of any nature whatsoever which may give any person the right to possession or control of or entry on to the Land which right would enable such person to breach any of the obligations imposed on the Owner by this Deed unless such grant:

- (a) is expressed in writing; and
- (b) contains as an essential term a covenant by the grantee not to do or omit to do any act matter or thing which would constitute a breach by the Owner of the Owner's obligations under this Deed.

**5. Review and rescission**

- (a) This Deed may not be varied except by a supplementary agreement signed by the Council and the Owner.
- (b) The Council may waive compliance by the Owner with the whole or any part of the Owner's obligations provided that no such waiver shall be effective unless expressed in writing and signed by the Council.
- (c) The Owner and the Council agree that the Council shall rescind this Deed and procure the removal of the registration of this Deed in the event that future development of the Land is approved by the Council and that development provides either suitable space for vehicles using the Road to turn around or that there is a continuation of the Road on to the Land for use as part of the future development.
- (d) In the event that the Owner and the Council agree that the Land is to be divided into two or more allotments by way of an approved land division then the Council shall rescind this Deed over the new allotment/s which is/are created provided no portion of the new allotment/s includes a portion of the Temporary Turning Area on the Land Management Agreement Site Plan.

**6. Breach**

- (a) The Council and any employee or agent of the Council authorised by the Council may at any reasonable time enter the Land for the purpose of:
  - (i) inspecting the Land;
  - (ii) exercising any other powers of the Council under this Deed or pursuant to law.
- (b) If the Owner is in breach of any provision of this Deed, the Council may, by notice in writing served on the Owner, specify the nature of the breach and require the Owner to remedy the breach within such time as may be nominated by the Council in the notice (being not less than twenty eight (28) days from the date of service of the notice) and if the Owner fails so to remedy the breach, the Council or its servants or agents may carry out the requirements of the notice and in doing so may enter and perform any necessary works upon the Land and recover any costs thereby incurred from the Owner.

- (c) If in a notice referred to in clause 6(b) the Council requires the removal of a building or structure from the Land the Council and its servants or agents are hereby authorised and empowered by the Owner to enter and remove the building or structure from the Land and to dispose of it in any manner determined by the Council provided that if the building or structure shall have any monetary value thane the Council shall use its best endeavours to realise that monetary value and shall after the disposal account to the Owner and pay to him the realized value less all expenses incurred.
- (d) The Council may delegate any of its powers under this Deed to any person.

**7. Notices**

Notice shall for the purposes of this Deed be properly served on the Owner if it is:

- (a) posted to the Owner's last address known to Council; or
- (b) affixed in a prominent position on the Land.

**8. Governing law**

- (a) The requirements of this Deed are at all times to be construed as additional to the requirements of the Act and any other legislation affecting the Land.
- (b) This Deed is governed by and is to be construed in accordance with the laws from time to time in force in South Australia and the parties submit to the non-exclusive jurisdiction of the Courts of this State.

**9. Entire agreement and variation**

- (a) This Deed constitutes the entire agreement between the parties with respect to its subject matter.
- (b) This Deed must not be changed or modified in any way subsequent to its execution except in writing signed by all parties.

**10. Registration**

Each party shall do and execute all such acts documents and things as shall be necessary to ensure that as soon as is possible after the execution of this Deed this Deed is registered and a memorial thereof entered on the Certificates of Title for the Land pursuant to the provisions execution of this Deed this Deed is registered and a memorial thereof entered on the Certificates of Title for the Land pursuant to the provisions of section 192(12) of the Act in priority to any other registrable interest in the Land save and except for the estate and interest of the Owner therein.

**11. Costs**

- (a) The Owner agrees to bear the costs of and incidental to the negotiation and preparation of this Deed and the cost of and incidental to the stamping and registration of this Deed.
- (b) The Owner hereby agrees to indemnify the Council and keep the Council forever indemnified in respect to the whole of its costs and expenses (including without limitation legal costs and expenses) of and incidental to the implementation of this Deed including the enforcement of its terms.

**12. General provisions**

- (a) If any provision of this Deed shall be found by a court of competent jurisdiction to be invalid or unenforceable in law then and in such case the parties hereby request and direct such court to sever such provision from this Deed.
- (b) This Deed contains the whole Deed between the parties in respect of the matters referred to herein.

**Signing Page**

---

**EXECUTED** as a land management agreement pursuant to section 192 of the *Planning, Development and Infrastructure Act 2016*.

.....  
**NIKOLAOS KOUTSAMPASIS**

.....  
Signature of **WITNESS**

.....  
Print Full Name of Witness (BLOCK LETTERS)

.....

.....  
Address of Witness  
Business Hours Telephone Number.....

.....  
**HELEN KOUTSAMPASIS**

.....  
Signature of **WITNESS**

.....  
Print Full Name of Witness (BLOCK LETTERS)

.....

.....  
Address of Witness  
Business Hours Telephone Number.....

**Signing Page**

---

**EXECUTED** as a land management agreement pursuant to section 192 of the *Planning, Development and Infrastructure Act 2016*.

THE COMMON SEAL OF  
**YORKE PENINSULA COUNCIL**  
WAS HEREUNTO AFFIXED  
IN THE PRESENCE OF:-

.....  
Signature of Mayor

.....  
Name of Mayor (print)

.....  
Signature of Chief Executive Officer

.....  
Name of Chief Executive Officer (print)



Development No:

**PROPOSED PLAN OF DIVISION**

SHEET 1 OF 1

MAP REF: 6427-13 TOTAL AREA: 4.84ha approx

HUNDRED: MELVILLE  
AREA: SULTANA POINT  
COUNCIL: YORKE PENINSULA COUNCIL

TITLE REFERENCE	SUBJECT LAND
PREFIX VOLUME FOLIO PARCELS PLAN	
CT 6265 943 ALLOT 194	D128805

AMENDMENT DATE:  
APPLICATION ID:  
EASEMENT NOTES AND OTHER ANNOTATIONS:

PORTION OF ALLOTMENT 202 MARKED A IS SUBJECT TO AN EXISTING FREE AND UNRESTRICTED RIGHT OF WAY (VIDE RTC 13696026)

**NOTE**  
ALL ALLOTMENTS MINIMUM FILLED GROUND LEVEL GREATER THAN 2.9m AHD.

REVISIONS AND AMENDMENTS

REV	DATE	DESC
PB1	2/06/22	TURNING AREA ADDED
PB0	4/05/22	ORIGINAL ISSUE

LEGEND

- CONTOURS
- ROAD LAYOUT
- TOP OF BANK
- TOE OF BANK
- EDGE OF VEGETATION

**DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.**

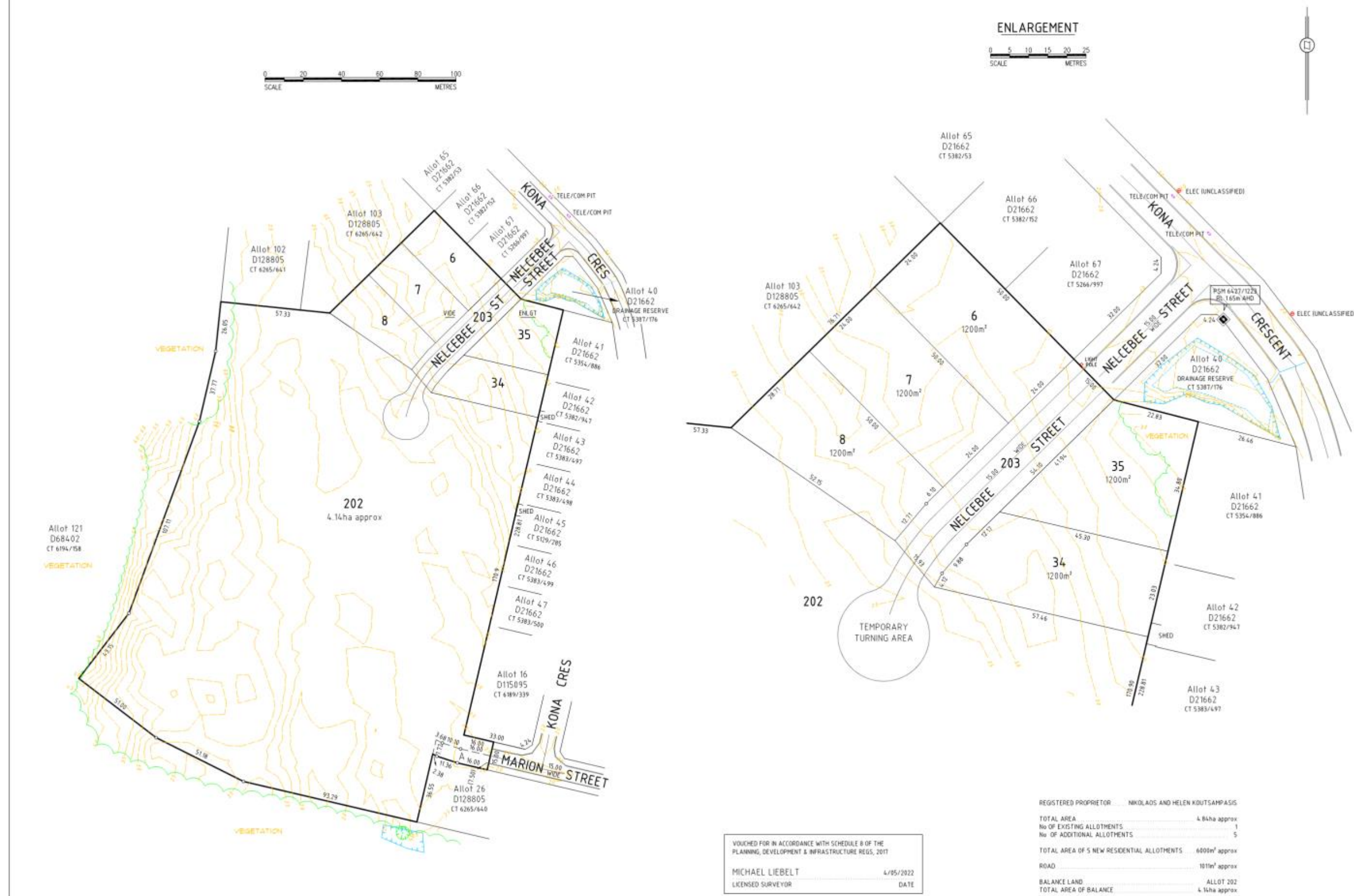
IMPORTANT NOTE: This plan was prepared for NIKOLAOS AND HELEN KOUTSAMPASIS as a proposed subdivision to reconfigure a subdivision application to the YORKE PENINSULA COUNCIL, and should not be used for other purposes. The dimensions, areas and total number of allotments shown herein are subject to field survey and shall be the requirements of Council and any other authority which may have requirements under any relevant legislation. In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land. Moral Surveys therefore disclaims any liability for any loss or damage whatsoever or howsoever incurred arising from any party who uses or relies upon this plan for any purpose other than as a document prepared for the sole purpose of making a subdivisional application to Council and which may be subject to alteration for reasons beyond the control of Moral Surveys. This is not a plan of an approved subdivision. This note is an integral part of this plan.

**KADINA**  
6 Green Street SA 5554  
08 8821 2544  
info@moral.com.au  
moral.com.au  
ACN 144 595 396

**MOSEL SURVEYORS**  
ADELAIDE & MURRAY BRIDGE  
1900 853 203

CLARE  
08 8842 1228

REFERENCE: PK31P8.1 2/06/22 SML\_GWJ



VOUCHED FOR IN ACCORDANCE WITH SCHEDULE 8 OF THE PLANNING, DEVELOPMENT & INFRASTRUCTURE REGS, 2017

MICHAEL LIEBELT 4/05/2022  
LICENSED SURVEYOR DATE

REGISTERED PROPRIETOR: NIKOLAOS AND HELEN KOUTSAMPASIS

TOTAL AREA: 4.84ha approx  
No OF EXISTING ALLOTMENTS: 1  
No OF ADDITIONAL ALLOTMENTS: 5

TOTAL AREA OF 5 NEW RESIDENTIAL ALLOTMENTS: 6009m<sup>2</sup> approx  
ROAD: 1011m<sup>2</sup> approx

BALANCE LAND: ALLOT 202  
TOTAL AREA OF BALANCE: 4.14ha approx

LEVEL DATUM: PSM 6427/1223 RL 145m AHD  
CONTOUR INTERVAL: 0.25 METRE  
ZONE: RURAL SETTLEMENT

**25.6 IMPLEMENTATION OF DRY AREA - NEW YEARS EVE - STANSBURY****Document #:** 23/86316**Department:** Development Services**PURPOSE**

To seek Council's support for the implementation of a short-term Dry Area in Stansbury as part of the management arrangements for the upcoming Stansbury New Year's Eve Market on 31 December 2023.

**RECOMMENDATION**

That Council:

1. Endorse the implementation of a short term Dry Area at the Stansbury foreshore and oval precinct as outlined in the draft gazette notice in Attachment 1 from 10:00pm on Sunday 31 December 2023 to 8:00am on Monday 1 January 2024.
2. Endorse the terms of the prohibition as outlined in the draft gazette notice.
3. Endorse the Chief Executive Officer (who may then further delegate) to implement the required Notice of Declaration and notify the Commissioner of Police and authorise the Chief Executive Officer to make any minor amendment to the notice as required to give effect to the short term dry area.

**LINK TO STRATEGIC PLAN****Goal:** 4 Community Engaged and Supported**Strategy:** 4.9 Engage and advocate for improvements to community health and social outcomes**BACKGROUND**

As a result of unruly behaviour and vandalism in the Stansbury foreshore area on New Year's Eve in 2011, an application from South Australian Police (SAPOL) was received to declare the foreshore and oval precinct area a Dry Area on New Year's Eve from 10:00pm on 31 December 2012 to 8:00am on 1 January 2013.

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

**DISCUSSION**

Up until 2019, to implement a short-term Dry Area, Council would advise the Liquor and Gambling Commissioner with the support of SAPOL and their local State Member of Parliament to apply a Dry Area on New Year's Eve. The Commissioner would then publish a notice in the Government Gazette declaring the Dry Area.

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

Due to the success of the family friendly seaside market event, it is again proposed to implement a Dry Area at Stansbury on New Year's Eve, to reduce the likelihood of unruly behaviour and vandalism. The implementation of the Dry Area has the support of local Police and the organisers of the Stansbury Seaside Market.

**COMMUNITY ENGAGEMENT PLAN**

Level 1 - Inform

**CONSULTATION PROCESS**

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

- Manager Building and Compliance
- Acting Senior Compliance Officer

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

- SAPOL
- Stansbury Progress Association

**POLICY IMPLICATIONS**

Not Applicable

**BUDGET AND RESOURCE IMPLICATIONS**

Council staff install and remove the Dry Area signage that is required to identify the area. As there are no changes made to the times of the Dry Area, signage from previous years will be erected to advertise the Dry Area. Some replacement signs are needed, which are estimated to cost \$180.

It is estimated that the cost of placing the Notice in the Gazette is \$540, which can be funded from current budget allocations.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

Section 131 of the Liquor Licencing Act 1977

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

**ATTACHMENTS**

1. **Liquor Licensing Gazette Notice 2023**  

**Liquor Licensing (Dry Area) Notice 2022**  
Under section 131 (1ab) of the Liquor Licensing Act 1977

**1. Short title**

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

**2. Commencement**

This notice comes into operation on 31 December 2023

**3. Interpretation**

- (1) Pursuant to section 131 (1ab) of the Act, the Yorke Peninsula Council has declared that consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.
- (2) The prohibition has effect during the periods specified in the Schedule.
- (3) The prohibition does not extend to private land in the area described in the Schedule.
- (4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to-
  - (a) A person who is genuinely passing through the area if-
    - (1) the liquor is in the original container in which it was purchased from licensed premises; and
    - (2) the container has not been opened; or
  - (b) a person who has possession of the liquor in the course of carrying on a business or in the course of his or her employment by another person in the course of carrying on a business: or
  - (c) a person who is permanently or temporarily residing in premises within the area or on the boundary of the area and who enters the area solely for the purpose of passing through it to enter those premises or who enters the area from those premises for the purpose of leaving the area.

**Schedule – Stansbury Area 1 and Area 2**

**1. Extent of prohibition**

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

**2. Period of prohibition**

From 10pm on 31 December 2023 to 8am on 1 January 2024.

**3. Description of area.**

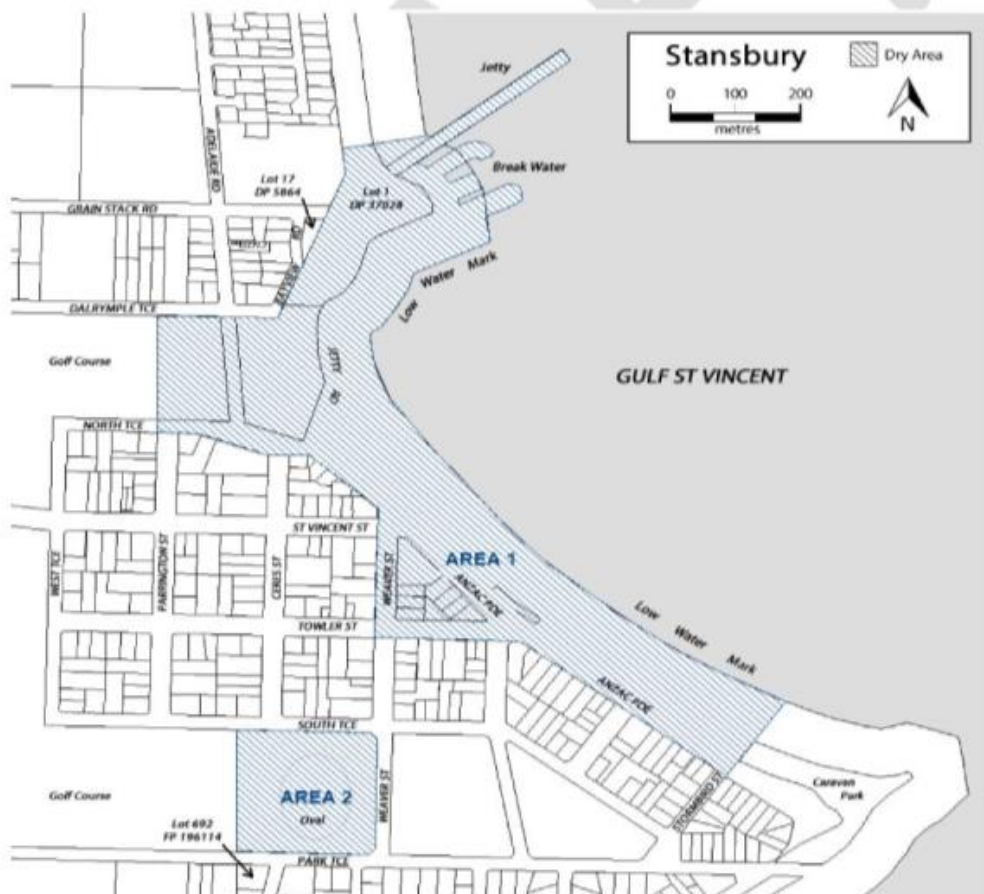
The Area 1 in Stansbury is bounded as follows: commencing at the point at which the prolongation in a straight line of the south-eastern boundary of Stormbird Street intersects the low water mark on the western side of Gulf St. Vincent, then south-westerly along that prolongation to the southwestern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



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

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

**Dry Area Location – Area 1 and Area 2**



**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)(d)(i),(d)(ii) 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
- 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)(d)(i),(d)(ii) 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:

- (d)(i) commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party
- (d)(ii) commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest.

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 NORTH COAST ROAD STAGE TWO TENDER****RECOMMENDATION****Section 90 Order**

That pursuant to Section 90(2) and (3)(d)(i),(k) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.2 North Coast Road Stage Two Tender, with the exception of the following persons:

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

The Council is satisfied that, pursuant to Section 90(2) and (3)(d)(i),(k) of the Act, the information to be received, discussed or considered in relation to report Item 27.2 North Coast Road Stage Two Tender, is confidential information relating to:

- (d)(i) commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial

position of the person who supplied the information, or to confer a commercial advantage on a third party

- (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 8 November 2023

**29 CLOSURE**