



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

Date: Wednesday, 17 January 2024
Time: 5.30pm
Location: Council Chamber
Minlaton Town Hall
57 Main Street
Minlaton

AGENDA

Ordinary Council Meeting

17 January 2024

Andrew Cameron
CHIEF EXECUTIVE OFFICER

CONFLICT OF INTEREST

Members are reminded of the requirements for disclosure by Members of general conflicts of interest relating to private interests that might be considered to result in the Member acting in a manner that is contrary to their public duty in accordance with Section 74 of the Local Government Act 1999 (Act), or a material conflict of interest being any benefit or loss (direct or indirect, personal or pecuniary in nature) to any persons identified within Section 75(1), in accordance with Section 75 of the Act, in items listed for consideration on the Agenda.

Section 75B of the Act requires that Members inform the meeting of any general conflict of interest in any matter to be discussed at a meeting, whether or not the Member proposes to participate in the meeting in relation to the matter and if the member proposes to participate in the meeting in relation to the matter, how the Member intends to deal with the interest and the Members reasons for participating in relation to the matter.

Section 75C of the Act requires that Members inform the meeting of material conflicts of interest in any matters to be discussed at a meeting and leave the meeting room (such that the member cannot view or hear any discussion or voting at the meeting, and stay out of the meeting room while the matter is being discussed and voted on) while the matter is being discussed and voted on.

These requirements do not apply where a Member is not regarded as having a conflict of interest in accordance with Section 75A of the Act.

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 conflict of interest.

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1 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY BY MAYOR

Meeting declared open

2 OPENING PRAYER

3 PRESENT

4 LEAVE OF ABSENCE

Cr Tania Stock

5 APOLOGIES

Nil

6 CONFLICT OF INTEREST

7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

Ordinary Council Meeting - 13 December 2023

Confidential Council Meeting - 13 December 2023

- Town Rehabilitation Program 2023-2024 – Tender 239-2023
- Tender 231-2023 – Cleaning and Cabin Supplies – Council Caravan Parks
- Illegal Dumping on Lighthouse Road Berry Bay

8 MOTIONS ON NOTICE**8.1 NOTICE OF MOTION - COUNCILLOR NAOMI BITTNER - RESCISSION OF ITEM 25.1 - MEETING 11 OCTOBER 2023****Document #:** 24/3073

I, Councillor Naomi Bittner, give notice that at the next Ordinary Meeting of Council be held on 17 January 2024, I intend to move the following motions:

RECOMMENDATION 1

That Council rescind resolution 226/2023 that was passed at the 11 October 2023 Council meeting – Development Services Item 25.1 – Proposed Community Land Management Plan Amendments.

and

RECOMMENDATION 2

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.

REASON

The Developer 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 and to assist in facilitating enough carparking arrangements for the development of Dockside to proceed, originally 43 spaces on Council Community land at Lot 72 Marina Drive.

The developer subsequently presented to council at a Council meeting held on 13 December 2023 and proposed a new carparking arrangement whereby reducing the carparks by ten, from 43-33, allowing for more area around the well and improved landscaping at the entry to the marina. I consider this proposal a more suitable use of community land than originally proposed by the Developer.

I commend this Notice of Motion to Council.

ATTACHMENTS

1. Notice of Motion - Rescind a Council Resolution - 17/01/2024 - Cr Bittner [↓](#) 

9 January 2024

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

Dear Andrew

Notice of Motion to Rescind a Council Resolution

I wish to advise you that at the Council meeting to be held on Wednesday, 17 January 2024, I propose to move a motion that we rescind the following resolution made by Council at its meeting held on 11 October 2023:

RESOLUTION

Moved: Cr Kylie Gray
Seconded: Cr Scott Hoyle

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.

CARRIED 226/2023 (11/10/2023)

Reasons

The Developer 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 and to assist in facilitating enough carparking arrangements for the development of Dockside to proceed, originally 43 spaces on Council Community land at Lot 72 Marina Drive.

The developer subsequently presented to council at a Council meeting held on 13 December 2023 and proposed a new carparking arrangement whereby reducing the carparks by ten, from 43-33, allowing for more area around the well and improved landscaping at the entry to the marina. I consider this proposal a more suitable use of community land than originally proposed by the Developer.

If my rescission motion is successful, I will immediately move the following motion:

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.

Yours sincerely



Cr Naomi Bittner

9 QUESTIONS ON NOTICE

9.1 QUESTIONS ON NOTICE RECEIVED FROM COUNCILLOR ADAM MEYER

Document #: 24/2482

Department: Executive Services

The following questions on notice were received from Councillor Adam Meyer. Mayor Darren Braund prepared the responses to those questions outlined below.

Information provided by the Mayor regarding Questions on Notice

Cr Meyer has submitted Questions on Notice for the January 2024 ordinary meeting. The Mayor has determined it is appropriate to make the following comments before dealing with those questions. These comments will be referred to several times below when dealing with questions.

The Questions on Notice provided by Cr Meyer with respect to the December 2023 ordinary meeting, and now the January 2024 ordinary meeting, have been drafted in language which is directly addressed to the Chief Executive Officer (CEO).

However, a question asked by a Council member either with, or without, notice for the purposes of regulation 9 of the *Local Government (Procedures at Meetings) Regulations 2013* (Meeting Regulations) is to be directed to the Mayor as the person presiding at the meeting.

Although **notice** of the question is to be provided to the CEO in accordance with regulation 9(1) of the Meeting Regulations, a question to be asked at a meeting of Council is directed to the Mayor as the person conducting the meeting. It is for the Mayor to determine how the question is to be answered, including by answering the question themselves or by referring the matter to the CEO to provide an answer. Even if an answer is provided by the CEO, the answer is provided through the Mayor.

It is the role of the Mayor to consider a question from a Council member and to ensure that the question is answered, except where the Mayor is of the view that the question is vague, irrelevant, insulting or improper and makes a ruling in accordance with regulation 9(6) of the Meeting Regulations.

The following questions of Cr Meyer have been edited so that they are not addressed directly to the CEO, and to remove repetition. Square brackets have been used to indicate where editing has occurred. The substance of the questions is unchanged from what was provided to the CEO in advance of the meeting.

1. CEO Employment Conditions

Question a)

[P]lease advise the specific reasons (Council Duties and/or Annual Leave Applications) [why the CEO was absent from] 2 council meetings and 5 information sessions [during the term of the CEO's current employment contract].

Response

The CEO was absent from the following Council meetings and information sessions due to the CEO being on leave:

9 August 2023 (Council Meeting & Information and Briefing Session)

23 August 2023 (Information and Briefing Session)

12 September 2023 (Information and Briefing Session)

13 September 2023 (Council Meeting & Information and Briefing Session)

The CEO was absent from the following Council meetings and information sessions due to the CEO attending to other Council duties:

25 October 2023 – CEO attended Coastal Council CEO Forum in Adelaide (Information and Briefing Session)

Question b)

[At] which meetings of Council, were these absences approved by Council Motion, for each occasion.

Response

It is not a requirement of the CEO's contract of employment that leave and other absences be approved by Council resolution. The Mayor has approved all absences.

Question c)

[What is/are the CEO's] annual salary, annual leave entitlements, superannuation, motor vehicle (price/make/model/value) annual cost and any other financial benefits as detailed in your employment contract.

Response

Remuneration:

- Annual Salary: \$275,000
- Superannuation: \$25,575
- Notional value of vehicle use: \$10,000

Annual leave entitlements:

- 6 weeks per year.

The contract of employment also provides for the following entitlements:

Motor vehicle:

- Full private and business use of a vehicle, with vehicle value of up to \$85,000 (including Government discounts and excluding GST) at the time of purchase, or under a novated lease arrangement.
- Current vehicle is 2022 Toyota Prado – Purchase Price \$74,626.50 (excl. GST).
- Council pays all maintenance and operating expenses including oil, repairs, servicing, comprehensive insurance, RAA service club membership, registration and petrol incurred in respect of the vehicle.

Other benefits:

- Costs of Qantas air travel incurred in the course of Council business, in accordance with Council's PR126 Travel and Accommodation Procedure, and Qantas Club Membership.
- Cost of reasonable accommodation and out of pocket expenses whilst on Council business, in accordance with Council's PR126 Travel and Accommodation Procedure.
- Cost of Council approved training and study, including attendance at appropriate conferences in accordance with Council's Training and Development Policy PO011 and Professional Development Procedure PR089.
- Cost of professional memberships, including of the Local Government Chief Officers Group.
- Use of work-related electronic equipment such as a mobile telephone and tablet device(s).
- Cost of NBN connection (including installation and set-up) at the Employee's place of residence.

- Income protection and journey insurance.

2. Behavioural Standards for Elected Members

Question a)

[P]lease advise what specific training has been supplied to the Mayor and Deputy Mayor, that supports them with the skills to conduct appropriate investigations under the Behavioural Standards Guidelines.

Response

The Mayor has attended the following training that supports him with the skills to conduct appropriate investigations under the Behavioural Standards Guidelines:

- LGA Conference and Annual General Meeting
- New Council Training - Behaviour / Civic / Legal / Financial Management
- Principal Mayor Forum
- ALGA - National General Assembly
- Mayor and CEO Forum

The Deputy Mayor has attended the following training that supports him with the skills to conduct appropriate investigations under the Behavioural Standards Guidelines:

- New Council Training - Behaviour / Civic / Legal / Financial Mgmnt
- Assessment Panel Training for Elected Members
- Deputy Mayor Forum
- ALGA - National General Assembly
- LGA - Conference & Ordinary General Meeting

Question b)

Does the CEO understand how the Behavioural Standards for Elected Members functions under the Local Government Act, and does the CEO have a clear understanding of what are expected behaviours of Elected Members?

Response

This question is vague and improper. The Mayor has ruled that it not be answered.

The question is vague because it is unclear how the question could be answered in any meaningful way.

The question is improper because it imputes ignorance on the part of the CEO and because it is not the role of the CEO to manage the behaviour of Council members.

Question c)

Does the CEO think it “irrelevant” or “improper” for an Elected Member to seek guidance from the CEO, to gain a full understanding of what are acceptable behaviours of Elected Members?

Response

This question is improper. The Mayor has ruled that it not be answered.

The question is improper because it appears to be based on a misunderstanding of roles and function. The Mayor previously ruled questions to be irrelevant and improper, not the CEO. The CEO cannot make such a ruling – see information above.

The question is improper on the basis that the question mechanism in regulation 9 of the Meeting Regulations is not an appropriate mechanism to seek opinions of this nature from the CEO.

Question d)

[Does] the CEO think it relevant or proper to seek answers to the relevant questions from the CEO, when the Mayor and Deputy Mayor have declined to answer the same questions on multiple occasions?

Response

This question is improper. The Mayor has ruled that it not be answered.

The question is improper because it appears to be based on a misunderstanding of roles and function. The Mayor previously ruled questions to be irrelevant and improper, not the CEO. The CEO cannot make such a ruling – see information above.

The question is also improper on the basis that the question mechanism in regulation 9 of the Meeting Regulations is not an appropriate mechanism to seek opinions of this nature from the CEO.

3. Road Construction on Private Property**Question a)**

Please confirm the details of the appropriately qualified surveyor used by Council and the date the survey was conducted [with respect to the location between Wild Dog Hill Road and Proposed Bellbird Road for the realignment of South Coast Road]?

Response

Council's Works Manager attended on site on Thursday, 27 April 2017 to undertake a survey and calculate the amount of private property that was required to facilitate the South Coast Road upgrade. He was suitably qualified/experienced to do so.

A qualified surveyor was appointed in early June 2017, for the purposes of preparing the official documents required by the Lands Titles Office, once Council had secured signed Land Transfer Agreements with all applicable property owners. The qualified surveyor attended on site and commenced the formal surveying process on Wednesday, 12 July 2017.

Question b)

[P]lease advise the dates of construction of that section of South Coast road.

Response

Construction commenced sometime shortly after Thursday, 18th May 2017 and was reported as having been completed at the general meeting of the Council held on Wednesday, 12 July 2017.

Question c)

[P]lease advise the date (if any) that permission was received by Council from the relevant property owner for the construction of the road, fully on their property.

Response

Verbal permission was provided during an on-site meeting with Council's Works Manager on Saturday, 29 April 2017, which was confirmed in a later email from the property owner to Council's Works Manager on Tuesday, 16 May 2017. A Formal Land Transfer Agreement, for the donation of the private property to the Council was also signed by the property owner on Tuesday, 16 May 2017.

This signed, Formal Land Transfer Agreement was received by Council, via Australia Post on the morning of Monday, 22 May 2017.

4. Document Requests

Question a)

[D]oes the CEO think it improper for Councillors to ask questions, and request documents, that have repeatedly been requested over the last 3 years; be considered improper, on the basis that 3 years has passed ("more than three years ago" – Mayor), without the CEO answering the questions or supplying documents on multiple occasions, to myself and multiple other Councillors?

Response

This question is improper. The Mayor has ruled that it not be answered.

The question is improper because it appears to be based on a misunderstanding of roles and function. The Mayor previously ruled questions to be irrelevant and improper, not the CEO. The CEO cannot make such a ruling – see information above.

The question is also improper on the bases that it imputes wrongdoing by the CEO, and that the question mechanism in regulation 9 of the Meeting Regulations is not an appropriate mechanism to seek opinions of this nature from the CEO.

5. Further Questions

Question a)

[W]ho altered and who authorised the altering of my Questions on Notice document, that I submitted to [the CEO [with respect to 13 December 2023 meeting]]?

Response

The Mayor caused the alterations to be made, for reasons explained in the information provided above. The questions were incorrectly addressed directly to the CEO. The Mayor caused the questions to be edited so that they were not addressed directly to the CEO.

Insofar as the question asks for who specifically typed the alterations, the Mayor has determined this to be irrelevant as he is responsible for the alterations.

Question b)

What involvement did staff have in authoring the answers that the Mayor supplied to my questions?

Response

In accordance with PO089 Elected Member Allowances and Benefits Policy, the Mayor is entitled to executive clerical support in performing and discharging his official functions and duties. The Mayor utilised that support.

Question c)

[I] asked at the [13 December 2023] meeting (citing 3 other councils) why [the CEO] didn't answer the questions on notice put to [the CEO], [the CEO] explained because [the CEO was] the subject of the questions; can [the CEO] please explain how [the CEO is] involved in all 4 questions, in a manner that requires [the CEO] to not being involved in answering the questions?

Response

This question is improper. The Mayor has ruled that it not be answered.

The question is improper because it appears to be based on a misunderstanding of roles and function. It is for the Presiding Member to determine how any question is to be answered – see information at the outset.

Question d)

[W]hat is the definition of irrelevant and improper, used by the Mayor, to determine that [the CEO] didn't need to answer my questions 2 and 4?

Response

There is no specific definition for these terms. It is matter for the Presiding Member to form a view, on a case-by-case basis, as to whether any question is irrelevant and/or improper (and/or vague and/or insulting). A question may be 'improper' even if the Council member concerned had no intention of acting improperly in asking the question.

The Mayor formed the view that Questions 2(a)-(e) of December 2023 were 'irrelevant' because those questions were non-specific, hypothetical queries which were not relevant to any business of the Council.

The Mayor formed the view that Questions 2(a)-(e) of December 2023 were 'improper' on the basis that, if a Council member wants to make a specific allegation, the proper avenue would be to deal with this through the *Behavioural Management Policy*. It would be improper to utilise the question mechanism instead.

The Mayor formed the view that Questions 4(a)-(b) of December 2023 were 'improper' on the basis that the purpose of the question mechanism in regulation 9 of the Meeting Regulations is to enable Council members to obtain information that is relevant to their functions as a member of the Council (as outlined in Section 59 of the *Local Government Act 1999 (LG Act)*), and these questions did not appear to have any connection to the proper discharge of the duties of the Council member at the relevant time.

The Mayor formed the view that Question 4(c) of December 2023 was 'improper' on two bases. Firstly, it was worded in a way which unfairly imputed wrongdoing to Council staff, no matter how the question might be answered. Secondly, given there is a specific avenue provided by section 61 of the LG Act for dealing with requests for documents, it is improper to utilise the question mechanism to air grievances with how that request for document mechanism has been applied in specific cases.

Question e)

[P]lease explain why my Leave of absence notification for the November 2023 Council Meeting, was treated in such a different manner (Confidential/reasons supplied to Elected Members/alterations to my submission etc) to all other Leave of Absence notifications in the last 5 years, including the notification received in General Business from Cr Tania Stock, at the December 2023 meeting?

Response

The leave of absence 'notification' which was provided to the Mayor was treated as an application, as the granting of leave is not automatic but is a matter for determination by Council at the relevant Council meeting.

The notification correspondence was not supplied directly to Council members, as it contained information which is confidential and cannot be disclosed to those other Council members. A summary of reasons was instead provided.

Question f)

As part of the CEO review process into [the CEO's] new Employment Contract, Councillors were advised of [the CEO's] full commitment to [the CEO's] role with Yorke Peninsula Council; can [the

CEO] please confirm if [the CEO was] one of the 40 applicants for the position of CEO with the Copper Coast Council in 2023.

Response

This question is irrelevant. The Mayor has ruled that it not be answered.

The question is irrelevant because it seeks personal information which is not related to any business of the Council.

RECOMMENDATION

That the responses to the questions regarding the Chief Executive Officer's employment conditions, behavioural standards for elected members, road construction on private property, document requests and further questions raised by Councillor Adam Meyer be received and noted.

ATTACHMENTS

Nil

10 QUESTIONS WITHOUT NOTICE

11 PETITIONS

11.1 PETITION - FRIENDS OF COOBOWIE FORESHORE

Document #: 23/120570

Department: Executive Services

PURPOSE

To provide Elected Members with a copy of a petition received in relation to the opposition to further investigations and development of the coastal defence structure at Coobowie.

RECOMMENDATION

That the report be received.

DISCUSSION

A petition has been received from residents and visitors of Coobowie opposing further investigations and development of the coastal defence structure at Coobowie.

The petition contains 727 signatures.

ATTACHMENTS

1. Petition - Opposing the Proposed Coobowie Sea Wall [↓](#) 

23/119643

YORKE PENINSULA COUNCIL

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@yorkes.sa.gov.au
Website: www.yorkes.sa.gov.au



727 Signatories

<h1>PETITION</h1>	SF188
	Responsible Officer: EA to CEO and Mayor
	Issue Date: 14/04/2020
	Next Review Date: 13/06/2023

To the Mayor and Councillors of the Yorke Peninsula Council

Petition Contact Person: Lynne Butler / Peter Hooper

Telephone Number: .

Postal Address: . Coobowie 5583

Email Address: friendsofcoobowieforeshore@gmail.com

Date: 07/09/2023

The petition of: Friends of Coobowie Foreshore

Draws attention of Council: We oppose the Seawall proposal approved by the Council on 12 July and presented in the public consultation presentation on 10 August. The proposed seawall was based on insufficient, inadequate, and incorrect information and without relevant local data, and will be destructive to Coobowie and Salt Creek Bay.

The petitioners therefore request that Council: Engage a scientific expert to collect and assess local sea and wave data over a significant period to provide a suitable basis for planning for future tidal protection at Coobowie. Council undertake a cost benefit analysis of all future proposals impacting on the unique natural environment of Salt Creek Bay and its environs.

23/119643

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NAME	ADDRESS	SIGNATURE
SUE ADAMS	5 MERLOT CL BONNELLS Bay NSW	[Signature]
Deary Costin	13 Giles St West Coobowie	[Signature]
DAVID BATES	86 Beaten Rd. Coobowie	[Signature]
ANTHONY LANE	72 HICKES DR. COOBOWIE	[Signature]
SCOTT NYSTROM	P.O. Box 3693 NORWOOD SA	[Signature]
Row Lee	"	[Signature]
TIM ROGERS	22 Cambridge St Vale Park	[Signature]
Simon Haden	10 Birkdale Tce west Wodonga	[Signature]
Jeremy Hodges	27 The Strand Port Adelaide	[Signature]
KRIS MEYER	8 Gilbert St Coobowie	[Signature]
Chris Mardle	10 Fifth St Mundana (also 18 Anstey Coobowie) Tce	[Signature]
DAVE GRANT	6 Schnapper Road Edinburg	[Signature]
Ben Grant	6 Schnapper Rd Edinburg	[Signature]
JOHN SANSON	31 MOSTYN CRES SALISBURY EAST SA.	[Signature]
GREG CASHEL	62 HICKES DRIVE COOBOWIE	[Signature]
Evan Ward	16 ANSTES TRES	[Signature]
Tristram Hancock	789 Goldsmith beach road	[Signature]
Derry Harrick-Bates	86 Beach Road Coobowie	[Signature]
[Signature]	Henley Beach	[Signature]
Albert Narys	Senaphere	[Signature]
Liv Trembath	Pt Vincent	[Signature]
G & G Bridle	Goodwin Beach	[Signature]
CHRIS YOUNG	ADELAIDE	[Signature]
Georgina Brans	Goodwin Beach	[Signature]
Rob Young	ADELAIDE	[Signature]
Leslie Bishop	YORKTOWN	[Signature]
Michelle Holland		[Signature]
DARYL BISHOP	YORKTOWN	[Signature]
Karen Nixie	Wool Bay.	[Signature]
Anette Jay	Stanbury	[Signature]
Alan Jay	"	[Signature]
TOM RIGALLATI	Port Victoria	[Signature]
Mary Benjets	Pt Victoria	[Signature]
R THOMSON	YORKTOWN	[Signature]

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NAME	ADDRESS	SIGNATURE
Darren Smith	21 Beach Rd	[Signature]
Russell Swayne	18 Sixth Street Wool Bay	[Signature]
Michael Davies	13 Dease Street Coobowie	[Signature]
Don Lang	72 HICKES DRIVE COOBOWIE	[Signature]
ALLAN GODWIN	4 GILBERT ST COOBOWIE	[Signature]
JOHN EDWARDS	9 YORKETOWN RD EDITHBURGH	[Signature]
Sammy Rix	9 BEACH RD COOBOWIE	[Signature]
Kylie Andresen	9 Beach Rd Coobowie	[Signature]
Les Burton	13 Austey Ln Coobowie	[Signature]
Simon McFarlane	90 Beach Rd Coobowie	[Signature]
Tammy Gutsche	22 Giles St Coobowie	[Signature]
David Hansen	72 Beach Rd	[Signature]
Graham Tinkler	7 Beach Rd	[Signature]
KEITH MCCREIGHT	55 BEACH RD.	[Signature]
Dona Rowe	Adelaide - Regular visitors	[Signature]
Nathan Rowe	Adelaide - Regular visitors.	[Signature]
Tegan Lear	108anden St Coobowie	[Signature]
SCOTT BLACKWELL	SITE COOBOWIE CP	[Signature]
J Hengchke	Wool Bay	[Signature]
S WORKMAN	Wool Bay	[Signature]
J MICHAEL	Beach Rd	[Signature]
P WILSON	Henley Road	[Signature]
F SEANDAN	24 ALIA ST Pt RICE	[Signature]
Fiona		[Signature]
Chris Wagenbrecht	62 5.4th St Wool Bay	[Signature]
GERRY DALLER	26 HICKES DRIVE	[Signature]
George Schaller	23 Beach Rd Coobowie.	[Signature]
Joanne Bath	Coobowie	[Signature]
RON BATH	Coobowie	[Signature]
AIYCK Smith	21 beach road Coobowie	[Signature]
SAN BONGARD	21 Forrest Ave View	[Signature]
Jeff Harris	27 Houston crt Wynn Vale	[Signature]
PETER SANDERS	39 BEACH ROAD COOBOWIE	[Signature]
NIOLE BOULT	4 THOMAS ST, EDITHBURGH	[Signature]

23/119643

23/119643

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NAME	ADDRESS	SIGNATURE
MARIGO KONIDAKI	62 BEACH RD COOBOWIE	MKon
JOHN COKER	76 Beach Rd Coobowie	[Signature]
BRENDA KIELPINSKI	1/19 ANSTEEY TCE COOBOWIE	[Signature]
GREG CASHEL	62 HICKEYS DVE COOBOWIE	[Signature]
NATHAN MULLHILL	22 EDITH ST EDITHBURGH	[Signature]
ANTHONY LANG	72 HICKEYS DR COOBOWIE	[Signature]
SEAN BEDDING	87 BEACH RD COOBOWIE	[Signature]
Ling Rowe	6 Beach Rd Coobowie	[Signature]
Haydn Rowe	6 Beach Rd, Coobowie	[Signature]
Lynn Butler	74 Beach Rd. Coobowie	[Signature]
David + Kristin Daniel	38 Beach Rd Coobowie	[Signature]
WAYNE + LIBBY HAYWARD	1 BEACH RD COOBOWIE	[Signature]
Stephen Ormond	Rattley Drive Coobowie	[Signature]
Sharon Dowling	1 Giles St W Coobowie	[Signature]
Trevor Eden	6 Creek Rise, Walkley Heights	[Signature]
Kathryn Eden	6 Creek Rice, Walkley Heights	[Signature]
RENATE SOLEMAN	24 BEACH ROAD COOBOWIE	[Signature]
GENN MORETON	" "	[Signature]
Simon Mortimer	122 Beach Rd. Coobowie	[Signature]
Guy Richards	Wood Bay	[Signature]
Danny Richards	Wood Bay	[Signature]
ROSE WHEARE	8 Fowler Street Coobowie	[Signature]
Annette Wheare	8 Fowler Street Coobowie	[Signature]
Danil Clarke	# 92 Beach Rd, Coobowie	[Signature]
Tash Gandler	58 Tischer Road, Hahndorf	[Signature]
PAUL LONG	108 BEACH RD COOBOWIE	[Signature]
Sarah Murphy	108 Beach Rd Coobowie	[Signature]
ANDREW HORSWELL	9 NORTH TCE STANSBURY	[Signature]
STEPHEN MORRIS	74 BEACH RD COOBOWIE	[Signature]
Daphne Rickett	55 Beach Rd Coobowie	[Signature]
Debra Welsby	16 Gile St East Coobowie	[Signature]
M. Webb	16 GILE ST EAST COOBOWIE	[Signature]
C. C. Webb	29 GILE ST EAST COOBOWIE	[Signature]
Jon + Shirley Clark	33, COBOWIE AVE BLAKEVIEW	[Signature]

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NAME	ADDRESS	SIGNATURE
SHIRLEY CROOK	33, Telowie Ave Blakeney ⁵¹¹⁴ SA	Shirley Crook
MATT SMITH	94 BEACH RD. COOBOWIE	Matt Smith
Haydn Rowe	6 Beach Rd. Coobowie	Haydn Rowe
Trevor Edwards	BLAKLA	Trevor Edwards
JOE MIST	100 MARION RD FIRLE	Joe Mist
DENNIS BROOKMAN	97 BEACH RD COOBOWIE	Dennis Brookman
LEX CLARKE	92 BEACH RD COOBOWIE	Lex Clarke
Chris Clarke	92 Beach Rd Coobowie	Chris Clarke
Colleen Edwards	15 Stirrup St Saddelworth	Colleen Edwards
Joy ANASTA	ADELAIDE	Joy Anasta
Rob Woollacott	Fifth St Wool Bay	Rob Woollacott
Geoff Lewis	53 JACOB ST OLNEY GDNs	Geoff Lewis
GRAHAM SIMMONS	7 BEACH RD, COOBOWIE	Graham Simmons
BOB HERRING	7 BEACH RD COOBOWIE	Bob Herring
KRIS HARNETT	16 DURHAM ST Henley Beach.	Kris Harnett
Trevor Kovering	EDITHBURGH	Trevor Kovering
John Edwards	Wool Bay	John Edwards
MARILYN MCARDLEY	} WALKERVILLE SA 5081	Marilyn McArdley
STAN MCARDLEY		Stan McArdley
Tasha Beeding	87 Beach Road, COOBOWIE	Tasha Beeding
DEAN HOT	5 PLATFORD AVE NETLET	Dean Hot
Mardi Hay	5 Playford Avenue Netley SA	Mardi Hay
Shane Gaskell	14 GUTH ST Minton 31	Shane Gaskell
Taylor Smith	20 ANSTEY TEE SA	Taylor Smith
VIM PECKOVER	28 BEACH RD.	Vim Peckover
MICK GERBE	MANSON LAKE ADELAIDE	Mick Gerbe
SHARON GERIE	DAVOREN PARK S.A.	Sharon Gerie
Lorraine Davies	7 McGregor Close Toormina NSW	Lorraine Davies
Kathy Davis	6 Oak Ave Unley	Kathy Davis
Peter Tape	14 Beach Rd, Coobowie	Peter Tape
DENNIS TAP	16 " " "	Dennis Tap
BRIAN SMITH	50 BLANCHE ST EDITHBURGH	Brian Smith
ROBYN SMITH	" " "	Robyn Smith
Nathan Daniell	28 Beach Rd Coobowie	Nathan Daniell

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NAME	ADDRESS	SIGNATURE
Jodie Frearson	EDITHBURGH	
CRAIG BUTFIELD	EDITHBURGH	
MARIA LAZIC	COBOWIE	
Stan Bondarenko	Vally View	
Sam O'Donnell	Firke	
Albanese	Pt Pirie	
Derek Kingston	Wynn Vale	
Kathy Tape	Coobowie	
Eliza Bates	Coobowie & Fullarton	
Alice Baerley	Coobowie	
William Beverley	Coobowie & Fullarton	
Joni Brooks	Coobowie	
Michael Kerley	Uleybury	
TEENA MCCOY	CRAIGMORE	
PETER BRIDGMAN	SAUSBURY	
Jay Walford	Edithburgh	
Dee Francis	Angry Valley	
Sena Jamieson	Darlington	
Melanie Mosavi	Morphelette Vale	
Holly Gader	Old Reynella	
Debbie Jones	Wool Bay	
M.O. Takant	Wool Bay	
Sheryl Lorenz	Coobowie	
Tony Lorenz	Coobowie	
Paul Ingram	Oaklands Park	
Helen Shaw	Oaklands Park	
Tash Lawrie	Langhorne Creek + Coobowie	
Keran Andrews	Langhorne Creek + Coobowie	
Matt Lawrie	Langhorne Creek + Coobowie	
Andrew Grant	Coates	
Emma Grant	Coates	
Vaughan Levi	COOBOWIE	
S. Smith	COOBOWIE	
S. Smith	ADELAIDE	

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NAME	ADDRESS	SIGNATURE
Cuthbert Kai	Sultana Point	Kai
WARDEN HAMS	ANGASTIN S.A.	HAMS
For Boff	CORTIS ST COOBOWIE	Boff
Barry Widdon	26 Willacath St Bullin SW	Widdon
Kristine Waldron	26 Willacath St Bullin	Waldron
Margot Russack	43 English St. Hahndorf	Russack
Phillip Wetheringham	6 Northtree Uool Bay.	Wetheringham
Johanne Hasel	36 Beach Rd Coobowie.	Hasel
Shirl Crosby	Wareoka.	Crosby
Ross Freake	Angle Vale	Freake
Florence Dorcy	Angle Vale	Dorcy
Suzanne Warren	McLennan. Yorketown	Warren
Peter Warren	Yorketown	Warren
N Smith	Edinburgh	Smith
M. McPhee	216/254 Greenwich Rd. Glen Side SA	McPhee
Klan O'Donnell	Greenhill Rd 218 Glen Side	O'Donnell
Chris Gamett	Yorketown	Gamett
VENET CRUMP	YORKE TOWN	CRUMP
Neville Garrett	Yorketown	Garrett
BOYD MACRAE	MURDO PAR	MACRAE
Janice MacLae	" "	MacLae
Lorraine Cotton	Coobowie	Cotton
Tim Bedford	Coobowie	Bedford
Kelsey Pritchard	Coobowie " "	Pritchard
Sarahella Rys.	Yorketown	Rys.
N. PEROS	COOBOWIE	PEROS
Shirley Thomas	Southey St	Thomas
Andi Marshall	Stansbury	Marshall
HEATH PETZOLD	DEVON V PARK	PETZOLD
RICHARD WILKINSON	WOOLBAM	WILKINSON
DAVID KOCH	MICE SPRINGS (FREQUENT VISITOR)	KOCH
FLO JARVIS	Curramulka	JARVIS
STEVE JARVIS	"	JARVIS
LINDA Smith	WOOLBAM	Smith

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NAME	ADDRESS	SIGNATURE
MOERBERT K.	BEACH RD COOBOWIE	
MARE TURNER	WOOD BAY	
MARTIN WEBSTER	YORKETOWN YORKETOWN	
Sandra Sandrablina	STANTHORPE	
Michael Greig	COOBOWIE DEASE ST	
Lucas Greig	COOBOWIE DEASE ST	
Natasha Giedler	COOBOWIE DEASE ST	
M Healy.	E' RUGH	
E. Schubert	20 PARA AVE NURIOOTPA	
GEORGE SCHULTEH	23 BEACH RD COOBOWIE	
CHRIS LITTLE	TICKERA	
MAUREEN BURFORD	PT. MOOROWIE S.A	
GREG CROTTY	PT MOOROWIE SA	
YVONNE HOOGVELD	VICTOR HANLON SA	
GREG KNEEBONE	ENCOUNTER BAY SA	
SANDRA LAMPARD	WOOD BAY	
Paul Lampard	WOOD BAY	
RICHARD CLEGGETT	2 MURRAY RD LANGHORNE CREEK	
Patrick Wag	PT Vincent	
Anthony Veneture	LAWLER	
Tom Cadd	COOBOWIE	
Shirley Hankis	COOBOWIE	
Gay De Rosa	Edithburgh	
Sharon Roun	COOBOWIE	
Billy Wilson	COOBOWIE	
M McDermott	FORT HUGHES	
J M. DERMOTT	" "	
Mary Smith	92 Beach Rd Coobowrie	
Rose King	92 Beach Rd Coobowrie	
Tina Fontaine	92 Beach Rd Coobowrie	
Greg King	92 Beach Rd Coobowrie	
Edith Lange	YORKETOWN	
Peter Lange	YORKETOWN	
Ed Dankiewicz	YORKETOWN	

34

NAME	ADDRESS	SIGNATURE
Anthony Colillo	37A St Andrews Way	<i>[Signature]</i>
Alessandra Orsillo	50 Barker Avenue sm Plympton	<i>[Signature]</i>
Loren Orsillo	12 EATON ST CUMBERLAND PARK, 5041	<i>[Signature]</i>
Lilli Orsillo	29 Whyte street, Somerton Park, 5044	<i>[Signature]</i>
Chloe Trengrove	11 Whiteley drive, trout Park 5158	<i>[Signature]</i>
Vince Sapia	12 Park Tce, Edithburgh 5583	<i>[Signature]</i>
Emilia Giurgente		
Josh Trengrove	11 Whiteley drive trout Park	<i>[Signature]</i>
Marcelle Woodman	14 Lenford Way McLaren Vale	<i>[Signature]</i>
Bregitta Spurling	17 Bellevue Tce Hore	<i>[Signature]</i>
Wendy Tiller	321 ALEXAN AVE MARION SA 5043	<i>[Signature]</i>
Charlotte Sapia	58 Welland Ave, Welland, 5007	<i>[Signature]</i>
NIKIA BAILEY	5 NORSEMAN AVE, HILLCREST, 5086	<i>[Signature]</i>
Luke Mether	5 Norseman Ave, Hill Crest, 5086	<i>[Signature]</i>
Claudia Stevens	56a Aldridge Ave, Plympton Park, 5038	<i>[Signature]</i>
Kirstie Parker	15 Flaminia St, North Haven 5015	<i>[Signature]</i>
Rachel Ashwood	56a Aldridge Ave, Plympton Park, 5038	<i>[Signature]</i>
DL Grier	15 Flaminia st North Haven 5015	<i>[Signature]</i>
Teresa Sapia	11 Larchlen Ave Woodville West	<i>[Signature]</i>
A Sapia	11 Larchlen Ave Woodville West	<i>[Signature]</i>
Anne Sapia	26 College Road Somerton Park	<i>[Signature]</i>
James Sapia	58 Welland Ave Welland 5007	<i>[Signature]</i>
Perez Vergis	PO Box 1100 Glendg South 5034	<i>[Signature]</i>
Mark Andersen	PO Box 1100 Glendg South 5034	<i>[Signature]</i>
SEBASTIAN SAPIO	GEORGE STREET MCINTA	<i>[Signature]</i>
CRIS CORCHIARELLA	SEACOMBE HEIGHTS 5047	<i>[Signature]</i>
John Corchiarella	Seacombe Heights 5047	<i>[Signature]</i>
Sandra Summ	Beatty Street Flinders Park 5025	<i>[Signature]</i>
Steven Summ	Beatty Street Flinders Park 5025	<i>[Signature]</i>
Clare Russett	Hugh Street Glenelg 5045	<i>[Signature]</i>
ROBERT RUWITT	HIGH STREET GLENELG 5045	<i>[Signature]</i>
Kate Melbourne	1/2 High St Glenelg 5045	<i>[Signature]</i>
Chris Melbourne	" " " "	<i>[Signature]</i>
Vikki Vergis	PO Box 1100 Glendg South 5034	<i>[Signature]</i>

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NAME	ADDRESS	SIGNATURE
Sotiri Fertis	42 NORTH POPE TORRENSVILLE	
Niko Fertis	23 HART ST KIDMAN PARK	
Sotiri Fournis	15 MARTI ST SAUSBRUM NORTH	
Velika Fertis	23 HART ST KIDMAN PARK	
Dion Konidakis	40 Russell terrace Woodville Park	
John Desyllas	61 Henry St West Croydon	
Pamela Konidakis	40 Russell terrace Woodville Park	
Barbara Solomon	32 Charles Veale Drive WEST BEACH	
Ukolika Konidakis	19 Grant Ave Lockleys	
Dionisis Konidakis	19 Grant Ave Lockleys	
Vas Iannella	6 Moore Dr Fulham Gardens	
Alex Waters	26 Panarama Crescent Womersley	
Oscar Stikora	24 Glenford Avenue Myrtle Beach	
Emil Kourani	8 Gloucester St Prospect	
William Barone	475 Magill Road Trammere	
Harry Bruce	5 Beryl Street Woodville West	
Kayla Desyllas	5 Constance St, Brooklyn Park	
James Patsis	17 JOHNS RD PROSPECT 5082	
JILL PATSIS	17 JOHNS RD PROSPECT SA 5082	
Harry Founder	56 Harvey Ave Netley 5037	
Georgia Founder	56 Harvey Ave Netley 5037	
Stavros John Policharis	65 Levis Lane 64 Seaton 5023	
James Desyllas	5 Constance St, Brooklyn Park	
Mare Edmund	18 East Terrace Henley Beach 5024	
Chris Kanellos	10 East Terrace Henley Beach	
STEVE KONIDAKIS	40 RUSSELL TCE WOODVILLE PARK 5081	
Arthur Stanton	57 Blyth St, Parkside SA 5063	
RAHUL INDURKHA	46 Kenilworth Rd, Parkside SA 5063	
REBEKAH THWAITES	1/90 RIVERWAY, FULHAM GARDENS SA 5024	
Phong Young	2a Beaconsfield St, Fullarton	
Carrie Lily	39 Marston Drive, Morphett Vale SA 5162	
Yvonne Noutsatos	20 Shelley Ave. Fulham Gardens	
Carmel Cocchiaro-Desyllas	61 Henry Street West Croydon	

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NAME	ADDRESS	SIGNATURE
Pai Cocchiano	24 Everett Ave Fulham Gdn	
Mary Cocchiano	24 Everett Avenue Fulham Gdn	
Melissa Deeyless	10 Weetunga St Fulham	
Hou Tran	31 Wychwood Gr Upper Stuart	
Thi Phan	9 Mendiz St Paralowie	
Yash Patel	8 Redford Street Vale Park	
Lucas Langley	41 Third Ave, Joslin	
Dimitris Karellos	257 Lady Grove Dr, Loop North	
Veronica Solomos	32 Charles Veale Dr, West Beach	
John Solomos	32 Charles Veale Dr, West Beach	
Antonia Andonas	11a Alexander Ave Grange	
Robbie Cfm	866 Port Rd Woodville SA 504	
Irene Zinones	81 Cedar Avenue Croydon Park	
Hara Zinones	29 Athol Street Athol Park	
Maria Zinones	81 Cedar Avenue Croydon Park	
Tia Zinones	81 Cedar Avenue Croydon Park	
Nelly Theodoridou	11A Alexander Ave Grange	
Chris Andonas	11A Alexander Ave Grange	
Vickson McDonald	30 Leslie St East, Woodville Park	
Ella O'Brien	44 Mitchell St East, Seaton	
Nataliya Dikporskaya	141 St Clair Ave, St Clair	
Lena Carbon	2 Broadmead Ave Fulham	
Cala Zerkova	39 Dry Tree Croydon 5008	
Lindy Anderson	19 OWLSTON AVE BORCHING 5009	
Stephanie Sarno	16A Randolph Ave Parkside 5063	
Anne Mascho	35 Marion Rd Torrensview	
James Mouton	20 Selby Ave, Fulham Gardens 5008	
Adriano Tsoucas	18 Hughes St Woodville 5011	
Thomas Albertini	47 Neirangga Terrace, Mount Bury 5558	
Nivransha Irkulla	60 Kildonan rd, Warradale 5046	
George Ilie	3014 Sent Andrew Dr Port Hughes	
Helena Argiro	36 Seaton Ave Seaton 5023	
Junghwan Byun	13 Margaret Avenue, Rostrevor 5073	

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Change.org Petition

Name	City	Postal Code	Country	Signed On
Lynne Butler	Adelaide		Australia	20/11/2023
Peter Hooper	Adelaide	5000	Australia	21/11/2023
Tamara Mathews	COOBOWIE	5583	Australia	21/11/2023
Hazel Inwood	Adelaide	5000	Australia	21/11/2023
Neil Hunter	Coobowie	5583	Australia	21/11/2023
Darren Smith	Adelaide	5000	Australia	21/11/2023
Phil Reed	Adelaide	5000	Australia	21/11/2023
Kellie Smith	Adelaide	5000	Australia	21/11/2023
Matthew Stanbury	Adelaide	5000	Australia	22/11/2023
steve rudduck	Ardrossan	5571	Australia	22/11/2023
Richard Gibbs	Adelaide	5000	Australia	22/11/2023
Manfred Arndt	Ardrossan	5571	Australia	22/11/2023
Mark Harris	Adelaide	5000	Australia	22/11/2023
Di Armstrong	Coobowie	5583	Australia	22/11/2023
Karl Olsen	Adelaide	5000	Australia	22/11/2023
Lillian Moyle	Adelaide	5000	Australia	22/11/2023
Nathan Jarrett			Australia	22/11/2023
Joylene Hooper	Adelaide	5000	Australia	22/11/2023
Paul Long	Adelaide	5000	Australia	22/11/2023
Philip Mitchell	Adelaide	5000	Australia	22/11/2023
Andrew Millard	Adelaide	5583	Australia	22/11/2023
Maree Przibilla	Adelaide	5000	Australia	22/11/2023
Rebecca Bridle	Adelaide	5000	Australia	22/11/2023
Neville John	Adelaide	5000	Australia	22/11/2023
Meredith Jarrett	Adelaide	5000	Australia	22/11/2023
Brett Summers	Adelaide	5000	Australia	22/11/2023
vanessa mardle	Nuriootpa	5355	Australia	22/11/2023
Sarah McDonald	Williamstown	5351	Australia	22/11/2023
Jake Elvey	Adelaide	5161	Australia	22/11/2023
Lex Clarke	Adelaide	5000	Australia	22/11/2023
Tony Lucas	Geelong	3217	Australia	22/11/2023
Ruth Eldridge	Adelaide	5000	Australia	22/11/2023
Marianne Chi	Adelaide	5000	Australia	22/11/2023
Jenny Filsell	Adelaide	5000	Australia	22/11/2023
Luke ODwyer	Tanunda	5352	Australia	22/11/2023
Alan Novak	Adelaide	5000	Australia	22/11/2023
Peter Geue	Melbourne	3000	Australia	22/11/2023
David Manuel	Renmark	5341	Australia	22/11/2023
Andrew Latham	Coobowie	5583	Australia	22/11/2023
Tracey Cini	Adelaide	5000	Australia	22/11/2023
Rob Wiseman	Coobowie	5583	Australia	22/11/2023
Sharee Gebert	Adelaide	5000	Australia	22/11/2023
Mitchell East	Coobowie	5583	Australia	22/11/2023
Heather Blackburn	Woodcroft	5163	Australia	22/11/2023
Tina Rowe	Adelaide	5000	Australia	22/11/2023
paul cheesman	Happy Valley	5159	Australia	22/11/2023
Deb Ashenden	Adelaide	5000	Australia	22/11/2023
Sandra Lewis		5161	Australia	22/11/2023
Patrick Eid	Illawong	2234	Australia	22/11/2023

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Henry Burton	Barmera	5345	Australia	22/11/2023
Annette Wheare	Coobowie	5000	Australia	22/11/2023
Deb Roberts		5098	Australia	22/11/2023
Gayle Seery	Adelaide	5000	Australia	22/11/2023
Julie Tatchell	Edithburgh	5583	Australia	22/11/2023
Christine Van Rysingen	Wool bay	5575	Australia	22/11/2023
Annie Mandalov		5019	Australia	22/11/2023
Kaz Rutte	Adelaide	5000	Australia	22/11/2023
Chris Clarke	Adelaide	5166	Australia	22/11/2023
Germaine Rowberry	Coobowie	5583	Australia	22/11/2023
Julie Lear	Edithburgh	5152	Australia	22/11/2023
Lyndal Gibson	Adelaide	5167	Australia	22/11/2023
Sue Latto	Adelaide	5000	Australia	22/11/2023
Andrew McGlashan		3134	Australia	22/11/2023
Sheree Mader	Adelaide	5000	Australia	22/11/2023
Barbara Shepherdson		5113	Australia	22/11/2023
Anita Trimarchi	Brisbane	4101	Australia	22/11/2023
vicki kirby		5412	Australia	22/11/2023
Tanya Spearpoint	Adelaide	5000	Australia	22/11/2023
Ronnie Wheare	Coobowie	5583	Australia	22/11/2023
Marie Graetz	Adelaide	5000	Australia	22/11/2023
Carolyn Haining	Adelaide	5000	Australia	22/11/2023
Ally Butler	Adelaide	5000	Australia	22/11/2023
Donna Smith	Adelaide	5000	Australia	22/11/2023
Miah Follett	Adelaide	5000	Australia	22/11/2023
Maya Taylor	Sydney	2153	Australia	22/11/2023
Francine Butler	Adelaide	5000	Australia	22/11/2023
Tanya Saramandif	Adelaide	5001	Australia	22/11/2023
Elaine Mundy	Adelaide	5000	Australia	22/11/2023
Kylie Armstrong	Adelaide	5000	Australia	22/11/2023
Christine Snowden	Wool Bay	5575	Australia	22/11/2023
Land Joyce	Adelaide	5000	Australia	22/11/2023
Jared Askham	Adelaide	5000	Australia	22/11/2023
Khyl McIntosh	Adelaide	5583	Australia	22/11/2023
Jake McIntosh	Adelaide	5000	Australia	22/11/2023
Emily Weber	Adelaide	5583	Australia	22/11/2023
Carol Godfrey-Brown	Adelaide	5001	New Zealand	22/11/2023
Kai Sziller-Collins	Adelaide	5024	Australia	22/11/2023
Matt Hooper	Adelaide	5000	Australia	22/11/2023
Michaela Kemp	Adelaide	5000	Australia	22/11/2023
Angela Bobridge	Golden Grove	5125	Australia	22/11/2023
Simon Rowberry	Adelaide	5000	Australia	22/11/2023
Clinton Wemmer	Adelaide	5000	Australia	22/11/2023
Rebecca Burton		5345	Australia	22/11/2023
Andro van der Westhuizen	Adelaide	5000	Australia	22/11/2023
Ian Tomlinson		5251	Australia	22/11/2023
Beth Rex	Adelaide	5000	Australia	22/11/2023
Narelle Gibbon	Adelaide	5006	Australia	22/11/2023
Harry Ricciardi	Adelaide	5000	Australia	22/11/2023
Vanessa Fitzsimons	Adelaide	5162	Australia	22/11/2023
Stephen Woods	Adelaide	5000	Australia	22/11/2023
Peter Hill	Adelaide	5000	Australia	22/11/2023

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Ritchie THOMSON	Adelaide	5085	Australia	22/11/2023
phil Hannan	Edithburgh	5583	Australia	22/11/2023
Rachel Smith	Old Reynella	5161	Australia	22/11/2023
Wendy Stronach	Adelaide	5000	Australia	22/11/2023
Carter Barb	Adelaide	5000	Australia	22/11/2023
Jenny Snadden	Adelaide	5000	Australia	22/11/2023
Margaret Watson	Adelaide	5000	Australia	22/11/2023
Khambha Clarkson	Marshalltown	50158	Australia	22/11/2023
Deb Arnold	Edithburgh	5583	Australia	22/11/2023
Alyck Smith	Yorktown	5576	Australia	23/11/2023
tyler robinson	Whyalla	5600	Australia	23/11/2023
Michele Swanborough	Melbourne	3001	Australia	23/11/2023
Nicola Woodman	Adelaide	5067	Australia	23/11/2023
Damien Lornie	Adelaide	5022	Australia	23/11/2023
Bryce Tyson	Melbourne	3003	Australia	23/11/2023
Terry Stevens	MALLALA	5502	Australia	23/11/2023
Luke Morel	Mermaid waters	4218	Australia	23/11/2023
Casey Grover	Adelaide	5000	Australia	23/11/2023
Caitlin Rea	Adelaide	5000	Australia	23/11/2023
Jacque Grover	Adelaide	5000	Australia	23/11/2023
steven Dalton	Adelaide	5000	Australia	23/11/2023
Joanne Haining	Adelaide	5000	Australia	23/11/2023
Sue Henson	Melbourne	3564	Australia	23/11/2023
Michelle Balaam	Adelaide	5000	Australia	23/11/2023
Lorraine Ross	Napier	3032	Australia	23/11/2023
Samantha Hester	Adelaide	5162	Australia	23/11/2023
Sam Grover	Adelaide	5000	Australia	23/11/2023
Stefano Fuschetto	Gallarate	21013	Italy	23/11/2023
Jason moorby		3156	Australia	23/11/2023
Carly Foster	Adelaide	5000	Australia	23/11/2023
Rob Dunn	Tea Tree Gully	5091	Australia	23/11/2023
Daphne Weatherill	Adelaide	5000	Australia	23/11/2023
Bryan Tomkinson	Port Noarlunga	5167	Australia	23/11/2023
Aaron Jones	Albany Creek	4035	Australia	23/11/2023
Anita Geue	Adelaide	5000	Australia	24/11/2023
Kerry Anne Kelemen	Adelaide	5000	Australia	24/11/2023
Elly Neilsen		2088	Australia	24/11/2023
Rose Preston		5452	Australia	24/11/2023
Joan Glennon	Adelaide	5000	Australia	24/11/2023
Lynne Gibb	Orroroo	5431	Australia	24/11/2023
Quentin Beare	Adelaide	5159	Australia	24/11/2023
Oliver de Rohan	Lower Inman valley	5211	Australia	24/11/2023
Melanie Burns	Berlin	10119	Germany	24/11/2023
F.L. Ross	Melbourne	3199	Australia	24/11/2023
Julie Jackson	Burleigh	4220	Australia	24/11/2023
Justin Early	East Brisbane	4169	Australia	24/11/2023
Belinda Gibb	Orroroo	5431	Australia	24/11/2023
Darren Woodroffe	Sydney	2000	Australia	24/11/2023
Tracey Daniel	Pinnaroo	5304	Australia	24/11/2023
Lorraine Bartlett	Chiswick	3806	Australia	24/11/2023
James Pead	Valley View	5093	Australia	24/11/2023
Eileen Smith	Adelaide	5000	Australia	24/11/2023

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jennifer michel	cork	-----	Ireland	24/11/2023
Christine Belford	Victor Harbor	5211	Australia	24/11/2023
Michael de Rohan	Adelaide	5000	Australia	24/11/2023
Dianne Rundle	Adelaide	5000	Australia	24/11/2023
Kathryn Guerin	Adelaide	5000	Australia	25/11/2023
Austin Rowberry	Adelaide	5126	Australia	25/11/2023
Jasmine rowberry	Adelaide	5000	Australia	25/11/2023
Tate Ovan	Adelaide	5000	Australia	25/11/2023
esfhdjb dafsdghf	Nunyabuisnesss	5001789	Australia	25/11/2023
Rainer Gare	Adelaide	5000	Australia	25/11/2023
Holly Woodroffe	Adelaide	5000	Australia	25/11/2023
Jason Andrews	TOOWOOMBA	4350	Australia	25/11/2023
Joan Camilleri	Adelaide	5000	Australia	25/11/2023
Kelsie McIntyre	Adelaide	5000	Australia	25/11/2023
Luke Tien	Adelaide	5000	Australia	25/11/2023
LOUISE STRICKE	Brunswick	3056	Australia	25/11/2023
Melissa Brown	Sydney	2000	Australia	25/11/2023
Albert Freeman	Brisbane	4017	Australia	26/11/2023
Ruby Pyne	Sydney	2000	Australia	26/11/2023
Mark Corby	Adelaide	5000	Australia	26/11/2023
Hayley Minks	Adelaide	5000	Australia	26/11/2023
Jake Harrison	Westbourne park	5041	Australia	26/11/2023
rachel veitch		2539	Australia	26/11/2023
Shannon Fikerle	Brisbane	4000	Australia	27/11/2023
A.D. L		2326	Australia	27/11/2023
Samantha Deanus	Perth	6061	Australia	27/11/2023
Janet McKeeg		6170	Australia	27/11/2023
Ty Emery	Sydney	2032	Australia	27/11/2023
Eloise Whitfield	Sydney	2000	Australia	27/11/2023
Maria Choi		5158	Australia	27/11/2023
Sarah Bailey		2262	Australia	27/11/2023
Gyorgyi Szabo		4030	Australia	27/11/2023
Kendelle McNab	Mangerton	2500	Australia	27/11/2023
Alicia Walker	Paralowie	5108	Australia	27/11/2023
Sarah Naylor	Melbourne	3073	Australia	28/11/2023
Kim Andrew	Melbourne	3083	Australia	28/11/2023
Bethany Andrew	Melbourne	3083	Australia	28/11/2023
Lynn Ellison	Woodcroft	5162	Australia	28/11/2023
Luanna Bertola	Albany	6330	Australia	28/11/2023
Stewart McFetridge	Adelaide	5000	Australia	28/11/2023
Patricia Moebus		3049	Australia	28/11/2023
Moss No	Nar Nar Goon	3812	Australia	29/11/2023
Tracy Comis		2250	Australia	29/11/2023
Jan Kelly	Adelaide	5000	Australia	29/11/2023
Elke Eckhard	Adelaide	5000	Australia	29/11/2023
Helen Crawford		5084	Australia	29/11/2023
Edvin Hasanovic	Melbourne	3000	Australia	30/11/2023
Rebekah Reilly	Adelaide	5043	Australia	30/11/2023
Michael Tagell	Adelaide	5035	Australia	30/11/2023
Linda Reed	Adelaide	5000	Australia	30/11/2023
Peter Armstead	Melbourne	3001	Australia	30/11/2023
John Nimmo	Elizabeth Bay, Sydney	2011	Australia	30/11/2023

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5 of 5
$$= 681$$

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34

NAME	ADDRESS	SIGNATURE
Det. G. Blain	66 Hickey's Dve Coobowie	G. Blain
K. Rutte	Lot 94 PARK Tc Nth Edithburgh	K. Rutte
P. Hutchings	7 Panfry Tee, Edithburgh	P. Hutchings
J Woodroffe	Beach Rd Coobowie	J Woodroffe
C. Andrae	Beach Rd Coobowie	C. Andrae
W SUTCLIFFE	Cross St Edithburgh	W. Sutcliffe
K. Carrizzo	Sixth St. Wool Bay	K. Carrizzo
S Baines	Coobowie Caravan Park	S. Baines
C Baines	Coobowie Caravan Park	C. Baines
N dePrunze	24 Hickey drive Coobowie	N. dePrunze
R. DALLER	26 HICKEY DRIVE COOBOWIE	R. Daller
D. Hempel	Angley Terrace Coobowie	D. Hempel
E Robinson	Blanche St. Edithburgh	E. Robinson
Julie Hunkin	EDITHBURGH	Julie Hunkin
CHRIST VAN RYSINGEN	WOOL BAY	Christ van Rysingen
Justine Belkame	Adelaide	Justine Belkame
Dean Belkame	Adelaide	Dean Belkame
Elen Parks	Stansbury	Elen Parks
Anna Eldridge	Yorketown	Anna Eldridge
Karena Delinis	Loganlea Queensland	Karena Delinis
Kylie Masford	33 PRINCESS ST. WILKINSON SA 5118	Kylie Masford
L Ashley	Yorketown	L. Ashley
T Ashley	Yorketown	T. Ashley
I. CLIFTON	ELIZABETH DOWNS.	I. Clifton
K. Taylor	Elizabeth Downs	K. Taylor
K Bray	Stansbury	K. Bray
S WALAJ	Stansbury	S. Walaj
Antonia RODRIGO	Edithburgh	Antonia Rodrigo
Keryn Paves	Edithburgh	Keryn Paves
Penny Houghton	Black Point	Penny Houghton
Linda Tams	Korralta PK SA	Linda Tams
Kay Camflum	STURT SA	Kay Camflum
Altman	Modbury Nth SA	Altman
Amanda Kemp	7 JOYCE ST BARMERA SA 3345	Amanda Kemp

PTO

MYERRETT CROSSAN 5571
 Carlin Koutsoukos Pt Norwanga 5167
 Diane Randall Aldinga Beach
 Lenate Skiffers Glenelg East
 Jeannette Hutchings Edithburgh
 Ian Bell Edithburgh
 Tayla Johnstone Edithburgh
 Darren Walton Edithburgh
 Di Thomas Wool Bay
 Sandra + Hugh Forgan Coobowie
 June Harrison Sultana Point
 Lisa Vassallo Ingle Farm SA 5098.

12 MAYOR**12.1 MAYOR'S MONTHLY REPORT DECEMBER 2023****Document #:** 23/121679**Department:** Executive Services**PURPOSE**

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

RECOMMENDATION

That the report be received.

DISCUSSION

- | | |
|-------------|---|
| 1 December | Attend Legatus Group Ordinary Meeting – Balaklava. |
| 5 December | Attend Audit and Risk Committee Meeting – Minlaton.
Attend Yorketown Area School Presentation Night – Yorketown. |
| 7 December | Attend Country Arts SA Board Meeting – Adelaide. |
| 12 December | Attend Central Yorke School Presentation Night – Maitland. |
| 13 December | Photo – Care in Motion – New Vehicle – Minlaton.
Attend Monthly Council Meeting – Minlaton. |
| 15 December | Legatus Group Special Meeting – via Zoom. |
| 19 December | All Staff Meeting Breakfast – Minlaton. |
| 24 December | Attend Warooka's Christmas Pageant – Warooka. |

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 - DECEMBER 2023****Document #:** 23/121671**Department:** Executive Services**PURPOSE**

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

RECOMMENDATION

That the report be received.

DISCUSSION

- | | |
|-------------|---|
| 1 December | Corporate Management Team Meeting – (via Teams). |
| 5 December | Attend Audit and Risk Committee meeting – (via Teams). |
| 7 December | Meeting with Daniel Willson – Regional Development Australia – Yorke and Mid North – Maitland. |
| 13 December | Photo – Care in Motion – New Vehicle – Minlaton.
Attend Monthly Council Meeting – Minlaton. |
| 14 December | Attend Meeting with LGA re State Government Leased Jetties – (via Teams). |
| 19 December | All Staff Meeting Breakfast – Minlaton.
Site Meeting – Minlaton Childcare Centre – Minlaton. |

ATTACHMENTS

Nil

16.2 ACTION LIST REPORT**Document #:** 24/2590**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 - January 2024**  
2. **Completed Action List - January 2024**  

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 – Report to be included at the 17 January 2024 Council meeting with a recommendation to endorse the introduction of a FOGO Service, or to retain as status quo.	17/01/2024
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.	14/02/2024
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. Council waiting for final survey plans.	14/02/2024
9/08/2023	Development Services	25.3	190/2023	Lease Proposal - Amplitel Pty Ltd - For the telecommunication tower located at Warooka - The matter is laying on the table pending further negotiation with Amplitel Pty Ltd regarding the lease proposal.	14/02/2024
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.	14/02/2024
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. A report is being prepared for the February 2024 council meeting seeking endorsement to put the draft strategy out for community feedback.	14/02/2024
11/10/2023	Assets and Infrastructure Services	24.1	223/2023	Corny Point Dairy Road Beach Access – Initial community consultation created further discussion. Secondary community consultation is being undertaken to clarify a lease agreement for the purpose of providing community access to the beach	14/02/2024
8/11/2023	Assets and Infrastructure Services	24.1	256/2023	Balgowan Boat Ramp Facilities – the procurement of signage for the Balgowan Boat Ramp has commenced with further clarification required around the wording before completion.	14/02/2024

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
8/11/2023	Development Services	25.1	257/2023	Council authorised the Chief Executive Officer to approve the request for a partial waiver or variation of the land owners' obligations under Land Management Agreement No. 7239996 to permit the implementation of DA 23016543 on land at Lot 269 Bush Track, Parsons Beach, subject to the land owners entering a supplementary agreement with the Council. Documentation has been received and will be reviewed by Director Development Services.	14/02/2024
13/12/2023	Assets and Infrastructure Services	24.1	297/2023	Cape Elizabeth – Commencing community engagement process in January 2024 for the proposed cancellation of licence and revocation of dedication to land at Cape Elizabeth, which would result in land parcels no longer placed under Council care, control and management	13/03/2024
13/12/2023	Assets and Infrastructure Services	24.2	298/2023	SA Jetties Renewal Program Application for Funding (Stage 1) – Grants have been submitted & acknowledged for the State Government's SA Jetties Renewal Program for funding to assist addressing critical works across the states jetties.	13/03/2024
13/12/2023	Development Services	25.2	300/2023	Arrange for the Mayor and CEO to sign and affix Council's Common Seal in order to execute the lease documents to Central Yorke Football Club, for a portion of 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.	14/02/2024
13/12/2023	Development Services	25.3	301/2023	Arrange for the Mayor and CEO to sign and affix Council's Common Seal to the relevant documents necessary to execute extensions to lease and licence agreements to the Minister for Police, Emergency Services and Correctional Services for Country Fire Service sites at the expiration of the current term for twenty one (21) years, pursuant to Council's obligations under the current lease and licence agreements for Brentwood, Curramulka, Minlaton, Edithburgh & Marion Bay.	14/02/2024

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
13/12/2023	Development Services	25.6	304/2023	Arrange for the Mayor and CEO to sign and affix Council's Common Seal to the relevant documents necessary to execute the road closure and sale for a portion of public road reserve, namely West Terrace, Ardrossan. Quarantine all proceeds from the sale to go towards the Ardrossan Median Strip Project.	13/03/2024
13/12/2023	Development Services	25.7	305/2023	Arrange for the Mayor & CEO to sign and affix Council's Common Seal to the relevant documents necessary to execute the road closure and the sale for a portion of public road reserve, namely Johns Road, Hundred of Tiparra in the area named Nalyappa. Quarantine all proceeds (after costs) of the sale for unbudgeted works to the Balgowan Kiosk effluent disposal system.	14/02/2024
13/12/2023	Development Services	25.8	306/2023	Council endorsed the minor amendments to Council's Community Land Management Plans as presented for inclusion on Council's website.	14/02/2024

Council Meeting Completed Action List

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
11/10/2023	Executive Services	22.2	221/2023	Consultation - Proposed ANZAC Memorial Port Clinton. Council undertook its own consultation process and reported to the December 2023 meeting.	17/01/2024
13/12/2023	Corporate and Community Services	23.1	292/2023	Council received the financial report and capital projects update report as at 30 November 2023.	27/12/2023
13/12/2023	Corporate and Community Services	23.2	293/2023, 294/2023	Request for Acceptance - Free of Charge Asset - Price Progress Association. Council accepted the donation of the Price Nature Play Area as an asset "Free of Charge" and authorised the Nature Play Area to be added to Council's asset register. Price Progress Association have been notified of the outcome and the Nature Play Area has been added to Council's asset register and insurance schedule.	27/12/2023
13/12/2023	Corporate and Community Services	23.3	293/2023, 294/2023	Council endorsed the grant funding application to the Growing Regions Program Round 1 - Stage 2 (Full Application) for the Edithburgh jetty diving platform and committed to provide a co-contribution of \$236,423 should the grant application be successful. Staff have submitted the application, which was required by 15 January 2024.	27/12/2023
13/12/2023	Corporate and Community Services	23.4	295/2023, 296/2023	Council received the written submissions in response to the community consultation process for the proposed ANZAC Memorial at the corner of Yoolmardy Terrace and Yelta Street, Port Clinton and Council endorsed to not support the ANZAC Memorial. Port Clinton Community Members have been notified of the outcome.	27/12/2023
13/12/2023	Development Services	25.1	299/2023	Council received the Minutes of the Access Advisory Working Party meeting held on 27 October 2023.	27/12/2023
13/12/2023	Development Services	25.4	302/2023	The Council Assessment Panel has been notified that Council re-appointed the existing four (4) Independent Members to the CAP in accordance with Section 83(1) of the Planning, Development and Infrastructure Act 2016, for a two (2) year term commencing 1 January 2024 and concluding 31 December 2025.	27/12/2023

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
13/12/2023	Development Services	25.5	303/2023	The Mayor and CEO signed and affixed the Common Seal to the relevant documents relating to a Land Management Agreement over 75 Dowlingville Slant Road, Dowlingville, as contained within Certificate of Title Volume 5480 Folio 180.	27/12/2023

16.3 CORRESPONDENCE RECEIVED IN RELATION TO THE 2024 SOUTH AUSTRALIA VOLUNTEER AWARDS**Document #:** 24/1468**Department:** Executive Services**PURPOSE**

To provide Elected Members with a copy of correspondence received from the Minister for Human Services the Hon Nat Cook MP.

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 Minister has written to advise that nominations for the 2024 South Australian Volunteer Awards will open between Monday, 15 January and Sunday, 10 March 2024.

DISCUSSION

The Awards recognise the invaluable work that volunteers, volunteer managers, community organisations and businesses contribute to the South Australian community.

Nominations can be made in the following categories:

- The Joy Noble Medal. South Australia's highest distinction for an individual volunteer, open to all individual volunteers across the State.
- The Andamooka Community Project Award. Awarded to a community, or group of volunteers, that has undertaken a community project resulting in significant community benefit.
- The Excellence in Volunteer Management Award. This award recognises the dedication and commitment of individuals who support and facilitate the engagement of volunteers.
- The Premier's Award for Corporate Social Responsibility. Recognises the strong contribution the business sector makes to our communities through philanthropy, partnerships or releasing employees for volunteer service.
- The Young Volunteer Award. Introduced for the first time in 2023, this award celebrates the achievements and contribution made by a young volunteer aged 12-25 years.

Any member of the public can nominate and self-nominations are accepted. Award guidelines and the online nomination form will be available from 15 January 2024 at www.vsant.org.au.

Elected Members and progress associations are encouraged to consider and nominate worthy recipients from within our community.

ATTACHMENTS

1. Correspondence - Minister Cook - SA Volunteer Awards  

OFFICIAL: Sensitive



23BDHS/1896

Hon Nat Cook MP

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

Via email: admin@yorke.sa.gov.auDear Mayor Braund *Darren*

I am pleased to advise that nominations for the 2024 South Australian Volunteer Awards will be open between Monday 15 January and Sunday 10 March 2024. The Awards, which recognise the invaluable work that volunteers, volunteer managers, community organisations and businesses contribute to the South Australian community, will be presented at a special Volunteers Recognition event hosted by Volunteering SA&NT on Wednesday 22 May 2024.

Nominations can be made in the following categories:

- **The Joy Noble Medal.** South Australia's highest distinction for an individual volunteer and is open to all individual volunteers across the State.
- **'The Andamooka' Community Project Award.** Awarded to a community, or group of volunteers, that has undertaken a community project resulting in significant community benefit.
- **The Excellence in Volunteer Management Award.** This award recognises the dedication and commitment of individuals who support and facilitate the engagement of volunteers.
- **The Premier's Award for Corporate Social Responsibility.** Recognises the strong contribution the business sector makes to our communities through philanthropy, partnerships or releasing employees for volunteer service.
- **The Young Volunteer Award.** Introduced for the first time in 2023, this award celebrates the achievements and contribution made by a young volunteer aged 12-25 years.

Any member of the public can nominate eligible recipients for these awards and self-nominations are accepted. Award guidelines and the online nomination form will be available from 15 January 2024 at www.vasant.org.au.

Applicants will be notified of the outcome of their nomination(s) by Volunteering SA&NT in April 2024. I trust you will help ensure that as many volunteer-involving organisations as possible are made aware of this important Awards program.

Yours sincerely

N Cook

Hon Nat Cook MP
MINISTER FOR HUMAN SERVICES

3 January 2024

Minister for Human Services
GPO Box 2832 Adelaide SA 5001 | DX 115
T: (08) 8463 6560 | E: ministerhumanservices@sa.gov.au | www.dhs.sa.gov.au | ABN: 11 525 031 744



OFFICIAL: Sensitive

16.4 UPDATE - SOUTHERN YORKE PENINSULA COMMUNITY CHILDCARE CENTRE**Document #:** 24/2699**Department:** Executive Services**PURPOSE**

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

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 with the Centre aiming to open in January 2024. 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 (AFLCS)) 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 AFLCS for the Maitland Childcare Facility. This included an ongoing annual lease agreement with reviews to be conducted biannually.

DISCUSSION

Council has been working with AFLCS and builder Romaldi Construction on required works to bring the Centre into operation as soon as possible. This will require internal completion of the building, handover to AFLCS and licensing approval from the Government of South Australia Education Standards Board.

Acknowledging the tight timeframes involved, Council issued a formal statement to the public on Friday, 5 January, to provide clarity and allow parents to prepare accordingly. The statement was shared with AFLCS for their distribution, on Council's website and Facebook page, the Yorke Peninsula Country Times, and directly with parents on the SYP Childcare Facebook group. Community response to the statement has been positive.

The statement reads:

The new Southern Yorke Peninsula Childcare Centre, the 'Minlaton Family Centre', is still expected to open for week 1, term 1, 2024, but parents are advised this may be affected by unforeseen construction delays.

Yorke Peninsula Council and operator Yorke Peninsula Learning & Care are doing everything possible to have the facility open for week 1, starting 30 January, in consultation with the building contractor.

If opening is delayed and parents urgently require care for the early part of term 1, they are encouraged to speak with Yorke Peninsula Learning & Care about using the Maitland Family Centre if this is a suitable temporary option for them.

Yorke Peninsula Council apologises for any inconvenience that may be caused if this becomes necessary and reiterates that this is a back-up option only, so that parents can be prepared, as all parties involved remain committed to opening the Minlaton Family Centre on 30 January.

The building delays have been caused by two issues. The first was unexpected groundwater; the second is the arrival of some playground equipment that remains on order.

Further updates will be provided as soon as possible. We appreciate all understanding and support as the childcare centre nears this major milestone.

Construction on the Centre resumed from the Christmas/New Year break on Monday, 8 January, with internal works including minor tiling, painting and electrical to be completed.

Maitland Family Centre has 100 children enrolled, and Minlaton Family Centre is projecting to open with an average of 40.4 children using the service per day (50.1% utilisation), with Wednesday being the busiest day initially at 60 children. These enrolment projections are based on 75% of families having now indicated which days they require care, and will be used by AFLCS to determine staffing levels.

Maitland Family Centre currently employs 20 staff averaging 20 hours per week (10.6 FTE), and Minlaton employs 29 staff (11 FTE). This equates to 49 staff (21.6 FTE) total, not including management. Minlaton staff are averaging 15.1 hours per week (on 15-hour minimum contracts) and actual hours will increase to meet community demand as required.

At present, 24 of these employees are receiving formal training (or are enrolled to start) for Certificate III or higher in Early Childhood Education. All staff are also receiving training including First Aid, Responding to Abuse and Neglect, and gaining documentation such as Working with Children checks, all of which are beneficial for community employment resilience.

ATTACHMENTS

Nil

17 CORPORATE AND COMMUNITY SERVICES

17.1 AGL WATTLE POINT WIND FARM COMMUNITY FUND 2023 - 2024

Document #: 23/118379

Department: Corporate and Community Services

PURPOSE

To inform Council of the outcome of the 2023/2024 AGL Wattle Point Wind Farm Community Fund evaluation.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Goal: 4 Community Engaged and Supported

Strategy: 4.3 Continue providing community grants, donations and sponsorships

BACKGROUND

AGL seeks to make a positive contribution to the communities in which it operates (e.g. Wattle Point Wind Farm). As a major employer and investor in the Yorke Peninsula region, AGL, as a part of this contribution, has established a fair and transparent community grants fund for projects to support communities affected by AGL operations in the Yorke Peninsula region.

In 2023/2024, AGL set aside \$20,000 (excluding GST) for communities and/or community groups within the area serviced by the Yorke Peninsula Council to support local initiatives and/or activities.

The AGL Wattle Point Wind Farm Community Fund is offered annually with Council providing an administrative support role for the advertising, application, evaluation and acquittal processes.

As with Council's community grants, Council again used an online application system which proved to streamline the process and was generally welcomed by the community.

DISCUSSION

The 2023/2024 AGL Wattle Point Wind Farm Community Fund was advertised in the Yorke Peninsula Country Times during October 2023 and was featured on Council's website and Facebook page whilst open for applications.

Applications opened on 18 October 2023 and at the time of closing (5.00pm Wednesday, 15 November 2023) 14 applications requesting a total of \$39,761.77 for projects to the value of \$79,938.77 were assessed for eligibility against AGL's Application Guidelines.

It should be noted that, at its discretion, AGL prioritises initiatives and activities with those communities most affected by the Wattle Point Wind Farm, primarily determined by proximity.

The AGL Grants Working Party consisting of Director Corporate and Community Services, Executive Assistant to Director Corporate and Community Services and an AGL representative met on Wednesday, 23 November 2023 via a Teams meeting and considered all applications individually and as a group and determined its recommendation for the distribution of funds. The agreed distribution is shown below:

Applicant	Project Details	Funding Requested	Their Contribution (Inc. in-kind)	Total Project Cost	Approved Allocation by AGL
Clem's Shed Incorporated	Electrical update in workshop area (lighting, power points, and additional fan installation)	\$2,020.00	\$270.00	\$2,290.00	\$2,020.00
Curramulka Bowling Club	Purchase new iPad to use with square cashless device	\$1,000.00	\$1,000.00	\$2,000.00	\$650.00
Edithburgh Golf Club	Purchase dishwasher, rangehood and microwave & electrician/installation costs	\$1,814.55	\$900.00	\$2,714.55	\$1,814.55
Edithburgh Institute Committee	Replace air conditioner in institute	\$2,000.00	\$1,000.00	\$3,000.00	\$2,000.00
Edithburgh Museum	Purchase materials to erect a four-bay shed behind museum	\$10,000.00	\$15,000.00	\$25,000.00	\$0
Minlaton and District Progress Association	Purchase of plaques for Minlaton 150th Celebrations	\$8,000.00	\$5,400.00	\$13,400.00	\$4,000.00
Minlaton District Community and Sports Centre	Installation of public defibrillator at facility	\$3,595.00	\$200.00	\$3,795.00	\$3,595.00
Price Progress Association	Large-scale artist mural	\$2,000.00	\$14,080.00	\$16,080.00	\$0

Applicant	Project Details	Funding Requested	Their Contribution (Inc. in-kind)	Total Project Cost	Approved Allocation by AGL
SYP Agricultural Society	Purchase laptop and mobile phones	\$1,338.40	\$0	\$1,338.40	\$1,338.40
SYP Community Hub	Purchase a new fridge/freezer to support community programs the Hub provides	\$1,158.20	\$680.00	\$1,838.20	\$1,158.20
SYP Historic Vehicle Club	Purchase Membership Management Software to help maintain legal obligation	\$2,750.00	\$1,267.00	\$4,017.00	\$1,500.00
Warooka and District Garden Club Inc	Purchase 2 Portable Dyson Purifier Hot/Cold Fans	\$1,300.00	\$300.00	\$1,600.00	\$0
Western United Sports and Community Club	Purchase and install x2 touch screen cash register with receipt printer, cash drawer and scanner included.	\$1,585.62	\$80.00	\$1,665.62	\$1,585.62
YP Incident Response Trailer (Stored at SYP Community Hub)	Annual Insurance Costs (Public Liability and Equipment) for the Yorke Peninsula Incident Response Trailer	\$1,200.00	\$0	\$1,200.00	\$600.00

ATTACHMENTS

Nil

17.2 AUDIT AND RISK COMMITTEE MINUTES - 5 DECEMBER 2023**Document #:** 23/118392**Department:** Corporate and Community Services**PURPOSE**

To keep Council informed with regard to regular Audit and Risk Committee Meetings.

RECOMMENDATION

That the report be received.

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

5.2 Effective leadership and informed decision making

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

5.5 Undertake effective risk management

5.8 Continuous improvement of Council processes

BACKGROUND

The Audit and Risk Committee is a Section 41 Committee of Council. A copy of the minutes from the meeting held on 5 December 2023 are attached.

DISCUSSION

Business discussed at the meeting centred around:

- Audit and Risk Committee Work Plan 2023
- Audit and Risk Committee Annual Review and Self-Assessment 2023
- September Quarterly Budget Review
- Internal Audit Planning 2023-2024
- Asset Management Update
- Excess Annual Leave Entitlements

ATTACHMENTS

1. **Audit and Risk Committee Minutes - 5 December 2023** [!\[\]\(df7f6e93d965b06827fa2a0dc09c6fea_img.jpg\)](#) 



MINUTES

Audit and Risk Committee Meeting

(Subject to confirmation)
5 December 2023

AUDIT AND RISK COMMITTEE MEETING MINUTES5 DECEMBER 2023

**MINUTES OF YORKE PENINSULA COUNCIL
AUDIT AND RISK COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER , MINLATON TOWN HALL, 57 MAIN STREET, MINLATON
AND VIA MICROSOFT TEAMS ON TUESDAY, 5 DECEMBER 2023 AT 3:04PM**

1 WELCOME BY CHAIRPERSON

Chair Rob Reiman welcomed everyone to the meeting, specifically Independent Member Sarah Beesley to her first meeting on the Audit and Risk Committee, and declared the meeting open.

2 PRESENT

Via Microsoft Teams - Chair Rob Reiman, Cr Tania Stock, Member Hussain Rafeeu, Member Sarah Beesley. At the Council Chamber – Cr Adam Meyer.

In Attendance

Via Microsoft Teams - Mayor Darren Braund, Andrew Cameron (CEO), Daniel Griffin (Manager Financial Services), Michael McCauley (Asset Manager), Bobbi Pertini (Manager People, Culture and Safety). At the Council Chamber - Ben Thompson (Director Corporate and Community Services) and Lauren McSkimming (Minute Secretary).

3 LEAVE OF ABSENCE

Nil

4 APOLOGIES

Amanda Pitt (Business Improvement Officer)

5 CONFLICT OF INTEREST

Chair Rob Reiman reminded all Members of the requirement to disclose any conflict of interest in relation to any matters before Council.

6 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION**COMMITTEE RESOLUTION**

Moved: Member Hussain Rafeeu

Seconded: Cr Adam Meyer

That the minutes of the Audit and Risk Committee Meeting held on 31 October 2023 be confirmed.

CARRIED 051/2023 (5/12/2023)

7 VISITORS TO THE MEETING

Nil

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REPORTS

8 NEW BUSINESS

8.1 AUDIT AND RISK COMMITTEE WORK PLAN 2023

PURPOSE

To consider and endorse an updated work plan for 2023.

COMMITTEE RESOLUTION

Moved: Cr Tania Stock

Seconded: Member Hussain Rafeeu

That the Audit and Risk Committee endorse the updated 2023 Work Plan.

CARRIED 052/2023 (5/12/2023)

8.2 AUDIT AND RISK COMMITTEE ANNUAL REVIEW AND SELF ASSESSMENT 2023

PURPOSE

For the Audit and Risk Committee to review and self-assess its performance for the 2023 calendar year, in accordance with clause 13 of the Audit and Risk Committee Terms of Reference.

COMMITTEE RESOLUTION

Moved: Cr Tania Stock

Seconded: Member Sarah Beesley

That the Audit and Risk Committee endorse:

1. The 2023 Audit and Risk Committee self-assessment results as presented; and
2. The 2024 Audit and Risk Committee work plan as presented.

CARRIED 053/2023 (5/12/2023)

Member Sarah Beesley commented that the self-assessment was really positive and good comments were provided. Sarah queried what the process was for any issues that might arise from the self-assessment process and Chair Rob Reiman explained that the self-assessment comments will be presented to Council for review at its next meeting.

The committee noted Councillor Tania Stock's response to comments in the self-assessment regarding the timing of the appointment of a third independent member to the committee

Chair Rob Reiman queried activity 3.3 Results of LGRS Risk Profiling Review, in the Audit and Risk Committee Work Plan 2024-2025 as there wasn't a particular timeline marked. Manager People Culture and Safety advised a report on this activity will be presented to the Audit and Risk Committee (Committee). The Chair requested staff to mark a meeting date on the Work Plan and not leave it blank so that the committee can follow up on its progress

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Considerable discussion ensued around the new legislation requirements of an Internal Audit Function under section 125A of the Local Government Act 1999.

Manager Financial Services advised the committee that he had attended the Local Government Financial Management Group Conference where this matter was discussed. There is no definition in the legislation as to specifically what an internal audit function is and there has been limited information and guidance from the LGA as to how Councils proceed with the new requirements. Chair Rob Reiman also commented and raised concerns on the process as to how reports from an internal auditor made directly to the committee would be handled as he has seen no guidance or information from the LGA regarding this issue.

Chief Executive Officer advised the Committee if they wanted to go down this path and appoint someone, it would have to be either an independent external function or Council will need to hire a person to fill this role as, based on current staffing resources, there's no one to fill the role on a full time basis.

Member Hussain Rafeeu advised the committee that his main concern was that Council was not in breach of the legislation and he would circulate to members a recent LGA communication on the reforms.

Chair Rob Reiman stated there has been limited guidance, information and direction from the LGA at this time, and as there could be no resolution or conclusion to the matter, wound up discussion on this issue and suggested it be followed up at the next meeting pending further guidance and information from the LGA.

8.3 SEPTEMBER QUARTERLY BUDGET REVIEW 2023-2024**PURPOSE**

To receive Council's endorsed September quarterly budget review (as at 30 September 2023) for Council's 2023/2024 budget and associated financial statements, ratios and changes.

COMMITTEE RESOLUTION

Moved: Member Hussain Rafeeu

Seconded: Member Sarah Beesley

That the Audit and Risk Committee receive Council's endorsed 2023/2024 September Budget Review changes as presented in the attached Summary of Changes, Statement of Comprehensive Income and Uniform Presentation of Finances and receive the updated Statement of Financial Position, Statement of Cash Flows, Statement of Changes in Equity and Financial Indicators (Ratios).

CARRIED 054/2023 (5/12/2023)

Member Hussain Rafeeu sought clarification on the major impact in reference to the Financial Assistance Grant (FAG) in the report. Manager Financial Services provided comment that it's hard to estimate the FAG and they're recognised as income on receipt.

Member Sarah Beesley asked staff for history on this report. Manager Financial Services, Director Corporate and Community Services and Chair Rob Reiman to meet and discuss the history with Member Sarah Beesley preceding the Audit and Risk Committee meeting in February 2024.

AUDIT AND RISK COMMITTEE MEETING MINUTES

5 DECEMBER 2023

8.4 INTERNAL AUDIT PLANNING 2024-2026**PURPOSE**

To seek endorsement of the Internal Audit Plan for 2024 – 2026.

COMMITTEE RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Tania Stock

That the Audit and Risk Committee endorses the three-year Internal Audit Plan for 2024 - 2026.

CARRIED 055/2023 (5/12/2023)

8.5 ASSET MANAGEMENT UPDATE**PURPOSE**

To update the Audit and Risk Committee on Asset Management activities.

COMMITTEE RESOLUTION

Moved: Member Hussain Rafeeu

Seconded: Cr Adam Meyer

That the report be received.

CARRIED 056/2023 (5/12/2023)

8.6 REPORT ON EXCESS ANNUAL LEAVE ENTITLEMENTS**PURPOSE**

To provide an update to the Audit and Risk Committee on the current annual leave management processes.

COMMITTEE RESOLUTION

Moved: Cr Tania Stock

Seconded: Member Sarah Beesley

That the report be received.

CARRIED 057/2023 (5/12/2023)

Member Sarah Beesley queried the dollar value on the liability of staff having excess leave. Manager Financial Services provided the Committee with dollar figures for the last two financial years. Chair Rob Reiman commented that there is assurance and confidence that the issue is being addressed.

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Councillor Adam Meyer suggested a solution following an effective operation within his workforce, where management have a meeting with staff and work out their leave for the following year so it's arranged and not conflicting with other staff. This ensures the build-up of leave does not occur. Staff to consider.

9 NEW AND EMERGING RISKS / ISSUES

- Sustainability Standards – The Australian Accounting Standards Board (AASB) have recently released draft Australian Accounting Sustainability Reporting Standards (ASRS) which will likely require system and process changes for Council in the future.
- New Technology (Artificial Technology in Finance Teams) – presentation highlighting the benefits and cautions in relation to use of this new technology for Council Finance Teams.
- Optus outage and Westpac (communications and banking) – large reliance on technology for business continuity.

10 GENERAL BUSINESS

Chair Rob Reiman advised the Committee and staff that the reporting requirements, as per Section 126 of the Local Government Act 1999, have changed and a report is to be provided to the Council after each meeting summarising the work of the Committee during the period preceding the meeting and the outcome of the meeting. Chair Rob Reiman suggested that due to no guidance as to what detail is to be included in such report, that the report staff currently provide to Council, which includes the minutes of the meeting and commentary, is sufficient. Members were in agreement that unless further guidance comes from the LGA, staff will continue to provide the minutes, with commentary, to Council as per current practice.

Chair Rob Reiman extended season's greetings to everyone and wished all the very best for the festive season.

11 NEXT MEETING

Tuesday 27 February 2024

12 CLOSURE

The Meeting closed at 4.10pm

The minutes of this meeting were confirmed at the Audit and Risk Committee Meeting held on 27 February 2024.

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CHAIRPERSON

18 ASSETS AND INFRASTRUCTURE SERVICES**18.1 CONSTRUCTION AND MAINTENANCE WORKS****Document #:** 23/122022**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 January 2024 meeting of Council.

RECOMMENDATION

That the report be received.

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

2.5 Install and upgrade appropriate traffic control device management

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

BACKGROUND

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

DISCUSSION

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

Road Name	Start Point	End Point	Status
North			
Clinton Road	Ardrossan Road	Thomas Road	Completed
Ardrossan Road	Clinton Road	Arthurton Township	Completed
Arthurton Road	Arthurton Township	Harmer Road	Completed
South			
New Honiton	Troubridge Hill	Goldsmith Beach	Completed
Bridge Road	St Vincent Hwy South	St Vincent Hwy Coobowie	Completed
Goldsmith Beach	St Vincent Hwy	Stansbury	Ongoing
Lime Kiln Road	St Vincent Hwy	Coast Road	Completed
Port Vincent Road	St Vincent Hwy	Young Avenue	Completed

- Attention to parks, gardens and reserves is ongoing, in accordance with available resources and programming.
- Approximately 68 Customer Service Requests (CSRs) have been attended to by staff throughout the reporting period, with activities including:

- Repairs to and replacement of signage: Ardrossan Second St, Third St & Fifth St, Boor Plains, Tiddy Widdy Beach, Edithburgh, Point Turton & Warooka
 - Maintenance to public conveniences: Port Clinton, Balgowan Caravan Park, Minlaton, Port Vincent, Yorketown & Edithburgh
 - Repairs and maintenance to footpaths: Price, Maitland, Ardrossan, Arthurlton, Port Vincent, Minlaton & Marion Bay
 - Response to acts of illegal dumping: Ardrossan (Jetty Carpark), Rocky Bend Road & Wauraltee (Conservation Drive).
 - Tree maintenance and planting: Minlaton, Hardwicke Bay, Sheoak Flat, Marion Bay & Yorketown
 - Coastal infrastructure maintenance: Port Julia, Port Victoria (Boat Ramp Repairs), Pine Point
 - Sealed and unsealed road maintenance: Minlaton & Maitland
 - Tree trimming: Ardrossan, Port Victoria, Weetulta, Marion Bay, Stansbury, Yorketown & Port Moorowie
 - Weed spraying: Edithburgh, Point Turton, Warooka & Stansbury
 - Repairs to ticket machines: Port Vincent, Point Turton, Ardrossan
 - Playground equipment maintenance: Nil
 - Boat ramp maintenance: Edithburgh
 - Stormwater infrastructure maintenance: James Well, Maitland, Minlaton, Parsons Beach & Point Turton
 - Cemetery maintenance: Ardrossan, Maitland & Port Victoria
- Jetpatcher – Staff from Operations North completed a run of Jet patching 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
Reconstructing and Resheeting				
Dowlingville Slant Road	Reconstruct and re sheet 2.43 km from Yorke Highway to Cooke Road	Earthworks, reforming completed, material delivered and currently re-sheeting in process	November	January
Sandy Church Road	Earthworks, reforming and re-sheet 3.4km.	Earthworks, reforming. Material currently being delivered.	January	February
Black Bobs Road	Earthworks, reforming and re-sheeting	Started on Black Bobs with reforming.	December	March
Heel Road	Reconstruct and re sheet 4300m	Earthworks have completed, awaiting delivery of PM220 mid-January	October	January

Beach Road	Shredding road and reform existing material	Road is ready for stabilizing treatment as part of Town Rehabilitation work	December	February
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- Patrol Grading is ongoing throughout the district aligned with the current circuit, technique, and available resources. Due to the change in grading practices in the drier months, Council have been concentrating on maintaining table drainage and targeting sections of the roads with water carts. The following list provides general information on the output levels over the past 24-day period in respective areas (sectors):

	North	Maitland	South	Central
Patrol Output (%)	83%	48%	50%	56%
Factors influencing Patrol Grader Operators Productivity				
Annual Leave			8%	
Personal Leave	4%	4%	16%	4%
Long Service Leave				
Workcover				
TOIL				2%
Maintenance			2%	4%
Other Projects				24%
Capital Projects (%)	13%	48%	24%	10%

- North Coast Road Upgrade – Stage 2**

The project commenced in mid-November and has been progressing well, with earthworks and pavement top up being undertaken, while stormwater infrastructure installation and kerbing works have been completed. Stage 2 is on track to be completed in February 2024, weather permitting.

- LRCIP Stage 3 status:**

- Twenty-four projects funded under Local Roads and Community Infrastructure Program Phase Three (due 30 June 2024) are 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.
 - Maitland West Terrace Dam.
 - Minlaton Rest Centre Exterior Upgrades.
 - 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.
- 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/Wastewater Treatment Plant (WWTP)**

- Port Victoria**

- Continued regular plant monitoring
 - Pump station 2 controls and monitoring systems upgraded

- Black Point**

- Continued regular plant monitoring
 - Gravity drains cleaned

- Sultana Point**

- Continued regular plant monitoring

- Bluff Beach**

- Continued regular plant monitoring

- Yorketown**

- Continued regular plant monitoring

- Maitland**

- Continued regular plant monitoring
 - Gravity drains cleaning and inspections programme continuing
 - Odour control system upgrade commenced

- Ardrossan**

- Continued regular plant monitoring
 - WWTP aerator repairs carried out
 - Gravity drains cleaned
 - Odour control system upgrade commenced

- Port Vincent**

- Continued regular plant monitoring
 - WWTP modem upgraded 3G to 4G

- Chinaman Wells**

- Continued regular plant monitoring
 - Pump Station 1 controls and monitoring system upgraded
 - WWTP aeration tank vent fan replaced

- Stansbury**

- Continued regular plant monitoring
 - Pitt Street pump station pump removed for repairs
 - WWTP modem upgraded 3G to 4G

- Hardwicke Bay**

- Continued regular plant monitoring
 - WWTP clarifier repairs carried out

- Point Turton**

- Continued regular plant monitoring

- Rogues Point**

- Continued regular plant monitoring

Foul Bay

- Continued regular plant monitoring

Port Julia

- Continued regular plant monitoring
- Jetty pump station new pump variable speed drives installed

Balgowan

- Continued regular plant monitoring
- Public toilet connection to CWMS including installation of dump point nearing completion

- **Water Schemes**

Marion Bay desal Plant

- Continued regular plant monitoring and general repairs
- Six monthly service completed by Osmoflo ready for busy holiday period
- Calcite filter modified to improve serviceability

Hardwicke Bay

- Continued regular plant monitoring and general repairs

Black Point

- Continued regular plant monitoring and general repairs

Balgowan

- Continued regular plant monitoring and general repairs

Port Rickaby Water

- Continued regular plant monitoring and general repairs

Standpipes

- Continued regular plant monitoring and general repairs

Septic tank pump outs

- Yorketown township due this financial year
- Tiddy Widdy beach township completed
- Foul Bay township due this financial year
- Stansbury township due this financial year

Minlaton Stormwater harvesting project

- Water available for pumping

Ardrossan Stormwater harvesting project

- Water available for pumping

Maitland stormwater reuse

- Water available for pumping
- Western dam spillway installation complete

(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 #: 23/121747

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 and road rules compliance, bush camping, fire prevention, nuisance complaints, pest animals (pigeons and cormorants) and dog and cat management issues.

Dog Attacks/Harassment

A resident of Stansbury was awoken during the night as a result of two dogs attacking his cat, which unfortunately died as a result of the attack. He was unable to positively identify the dogs due to the darkness. A Council Ranger investigated the incident and spoke to the owner of the suspected dogs, who denied his dogs were involved in the alleged incident. No further action was taken.

Wandering and Nuisance Dog

Rangers attended a property at Maitland in relation to ongoing community complaints about a dog regularly wandering at large. Due to the dog continually being a public nuisance the owner has surrendered the dog which has fortunately been rehomed in Adelaide.

A dog was detained by a member of the public at Corny Point. As a result of information received from the registration disc, the owner of the dog was contacted and collected the dog. They were cautioned as a result of the dog wandering at large.

A Council Ranger attended at the Maitland Golf Course because of a report of a dog wandering at large and causing a traffic hazard. Information obtained from the registration disc revealed the dog lived nearby and it was returned by the Ranger. The owner of the dog was cautioned for the dog wandering at large. Several days later during an electrical storm the same dog escaped its yard and was returned to its owner, who was again cautioned for the dog wandering at large.

A dog was impounded after it was seized by a Ranger wandering at large in Maitland. The microchip scan revealed the dog lived at an address in Maitland, however the registration had expired. The owner collected the dog after paying an impounding fee and was also expiated for owning an unregistered dog.

Cat Control

Council continues to receive complaints in relation to unowned cats in James Well, Rogues Point, Edithburgh and Balgowan. Council has completed removing cats from a deceased estate in Currumulka. Rangers have investigated and will continue to monitor and work with the community on reducing the impact of unowned cats.

Bush Camping

The number of campers using the bush camping reserves has increased significantly this month, with large numbers using the facilities. Council Rangers continue to manage campers in undesignated areas and those without permits in the designated areas. There were 27 Show Cause Notices issued during this reporting period. As a result of patrols by Council Rangers the weekend prior to Christmas, eight Expiation Notices were issued to campers for camping in an undesignated area and five Expiation Notices for campers who did not have a permit. Further to this, one camper was also issued an Expiation Notice for having a campfire.

Two Rangers patrolled daily for the last three days of 2023. During these three days 15 Expiation Notices were issued for persons camping in undesignated areas and seven Expiation Notices for persons camping in a designated camping area without a permit. Generally, it was observed that a very high percentage of campers in the designated campgrounds were compliant and had a permit.

Boat Ramps

Routine patrols of boat ramps were undertaken to ensure that users pay for the use of the facilities. Twenty-two 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 produce a valid permit/ticket and a reason as to why the ticket was not displayed. Records of cautions are maintained to determine repeat offenders.

During this reporting period three Expiation Notices have been 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.

During this reporting period two Expiation Notices were issued to the owners of vehicles for failing to angle park in Main Street, Minlaton and Robert Street, Maitland.

Local Nuisance and Litter Control

Rangers have been monitoring cormorant numbers and have continued to conduct the Cormorant Management Program at Stansbury and Port Vincent. The program will now cease until the busy holiday period has ended. Council Rangers have also been monitoring the pigeon numbers in Minlaton, Ardrossan, Clinton and Yorketown. Access to some Council structures are causing issues with the contractor as the birds are not accessible at night when conditions are favourable.

The owner of a property in Corny Point has also been directed to remedy the unsightly condition of his land. The issue will be monitored to ensure compliance with the direction.

As a result of Rangers investigating a complaint of illegal dumping of rubbish on Council land, an expiation has been issued to the offender.

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. As all these sites are cropped, these observations are now done monthly as the available fuel has cured to 100%. Most crops have now been harvested with the area average of available fuel reduced to approximately one tonne per

hectare. With recent rain events it is expected that the onset of greening may occur, further decreasing the amount of available fuel.

Council Fire Prevention Officers (FPOS) have completed all the property inspections throughout the Council area pursuant to Section 105 of The Fire and Emergency Services Act. A contractor was engaged by Council to conduct fire mitigation on properties which didn't address the necessary work themselves. Costs have been forwarded onto the property owners. Council may receive complaints regarding regrowth as a result of the recent rainfall.

Council FPOS have recently rejected several applications to light fires during the fire danger season.

ATTACHMENTS

Nil

19.2 ENVIRONMENTAL HEALTH OFFICER'S REPORT**Document #:** 23/122400**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 (22 September – 22 December 2023)

	September	October	November	December
Food Business Routine Inspections	0	0	0	0
Food Business Follow up Inspections	0	0	0	0
Food Recalls	3	2	3	3
Complaints	0	1	0	2
Non-Compliant Wastewater Systems	4	4	4	5
Notices Issued	0	0	0	0

ATTACHMENTS

Nil

19.3 WASTEWATER SYSTEM APPLICATION DECISIONS**Document #:** 24/256**Department:** Development Services**PURPOSE**

To inform the Elected Members of Wastewater Application decisions for the period 30 November to 31 December 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 16 Wastewater Applications completed for the period 30 November to 31 December 2023 (refer Attachment 1).

ATTACHMENTS

1. Wastewater System Application Decisions - 30/11/2023 - 31/12/2023 [↓](#) 

**LIST OF WASTE CONTROL APPLICATIONS & DECISIONS ISSUED BY THE ENVIRONMENTAL HEALTH OFFICERS
UNDER DELEGATION FOR THE PERIOD 30 NOVEMBER TO 31 DECEMBER 2023**

Septic App. No.	Owner	Location	Proposal	Conditions	Assess. No	Decision Date	Applicant
050/047/2022	PA Tabone & AM Elburn	(Lot 149) 106 Esplanade POINT TURTON	Septic & Soakage	14	110726	20 December 2023	Longridge Group
050/061/2023	NJ & SA Fisher	(Lot 105) 18A Esplanade WOOL BAY	Aerobic System	20	437335	8 December 2023	A Coleiro
050/067/2023	Modern PC Solutions Pty Ltd	(PTL 500) 8-10 Edithburgh Road YORKETOWN	CWMS Connection	18	402271	22 December 2023	Aitchison Plumbing Services
050/116/2023	GM Clothier & KR O'Connell	(Lot 51) 1 O'Halloran Parade EDITHBURGH	Aerobic System	22	210120	8 December 2023	GM Clothier & KR O'Connell
050/119/2023	WJ & JE Fraser	(Lot 4) 2 West Terrace MINLATON	Septic & Soakage	17	301150	7 December 2023	G Wahlstedt Pty Ltd
050/127/2023	Frost Pawley Developments Pty Ltd	(Lot 32) 2 Clift Road ARDROSSAN	Septic & Soakage	18	421362	18 December 2023	TMK Consulting Engineers
050/143/2023	PJ & MG Minerds	(Sec 303) Artherton Road ARDROSSAN	Septic & Soakage	18	439034	8 December 2023	S Palecek
050/145/2023	PR & JL Nelson	(Lot 1) 7 Yoolymardy Terrace PORT CLINTON	Aerobic System	19	41137	8 December 2023	Country Living Homes Pty Ltd
050/162/2023	PL Rice	(Lot 27) 1 St Ledger Avenue MAITLAND	Aerobic System	20	412601	30 November 2023	Longridge Group Pty Ltd
050/164/2023	Community Care & Transport	(Lot 3) 18 Fourth Street MINLATON	Septic & Soakage	13	301937	14 December 2023	A Cotton
050/165/2023	D & F Catford	(Lot 864) 4 Fifth Street ARDROSSAN	CWMS Connection	15	638	19 December 2023	S Palecek

050/168/2023	D George	(Lot 10) 5 Lulu Court PORT VINCENT	CWMS Connection	16	414409	1 December 2023	D George
050/171/2023	RL & WN Brown	(Lot 1) Grain Stack Road STANSBURY	Septic & Soakage	19	410613	11 December 2023	Country Living Homes Pty Ltd
050/173/2023	S Flack	(Lot 32) 114 Sultana Point Road EDITHBURGH	Septic & Soakage	20	437087	14 December 2023	S Flack
050/180/2023	Z & T I Kuzniecowa	(Lot 46) 1 Michael Street STANSBURY	Aerobic System	18	209031	21 December 2023	Longridge Group
050/183/2023	Yorke Peninsula Council	(PTL 10) 25 Waimana Court PORT RICKABY	Holding Tank	10	416966	7 December 2023	Yorke Peninsula Council

19.4 DEVELOPMENT APPLICATION DECISIONS**Document #:** 24/197**Department:** Development Services**PURPOSE**

To inform the Elected Members of Development Application decisions for the period 30 November to 31 December 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 35 Development Applications completed on the SA Planning Portal for the period 30 November to 31 December 2023 (refer Attachment 1).

ATTACHMENTS

1. Development Application Decisions - 30/11/2023 to 31/12/2023 [↓](#) 

DEVELOPMENT APPROVALS – DEVELOPMENT ASSESSMENT PORTAL – 30 NOVEMBER TO 31 DECEMBER 2023

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
23036393	T Clerke	7 TALBOT RD PORT VINCENT SA 5581	Carport (13.1m x 3.6m x 3.0m)	Yorke Peninsula Council	18 Dec 2023	Development Approval Granted
23033903	Anna Binna Farming Pty Ltd	697 CLINTON RD MAITLAND SA 5573	Implement Shed - extension to existing agricultural building	Yorke Peninsula Council	17 Nov 2023	Development Approval Granted
23033468	T Whittaker	220 ROWNTREE RD PETERSVILLE SA 5571	Attached flat roof verandah (paperbark) on northern side of house; paperbark box beam; manor red ...	Yorke Peninsula Council	2 Dec 2023	Development Approval Granted
23033288	D GEORGE	5 LULU CT PORT VINCENT SA 5581	Detached dwelling and outbuilding.	Yorke Peninsula Council	15 Nov 2023	Development Approval Granted
23033220	E MAHAR	1121 DIDLYAMULKA RD KOOLYWURTIE SA 5575	COLORBOND FARM SHED (21.7m X12m X 4.0m)	Yorke Peninsula Council	16 Nov 2023	Development Approval Granted
23033149	P Bollenhagen, J Bollenhagen	29 OSPREY ST PORT JULIA SA 5580	Outbuilding & Verandah	Yorke Peninsula Council	15 Nov 2023	Development Approval Granted
23032144	A McCann	13 REEF CR POINT TURTON SA 5575	Outbuildings - shed and verandah	Yorke Peninsula Council	20 Nov 2023	Development Approval Granted
23032041	C Brook	3 FOURTH ST ARTHURTON SA 5572, 3 FOURTH ST ARTHURTON SA 5572	Variation to DA 544/1143/2017 for light industry (engineering workshop) to alter conditions apply...	Yorke Peninsula Council	31 Oct 2023	Development Approval Granted
23030752	R Holt, R Holt, J Holt	95 PARSONS BEACH RD PARSONS BEACH SA 5575	Outbuilding	Yorke Peninsula Council	25 Oct 2023	Development Approval Granted
23030673	P Ceccato, L Ceccato	LOT 120 TRELOAR RD MINLATON SA 5575	2 x Outbuilding	Yorke Peninsula Council	10 Nov 2023	Development Approval Granted

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
23030285	J MACHADINHO	141 MOORES DR HARDWICKE BAY SA 5575	6mx6mx3m garport attached	Yorke Peninsula Council	13 Dec 2023	Development Approval Granted
23028710	G WYATT	35 OCEAN PDE BALGOWAN SA 5573	Carport	Yorke Peninsula Council	16 Oct 2023	Development Approval Granted
23028109	L JACOBS	16 JACOBS LANE CLINTON SA 5570	Outbuilding - Garage & Agricultural Building - Machinery Shed	Yorke Peninsula Council	28 Sept 2023	Development Approval Granted
23027692	P Reynolds, G Reynolds	29 SOUTH TCE STANSBURY SA 5582	Outbuilding (garage to replace existing)	Yorke Peninsula Council	25 Oct 2023	Development Approval Granted
23027156	D Manifold, S Howard, D Sanders	39-39A FIRST ST ARDROSSAN SA 5571	Land Division - 1 into 2	Yorke Peninsula Council	28 Sept 2023	Development Approval Granted
23026986	T Campion	21 CURRAMULKA RD PORT VINCENT SA 5581	Outbuilding	Yorke Peninsula Council	14 Sept 2023	Development Approval Granted
23026968	J Cook	8895A YORKE HWY MINLATON SA 5575	Extension to existing Agricultural Building	Yorke Peninsula Council	9 Oct 2023	Development Approval Granted
23026870	S Beale, B Beale	8 PARSEE ST EDITHBURGH SA 5583	Outbuilding (shed), Carport & 2 x Verandahs	Yorke Peninsula Council	11 Oct 2023	Development Approval Granted
23025671	A CRABB	PARSONS STREET, PT VINCENT, PARSONS STREET, PT VINCENT	Outbuilding	Yorke Peninsula Council	12 Sept 2023	Development Approval Granted
23025230	Yorke Peninsula Council	LOT 102 BAYVIEW RD POINT TURTON SA 5575	Outbuilding - Storage Shed	Yorke Peninsula Council	1 Sept 2023	Development Approval Granted

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
23022975	A Tran	7 SAILORS ST ARDROSSAN SA 5571	Outbuilding (shed/carport)	Yorke Peninsula Council	16 Nov 2023	Development Approval Granted
23022151	B Badman, R Badman	LOT 400 PARK TCE N EDITHBURGH SA 5583	Land Division 1 into 2	Yorke Peninsula Council	8 Aug 2023	Development Approval Granted
23021873	C Marcell, J Marcell	LOT 51 INVESTIGATOR RD PORT VICTORIA SA 5573	Detached Dwelling	Yorke Peninsula Council	31 Jul 2023	Development Approval Granted
23020915	W Fraser	2 WEST TCE MINLATON SA 5575	New single storey dwelling, retaining wall and associated earthworks.	Yorke Peninsula Council	20 Jul 2023	Development Approval Granted
23020196	Care in Motion	18 FOURTH ST MINLATON SA 5575	Demolish existing toilet facility and erect new unisex accessible toilet facility	Yorke Peninsula Council	14 Jul 2023	Development Approval Granted
23019480	J Bartel, R Bartel	10 BULLOCK ST ARDROSSAN SA 5571	Proposed dwelling of approximately 107.06 m2 with 3 bedrooms to be constructed on a concrete raft...	Yorke Peninsula Council	8 Jul 2023	Development Approval Granted
23018225	Pawley Frost Property Trust co Zummo Design	LOT 32 CLIFT RD ARDROSSAN SA 5571	Construction of a warehouse building containing four (4) tenancies with signs, freestanding signa...	Yorke Peninsula Council	8 Aug 2023	Development Approval Granted
23017254	G Roesler	1713 CHINAMAN WELLS RD CHINAMAN WELLS SA 5573	Outbuilding (10m x 9m x 3.6m)	Yorke Peninsula Council	19 Jun 2023	Development Approval Granted
23014940	T Pavia, F Pavia	55 CAPTAIN HUTCHINSON DR POINT TURTON SA 5575	Single storey detached dwelling & outbuilding (shed)	Yorke Peninsula Council	6 Jun 2023	Development Approval Granted
23010552	P Minerds	LOT 303 ARDROSSAN RD ARDROSSAN SA 5571	Detached Dwelling , 2 x outbuildings & 2 shipping containers (12.2m x 2.4m x 2.9m).	Yorke Peninsula Council	21 Apr 2023	Development Approval Granted

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
23005497	T Baccanello	12 DOLPHIN DR MARION BAY SA 5575	Outbuilding (shed)	Yorke Peninsula Council	9 Mar 2023	Development Approval Granted
22019167	P Butcher	21 EDWARDS ST BLUFF BEACH SA 5575	Two Storey Detached Dwelling	Yorke Peninsula Council	8 Jun 2022	Development Approval Granted
22010203	J Torresan	LOT 107 BLACK POINT DR BLACK POINT SA 5571	Alterations and additions to an existing dwelling, construction of a sea wall, earthworks exceedi...	Yorke Peninsula Council	25 Mar 2022	Development Approval Granted
21029946	C Sparke	15 WHIPBIRD WAY MARION BAY SA 5575	Two Storey Detached Dwelling, Outbuilding and Retaining Walls and associated earthworks retaining...	Yorke Peninsula Council	1 Oct 2021	Development Approval Granted
20000637	N Olesen, J Gutierrez Contreras	8 PARARA AV MAITLAND SA 5573	Change of use - To be used as caretaker dwelling	Yorke Peninsula Council	16 Sept 2020	Refused

20 VISITORS TO THE MEETING

1. Charmaine Kimber – Lot 72 Community Land – Rescission Motion Dockside Development
2. Ian Markos – Lot 72 Community Land – Rescission Motion Dockside Development
3. Roger Hogben & John Edwards – Vietnam Memorial Walk
4. Garry Clothier & Kate O'Connell – Vietnam Memorial Walk
5. Malcolm Stanton – Vietnam Memorial Walk

DEBATE AGENDA

DEBATE AGENDA

21 MAYOR

Nil

22 CHIEF EXECUTIVE OFFICER

22.1 LEGATUS CHARTER REVIEW AND DRAFT STRATEGIC FRAMEWORK

Document #: 23/121623

Department: Executive Services

PURPOSE

To seek Council endorsement of the proposed alterations to the Legatus Group Charter and draft Legatus Group Strategic Plan Framework.

RECOMMENDATION

That Council:

1. Receive and note the Legatus Group Charter Review Report.
2. Endorse the draft new Legatus Group Charter.
3. Endorse the draft Legatus Group Strategic Plan Framework.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance and Leadership

Strategy: 5.2 Effective leadership and informed decision making

BACKGROUND

The Legatus Group is a regional subsidiary, established under Section 43 of the Local Government Act 1999, of which Council is one of 15 constituent Councils. The purpose of the Legatus Group is to undertake the co-ordination, advocacy and representation of the constituent councils at a regional level.

The Legatus Group appointed BRM Advisory to undertake a review of the Legatus Group Strategic Plan and Charter Review. After consultation with Legatus Group members, a report was prepared along with a draft new Charter and a draft Strategic Framework for the Legatus Group Board's consideration.

For the Legatus Group Charter to be amended a resolution must be passed by a simple majority of the constituent Councils. The constituent Councils must take into consideration the recommendation of the Legatus Group Board who have endorsed these variations. Any changes will be advised to the Minister and gazetted as appropriate.

DISCUSSION

As one of the 15 constituent Councils of the Legatus Group, Council is required to make a decision to approve or not the draft Legatus Group Charter and draft Legatus Group Strategic Plan Framework.

BRM Advisory have provided a Strategic Review Report (attachment 1) which provides a summary of how the review has been undertaken and makes 22 recommendations that have informed a draft amended Legatus Group Charter (attachment 2) and draft Legatus Group Strategic Plan Framework (attachment 3).

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Nil

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

- Legatus Group

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

Nil


RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

It is imperative that constituent Councils have the opportunity to formally consider and endorse strategic documentation for the Legatus Group which imposes a legal and financial requirement upon the constituent Councils.

Local Government Act 1999.

Legatus Group Charter.

ATTACHMENTS

1. Legatus Charter Review Report - BRM Advisory [↓](#) 
2. Draft New Charter - Legatus [↓](#) 
3. Draft Strategic Plan Framework - Legatus [↓](#) 
4. Draft Minutes - Special Meeting - Legatus - 15/12/2023 [↓](#) 



Strategic Review Report

Prepared for the Legatus Group

December 2023

Final

BUSINESS • RESOURCE • MANAGEMENT



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EXECUTIVE SUMMARY

The fifteen Councils that comprise the Legatus Group membership have a long history of working together for the benefit of the region. This strategic review provides the Legatus member Councils with the opportunity to reflect on the role and functions of the regional subsidiary and the activities that will create value and achieve positive outcomes for Councils and communities.

The key strength of Legatus is its capacity to advocate on behalf of the region with the powerful united voice of fifteen elected community leaders. Members have asked for a Charter and strategy that leverages this strength and unlocks the potential for Legatus to play a greater role in attracting investment and services to the region and building the financial capacity of Councils to deliver services to their communities.

To create the resourcing capacity for more targeted and tactical advocacy, Legatus will have to do less of other things. Members have asked for a more succinct and focussed agenda with matters of strategic importance to local government at the regional level at its heart. Members have also asked that this agenda be delivered in partnership with other organisations with shared goals to reduce duplication and overlap and optimise the use of Legatus resources.

This report provides a summary of how the strategic review has been undertaken and makes twenty-two recommendations that have informed a draft amended Charter and strategic plan framework.

The proposed Charter revises and reorganises the objects and purposes of Legatus to strengthen the focus on advocacy and provide more clarity about why the Regional Subsidiary exists. A proposed rolling four-year Business Plan will consolidate the functions of a Strategic Plan, Two-Year Action Plan, Annual Business Plan and Long-Term Financial Plan and provide a more agile approach to business and financial management.

At the same time, the amended Charter does not unreasonably limit the functions of Legatus. It is important to provide a broad range of opportunities to meet the current and future needs of its members. The review has looked for opportunities to achieve flexible regulation and find the right balance between a Charter that *enables* activities to occur rather than one that *requires* them to occur.

A new strategic plan framework has been prepared to organise the key functions, objectives, priorities and performance outcomes of Legatus under three strategic pillars of *Advocate*, *Coordinate* and *Operate*. This Plan will inform the first iteration of the Legatus Business Plan by providing clear strategic direction about the outcomes that Legatus is striving to achieve and how they can be measured.

Implementation of the proposed changes to focus on advocacy would be enhanced by the Legatus Group changing its name to something that is more aligned to its purpose, such as the Northern and Yorke Local Government Association.

The proposals recommended in this report are mostly incremental changes rather than radical structural reforms. This reflects the feedback received from members that Legatus has a solid foundation, and with the right frameworks and focus, can deliver a strong value proposition to its members.

The adoption of an amended Charter and new strategic plan framework is an exciting opportunity for Legatus to reset its agenda and build on the proud history of fifteen Councils working together for the benefit of the region.

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1. INTRODUCTION

1.1 The Legatus Group

The Legatus Group ('Legatus') is the trading name of the *Central Local Government Region*, which is a regional subsidiary established by fifteen Councils and constituted under the *Local Government Act 1999* ('the Act').

Constituent Councils ('Legatus Councils') are:

- Adelaide Plains Council
- The Barossa Council
- Barunga West Council
- Clare and Gilbert Valleys Council
- Copper Coast Council
- The Flinders Ranges Council
- Regional Council of Goyder
- Light Regional Council
- District Council of Mount Remarkable
- Northern Areas Council
- District Council of Orroroo/Carrieton
- District Council of Peterborough
- Port Pirie Regional Council
- Wakefield Regional Council
- Yorke Peninsula Council

The regional organisation was first established in 1998 as a 'controlling authority' under the *Local Government Act 1934* and has continued in existence under various governing documents since that time.

The current Legatus Charter, dated 9 September 2022, outlines twelve objects and purposes for which the Group is established, which can be broadly themed as advocacy, representation, coordination, collaboration and partnerships. The subsidiary provides a forum for Legatus Councils to come together to discuss and progress strategic and operational matters of common interest across the region.

The Charter is set out in a manner that complies with the requirements of the Act, including details about the board and its powers, functions and duties; and provisions relating to employment and staffing matters, business planning and financial affairs. The Charter is required by the Act to be reviewed at least once every four years. Legatus has been undertaking more frequent reviews at two-year intervals and made incremental changes to its governance in line with member feedback and expectations.

The current Legatus Strategic Plan 2018-2028 was adopted in May 2018 and outlines 5 goals and 25 strategies for progressing the stated purpose of the Legatus Group:

- *speaks with one voice on what matters most to our communities;*
- *works together efficiently making the best use of available resources for delivery of services; and*
- *builds partnerships with those who can contribute to stronger and more sustainable communities.*

The current Strategic Plan also includes a three-year Action Plan, which is a high-level list of priority actions to be undertaken to implement the adopted strategies.

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1.2 Strategic Review

A strategic review was commissioned by the Legatus Board in September 2023, which is the culmination of the discussions between Legatus and its members over the past two years and comprises two key components.

- 1. Undertake a full review of the Legatus Group Charter with specific emphasis on narrowing and limiting the current operational focus of the Legatus Group and pivoting to its key responsibility of advocacy.*
- 2. Facilitate the development of a new Strategic Plan for the Legatus Group with specific emphasis on narrowing and limiting the Strategic Plan to items of clear and direct relevance to member Councils only and pivoting to the key responsibility of advocacy.*

The key context for the review is summarised below:

- Members are seeking a stronger focus on advocacy as the core purpose of Legatus.
- The current Charter is reflective of the regionalisation and commercialisation agendas being discussed at the time it was first prepared (approximately 2015-2016), which envisaged a stronger role for regional bodies in the planning, coordination and delivery of services to, or on behalf of, councils. Regionalisation reforms and commercial activities undertaken by regional bodies have not eventuated at a sector level to the extent anticipated at the time.
- Some members have expressed uncertainty about the value proposition Legatus, with a view that Legatus is involved in services and projects that are not relevant or delivering value equitably to its membership. Some members have expressed concern about duplication or overlap with other organisations and service providers. Despite these concerns, there is a strong sense within the membership about the value of unity and speaking with one voice as a region.
- Most members (eleven) have endorsed a new draft Strategic Plan, some with conditional approval or commentary about potential improvements. Four members have not endorsed the draft Strategic Plan, with the primary feedback being that it needs a narrower focus with a stronger emphasis on advocacy.
- Members would like to see more succinct and focussed Plans with clear and measurable goals and targets to monitor performance. Some members also identified the opportunity to achieve better alignment of the Strategic Plan, Annual Business Plan and Budget.
- One council has given notice of its intention to withdraw from Legatus in October 2024, subject to the outcomes of the review and an assessment of performance.
- The Board has also commissioned a review of the Legatus CEO position (not the performance of the person holding the position) to align the key functions and terms of the role to the objects and purposes of Legatus. This will be progressed separately once the outcomes of this review have been settled by the Legatus Board.

This report provides the findings and recommendations of the strategic review of the Legatus Charter and Strategic Plan.

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1.3 Scope of Works

In undertaking this strategic review we have:

- Reviewed the current Legatus Charter (adopted 2022)
- Reviewed the current and draft Legatus Strategic Plan
- Considered existing regional Plans and Strategies adopted or endorsed by Legatus
- Reviewed the outcomes of previous member consultation of the Legatus Charter and Strategic Plan, as summarised in Legatus Board papers
- Consulted with Legatus Members (Mayors, CEOs and committee members) through surveys, interviews and workshops
- Undertaken a comparative review of the governing documents of other South Australian regional local government bodies
- Reviewed the business plans of other regional subsidiaries in local government
- Considered the requirements of the Local Government Act 1999 relating to a Section 43 Regional Subsidiary and sought informal advice from the Office of Local Government.

2. MEMBER CONSULTATION

As one of the key objectives is to ensure that Legatus is meeting the needs of its members, the feedback received from Legatus Council Mayors and CEOs has been a primary input to this review. Feedback has also been sought from the members of three existing Advisory Committees, which include Council officers working in the areas of waste, infrastructure and CWMS.

A snapshot of consultation is provided below:

- Sixteen (16) responses to an online survey capturing feedback from twelve (12) Legatus Councils (7 Mayors and 9 CEOs completed the survey)
- Eight (8) 1-1 interviews (4 Mayors and 4 CEOs)
- A half day workshop held on 20 October with eighteen (15) attendees representing ten (10) Legatus Councils (10 Mayors and 5 CEOs)
- Feedback from attendees at three (3) Advisory Committee Meetings.

At least one person (either the Mayor or CEO) from each member Council participated in at least one consultation activity, however it is noted that the consultation did not have participation from every Mayor and CEO and has not included engagement with other elected members and staff from Constituent Councils.

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2.1 Summary of Consultation

An online survey was provided as one way for Legatus Councils (via the Mayor and CEO) to share their views and inform the review of the Charter. Mayors and CEO were also invited to participate in a 1-1 interview to further discuss their views and any additional matters that the review should consider.

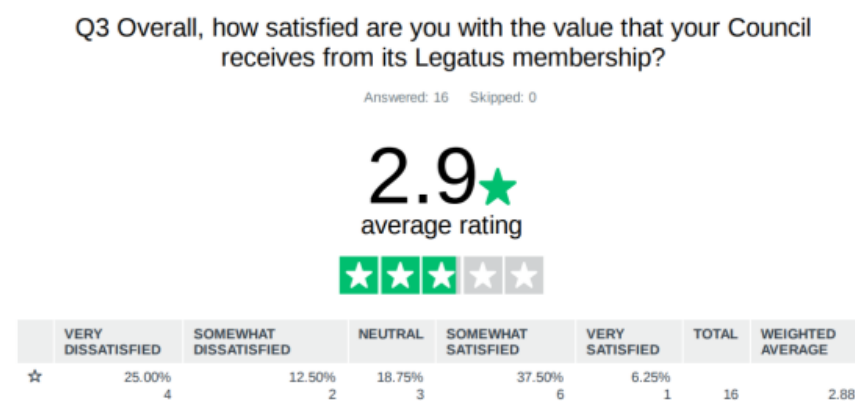
The results from the survey were shared at the 20 October workshop, with attendees confirming that the results were an accurate reflection of the views of the membership and provided a clear guide to the priorities for the review.

A high-level summary of the consultation outcomes is provided in this section.

2.1.1 Member Satisfaction

Members were asked to rate their current level of satisfaction with the value being delivered by the Legatus Group. This question was asked to gain an indication of the scope and opportunity for change. As shown in Figure One, responses were received across the spectrum from very satisfied to very dissatisfied. The average rating of 2.9 out of 5 confirms that there is a solid foundation within the membership with significant room for improvement to increase overall satisfaction.

Figure One: Overall Member Satisfaction Score



From the 1-1 interviews and workshop discussions, the key drivers of satisfaction ratings relate to how well Legatus is performing on its 'core purpose' of advocacy. There is a strong sense in the membership that Legatus needs a more focussed agenda and to get 'back to basics'.

Comments also reflected that Legatus has become too involved in operational matters. It was consistently noted that Legatus is a large and diverse region and that the operational needs of Councils in the region vary greatly; therefore, Legatus has less relevance and value when it becomes involved in how Councils operate and looks for 'one size fits all' solutions to complex issues in a diverse environment.

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Some members would support a structural review to determine if Legatus should continue to operate as a single region of fifteen councils or separate into two smaller regional groupings. However, the prevailing view is that a stronger focus on advocacy will make Legatus more effective in its current form. As one participant said, *'Having a membership of fifteen Councils makes sense when you are coming together to advocate, it doesn't make sense for operational matters'*.

2.1.2 Legatus Functions and Services

To guide the review of the objects and purposes of Legatus, the survey asked participants to rate whether they want more or less of certain functions of services from Legatus. Each function / service was rated on the following scale about how much focus it should give it:

- 1 = Not at all
- 2 = Somewhat less
- 3 = About the same
- 4 = A bit more
- 5 = A lot more

The weighted average ratings are summarised in Table One and support the position that members are seeking a much stronger focus on advocating on local government matters of importance such as funding, in collaboration with the LGA / SAROC.

The responses also indicate the areas where Legatus is delivering less perceived value to its members, such as community projects, committees, member services, forums and events, grants, and research. Focussing less on these areas will create additional resourcing capacity within Legatus to expand its advocacy role.

Table One: Legatus Function and Services – More or Less?

Functions or Services	Weighted Average	Level of focus
Advocating on local government matters of regional importance (eg funding, regulation, cost shifting)	4.5	Much more of this
Working Collaboratively with the LGA and SAROC to advance common interests	3.68	A bit more of this
Advocating on broader community matters of regional importance (eg health, education, social services etc)	3.38	About the same
Undertaking projects / activities that assist councils to meet their core legislative service obligations (eg roads, waste, CWMS, emergency management etc)	3.31	About the same
Facilitating networking and information sharing across councils	3.25	About the same
Coordinating and facilitating the sharing of resources / service delivery within the region	3.13	About the same
Assisting member councils to identify and apply for grants and other external funding	2.81	Less of this

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Undertaking research and consultation to develop policy positions to support effective advocacy	2.69	Less of this
Hosting / facilitating events and forums on topics of interest to member councils	2.44	Less of this
Providing services to member councils on a fee-for service basis	2.31	Much less of this
Administering and supporting regional committees and advisory working groups	2.31	Much less of this
Undertaking projects / activities with a broader community / regional focus (eg volunteering, regional leadership, youth etc)	2.31	Much less of this

The positions outlined in Table One were further supported by the responses to questions about what Legatus should keep, stop and start doing. The top three responses to these questions are provided in Table Two below.

Table Two: What should Legatus Keep, Stop and Start doing?

KEEP DOING	STOP DOING	START DOING
Advocacy / Voice for the Region (16)	Research projects / engaging with Universities (12)	No additional functions / services (5)
Networks / Information Sharing (7)	Social / Community Initiatives (7)	Sharing best practice / common issues (4)
Roads / SLRP (6) Work with LGA / SAROC (6) Shared Resources/Efficiency (6)	Events / Forums / workshops (4)	Improved advocacy / Advocacy Plan (3)

Survey responses were further explored through 1-1- interviews, the member workshop and committee meetings. Some key observations are provided below.

Advocacy

A focus of the consultation was to determine whether there is a common picture of what successful regional advocacy looks like. Members consistently noted that the strength of fifteen Councils speaking with one united voice on issues affecting the region is the most important outcome they are seeking. Members are looking for Legatus to be more proactive in its advocacy through a planned and coordinated approach.

There was strong support for the development of an advocacy plan and framework to prioritise issues and guide when Legatus would take the lead, when a matter should be escalated to the LGA via SAROC, and when a matter should be progressed at a local or sub-regional level. The development of the advocacy plan and framework is a priority activity for Legatus to undertake in the next financial year, with the intention that the advocacy plan will be reviewed annually along with the business plan and budget.

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It is not intended that Legatus will be responsible for all advocacy activities in the region, noting that there are existing relationships with State and Federal members and officials that can be leveraged. Rather, it is envisaged that Legatus will develop an advocacy plan outlining key positions, asks and activities (particularly in the lead up to State and Federal elections) to guide a coordinated and consistent approach to advocacy on common issues across the region.

Shared Services and Policy Consistency

Members presented mixed views about whether Legatus should play a role in coordinating shared services across the region. Some see Legatus as an ideal forum to address challenges such as workforce and skills shortages or consistent service standards; others consider that these operational matters are best tackled at a sub-regional level and driven by relationships between CEOs.

The Regional Waste Strategy was provided by some as a good example of work undertaken by Legatus to set common goals across the region, while leaving operational decision making to individual Councils.

While this remains a contested area of focus for Legatus, the consultation reinforced the value of having a forum for sharing best practice and working together to develop solutions to shared issues.

Committees

While administering and supporting committees and advisory groups was deemed through the survey to be something that Legatus should do less of, discussions with the members of the existing committees found that they are delivering benefits to the participants. Key benefits include information sharing, building networks, getting complex issues and potential risks 'on the radar', and developing solutions to shared challenges.

In particular, it was felt strongly that the Road and Transport Infrastructure Advisory Group should be retained given its important roles of undertaking regional transport planning, coordinating funding submissions for the Special Local Roads Program and successfully advocating to the LGA for changes to the governance and processes of the Local Government Transport Advisory Panel (LGTAP).

However, it was considered by some members that the role of committees needs to be revisited through a Terms of Reference review to ensure they are not creating additional work for Legatus in the operational space and stepping into the decision making domain of Council CEOs.

2.1.3 Directions for the Review

To seek directions from Legatus members about the key directions for the review, the survey asked participants to state the extent to which they agree or disagree with sentiments that had arisen from previous members consultation using the following rating scale:

1 = Strongly disagree

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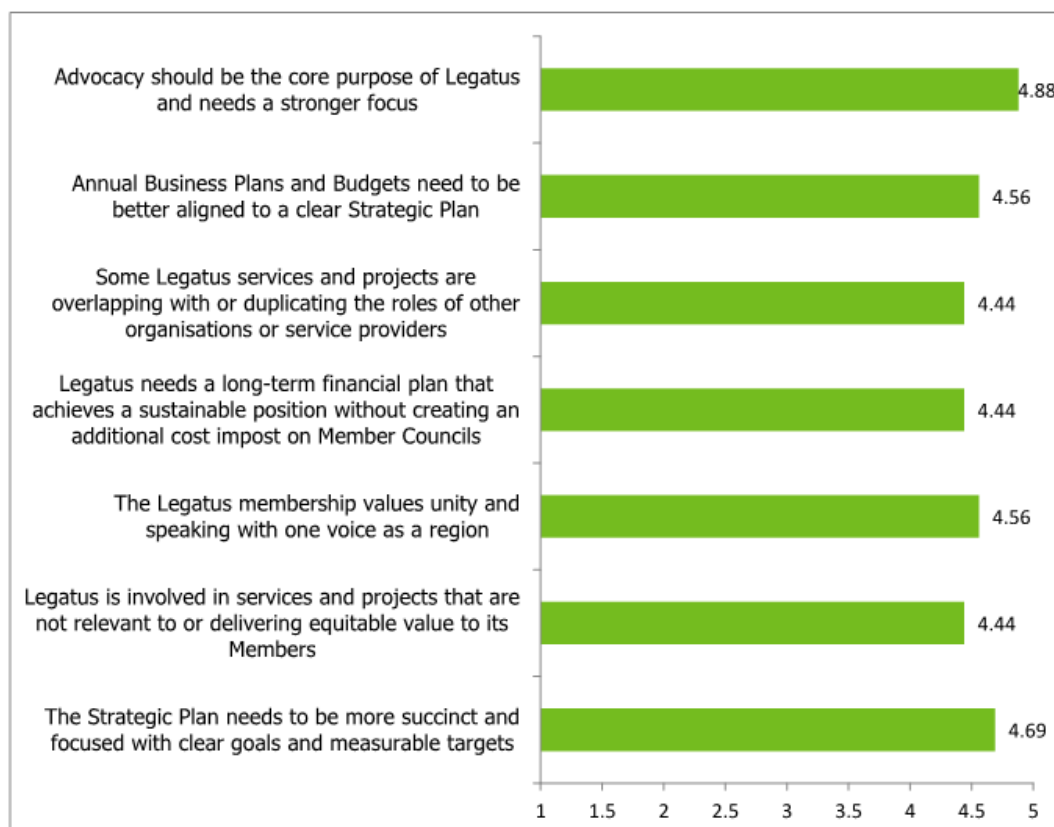
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2= Somewhat disagree
3 = Neutral
4 = Somewhat agree
5 – Strongly agree

The weighted averages of the responses are provided in Figure Two and confirm strong agreement with the opportunities for strategic and operational reform.

Figure Two: Key directions for the Strategic Review (weighted average)



Throughout the consultation it was consistently noted that there is too much on the agenda and Legatus needs to bring things 'back to basics'. It was also recognised that the Board needs to provide more direction on purpose and priorities and apply a stronger filter when making decisions about whether to commence or continue a project or initiative. Adopting a more succinct and focussed business plan was seen as a key part of achieving this aim.

Inconsistency between the Strategic Plan and Annual Business Plan was identified as an issue, with some members commenting that there is no clear functional relationship between the two documents. Some members questioned whether there is an ongoing need for a Strategic Plan as it would be more efficient and effective to

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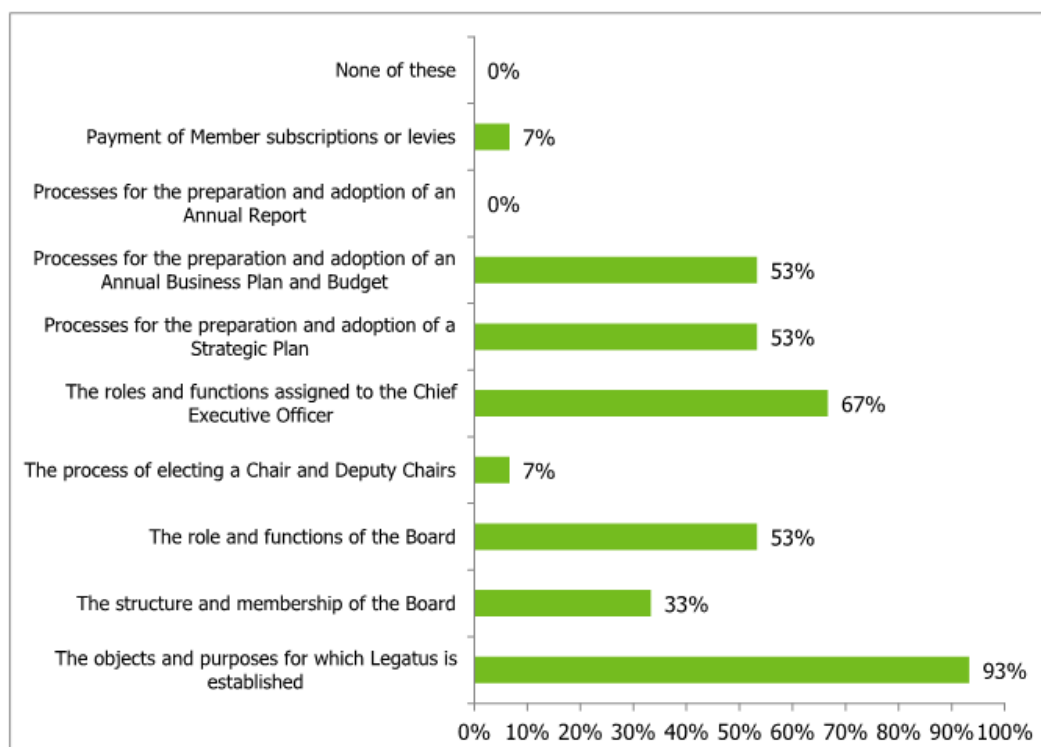
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maintain a four-year rolling business plan that is more agile and responds to changes in the operating environment through an annual review process.

Specifically in relation to the Charter, Figure Three outlines the areas of greatest focus for survey participants. These results were used to develop and test a series of change propositions with attendees at the workshop and have informed the recommendations in Section Four of this report.

Figure Three: Areas of focus for the Charter Review (% of respondents)



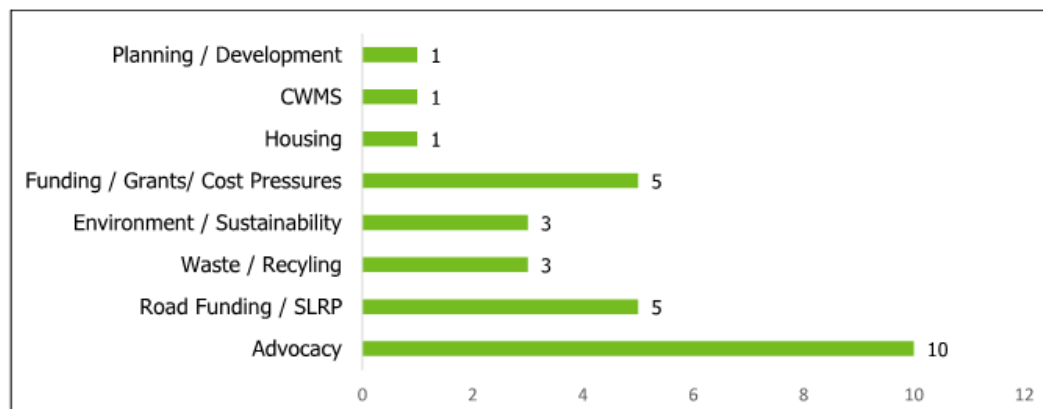
2.1.4 Strategic Priorities

To inform the development of a draft Strategic Plan, the survey asked participants to identify strategic priorities for the region over the next three (3) to five (5) years. Responses are summarised in Figure Four.

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Figure Four: Legatus Strategic Priorities 3 – 5 years (number of responses)



Responses included under the theme of 'advocacy' include building relationships, partnerships and building the profile of Legatus and its members.

Members of the three Advisory Committees supported an ongoing focus on their specific areas of roads and infrastructure, waste, and CWMS.

The same questions was asked to attendees at the member workshop, with a focus on the outcomes that Legatus could achieve for the region. The key priorities identified included:

- Advocate for increased State and Federal government investment in the region, specifically in areas such as:
 - Financial Assistance Grants
 - Roads
 - Communications
 - Health
 - Housing
 - Childcare
 - Tourism (achieving equity with other regions)
- Calculate the cumulative impact of increased government fees and charges on Council budgets to build awareness of the cost impact to ratepayers and advocate for fairer funding models (ESCOSA review example).
- Prepare and implement a regional advocacy plan that will deliver a coordinated advocacy approach in the lead up to the next State and Federal elections – including sub-regional plans for each electorate across the region.
- Review and build on the Regional Transport Plan to outline the investment needs in the region to support economic growth (tourism, agriculture and mining etc) and also outline what Councils have to offer as a partner to attract / incentivise more investment.



- Review the criteria of State and Federal grant and investment programs to identify barriers to access for Councils in the region and advocate for changes that will make these investments easier to access and more equitable.

The workshop noted that some of these priorities are also of interest to other organisations such as the LGA and RDAs. Members agreed that before Legatus determines its role in progressing these issues or commits resources to a particular action, the CEO should engage with others to find out what is already being done and bring recommendations to the Board about how Legatus can connect with or leverage from what others are already doing.

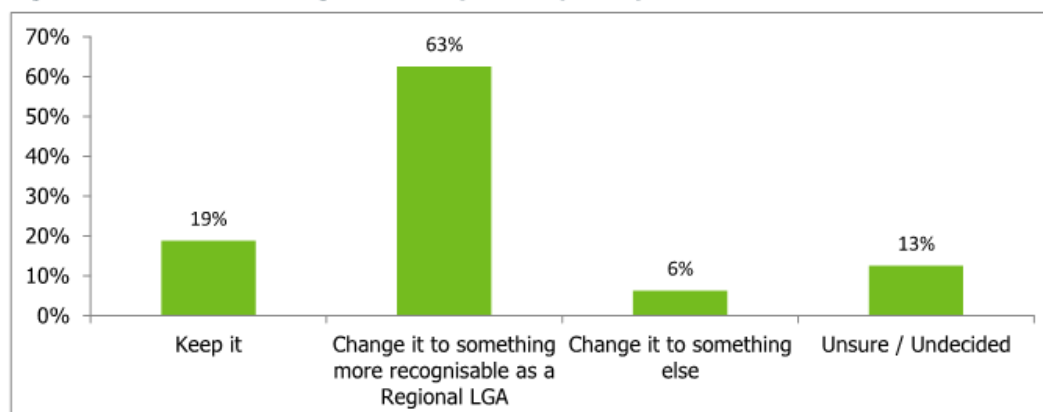
2.1.5 Legatus Name and Branding

The Legatus Group was adopted as the trading name of the Central Local Government Region in approximately 2016. There is currently no clear 'brand story' published on the website or in corporate documents to provide background on the brand and how it relates to the objects and purposes of the organisation.

As one Legatus Council has already formally raised a concern with the name and branding, this strategic review provided an opportunity to test the views of members.

Responses to the survey questions about the 'Legatus' brand are outlined in Figure Five.

Figure Five: Views on the Legatus Brand (% of responses)



The majority of survey respondents would support changing the name to something that is more recognisable as a Regional LGA. This view was also expressed strongly in most of the 1-1 interviews. The primary concerns were that 'Legatus' has no real meaning to its members and stakeholders and has no relevance to local government or the purpose of the subsidiary. Having a 'corporate' style brand is seen as a disadvantage to Legatus in its advocacy role as people who are unfamiliar with the organisation do not automatically make the connection to a body that is representative of regional councils and communities.

While there is clear support for changing the name and brand, there is some concern about the cost and focus required to undertake a rebrand and a query about whether

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this is a priority at this point. As one survey respondent said, *'we need to look at what's in the building, not what's on the building'*. There is also a view that there is no obvious alternative for a large and diverse region, which is part of the reason Legatus chose a non-geographic name in a previous review.

While noting these concerns, the predominant view expressed by members is that it would be a lost opportunity to not change the name at the same time as adopting a revised Charter.

The Northern and Yorke Local Government Association (NYLGA) was the most common alternative name put forward. While the boundaries of the Northern and Yorke Landscape Board do not align exactly with the membership of Legatus, it does cover the majority of the region and is considered to be easily recognisable and understood.

3. COMPARATIVE REVIEW

In looking at opportunities to reform the Legatus Charter in response to member feedback, we have reviewed the charters or governing documents of other regional local government bodies, including:

- Eyre Peninsula Local Government Association (EPLGA)
- Limestone Coast Local Government Association (LCLGA)
- Southern and Hills Local Government Association (SHLGA)
- Murraylands and Riverland Local Government Association (MRLGA)
- Spencer Gulf Cities (Upper Spencer Gulf Common Purpose Group) (SGC)

The comparative analysis is provided at **Appendix One**.

With the exception of SGC, each of these bodies is established as a regional subsidiary under the *Local Government Act 1999*. As such, each of the Charters share common elements. This section of the report provides an overview of how Legatus is currently similar to or different from other regional local government bodies.

3.1 Membership and Subscriptions

With fifteen (15) members, Legatus has the largest number of Constituent Councils. Other regional bodies range from having three (3) to eleven (11) members, with the average number of members being 8.3 (including Legatus). In the main, other regional bodies are comprised of Councils within a well-defined geographic region (or regions), which is reflected in the name of the organisation.

All members of a regional body pay an annual subscription, which ranges from an average of \$10,835 to \$44,212 per Council. Legatus Councils currently pay an annual subscription of \$11,590 which is at the lower end of the range.

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3.2 Objects and Purposes

Each regional body is established for similar purposes, primarily being advocacy and providing a structure for councils to share information and work together on a regional basis. Each subsidiary Charter prescribes between eight (8) to fourteen (14) objects or purposes, with many being identical or very similar.

One object or purpose that is common across most Charters that is not included in the Legatus Charter is a specific reference to working collaboratively with the Local Government Association of South Australia (LGA) in achieving its aims and objectives.

3.3 Board Membership

In three (3) out of the six (6) regional bodies, including Legatus, the Board comprises the Principal Members of Constituent Councils. Three (3) regional bodies allow for a Constituent Council to choose its appointed member (or members) to the Board (who may or may not be the Principal Member), and in two cases (EPLGA and SHLGA) that member may be an elected member or employee of the Council.

Legatus is the only regional body that does not include a specific provision about appointing a deputy member to the Board (noting that a Council may send a proxy to an AGM in place of the Principal Member).

All regional bodies have an office of President or Deputy / Vice President. Legatus is the only regional body that does not refer to the Chair of the Board as the President.

3.4 Strategic Plan

Half of the regional bodies do not require a separate Strategic Plan to be prepared. It is noted however, that while the SHLGA is not required to adopt a Strategic Plan it does have one published on its website.

Legatus and MRLGA require all Constituent Councils to approve their Strategic Plan. Other bodies either do not require one or the Charter is silent on the process for adoption.

3.5 Business Plan

All regional subsidiaries, in accordance with the Act, have provisions regarding the preparation of a business plan. Most are prepared on an annual basis, but the EPLGA and SHLGA provide for a four-year rolling business plan to be prepared (and reviewed on an annual basis to align with the development of an annual Budget). The regional subsidiaries that have a four-year business plan are those that are not required to adopt a Strategic Plan.

Approval processes for business plans vary. In most cases, an annual business plan requires adoption by a simple majority of the Board. However, the two bodies that have a four-year rolling business plan require adoption by a two-thirds majority of the Board.

3.6 Committees

All regional subsidiary Charters include an enabling provision for the Board to establish committees for any purpose related to its objects and purposes. These are broad powers and

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enable the powers and functions of the Board or the CEO (principal officer) to be delegated to a committee (excluding any non-delegable powers listed in the Charter).

All other regional subsidiaries have sought (and been granted) an exemption from the Minister to establish an Audit Committee under the Act. However, this does not preclude those bodies from establishing a committee (using the provisions of its Charter) to undertake some or all functions of an Audit Committee.

Legatus and EPLGA are the only regional bodies to prescribe a specific committee for CEOs through its Charter.

3.7 Levies or Project Fees

All regional subsidiary Charters enable the imposition of a 'special levy' (sometimes referred to as a 'service levy' or 'project fee') on some or all members to raise additional funds for a specific purpose. The Charters provide an opportunity for members to object to the imposition of the levy or fee, and for a special meeting of the Board to be called to consider any objections received.

The LCLGA includes a provision for a member to elect to be excluded (opt-out) from the activity that is subject to a separate 'project fee'.

3.8 Withdrawal of a Member

Provisions relating to the withdrawal of a member vary across the regional bodies. In all cases, a member must give notice of their intention to withdraw, with the required notice period ranging from three (3) to thirty-six (36) months. Where a shorter notice period applies (3-6 months), the withdrawal only takes effect from 30 June to avoid disruption during a financial year.

In all cases, the withdrawing Council is required to pay all outstanding monies and is not entitled to a refund of any monies paid.

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4. REVIEW OUTCOMES AND RECOMMENDATIONS

This review has identified several opportunities to amend the Legatus Charter to address member feedback and adopt contemporary and flexible governance practices. The outcomes and recommendations of the review are outlined in this section of the report and a draft Charter incorporating recommended changes is provided at **Appendix Two**.

Implementing the amended Charter will require Legatus to adopt a new business planning framework that is more agile and responsive to members needs and aspirations as they change over time. A proposed strategic plan framework that organises Legatus functions, objectives, priorities and performance measures under three key 'strategic pillars' of Advocate, Coordinate and Operate is provided at **Attachment Three**. The framework is, in effect, a new Legatus Strategic Plan that will inform the development of a Business Plan by setting clear directions and focus for the forthcoming four years.

4.1 Legatus Membership

The geographic size of the Legatus region and its fifteen member councils was highlighted by some members as a barrier to effective operation and delivering an equitable value proposition. The review considered whether structural change, such as dividing Legatus into two associations or adopting a sub-regional structure, would deliver a better outcome.

Review Outcomes	Recommendations
<p>A comprehensive assessment and business case would need to be prepared to quantify the potential costs and benefits of establishing two new regional subsidiaries. Undertaking this work is beyond the scope of this review and member feedback did not suggest there is a strong enough appetite to investigate alternative structural options at this time.</p> <p>The key advantage of maintaining a membership of fifteen councils is the strength of the united voice in advocacy. This strength could be diluted if the region was to be divided.</p> <p>However, the challenge of addressing operational issues at a regional level with fifteen diverse Councils is noted. In adopting its business plans and making decisions, the Board needs to apply a stronger filter in determining the value and benefit of its proposed activities to its diverse members.</p>	<ol style="list-style-type: none"> 1. Maintain the current membership structure of Legatus. 2. Seek Constituent Council endorsement of the amended Charter attached to this report (Refer to Appendix Two). 3. Adopt a succinct and focussed Strategic Planning Framework that consolidates advocacy as a key focus area (refer to Appendix Three). 4. As a priority action, prepare an Advocacy Plan and Framework to identify the priority outcomes and positions that Legatus will advocate for on behalf of its members. This Advocacy Plan will sit alongside the Legatus Business Plan to guide a targeted and tactical approach to advocacy.

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4.2 Legatus Name and Brand

The majority of members support changing the name of Legatus to something that is more recognisable as a Regional LGA. The review considered whether a name and brand change would be an advantage.

Review Outcomes	Recommendations
<p>The Legatus Group name is confusing for members and stakeholders and potentially hinders strong advocacy by being mistaken for a third-party lobby group. The meaning and story behind the name has been lost over the years and it now stands out uncomfortably in the local government sector.</p> <p>The Northern and York Local Government Association (NYLGA) is considered to be a suitable alternative.</p> <p>Concerns about potential costs and effort of a full rebrand are noted. However, it is considered that the current 'flag' logo and branding elements can be retained to reduce the costs of transitioning to a new name. The flag is comprised of fifteen sections, which represents that Legatus is 'flying the flag' for its fifteen Constituent Councils.</p>	<p>5. Adopt the trading name <i>Northern and Yorke Local Government Association</i> in the amended Charter.</p> <p>6. Maintain the current 'flag' logo and branding elements.</p>

4.3 Objects and Purposes

It is important that the objects and purpose of a regional subsidiary outlined in its Charter are broad and flexible enough to enable the subsidiary to operate effectively and meet the changing needs of its members. If the objects and purposes are too narrowly defined, it may stifle opportunities and innovation as a Charter amendment will be required to undertake any additional functions.

Review Outcomes	Recommendations
<p>The draft Charter maintains nine broad objects that enable the subsidiary to operate in a flexible way. The nine proposed objects have been drawn from the existing Charter and those of other regional local government bodies, particularly those with a strong emphasis on advocacy and representation.</p>	<p>7. Adopt the nine amended objects and purpose outlined in the draft Charter (Clause 1.6)</p>

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Where relevant, new wording has been proposed to express the intent more clearly.

One new object and purpose has been included relating to working with the LGA and other regional local government bodies. This reinforces the feedback from members that Legatus needs to work more closely with the LGA and SAROC to avoid role duplication and overlap. It also reflects that Legatus may continue to have a role in coordinating SAROC elections for the region and participating in LGA led activities such as the Local Government Functional Support Group.

While members want less focus on projects and operational issues, enabling provisions relating to projects, plans and policies still need to be included in the Charter to maintain functions such as a Regional Transport Plan, SLRP coordination and a Regional Waste and Resources Strategy.

4.4 Membership of the Board

The review considered whether the Principal Member of the Constituent Councils should continue to be automatically appointed to the Board and whether there is utility in each Constituent Council nominating a proxy Board Member.

Review Outcomes	Recommendations
<p>Legatus is not unique in having a Board comprised of the principal members of its Constituent Councils. In circumstances where Councils have the option to appoint any of its elected members (or staff), it is uncommon for the principal member to not serve on the Board of their Regional LGA. Therefore, we have found no compelling reason to amend the Charter in this regard.</p> <p>However, there are likely to be circumstances where a Principal Member is unable to attend a Board meeting. Having an appointed proxy Board Member ready to step in on these occasions is advantageous. In taking on the role of proxy Board Member, the appointed person is accepting some level</p>	<p>8. Maintain the position in the Charter that the Board shall consist of all the principal members of the Constituent Councils (Clause 3.2.1).</p> <p>9. Adopt the amendments to the Charter that enable Constituent Councils to appoint a proxy Board Member to act as a Board Member only when the principal members is not present or taking part in a meeting (Clause 3.2.3).</p> <p>10. Adopt the amendments to the Charter that limit a proxy Member acting as the Board Member more than twice in a twelve month period (Clause 3.2.4).</p>

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of responsibility to remain aware of the affairs of Legatus in the event that they need to participate in a meeting in the absence of the principal member.

Therefore, the draft Charter includes a provision that enables (but does not require) Constituent Councils to appoint an elected member as a proxy Board Member. The proxy Board Member will only have any rights or obligations under the Charter when the principal member of their Council is neither present (physically) or taking part (electronically) in a Board meeting or AGM.

To address concerns expressed by the Board that a nominated proxy Board Member could result in the Principal Member choosing not to participate, a limit of two meetings in any twelve months has been introduced. If there are circumstances where the limit should not be exercised, the Chair may give approval in writing for a proxy Member to act as the Board Member more than twice in twelve months.

For the sake of clarity, the draft Charter also specifies that a proxy Board Member cannot be elected to the office of Chair or Deputy Chair (Clause 3.5.2)

4.5 Officer Bearers

The review considered the appointment, term, role and title of officer bearers to determine if the current provisions are contemporary compared to other regional local government bodies.

Review Outcomes	Recommendations
Appointing office bearers for a two-year term at an AGM is considered to be an acceptable practice, noting that office bearers are eligible for reappointment at the expiry of their term if continuity is favoured by the membership.	11. Adopt position descriptions for the Chair and Deputy Chairs to outline the requirements and responsibilities for the roles.
It was raised during member consultation that it is unusual for a Board to have two Deputies and it is unclear what the role of	12. Adopt the amendments to the Charter that refer to the Chair as the President and the Deputy Chairs as Deputy Presidents (Clause 3.5.1)

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Deputy Chair entails. As the current arrangements appear to work well in practice, we have not made a recommendation for a change to the Charter in this regard. However, to provide greater clarity about the roles of office bearers and associated responsibilities and skills, it is recommended that position descriptions be developed prior to the next election.

We note that all other Regional LGAs refer to their office bearers as President or Deputy / Vice President. For consistency, and to provide the roles with more gravitas in undertaking advocacy functions, it is recommended that the Charter be amended to refer to the officer bearer positions as President and Deputy Presidents.

4.6 Chief Executive Officer

A separate review of the Legatus CEO position has been commissioned, which will consider the functions, title and employment arrangements for the position. This review has considered how the role should be established in the Charter to provide Legatus with flexibility in how it appoints a CEO.

Review Outcomes	Recommendations
<p>Feedback received from members has highlighted different views about the Legatus CEO position in relation to whether the role should be a Chief Executive Officer or an Executive Officer, full time or part time or an employee or contractor. These matters are yet to be settled.</p> <p>The current Charter establishes the role as a Chief Executive Officer employed by Legatus and assigned a broad range of administrative, HR, record keeping and financial management functions.</p> <p>To provide more flexibility to Legatus in the future, the draft Charter has been amended to provides that the CEO may or may not be an employee of the Legatus Group, may be given a different title, and may be appointed</p>	<p>13. Adopt the amendments to Part 4 of the Charter and consequential amendments to:</p> <ul style="list-style-type: none"> a. Enable the position to be given a different title by resolution of the Board; and b. Provide that the CEO (or another title given by the Board) may, but need not be, an employee of Legatus.

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under terms and conditions agreed between the Board and the appointee.

The functions assigned to the Chief Executive Officer in the Charter remain largely unchanged as they are necessary for the efficient and effective day to day operation of the organisation.

For the avoidance of doubt, adopting the recommended changes to the Charter does not alter the employments arrangements that are in place with the current CEO.

4.7 Strategic Plan and Business Plan

The review considered the process of developing and adopting strategic and business plans to address member feedback that current plans are not aligned and not delivering a clear, focussed and prioritised agenda. In particular, the review considered whether the current planning framework outlined in the Charter is contemporary and fit for purpose.

Review Outcomes	Recommendations
<p>Strong feedback received from members is that the draft Legatus Strategic Plan prepared under the current Charter does not set a clear strategic direction for Legatus, contains too much operational detail, duplicates the role of the annual business plan and budget setting process and creates too many layers of planning and bureaucracy.</p> <p>While the scope of the review was to prepare a new Strategic Plan that addressed this feedback, we also looked for opportunities within the Charter to streamline processes and establish a more contemporary business planning framework.</p> <p>Legatus is not bound by the same requirements as a Council to undertake multiple layers of planning and reporting. However, the current Charter requires Legatus to adopt a four-year Strategic Plan, a two-year Action Plan and an Annual Business Plan. This is considered to be an excessive and complex planning framework</p>	<p>14. Adopt the amendments to Part 6 of the Charter and consequential amendments to:</p> <ul style="list-style-type: none"> a. Replace the requirement to adopt a Strategic Management Plan and Two-Year Action Plan with a requirement to have a rolling Business Plan with respect to the forthcoming four years; b. Require the rolling four-year Business Plan to identify objectives, principal activities and performance measures for period; c. Require the rolling four-year Business Plan to set out the means by which activities are to be carried out and financial projections across the period; d. Maintain an annual review of the Business Plan and adoption of an Annual Budget;

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that is contributing to operational inefficiencies and strategic misalignment.

Having regard to the approaches used by other regional bodies and contemporary governance practices, it is proposed to consolidate the planning framework into a rolling Business Plan that plans ahead for the forthcoming four years. As a rolling plan, it needs to be updated annually and would set out the objective, principal activities and performance measures to be achieved across the next four years. This process would be undertaken in conjunction with the setting on an annual Budget and done in consultation with Constituent Councils.

The advantage of this approach is that it overcomes the 'static' nature of Strategic Plans and combines strategic goals and operational considerations within a single document. Having a four-year Business Plan that is reviewed and updated on an annual basis will provide Legatus with more agility in responding to strategic risks and adapting to changing circumstances.

It is proposed that the Business Plan would be adopted by a simple majority of the Board following an eight-week period of consultation with Constituent Councils (as per the current Annual Business Plan and Budget process).

There are no changes proposed to the requirements to adopt and annual budget or prepare an annual report.

As it will take some time to transition to the proposed new arrangement, it is intended that an interim Strategic Plan will be prepared that will establish the foundation for the first iteration of a rolling four-year Business Plan by establishing key strategic pillars, objectives and performance measures.

e. Require consultation with Constituent Councils prior to adoption or amendment of a Business Plan; and

f. Remove the requirement to adopt an Annual Business Plan, noting that these functions will be achieved via an annual review of the Business Plan and Budget.

4.8 Audit and Risk Committee

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The review considered whether Legatus should be required to establish an Audit Committee under the Act or whether to request the exemption that has been provided by the Minister to other Regional LGAs.

Review Outcomes	Recommendations
<p>As outlined in Section 3 of this report, all other Regional LGAs established under the Act have sought and been granted an exemption from the requirement to establish an Audit Committee under the Act.</p> <p>While it does not necessarily follow that Legatus should seek the same exemption on this basis alone, we have considered whether the Legatus has the financial and operational complexity to warrant the more rigorous audit and risk requirements of the Act to apply.</p> <p>Legatus it is not a complex service provider or regulator and does not own or operate significant assets. This does call into question whether it needs to be subject to the same audit and risk requirements as a Council. However, feedback from some members is that the Audit and Risk Committee provides an important level of advice and oversight and expressed concern that establishing the Committee could become optional.</p> <p>Before an exemption from the requirement to establish an Audit Committee can be sought from the Minister, all Constituent Councils would need to pass a resolution in support of seeking the exemption. As this is unlikely to be achieved, it has been recommended the Legatus continue to be required to establish an Audit Committee under the Act.</p>	<p>15. Maintain the requirement to establish an Audit Committee under the Act and in accordance with the Charter (Clause 6.4)</p> <p>16. Update the Charter to refer to the Audit and Risk Committee.</p>

4.9 Committees and Regional Management Group

The review considered whether any Committees should be prescribed in the Charter with assigned roles and functions, including the Regional Management Group.

Review Outcomes	Recommendations
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Committees are an important mechanism to support a Board to deliver its strategic objectives. They can bring in specialist skills and knowledge from outside an organisation and create capacity for a Board to focus on strategic priorities without being bogged down in technical or operational detail. However, Committees can be resource intensive to administer and must deliver value commensurate with this effort.

Advisory Committees

The Legatus Board currently has three advisory committees appointed under its Charter:

- Road and Transport Infrastructure Advisory Group
- Waste Management Advisory Group
- CWMS Advisory Committee

Advisory Committees should be retained, but subject to regular review to ensure their purposes, functions and outputs remain relevant and deliver value to Legatus Councils.

Regional Management Group

The Charter also specifically established a Regional Management Group comprised of the Legatus CEO and CEOs of Constituent Councils.

There was clear feedback given during the consultation, particularly from CEOs, that the Regional Management Group is not functioning effectively as a committee of Legatus. While some see value in continuing to meet informally to discuss common issues and share information, there is less value in meeting for the purpose of implementing and delivering the strategic objectives of Legatus. As we have not been able to establish a clear purpose or function for the Regional Management Group, we are recommending that the requirement to have one be removed from the Charter. This does not preclude the Board from establishing a

17. Retain Clause 7.10 in the Charter which provides broad powers to the Board to establish committees comprised of Board Members and/or other persons.

18. Undertake a review of the Terms of Reference of all Committees established under the Charter at least once every two years to ensure they remain aligned to strategic priorities.

19. Adopt the amendments to Charter to remove Clause 7.11 which requires the establishment of the Regional Management Group.

20. Retain a reference in the Charter enabling Council CEOs (or their delegate) to attend Board meetings and provide advice and support to the Board as may be required (Clause 3.6.5)

21. Develop Terms of Reference for an Executive Committee comprised of the Chair (President), Deputy Chairs (Deputy President and the CEO of a Constituent Council to provide guidance and advice to the CEO on the agenda for Board meetings and the implementation of Board decisions.

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committee of CEOs at any point in the future if the need to have one is established. It is recommended that the provisions that enable Council CEOs to attend Board meetings and provide advice and support where required is retained.

Executive Committee

While not formally established as a Committee of Legatus, it has become an established practice for the Chair, Deputy Chairs and Chair of the Regional Management Group to meet regularly with the Legatus CEO to guide the development and implementation of the agenda set by the Legatus Board. As the Board meets quarterly, this meeting provides a forum for progress to be guided and monitored between meetings. This is considered to be a good practice that could be formalised by the adoption of an Executive Committee Terms of Reference by the Board. To avoid establishing another level of bureaucracy, it is not envisaged that specific functions or powers will be delegated to the Executive Committee or that formal minutes or meeting procedures will be required.

4.10 Special Purpose Levy

Feedback received during consultation on the review suggested that the Legatus Board should adopt a 'user-pays' approach to some of its projects and initiatives that are specific to a particular grouping of Councils. These comments were made in relation to delivering an equitable member value proposition and reducing pressure on annual member subscriptions. The review has considered whether the special purpose levy in the Charter adequately enable this approach, where it is deemed appropriate by the Board.

Review Outcomes	Recommendations
The Charter enables the Legatus Board to impose a levy on some or all Constituent Councils for a specified purpose or purposes. Councils must be consulted, and any objections must be considered by the Board.	22. Adopt the insertion of a new Clause in the Charter (Clause 5.4.8) which would enable a Constituent Council to 'opt out' of an activity that is subject to a special levy if the Board is satisfied that the

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<p>A view was expressed by some members that the special purpose levy provisions could be used to fund initiatives that are of interest or benefit to a particular group of Councils. There is no change to the Charter required to enable this to occur.</p> <p>If the Board did want to make greater use of the special levy provisions in the future to fund specific projects or activities, it is recommended that an 'opt out' Clause be inserted to enable Councils to elect to be excluded from the activity. This approach has been modelled on the 'Project Fees' provisions in the Limestone Coast LGA Charter. However, the proposed amendments to the Legatus Charter would require the Board to be satisfied that any Council that elects to 'opt out' would not receive a material benefit from the activity. This would avoid a potential situation where a Council is gaining the benefits from a Legatus activity without making an equitable financial contribution.</p>	<p>Council will not receive a material benefit from the activity.</p>
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4.11 Withdrawal of a Member

<p><i>The review has considered whether the Charter provides for a process that is fair and reasonable to Legatus and a Constituent Council in the event that a Council wanted to seek approval from the Minister to withdraw from Legatus.</i></p>	
Review Outcomes	Recommendations
<p>The Charter currently requires a Council to provide 18 months' notice of its intention to withdraw. While this provides Legatus with time to complete two budget cycles and plan for the financial impact of the withdrawal, it could create disruption and conflict by requiring an unwilling Council to serve out a long notice period.</p> <p>Drawing from the approaches used by other Regional LGAs, we propose that the withdrawal notice period be reduced to a minimum of six months, with the withdrawal</p>	<p>23. Adopt the amendments to Clause 7.4 of the Charter to:</p> <ul style="list-style-type: none"> a. require a Council to provide written notice of its intention to withdraw by 31 December b. specify that withdrawal cannot come into effect until the following 30 June (in effect providing a minimum six month notice period) c. specifying that the withdrawing Council remains liable for the

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to take effect from the 30 June following the expiry of the six month notice period.

In effect, this means that a Council must give notice of its intention to withdraw by December 31 for the withdrawal to be able to take effect in the following financial year. In this scenario, Legatus would have six months to adjust its business plan and budget to reflect the changed membership.

Under the proposed model, if, for example, a Council gave notice to withdraw in March 2024, the withdrawal would not take effect until June 30, 2025, and the withdrawing Council would be required to pay a subscription for the 2024/25 financial year.

payment of any or all financial contributions during the withdrawal period and is not entitled a refund on any monies paid.

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APPENDIX ONE – REGIONAL LGA COMPARATIVE ANALYSIS

	Legatus Group	Eyre Peninsula LGA	Limestone Coast LGA	Southern and Hills LGA	Murraylands and Riverland LGA	Spencer Gulf Cities
General						
Structure	Regional Subsidiary s.43 LG Act	Regional Subsidiary s.43 LG Act	Regional Subsidiary s.43 LG Act	Regional Subsidiary s.43 LG Act	Regional Subsidiary s.43 LG Act	Incorporated Association under Associations Incorporation Act
Members	15 Councils	11 Councils	7 Councils	6 Councils	8 councils	3 Councils
Value of Member Subscriptions 2022/23	\$173,900	\$119,186	\$309,487 (base subscriptions) \$832,060 (total member contributions)	\$132,680	\$164,965	Data not available
Average subscription per Member	\$11,590	\$10,835	\$44,212	\$22,113	\$20,620	Data not available
Total budget 2022/23	\$500,200	\$388,740	\$1,269,812	\$369,743	\$373,849	Data not available
Charter						
Adoption	September 2022	September 2018	September 2015	January 2022	October 2019	January 2017
Objects / Purpose (see separate analysis for details)	12 objects / Purposes	8 objects / purposes	10 objects / purposes	8 objects / purposes	14 objects / purposes	1 object / purpose
Board Membership	The Board comprises of the Principal Member	Each Constituent Council may appoint either one	Each Constituent Council may appoint one	Each Constituent Council may appoint two	The Board comprises of the Principal Member	The Board comprises the

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	of each Constituent Council.	elected member or one officer (employee) to the Board.	elected member to the Board.	people to the Board. One must be an elected member and the other may be either an elected members or an employee of the Council.	of each Constituent Council.	Mayors of the Member Councils. The CEOs of the Member Councils are ex-officio Members of the Board.
Deputy Board Members	The Charter notes that when the Principal Member is on leave, the Deputy Mayor will act in the role of Principal Member. A Council may nominate a proxy to attend the AGM if the Board Member is unable to attend.	Each Constituent may appoint either one elected member or one officer as a Deputy Board Member If neither the Board Member or Deputy Board Member can attend a meeting, a proxy may be appointed in writing.	Each Constituent Council may appoint two elected members as Deputy Board Members. If neither the Board Member or Deputy Board Members can attend a meeting, another elected member may seek approval from the meeting to serve as a proxy.	Each Constituent Council may appoint one Deputy Member for each Board Member. If neither the Board Member or Deputy Board Member can attend a meeting, a proxy may be appointed in writing.	Each Constituent Council may appoint two elected members as Deputy Board Members.	Each Member may appoint an elected member of the Council to be a proxy.
Officer Bearers	A Chair and two Deputy Chairs are elected by Board Members at an AGM for a two-year term.	A President and Deputy President are elected by the Board at a meeting in February in the year following the periodic local government elections.	A President and Vice President are elected by Board Members at each AGM.	A President and Deputy President are elected by the Board for a two-year term.	A Chair (referred to as President) and Deputy Chair (referred to as Deputy President) are elected by Board Members at an AGM for a one-year term.	The Chair is appointed by the Board in a manner and for a term determined by the Board.

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					Special provisions are in place for these appointments in a local government election year.	
Strategic Management Plan	Must adopt and implement a 4-year Strategic Plan, with a 2-Year Action Plan. The Strategic Plan must be approved by all Constituent Councils.	No provision in the Charter for a Strategic Management Plan (see Business Plan)	Must adopt and implement a Strategic Management Plan. The Charter does not set out the term of the Plan or the process for adoption. The Strategic Management Plan must be reviewed at least once every 5 years.	No provision in the Charter for a Strategic Management Plan (see Business Plan)	Must prepare a 5-year Strategic Management Plan, consistent with a LTFP. The Strategic Plan must be approved by all Constituent Councils.	No provisions in the Charter for Strategic Management Plan.
Long Term Financial Plan (LTFP)	The Charter provides a definition of a LTFP, with no corresponding requirement to adopt one.	No provision in the Charter for a LTFP.	No provision in the Charter for a LTFP.	No provision in the Charter for a LTFP.	Requirement to adopt a 5-year LTFP in the same form as the Act requires for Councils.	No provision in the Charter for a LTFP
Annual Business Plan / Budget	Annual Business Plan must be prepared in consultation with Councils. Requires adoption by a simple	Rolling four-year business plan that is reviewed annually in consultation with Councils.	Annual Business Plan must be prepared in consultation with Councils (8-week minimum consultation period).	Rolling four-year business plan that is reviewed annually in consultation with Councils.	Annual Business Plan must be prepared in consultation with Councils. Requires adoption by a simple	No provision in the Charter for an Annual Business Plan / Budget.

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	majority of the Board.	Annual budget requires adoption by a two-thirds majority of Board Members.	Requires adoption by a simple majority of the Board.	Annual budget requires adoption by a two-thirds majority of Board Members.	majority of the Board.	
Audit Committee	Charter establishes a five-person audit committee with membership to be approved by Constituent Councils.	Subject to the approval of the Minister, the EPLGA will not have an Audit Committee.	Subject to the approval of the Minister, the LCLGA will not have an Audit Committee.	Subject to the approval of the Minister, the S&HLGA will not have an Audit Committee.	Subject to the approval of the Minister, the MRLGA will not have an Audit Committee.	N/A
Levies	Special levies may be imposed by a decision of the Board, with decision to be reviewed by the Board on objection of one or more Constituent Councils.	Any budget that provides for an additional financial contribution by members must be submitted to Constituent Councils for approval and must be approved by a two thirds majority of the Constituent Councils.	'Project Fees' may be imposed by a decision of the Board for specified activities, with decision to be reviewed by the Board on objection of one or more Constituent Council. A Council may elect to be excluded from the activity subject of the project fee.	Service charges may be levied by the Board for services provided to Constituent Councils. Any budget that provides for an additional financial contribution by members must be submitted to Constituent Councils for approval and must be approved by a two thirds majority of the Constituent Councils	Special levies may be imposed by a decision of the Board, with decision to be reviewed by the Board on objection of one or more Constituent Councils.	N/A
Withdrawal of Member	A Member must give not less than 18 months' notice	A member must give minimum of six months' notice	A Member must give not less than three months'	A member must give minimum of six months' notice	A Member must give not less than 36 months' notice	No specific provision in the Charter for the

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	of intention to withdraw.	of intention to withdraw.	notice of intention to withdraw.	of intention to withdraw.	of intention to withdraw.	withdrawal of a member
	Subscriptions and any outstanding monies must be paid up to the notice date.	Withdrawal takes effect from 30 June. No refund of any contributions made.	Subscriptions and any outstanding monies must be paid up to the notice date.	Withdrawal takes effect from 30 June. No refund of any contributions made.	Subscriptions and any outstanding monies must be paid up to the notice date.	

Regional Local Government Bodies – Objects and Purposes

Legatus	Eyre Peninsula LGA	Limestone Coast LGA	Southern and Hills LGA	Murraylands and Riverland LGA	Spencer Gulf Cities
Undertake co-ordinating, advocacy and representational roles on behalf of the Constituent Councils at a regional level;	To work collaboratively with the LGA to achieve the aims and objectives of the LGA.	Work in association with both the LGA and the Australian Local Government Association	To work collaboratively with the LGA for the benefit of Constituent Councils and Affiliates;	Work with the Local Government Association of South Australia (LGA) in achieving its aims and objectives;	The purpose of the Association is to provide a forum for information sharing, collaborative action and a united voice by the regional cities of Port Augusta, Whyalla and Port Pirie.
Facilitate and co-ordinate activities of local government at a regional level related to community and economic development with the object of achieving improvement for the benefit of the communities of the Constituent Councils;	To encourage, promote, protect and foster an efficient and effective autonomous, democratic system of local government elected by and responsible to local communities.	Undertake co-ordinating, advocacy and representational roles on behalf of its Constituent Councils at a regional level;	To encourage, promote, protect and foster an efficient and effective autonomous, democratic system of local government elected by and responsible to local communities;	Provide strong advocacy speaking with one voice on what matters most to the communities of the Constituent Councils;	

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Develop, encourage, promote, foster and maintain consultation and cooperation and to strengthen the representation and status of local government when dealing with other governments, private enterprise and the community;	To act as a forum for discussion and consideration of matters relating to the powers, functions and duties of the Constituent Councils under the Act and other statutory provisions in relation to the region.	Facilitate and co-ordinate activities of local government at a regional level related to social, environmental and community development with the object of achieving improvement for the benefit of the communities of its Constituent Councils;	To identify available resources within the region of Constituent Councils and Affiliates and to co-ordinate or assist in coordinating the management of these resources for the betterment of the region's community;	Work together to make the best use of available resources;	
Develop further co-operation between the Constituent Councils for the benefit of the communities of the Region;	To identify available resources within the region and to co-ordinate or assist in coordinating the management of these resources for the betterment of the region's community.	Develop, encourage, promote, foster and maintain consultation and co-operation and to strengthen the representation and status of local government when dealing with other governments, private enterprise and the community;	To encourage, assist, seek out, determine, assess and respond to the needs and aspirations of the region's constituents;	Build partnerships with those who can contribute to stronger and more sustainable communities;	
Develop and manage policies which guide the conduct of programs and projects in the region with the objective of securing the best outcomes for the communities of the Region;	To encourage, assist, seek out, determine, assess and respond to the needs and aspirations of the region's constituents.	Develop further co-operation between its Constituent Councils for the benefit of the communities of its region;	To develop, encourage, promote, foster and maintain consultation and co-operation between local government authorities, State and Commonwealth Governments and their instrumentalities;	Develop and implement a robust Annual Business Plan consistent with the intent of the Strategic Plan;	

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Undertake projects and activities that benefit the Region and its communities;	To develop, encourage, promote, foster and maintain consultation and co-operation between local government authorities, State and Commonwealth Governments and their instrumentalities.	Develop and manage policies which guide the conduct of programs and projects in its region with the objective of securing the best outcomes for the communities of the region;	To develop, encourage, promote, foster and maintain the financial and economic well-being and advancement of the region and if desirable for such purpose to undertake, establish, acquire, conduct or dispose of any business, enterprise, undertaking or venture which in the opinion of the Subsidiary is necessary, desirable or convenient;	To undertake coordinating, advocacy and representational roles for its Constituent Councils at a regional level;	
Associate, collaborate and work in conjunction with other regional local government bodies for the advancement of matters of common interest;	To develop, encourage, promote, foster and maintain the financial and economic wellbeing and advancement of the region and if desirable for such purpose to undertake, establish, acquire, conduct or dispose of any business, enterprise, undertaking or venture which in the opinion of the EPLGA is necessary, desirable or convenient.	Undertake projects and activities that benefit its region and its communities;	To effectively liaise and work with the State and Commonwealth Governments and their instrumentalities on a regional basis for the general enhancement of the region;	To facilitate and coordinate activities of local government at a regional level on behalf of our Constituent Councils;	

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Provide strong advocacy speaking with one voice on what matters most to the communities of the Constituent Councils;	To effectively liaise and work with the State and Commonwealth Governments and their instrumentalities on a regional basis for the general enhancement of the region.	Associate, collaborate and work in conjunction with other regional local government bodies for the advancement of matters of common interest;	To act as a forum for discussion and consideration of matters relating to the powers, functions and duties of the Constituent Councils and Affiliates under the Act and other statutory provisions in relation to the region.	To develop, encourage, promote, foster and maintain consultation and cooperation and to strengthen the representation and status of local government;	
Work together to make the best use of available resources		Implement programs that seek to deliver local government services on a regional basis; and		To develop further cooperation between its Constituent Councils for the benefit of the communities in the region;	
Collaborate to deliver effective services;		To effectively liaise and work with the State and Commonwealth Governments and instrumentalities on a regional basis for the general enhancement of the region.		To develop and manage policies which guide the conduct of programs and projects in the region;	
Build partnerships with those who can contribute to stronger and more sustainable communities;				To undertake projects that benefit the region and its communities;	
Develop and implement a robust Business Plan consistent with the Region Plan.				To facilitate and coordinate collaborative procurement activities for the collective benefit of the Constituent Councils and other non-Constituent Councils;	

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				To maximize the benefits of collaborative procurement through developing and implementing procurement policies and procedures;	
				To improve financial sustainability of the Constituent Councils by improvement of operational efficiency in procurement and process management	

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APPENDIX TWO – DRAFT CHARTER (ATTACHED SEPARATELY)

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APPENDIX THREE – STRATEGIC PLAN FRAMEWORK (ATTACHED SEPARATELY)

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CENTRAL LOCAL GOVERNMENT REGION OF SOUTH AUSTRALIA
(REFERRED TO AS [NORTHERN AND YORKE LOCAL GOVERNMENT ASSOCIATION](#)~~LEGATUS GROUP~~)

LOCAL GOVERNMENT ACT 1999

CHARTER

1. INTRODUCTION

1.1 Name

The name of the subsidiary is the Central Local Government Region of South Australia (referred to as '[Northern and Yorke Local Government Association](#)~~Legatus Group~~' in this Charter).

1.2 Definitions

'**the Act**' means the Local Government Act 1999 and includes all regulations made thereunder;

'**Annual General Meeting**' means the annual general meeting of the [NYLGA](#)~~Legatus Group~~ held in accordance with Clause 3.7;

'**the Board**' means the Board of Management of the [NYLGA](#)~~Legatus Group~~ set out at Clause 3;

'**Board Member**' means a member of the Board;

'**Budget**' means the annual budget adopted by the [NYLGA](#)~~Legatus Group~~ pursuant to Clause 5.1;

'**Annual Business Plan**' means the business plan adopted by the [NYLGA](#)~~Legatus Group~~ pursuant to Clause ~~6.26.1~~;

'**Chairperson**' means the member of the Board appointed pursuant to Clause 3.5 ~~and referred to as the President of NYLGA~~;

'**Chief Executive Officer**' means ~~at any time~~ the person appointed ~~and holding office of Chief Executive Officer of the NYLGA~~ pursuant to Clause 4 ~~and includes a person acting in that position; as the Chief Executive Officer of the Legatus Group~~;

'**Constituent Councils**' means those councils identified at Clause 1.4;

'**Council**' means a council constituted under the Act;

'**Financial Statements**' has the same meaning as in the Act;

'**Financial Year**' means 1 July in each year to 30 June in the subsequent year;

Updated version as of ~~20 November~~9 September 2023³²

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'NYLGA' means the Northern and Yorke Local Government Association

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'Long Term Financial Plan' means the long term financial plan prepared by the Legatus Group and approved by the Constituent Councils pursuant to Clause 5.3;

'Principal Member' means the Mayor / Chair of the Constituent Councils, and notes that if the Principal Member is on leave from the Constituent Councils, then the Deputy Mayor / Chair becomes the Principal Member.

'Region' means the collective geographical areas of the Constituent Councils;

'Regional Management Group' means the group established pursuant to Clause 7.11;

'Strategic Plan' means the strategic plan adopted by the Legatus Group pursuant to Clause 6.1.

1.3 Interpretation

In this Charter, unless the context otherwise requires:

- 1.3.1 headings do not affect interpretation;
- 1.3.2 singular includes plural and plural includes singular;
- 1.3.3 words of one gender include any gender;
- 1.3.4 a reference to a person includes a partnership, corporation, association, government body and any other entity;
- 1.3.5 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;
- 1.3.6 an unenforceable provision or part of a provision of this Charter may be severed, and the remainder of this Charter continues in force, unless this would materially change the intended effect of this Charter;
- 1.3.7 the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar expressions; and
- 1.3.8 a reference to a 'Clause' means a clause of this Charter.

1.4 Establishment

Northern and Yorke Local Government Association Legatus Group is established under the Act.

The Constituent Councils are:

- 1.4.1 The Barossa Council;
- 1.4.2 District Council of Barunga West Council;
- 1.4.3 Clare and Gilbert Valleys Council;

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- 1.4.4 Copper Coast Council;
- 1.4.5 The Flinders Ranges Council;
- 1.4.6 Regional Council of Goyder;
- 1.4.7 Light Regional Council;
- 1.4.8 Adelaide Plains Council;
- 1.4.9 District Council of Mount Remarkable;
- 1.4.10 Northern Areas Council;
- 1.4.11 District Council of Orroroo/Carrieton;
- 1.4.12 District Council of Peterborough;
- 1.4.13 Port Pirie Regional Council;
- 1.4.14 Wakefield Regional Council; and
- 1.4.15 Yorke Peninsula Council

1.5 Local Government Act 1999

This Charter must be read in conjunction with the Act. The [NYLGA Legatus Group](#) must conduct its affairs in accordance with the Act except as modified by this Charter as permitted by the Act.

1.6 Objects and Purpose for which the [NYLGA Legatus Group](#) is Established

The [NYLGA Legatus Group](#) is established to:

- [1.6.1 undertake co-ordinating, advocacy and representational and coordinating roles on behalf of the Constituent Councils at a regional level;](#)
- [1.6.2 provide strong advocacy in developing policy positions and speaking with one voice on issues and matters that affect Constituent Councils and the communities within the Region;](#)
- [1.6.3 work collaboratively with the Local Government Association of South Australia and other regional local government bodies for the benefit of Constituent Councils;](#)
- [1.6.4 act as a forum for discussion, information sharing and consideration of matters relating to the powers, functions and duties of the Constituent Councils under the Act and other statutory provisions in relation to the Region;](#)
- [1.6.5 liaise, work with and make representations and submissions to the State and Commonwealth Governments and their instrumentalities on a regional basis for the benefit of the Region;](#)

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- 1.6.2—facilitate and co-ordinate activities of local government at a regional level related to community and economic development with the object of achieving improvement for the benefit of the communities of the Constituent Councils;
- 1.6.3—develop, encourage, promote, foster and maintain consultation and co-operation and to strengthen the representation and status of local government when dealing with other governments, private enterprise and the community;
- 1.6.6—develop and facilitate further co-operation and collaboration between the Constituent Councils for their benefit and the benefit of the communities of the Region;
- 1.6.41.6.7develop and manage policies and plans which guide the conduct of regional programs with the objective of securing the best outcomes for the Region;
- 1.6.5—develop and manage policies which guide the conduct of programs and projects in the region with the objective of securing the best outcomes for the communities of the Region;
- 1.6.61.6.8undertake projects and activities that benefit Constituent Councils and the Region the Region and its communities; and
- 1.6.7—associate, collaborate and work in conjunction with other regional local government bodies for the advancement of matters of common interest;
- 1.6.8—provide strong advocacy speaking with one voice on what matters most to the communities of the Constituent Councils;
- 1.6.9—work together to make the best use of available resources
- 1.6.10—collaborate to deliver effective services;
- 1.6.111.6.9—build partnerships with those who can contribute to the development and delivery of projects and activities that benefit Constituent Councils and the Region, contribute to stronger and more sustainable communities;
- 1.6.12—develop and implement a robust Business Plan consistent with the Region Plan.

2. POWERS AND FUNCTIONS OF THE NYLGALEGATUS GROUP

The powers, functions and duties of the NYLGAlegatus Group are to be exercised in the performance of the NYLGAlegatus Group's objects and purposes, comprise:

2.1 Functions and Powers

In addition to those specified in the Act, the functions and powers of the NYLGAlegatus Group are:

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- 2.1.1 subject to Clause 2.4 becoming a member of or co-operating or contracting with any other association or organisation;
- 2.1.2 subject to Clause 2.4 entering into contracts or arrangements with any Government agency or authority;
- 2.1.3 subject to Clause 2.4 appointing, employing, remunerating, removing or suspending the Chief Executive Officer;
- 2.1.4 subject to Clause 2.4 entering into contracts with any person for the acquisition and/or supply of goods and services;
- 2.1.5 raising revenue through subscriptions and levies from Constituent Councils, by arrangements with sponsor organisations, by arrangement or contract with any other person and by any other means not inconsistent with the objects and purposes of the [NYLGA Legatus Group](#);
- 2.1.6 printing and publishing any newspapers, periodicals, books, leaflets, or other like writing;
- 2.1.7 appointing persons or committees to oversee the management of the [NYLGA Legatus Group](#), to steer projects or to pursue geographic or functional interests of Constituent Councils or specific groups of Constituent Councils;
- 2.1.8 with the prior approval of the Board undertake its functions and exercise its power outside the areas of the Constituent Councils, including by providing services ancillary to the purposes of the [NYLGA Legatus Group](#);
 - 2.1.8.1 To the extent considered necessary or expedient to the performance of its functions by the Board; or
 - 2.1.8.2 To provide services to an unincorporated area of the state;
- 2.1.9 subject to Clause 2.4 employing, engaging or retaining professional advisors to the [NYLGA Legatus Group](#);
- 2.1.10 subject to Clause 2.4 instituting, initiating and carrying on legal proceedings;
- 2.1.11 making submissions for and accepting grants, subsidies and contributions to further its objects and purposes;
- 2.1.12 subject to Clause 2.4 acquiring, holding, dealing with and disposing of any personal property;
- 2.1.13 with the prior approval of the Constituent Councils purchasing, selling or otherwise acquiring, disposing of or encumbering any real property or interests therein;
- 2.1.14 opening and operating bank accounts;
- 2.1.15 accumulating surplus funds for investment purposes;

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- 2.1.16 investing any of the funds of the [NYLGA Legatus Group](#) in any investment provided that:
 - 2.1.16.1 in exercising this power of investment, the [NYLGA Legatus Group](#) must exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
 - 2.1.16.2 the [NYLGA Legatus Group](#) must avoid investments that are speculative or hazardous in nature;
- 2.1.17 borrowing money and incurring expenditure in accordance with Clause 2.4;
- 2.1.18 giving security for the discharge of liabilities; and
- 2.1.19 doing all other things that are incidental or conducive to the attainment of the objects and purposes of the [NYLGA Legatus Group](#).

2.2 Duties

The [NYLGA Legatus Group](#) has the following duties:

- 2.2.1 to exercise the functions and powers of the [NYLGA Legatus Group](#) only in the performance and furtherance of the [NYLGA Legatus Group](#)'s objects and purposes;
- 2.2.2 to comply with this Charter, the Act, all other applicable law and any lawful direction of the Constituent Councils.

2.3 Other Powers, Functions and Duties

[NYLGA Legatus Group](#) may exercise such other functions, powers and duties as are delegated to the [NYLGA Legatus Group](#) or authorised by the Constituent Councils from time to time.

2.4 Borrowings and Expenditure

- 2.4.1 The [NYLGA Legatus Group](#) has the power to incur expenditure as follows:
 - 2.4.1.1 in accordance with a budget adopted by the [Legatus Group NYLGA](#) and approved by the Constituent Councils as required by the Act or this Charter; or
 - 2.4.1.2 with the prior approval of the Constituent Councils; or
 - 2.4.1.3 in accordance with the Act, in respect of expenditure not contained in a budget adopted by the [Legatus Group NYLGA](#) for a purpose of genuine emergency or hardship.
- 2.4.2 Subject to Clause 2.2 the [Legatus Group NYLGA](#) has the power to borrow money as follows:

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2.4.2.1 in accordance with a budget adopted by the [Legatus GroupNYLGA](#) as required by the Act or this Charter;

2.4.2.2 in respect of an overdraft facility or facilities up to a maximum amount of \$100,000;

2.4.2.3 with the prior approval of the Constituent Councils.

2.5 Property

2.5.1 All property held by the [Legatus GroupNYLGA](#) is held by it on behalf of the Constituent Councils.

2.5.2 No person may sell, encumber or otherwise deal with any property of the [Legatus GroupNYLGA](#) without the prior approval of the Constituent Councils and the approval of the [Legatus GroupNYLGA](#) by resolution of the Board.

2.6 Delegation by the [Legatus GroupNYLGA](#)

2.6.1 The [Legatus GroupNYLGA](#) may in accordance with this Charter and the Act by resolution delegate to a committee of the [Legatus GroupNYLGA](#), an employee of the [Legatus GroupNYLGA](#), a Constituent Council or to a person for the time being occupying a particular office or position of the [Legatus GroupNYLGA](#) any of its powers and functions under this Charter or the Act but may not delegate:

2.6.1.1 the power to impose charges;

2.6.1.2 the power to borrow money or obtain any other form of financial accommodation not contained in a Budget adopted by the [Legatus GroupNYLGA](#);

2.6.1.3 the power to approve expenditure of money on the works, services or operations of the [Legatus GroupNYLGA](#) not contained in a Budget adopted by the [Legatus GroupNYLGA](#) and approved by the Constituent Councils;

2.6.1.4 the power to approve the reimbursement of expenses or payment of allowances to Board Members;

2.6.1.5 the power to adopt or revise a Budget or Business Plan; ~~Strategic Plan or Long-Term Financial Plan~~ of the [Legatus GroupNYLGA](#);

2.6.1.6 the power to adopt or revise financial estimates and reports.

2.6.2 A delegation is revocable at will and does not prevent the [Legatus GroupNYLGA](#) from acting in a matter.

2.6.3 Where a power or function is delegated to an employee, or a person occupying a particular office or position, that employee or person is responsible to the Chief Executive Officer for the efficient and effective exercise or performance of that power or function.

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3. BOARD OF MANAGEMENT

3.1 Structure

- 3.1.1 The ~~Legatus-Group~~NYLGA is a body corporate and is governed by the Act and this Charter.
- 3.1.2 The Board is the ~~Legatus-Group~~NYLGA's governing body and has the responsibility for the administration of the affairs of the ~~Legatus Group~~NYLGA ensuring that the ~~Legatus-Group~~NYLGA acts in accordance with this Charter and all relevant legislation including the Act.

3.2 Membership of the Board

3.2.1 The Board shall consist of all of the principal members of the Constituent Councils, ~~and for the Annual General Meeting if the Principal Member of the Constituent Council is unable to attend then the membership can include their Councils nominated proxy.~~

3.2.2 Each Constituent Council may appoint one person, who must be an elected member of the Council, to act as a proxy Board Member. A proxy Board Member will act as the nominated Board Member for a Constituent Council only when the principal member of the Council is not present at or taking part in a meeting of the Board or an Annual General Meeting.

3.2.3 Each Constituent Council shall, following every periodic Local Government election and as necessary, give notice in writing to the Chief Executive Officer, of those persons who are its Board Member and proxy Board Member.

~~3.2.4~~ 3.2.4 Unless written approval is provided by the Chair, a proxy Board Member may not act as the nominated Board Member for a Constituent Council more than two times in any twelve month period.

~~3.2.2~~ Each Board Member shall be entitled to exercise one vote on any matter arising and if the regular principal member of the board is on leave, then the Constituent Council must advise the Legatus Group on who their principal member is on the day of any given meeting.

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3.3 Functions of the Board

- 3.3.1 In addition to the functions of the Board set out in the Act, the functions of the Board include:
- 3.3.1.1 the formulation of ~~business~~strategic plans and strategies aimed at achieving the objects and purposes of the ~~Legatus Group~~NYLGA;
- 3.3.1.2 providing effective governance and developing such policies and procedures as give effect to good governance and administrative practices;

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- 3.3.1.3 to providing input and [strategic and](#) policy direction to the [Legatus-GroupNYLGA](#);
- 3.3.1.4 monitoring, overseeing and evaluating the performance of the Chief Executive Officer of the [Legatus-GroupNYLGA](#);
- 3.3.1.5 ensuring that ethical behaviour and integrity is established and maintained by the [Legatus-GroupNYLGA](#), the Board and Board Members in all activities undertaken by the [Legatus-GroupNYLGA](#);
- 3.3.1.6 ensuring that the activities of the [Legatus-GroupNYLGA](#) are undertaken in an open and transparent manner;
- 3.3.1.7 exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.

3.4 Propriety of Members of the Board

- 3.4.1 The principles regarding conflict of interest prescribed in the Act apply to all Board Members in the same manner as if they were elected members of a council.
- 3.4.2 The Board Members are required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.
- 3.4.3 The Board Members will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the performance and discharge of official functions and duties as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2 to the Act.

3.5 Chair of the Board

- [3.5.1](#) A Chair and two Deputy Chairs shall be elected at Annual General Meetings by and from the Board Members. [The Chair will be referred to as the President of NYLGA and the Deputy Chairs will be referred to as the Vice Presidents of NYLGA.](#)
- [3.5.13.5.2](#) [A proxy Board Member is not eligible to be elected to the office of Chair or Deputy Chair.](#)
- [3.5.23.5.3](#) The Chair and Deputy Chairs shall hold office from the Annual General Meeting at which they are elected for a period of two years.
- [3.5.33.5.4](#) Nominations from Constituent Councils for the positions of Chair and Deputy Chairs must be in writing and must reach the Chief Executive Officer no later than one week prior to the date of the relevant Annual General Meeting that these positions become vacant.
- [3.5.43.5.5](#) If the Chair resigns as Chair, is removed from office as Chair, refuses or is unable to act as Chairperson or is no longer a Board Member,

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either one of the Deputy Chairs may act as Chair until the election of a new Chair at the next Annual General Meeting.

~~3.6.53.5.6~~ The Chair shall preside at all meetings of the Board and, in the event of the Chair being absent from a meeting, one of the Deputy Chairs chosen by those Board Members present shall preside and in the event of the Chair and both Deputy Chairs being absent from a meeting, the Board Members present shall appoint a Board Member from amongst them, who shall preside for that meeting or until the Chair or a Deputy Chair is present.

3.6 Proceedings of the Board

Board Meetings

- 3.6.1 Ordinary meeting of the Board must take place at such times and places as may be fixed by the ~~Legatus-GroupNYLGA~~ Board.
- 3.6.2 An ordinary meeting of the Board will constitute an ordinary meeting of the ~~Legatus-GroupNYLGA~~. The Board shall administer the business of the ~~Legatus-GroupNYLGA~~ at the ordinary meeting.
- 3.6.3 For the purposes of this subclause, the contemporary linking together by telephone, audio-visual or other instantaneous means ('telecommunications meeting') of the Board Members provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the telecommunications meeting, must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the Chair of the meeting.

~~3.6.4~~ Meetings of the Board will be open to the public and Chapter 6 Part 3 of the Act extends to the ~~Legatus-GroupNYLGA~~ as if the ~~Legatus GroupNYLGA~~ were a council and the Board Members were members of the council.

~~3.6.43.6.5~~ The Chief Executive Officers of Constituent Councils or their delegate may attend meetings of the Board and provide such advice and support as may be required by the Board from time to time.

Notice of Meetings

~~3.6.53.6.6~~ Notice of an ordinary meeting of the Board and an Annual General Meeting must be given by the Chief Executive Officer to each Board Member and Chief Executive Officer of the Constituent Councils at least five (5) clear days prior to the holding of the meeting.

~~3.6.63.6.7~~ The Chief Executive Officer must, in relation to a notice of a meeting of the Board for the purpose of considering the making of a recommendation to the Constituent Councils to wind up the ~~Legatus~~

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[GroupNYLGA](#), provide the notice to all Board Members and the Chief Executive Officers of the Constituent Councils at least four (4) months before the date of the meeting.

[3.6.73.6.8](#) Notice of a meeting of the Board must:

[3.6.7.13.6.8.1](#) be in writing; and

[3.6.7.23.6.8.2](#) set out the date, time and place of the meeting; and

[3.6.7.33.6.8.3](#) be signed by the Chief Executive Officer; and

[3.6.7.43.6.8.4](#) contain, or be accompanied by, the agenda for the meeting.

[3.6.83.6.9](#) Any Constituent Council, the Chair or three (3) Board Members may by delivering a written request to the Chief Executive Officer require a special meeting of the Board to be held. The request to the Chief Executive Officer requiring a special meeting to be held must be accompanied by the agenda for the meeting and any written reports intended to be considered at the meeting and if an agenda is not provided the request is of no effect.

[3.6.93.6.10](#) On receipt of the request pursuant to Clause 3.6.8 the Chief Executive Officer must send a notice of the special meeting to all Board Members and Chief Executive Officers of the Constituent Councils at least twenty four (24) hours prior to the commencement of the special meeting.

[3.6.103.6.11](#) The Chief Executive Officer must, insofar as is reasonably practicable:

[3.6.10.13.6.11.1](#) ensure that items on an agenda given to Board Members are described with reasonable particularity and accuracy; and

[3.6.10.23.6.11.2](#) supply to each Board Member at the time that notice of a meeting is given a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).

[3.6.113.6.12](#) Notice of a meeting of the Board may be given to a Board Member:

[3.6.11.13.6.12.1](#) personally; or

[3.6.11.23.6.12.2](#) by delivering the notice (whether by post, electronically or otherwise) to the usual place of residence of the Board Member or to another place authorised in writing by the Board Member; or

[3.6.11.33.6.12.3](#) by leaving the notice for the Board Member at an appropriate place at the principal office of the Constituent Council for which the Board Member is the principal member; or

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~~3.6.11.4~~~~3.6.12.4~~ by a means authorised in writing by the Board Member as being an available means of giving notice.

~~3.6.12~~~~3.6.13~~ A notice that is not given in accordance with Clause 3.6.11 is taken to have been validly given if the Chief Executive Officer considers it impracticable to give the notice in accordance with that Clause and takes action the Chief Executive Officer considers reasonably practicable in the circumstances to bring the notice to the attention of the Board Member.

~~3.6.13~~~~3.6.14~~ The Chief Executive Officer must give notice to the public of the times and places of meetings of the Board at least five (5) clear days prior to the holding of the meeting by causing a copy of the notice and agenda for the meeting to be placed on the website of the Constituent Councils and the [Legatus GroupNYLGA](#).

~~3.6.14~~~~3.6.15~~ Subject to Clause ~~3.6.17~~~~3.6.16~~, the Chief Executive Officer must also ensure that a reasonable number of copies of any document or report supplied to Board Members for consideration at a meeting of the Board are available for inspection by members of the public:

~~3.6.14.1~~~~3.6.15.1~~ on the [Legatus GroupNYLGA](#) website as soon as practicable after the time when the document or report is supplied to Board Members; or

~~3.6.14.2~~~~3.6.15.2~~ in the case of a document or report supplied to Board Members at the Board Meeting, at the meeting as soon as practicable after the time when the document or report is supplied to Board Members.

~~3.6.15~~~~3.6.16~~ The Chief Executive Officer may indicate on a document or report provided to Board Members under Clause ~~3.6.15~~~~23.6.14.2~~ any information or matter contained in or arising from a document or report that may, if the Board determines, be considered in confidence in accordance with Clause 3.6.4 provided that the Chief Executive Officer at the same time specifies the basis on which an order could be made pursuant to the provisions of Chapter 6 Part 3 of the Act.

~~3.6.16~~~~3.6.17~~ Clause ~~3.6.15~~~~3.6.14~~ does not apply to a document or report:

~~3.6.16.1~~~~3.6.17.1~~ that is subject to the operation of Clause ~~3.6.16~~~~3.6.15~~; or

~~3.6.16.2~~~~3.6.17.2~~ that relates to a matter dealt with by the Board on a confidential basis in accordance with Clause 3.6.4 and Chapter 6 Part 3 of the Act.

~~3.6.17~~~~3.6.18~~ The Chief Executive Officer must maintain a record of all notices of Board meetings given under Clause ~~3.6.11~~ to Board Members.

Quorum

~~3.6.18~~~~3.6.19~~ A meeting of the Board must not commence until a quorum is present and a meeting must not continue if there is not a quorum of

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Board Members present. A quorum of Board Members will comprise one half of the Board Members in office, ignoring any fraction, plus one.

Voting

~~3.6.19~~3.6.20 Unless otherwise required at law or this Charter, all matters for decision of a meeting of the Board shall be decided by a simple majority of the Board Members present and entitled to vote. All Board Members, including the Chair present and entitled to vote are required to vote. All Board Members including the Chair are entitled to a deliberative vote and if the votes are equal the Chair or other Board Member presiding does not have a second or casting vote.

Confidentiality

~~3.6.20~~3.6.21 All Board Members must keep confidential all documents and any information provided to them for their consideration prior to a meeting of the Board that is subject to the operation of Clause ~~3.6.16~~3.6.15 or that relates to a matter dealt with by the Board on a confidential basis in accordance with Clause 3.6.4 and Chapter 6, Part 3 of the Act.

Minutes

~~3.6.21~~3.6.22 The Chief Executive Officer must cause minutes to be kept of the proceedings at every meeting of the Board and ensure that the minutes are presented at the next ordinary meeting of the Board and where the Chief Executive Officer is absent or excluded from attendance at a meeting of the Board pursuant to Clause 3.6.4 the person presiding at the meeting shall cause the minutes to be kept.

~~3.6.22~~3.6.23 Subject to Clause ~~3.6.25~~3.6.24 a copy of the minutes of a meeting of the Board must be placed on public display at the principal offices of the Constituent Councils and the ~~Legatus Group~~NYLGA within five (5) days after the meeting and kept on public display for a period of one (1) month.

~~3.6.23~~3.6.24 Subject to Clause ~~3.6.25~~3.6.24, a person is entitled, on payment of a fee fixed by the Board, to obtain a copy of any documents placed on public display.

~~3.6.24~~3.6.25 Clauses ~~3.6.23~~3.6.22 and ~~3.6.24~~3.6.23 do not apply in relation to a document or part of a document dealt with by the Board on a confidential basis in accordance with Clause 3.6.4 and Chapter 6, Part 3 of the Act.

~~3.6.25~~3.6.26 Subject to this Charter ~~and to any direction of the Constituent Councils~~ the Board may determine its own procedures to apply to proceedings at and conduct of meetings of which must be fair and contribute to free and open decision making where the Board has not

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determined a procedure and the procedure is not specified in this Charter, the procedures specified in Part 2 of the Local Government (Procedures at Meetings) Regulations 2013 will apply.

3.7 Annual General Meeting

3.7.1 The Annual General Meeting will:

- 3.7.1.1 be held not later than 30 September in each calendar year;
- 3.7.1.2 receive the ~~Legatus-Group~~NYLGA's Annual Report which may incorporate reports from committees and any representatives reports from other organisations;
- 3.7.1.3 receive the audited financial statement for the preceding financial year;
- 3.7.1.4 acknowledge the appointment of Board Members;
- 3.7.1.5 elect the Chair and two Deputy Chairs;
- 3.7.1.6 appoint representatives to other organisations;
- 3.7.1.7 consider any other business requiring consideration by the Board Members in a general meeting.

4. CHIEF EXECUTIVE OFFICER

~~4.1 The Board shall appoint a Chief Executive Officer of the Legatus-Group~~NYLGA to manage the affairs of the ~~Legatus-Group~~NYLGA on such terms and conditions as may be determined by ~~agreed between the Chief Executive Officer and the Board and agreed by the Chief Executive Officer.~~

~~4.1.4.2 The Chief Executive Officer may, but not need, be an employee of the NYLGA and may be given a different title by resolution of the Board.~~

~~4.2 The Chief Executive Officer is responsible to the Legatus-Group for the implementation of the decisions of the Legatus-Group and will work collaboratively with the Regional Management Group.~~

4.3 The terms and conditions of the ~~appointment~~engagement and remuneration of the Chief Executive Officer shall be reviewed annually according to any ~~employment~~ agreement that may be in place with the Chief Executive Officer.

~~4.4 The Chief Executive Officer shall cause records to be kept of all activities and financial affairs of the Legatus-Group in accordance with this Charter.~~

~~4.5~~4.4 The Board shall delegate responsibility for the day to day management of the ~~Legatus-Group~~NYLGA to the Chief Executive Officer, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the ~~Legatus Group~~NYLGA.

~~4.6~~4.5 The functions of the Chief Executive Officer shall be specified in the terms and conditions of appointment and shall include but are not limited to:

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4.6.14.5.1 attending at all meetings of the Board unless excluded by resolution of the Board;

4.6.24.5.2 ensuring that the decisions of the Board are implemented in a timely and efficient manner;

4.6.34.5.3 providing information to assist the Board to assess the [Legatus GroupNYLGA](#)'s performance against its [Strategic and Business Plans](#);

4.6.44.5.4 appointing, managing, suspending and dismissing employees of the [Legatus GroupNYLGA](#);

4.6.54.5.5 determining the conditions of employment of employees of the [Legatus GroupNYLGA](#), within budgetary constraints set by the Board;

4.6.64.5.6 providing advice and reports to the Board on the exercise and performance of its powers and functions under this Charter or any Act;

4.6.74.5.7 ensuring that the [Legatus GroupNYLGA](#) is at all times complying with Schedule 2 of the Local Government Act 1999;

4.6.84.5.8 co-ordinating and initiating proposals for consideration of the Board including but not limited to continuing improvement of the operations of the [Legatus GroupNYLGA](#);

4.6.94.5.9 ensuring that the assets and resources of the [Legatus GroupNYLGA](#) are properly managed and maintained;

4.6.104.5.10 ensuring that records of [activities and financial affairs](#) required under [this Charter](#), the Act or any other legislation are properly kept and maintained;

4.6.114.5.11 ensuring that the [Legatus GroupNYLGA](#)'s annual report is distributed to the Constituent Councils in time to be incorporated in their annual reports;

4.6.124.5.12 exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the Act or any other Act, and performing other functions lawfully directed by the Board; and

4.6.134.5.13 achieving financial outcomes in accordance with adopted plans and budgets of the [Legatus GroupNYLGA](#).

4.7.4.6 The Chief Executive Officer may delegate or sub-delegate to:

4.7.14.6.1 a committee;

4.7.24.6.2 an employee of the [Legatus GroupNYLGA](#);

4.7.34.6.3 an employee of a Constituent Council; or

4.7.44.6.4 a person for the time being occupying a particular office or position,

any power or function vested in the Chief Executive Officer. Such delegation or sub-delegation may be subject to any conditions or limitations as determined by

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the Chief Executive Officer is revocable at will and does not prevent the Chief Executive Officer from acting in relation to a matter.

[4.84.7](#) A written record of all delegations and sub-delegations must be kept by the Chief Executive Officer at all times.

5. FINANCIALS

5.1 Budget

- 5.1.1 The proposed ~~Annual~~ Business Plan and the Budget must be referred to the Constituent Councils at least eight (8) weeks prior to the date of the meeting at which the budget is to be adopted.
- 5.1.2 Constituent Councils may comment on the ~~Annual~~ Business Plan and the Budget in writing to the Chief Executive Officer at least ten (10) business days before the meeting at which the ~~B~~udget is to be adopted or through its Board Member at that meeting.
- 5.1.3 The ~~Legatus-GroupNYLGA~~ must adopt the ~~Annual~~ Business Plan and Budget after 31 May and before 30 June for the ensuing Financial Year.
- 5.1.4 The ~~Legatus-GroupNYLGA~~ must provide a copy of its adopted Budget to the Constituent Councils within five (5) business days after the adoption of the Budget by the ~~Legatus-GroupNYLGA~~.
- 5.1.5 Reports summarising the financial position and performance of the ~~Legatus-GroupNYLGA~~ against the Budget must be prepared and presented to the Board at each ordinary meeting of the Board and copies provided to the Constituent Councils.
- 5.1.6 The ~~Legatus-GroupNYLGA~~ must reconsider its Budget in accordance with the Act and in a manner consistent with the Act and may amend its Budget for a Financial Year at any time before the year ends.
- 5.1.7 The ~~Legatus-GroupNYLGA~~ must submit to each Constituent Council for approval, any proposed amendment to the Budget that provides for an additional financial contribution by the Constituent Councils.
- 5.1.8 The contents of the Budget must be in accordance with the Act.

5.2 Financial Standards and Reporting

- 5.2.1 The ~~Legatus-GroupNYLGA~~ must ensure that the Financial Statements of the ~~Legatus-GroupNYLGA~~ for each Financial Year are audited by the ~~Legatus-GroupNYLGA~~'s auditor.
- 5.2.2 The Financial Statements must be finalised and audited in sufficient time to be included in the Annual Report to be provided to the Constituent Councils pursuant to Clause 6.23.3.

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5.3 Financial Management

- 5.3.1 The [Legatus-GroupNYLGA](#) shall keep proper books of accounts in accordance with the requirements of the Act and Local Government (Financial Management) Regulations 1999.
- 5.3.2 The [Legatus-GroupNYLGA](#) must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.
- 5.3.3 The [Legatus-GroupNYLGA](#) will develop and maintain appropriate policies and procedures for all financial transactions including in relation to signing cheques and electronic funds transfer.
- 5.3.4 The Chief Executive Officer must act prudently in the handling of all financial transactions for the [Legatus-GroupNYLGA](#).

5.4 Levies

- 5.4.1 The [Legatus-GroupNYLGA](#) may levy Constituent Councils or any of them for a specified purpose or purposes.
- 5.4.2 A levy must be imposed by a meeting of the Board.
- 5.4.3 The Chief Executive Officer must give notice of the levy to all affected Constituent Councils.
- 5.4.4 A levy will not be binding on Constituent Councils until the expiration of one calendar month from the date of the notice.
- 5.4.5 A Constituent Council which objects in writing to the imposition of the levy within one month of the date of the notice shall be exempt from payment of the levy until its objection is considered at a meeting of the Board.
- 5.4.6 The [Legatus-GroupNYLGA](#) must, after consideration of the objection of one or more Constituent Councils to a levy, confirm or vary the levy on that Council or exempt that Council from payment of the levy.

5.4.7 The Chair may convene an urgent meeting to consider an objection to a levy.

5.4.75.4.8 In the event that a Constituent Council does not wish to participate in an activity or activities to which the specified purpose or purposes of a levy relate, that Constituent Council may elect to be excluded from that activity or activities provided that the Board is satisfied that the Constituent Council will not receive a material benefit from the activity or activities.

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6. MANAGEMENT FRAMEWORK

6.1 Business Strategic Plan

- 6.1.1 The ~~Legatus Group~~NYLGA shall ~~have a rolling Business Plan with respect to the forthcoming four years~~prepare and implement a 4 year Strategic Management Plan and a 2-year Action Plan.
- 6.1.2 The ~~Business Strategic Management Plan~~ must will:
- (a) identify the ~~Legatus Group~~NYLGA objectives over the period;
 - (b) identify the principal activities that the ~~Legatus Group~~NYLGA intends to undertake to achieve its objectives;
 - (c) state the measures that are to be used to monitor and access the performance of the ~~Legatus Group~~NYLGA over the period;
 - (d) ~~set out the means by which activities are to be carried out with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period; identify the broad means by which its activities are to be carried out;~~
 - (e) address issues associated with arranging its affairs; and
 - (f) make provision for the review of the ~~Legatus Group~~NYLGA ~~Charter and activities at least once in every 42 years.~~
- 6.1.3 The NYLGA shall consult with the Constituent Councils prior to adopting or amending the Business Plan. ~~Submit the Strategic Plan to the Constituent Councils for their approval.~~
- 6.1.4 The ~~Le~~NYLGA shall ensure contents of the Business Plan is in accordance with the ~~Act~~ gatus Group may amend its Strategic Management Plan at any Board meeting for consideration by the Constituent Councils but must review the Strategic Management Plan at least once during its term.

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6.2 Annual Business Plan

The Legatus Group shall:

- 6.2.1 ~~prepare an Annual Business Plan linking the core activities of the Legatus Group to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period;~~
- 6.2.2 ~~consult with the Constituent Councils prior to adopting or amending the Annual Business Plan; and~~
- 6.2.3 ~~ensure contents of the Business Plan is in accordance with the Act.~~

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6.36.2 Annual Report

6.3.16.2.1 The [Legatus GroupNYLGA](#) must each year, produce an Annual Report summarising the activities, achievements and financial performance of the [Legatus GroupNYLGA](#) for the preceding Financial Year.

6.3.26.2.2 The Annual Report must incorporate the audited financial statements of the [Legatus GroupNYLGA](#) for the relevant Financial Year.

6.3.36.2.3 The Annual Report must be provided to the Constituent Councils by 30 September each year.

6.46.3 Audit

6.4.16.3.1 The [Legatus GroupNYLGA](#) must cause adequate and proper books of account to be kept in relation to all the affairs of the [Legatus GroupNYLGA](#) and must establish and maintain effective auditing of its operations.

6.4.26.3.2 The [Legatus GroupNYLGA](#) must appoint an Auditor in accordance with the Act on such terms and conditions as determined by the [Legatus GroupNYLGA](#).

6.4.36.3.3 The audited Financial Statements of the [Legatus GroupNYLGA](#), together with the accompanying report from the Auditor, shall be submitted to both the Board and the Constituent Councils by 30 September in each year.

6.56.4 Audit and Risk Committee

6.5.16.4.1 The [Legatus GroupNYLGA](#) must establish an Audit and Risk Management Committee to be comprised of five (5) persons nominated by the [Legatus GroupNYLGA](#) and approved by the Constituent Councils.

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6.5.26.4.2 The members of the Audit and Risk Management Committee:

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6.5.2.16.4.2.1 must include two (2) professionally qualified officers, one of each from the staff of the Constituent Councils;

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6.5.2.26.4.2.2 must include at least 1 person who is not a member of the Board and who is determined by the Constituent Councils to have financial experience relevant to the functions of the Audit and Risk Management Committee;

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6.5.2.36.4.2.3 may include elected members of the Constituent Councils;

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6.5.2.46.4.2.4 must have regard to the Act in performing their duties.

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6.5.36.4.2.5 The term of appointment of a member of the Audit and Risk Management Committee shall be for a term not

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exceeding two (2) years at the expiry of which such member will be eligible for reappointment.

7. MISCELLANEOUS

7.1 New Members

- 7.1.1 Subject to the provisions of the Act, a council may become a Constituent Council by the unanimous agreement of the Constituent Councils and this Charter may be amended to provide for the admission of a new constituent council or councils, with or without conditions of membership.

7.2 Subscription

- 7.2.1 Every Constituent Council shall be liable to contribute monies to the ~~Legatus Group~~NYLGA each financial year.
- 7.2.2 The amount of each Constituent Council's subscription will be decided ~~by the Board~~ at the meeting where they adopt the Annual ~~Business Plan and~~ Budget and ~~that~~ subscriptions will be due and payable within one month of a written request from the Chief Executive Officer for payment.

7.3 Disqualification

- 7.3.1 Subject to any legislative requirements, a Council which fails to pay its subscription or any other monies due to the ~~Legatus Group~~NYLGA within six months from the date upon which the subscription or other monies become due and payable shall cease to be a Constituent Council ~~or, as the case may be, an Affiliate.~~
- 7.3.2 The Chief Executive Officer will give notice in writing to the Council that its status as a Constituent Council ~~or, as the case may be, an Affiliate,~~ has been terminated.

7.4 Withdrawal

~~Subject to the Act and this Charter, a Constituent Council may withdraw from the NYLGA~~~~cease to be a Constituent Council~~ by giving ~~not less than eighteen (18) months' notice in writing of its intention to withdraw~~~~such withdrawal to the Chief Executive Officer provided that its subscription of the current year and other monies outstanding prior to the date of its giving notice of withdrawal have been paid to the Legatus Group~~NYLGA.

7.4.1 Chief Executive Officer

7.4.2 ~~Written notice of an intention to withdraw under Clause 7.4.1 must be received by the Chief Executive officer prior to 31 December and subject to the Act and this Charter the withdrawal will take effect from the following 30 June.~~

7.4.3 ~~provided that its subscription of the current year and other monies outstanding prior to the date of its giving notice of withdrawal have~~

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~~been paid to the Legatus Group.~~ Until a withdrawal becomes effective the Constituent Council proposing the withdrawal from the NYLGA will remain liable for all financial contributions in the remaining period.

~~7.4.17.4.4~~ A withdrawing Constituent Council is not entitled to any refund of the financial contributions made to the NYLGA.

~~7.4.27.4.5~~ The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council to contribute to any loss or liability incurred by the Legatus GroupNYLGA at any time before or after such withdrawal in respect of any act or omission by the Legatus GroupNYLGA prior to such withdrawal.

7.5 Insurance and Superannuation Requirements

7.5.1 The Legatus GroupNYLGA shall register with the Local Government Mutual Liability Scheme and Local Government Workers Compensation Scheme and comply with the rules of those Schemes.

7.5.2 The Legatus GroupNYLGA shall advise the Local Government Risk Management Services of its insurance requirements relating to Local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Legatus GroupNYLGA.

7.6 Legatus GroupNYLGA Winding Up

7.6.1 The Legatus GroupNYLGA may be wound up in accordance with the Act by unanimous resolution of the Constituent Councils.

7.6.2 In the event of a winding up, any surplus assets after payment of all expenses shall be returned to each Constituent Councils in proportion to the subscription paid by each Constituent Council in the financial year prior to the passing of the resolution wind up.

7.6.3 If there are insufficient funds to pay all expenses due by the Legatus GroupNYLGA on winding up, a levy shall be imposed on all Constituent Councils in proportion to the subscription paid by each Constituent Council in the financial year prior to the passing of the resolution to wind up.

7.7 Non-derogation and Direction by Constituent Councils

7.7.1 The establishment of the Legatus GroupNYLGA does not derogate from the power of any of the Constituent Councils to act independently or jointly in relation to a matter within the jurisdiction of the Legatus GroupNYLGA.

7.7.2 Provided that the Constituent Councils have first agreed by unanimous resolution of each Constituent Council as to the action to be taken, the Constituent Councils may jointly direct and control the Legatus GroupNYLGA.

7.7.3 Where the Legatus GroupNYLGA is required pursuant to the Act or this Charter to obtain the approval of one or more of the Constituent

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Councils that approval must only be granted and must be evidenced by a resolution passed by either or all of the Constituent Councils granting such approval.

7.7.4 Unless otherwise stated in this Charter where the [Legatus GroupNYLGA](#) is required to obtain the consent or approval of the Constituent Councils this means the consent or approval of all of the Constituent Councils expressed in the same or similar terms.

7.7.5 For the purpose of Clause 7.7.1, any direction given by the Constituent Councils must be communicated by notice in writing provided to the Chief Executive Officer of the [Legatus GroupNYLGA](#) together with a copy of the relevant resolutions of the Constituent Councils.

7.8 Alteration and Review of Charter

7.8.1 This Charter will be reviewed by the Constituent Councils at least once in every four (4) years.

7.8.2 This Charter may be amended by a resolution passed by a simple majority of the Constituent Councils.

7.8.3 Before the Constituent Councils vote on a proposal to alter this Charter, they must take into account any recommendation of the Board.

7.9 Disputes

7.9.1 General

7.9.1.1 Where a dispute arises between the Constituent Councils or between a Constituent Council and the Authority (the parties to this Charter) which relates to this Charter or the Authority, ('the Dispute') the parties will use their best endeavours to resolve the Dispute and to act at all times in good faith.

7.9.2 Mediation

7.9.2.1 A party is not entitled to initiate arbitration or court proceedings (except proceedings seeking urgent equitable or injunctive relief) in respect of a Dispute unless it has complied with this Clause 7.9.2.

7.9.2.2 If the parties are unable to resolve the Dispute within thirty (30) days, the parties must refer the Dispute for mediation in accordance with the Mediation Rules of the Law Society of South Australia Incorporated, within seven (7) days of a written request by any party to the other party that the Dispute be referred for mediation, to:

- (a) a mediator agreed by the parties; or
- (b) if the parties are unable to agree on a mediator at the time the Dispute is to be referred for mediation, a

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mediator nominated by the then President of the Law Society or the President's successor.

7.9.2.3 In the event the parties fail to refer the matter for mediation in accordance with Clause 7.9.2.2, one or more of the parties may refer the matter for mediation in accordance with the Mediation Rules of the Law Society of South Australia Incorporated to a mediator nominated by the then President of the Law Society or the President's successor.

7.9.2.4 The role of any mediator is to assist in negotiating a resolution of the dispute. A mediator may not make a decision that is binding on a party unless that party has so agreed in writing.

7.9.2.5 If mediation does not resolve the Dispute within 28 days of referral of the Dispute for mediation or such longer period agreed unanimously by the parties as evidenced by resolutions of each of the parties, any party may then refer the Dispute to Arbitration in accordance with Clause 7.9.3.

7.9.3 Arbitration

7.9.3.1 An arbitrator may be appointed by agreement between the parties.

7.9.3.2 Failing agreement as to an arbitrator the then Chairperson of the South Australian Chapter of the Institute of Arbitrators or his successor shall nominate an Arbitrator pursuant to these conditions.

7.9.3.3 A submission to arbitration shall be deemed to be a submission to arbitration within the meaning of the Commercial Arbitration Act 1985 (South Australia).

7.9.3.4 Upon serving a notice of arbitration the party serving the notice shall lodge with the arbitrator a deposit by way of security for the cost of the arbitration proceedings.

7.9.3.5 Upon each submission to arbitration, the costs of and incidental to the submission and award shall be at the discretion of the arbitrator who may in his or her sole discretion determine the amount of costs, how costs are to be proportioned and by whom they are to be paid.

7.9.3.6 Whenever reasonably possible performance of the obligations of the parties pursuant to this Charter shall continue during the mediation or arbitration proceedings and no payment by or to a party shall be withheld on account of the mediation and arbitration proceedings.

7.10 Committees

7.10.1 The Board may establish a committee of Board Members and/or other persons for the purpose of:

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7.10.1.1 enquiring into and reporting to the Board on any matter within the ~~Legatus Group~~[NYLGA](#)'s functions and powers and as detailed in the terms of reference given by the Board to the Committee; or

7.10.1.2 exercising, performing or discharging delegated powers, functions or duties.

7.10.2 A member of a committee established under this Clause holds office at the pleasure of the Board.

7.10.3 The Board may establish advisory committees consisting of or including persons who are not Board Members for enquiring into and reporting to the Board on any matter within the ~~Legatus Group~~[NYLGA](#)'s functions and powers and as detailed in the terms of reference determined by the Board.

7.10.4 A member of an advisory committee established under this clause holds office at the pleasure of the Board.

7.10.5 The Chair of the Board is ex-officio a member of any committee or advisory committee established by the Board.

~~7.11~~ **Regional Management Group**

~~7.11.1~~ The Regional Management Group shall comprise the Chief Executive Officers or their proxy of the Constituent Councils and they will include the Chief Executive Officer for attendance at their meetings who will in turn provide the secretariat services on behalf of the Regional Management Group.

~~7.11.2~~ The Regional Management Group will support and work collaboratively with the Chief Executive Officer to implement and deliver the strategic objectives of the Legatus Group.

~~7.11.3~~ The Regional Management Group will meet at such times and at places determined by the Regional Management Group.

~~7.11.4~~ The members of the Regional Management Group may attend Board meetings and provide such advice and support to the Board as required from time to time.

~~7.11.5~~ The proceedings of meetings of the Regional Management Group will be determined by the Regional Management Group.

~~7.12.11~~ **~~Legatus Group~~[NYLGA](#) Common Seal**

~~7.12.11.1~~ The ~~Legatus Group~~[NYLGA](#) shall have a common seal upon which its corporate name shall appear in legible characters.

~~7.12.11.2~~ The common seal shall not be used without the express authorisation of a resolution of the ~~Legatus Group~~[NYLGA](#) Board and every use of the common seal shall be recorded in the minute book of the ~~Legatus Group~~[NYLGA](#).

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7.12.37.11.3 The affixing of the common seal shall be witnessed by the Chair or a Deputy Chair and the Chief Executive Officer or such other person as the [Legatus-GroupNYLGA](#) may appoint for the purpose.

7.12.47.11.4 The common seal shall be kept in the custody of the Chief Executive Officer or such other person as the [Legatus-GroupNYLGA](#) may from time to time decide.

7.137.12 **Circumstances Not Provided For**

7.13.47.12.1 If any circumstance arises about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Chair may decide the action to be taken to ensure achievement of the objects of the [Legatus-GroupNYLGA](#) and its effective administrator.

7.13.27.12.2 The Chair shall report any such decision at the next general meeting.

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THE LEGATUS GROUP

Regional Local Government Ambassador and Advocate

STRATEGIC PLAN FRAMEWORK

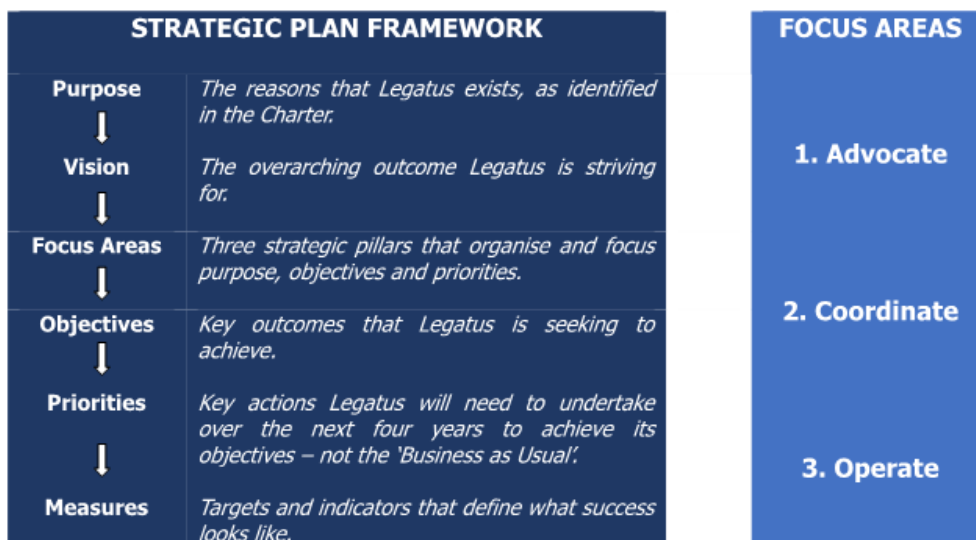
ABOUT THIS DOCUMENT

This strategic plan framework has been prepared to guide the Legatus Group ('Legatus') through a period of change as it considers and adopts an amended Charter and transitions to a new Business Plan approach from 2024/25. It is, in effect, a new Legatus Strategic Plan that will inform and guide future operational planning.

The need for a new strategic framework emerged during consultation with Mayors and CEOs throughout a strategic review undertaken in August – December 2023. Constituent Councils (members) are seeking a stronger focus on advocacy and a narrower and better-defined set of priorities that are clearly aligned to the organisation's purpose. Members are also seeking a more responsive approach to business planning. Legatus needs to have the capacity to respond to new challenges and opportunities, and the flexibility to move on from activities and projects that are delivering less value to members.

To achieve a more flexible and agile approach, it is recommended that Legatus consolidate its Strategic Plan and Annual Business Plan within a four-year rolling Business Plan that is reviewed and updated annually in consultation with members. This approach will ensure that Legatus is always looking ahead and can more rapidly refocus its strategy and resources on the issues that are of the greatest importance to the region.

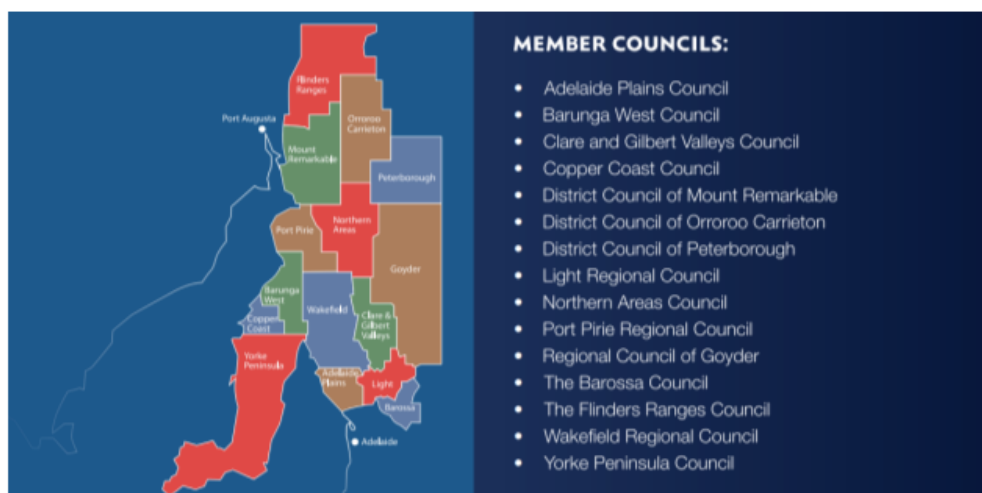
The strategic plan framework has been developed to guide and inform the preparation of the first iteration of the new Business Plan in 2024/25. The key elements of the new strategic framework are outlined below.



ABOUT THE LEGATUS GROUP

The Legatus Group is a regional subsidiary established in 1998 by fifteen Councils to provide a forum for local government in the region to work together and advocate for better outcomes for councils and the community.

Legatus covers a large and diverse geographic area, comprising almost one third of South Australia's incorporated areas. Collectively known as the Northern and Yorke region, Legatus includes Councils from across the Adelaide Plains, Barossa, Mid North, Yorke Peninsula and Southern Flinders Ranges.



The purpose of Legatus is set out in its Charter, which has been reviewed and is subject to adoption by members:

- Undertake advocacy, representational and coordinating roles on behalf of the Constituent Councils at a regional level.
- Provide strong advocacy in developing policy positions and speaking with one voice on issues and matters that affect Constituent Councils and the communities within the Region.
- Work collaboratively with the Local Government Association of South Australia and other regional local government bodies for the benefit of Constituent Councils.
- Liaise, work with and make representations and submissions to the State and Commonwealth Governments and their instrumentalities on a regional basis for the benefit of the Region.
- Undertake projects and activities that benefit Constituent Councils and the Region
- Act as a forum for discussion, information sharing and consideration of matters relating to the powers, functions and duties of the Constituent Councils under the Act and other statutory provisions in relation to the Region.
- Develop and facilitate further co-operation and collaboration between the Constituent Councils for their benefit and the benefit of the Region.
- Develop and manage policies and plans which guide the conduct of regional programs with the objective of securing the best outcomes for the Region.
- Build partnerships with those who can contribute to the development and delivery of projects and activities that benefit Constituent Councils and the Region.

BUSINESS PLANNING FRAMEWORK

It is proposed that Legatus transition to a new business planning framework in 2024-25, which will introduce a rolling four-year Business Plan that is reviewed annually. The Business Plan will incorporate the functions of a Strategic Plan, Action Plan, Long-Term Financial Plan and Annual Business Plan and be used to inform an annual Budget. This framework complies with the requirements of the Local Government Act 1999 for a regional subsidiary and provides a dynamic and responsive approach to business planning.

Legatus Business Planning Framework					
Charter	Business Plan	Annual Budget	Operational Plans and Policies	Regional Plans	Annual Report
Prepared under the <i>Local Government Act 1999</i> to establish purpose, structure and rules. Reviewed at least once every four years.	Rolling four-year Business Plan identifying objectives, priorities, measures and resourcing. Reviewed annually in consultation with members.	Prepared annually in conjunction with Business Plan review and in consultation with members. Alignment of Business Plan to resourcing.	Plans and policies endorsed by the Board that detail how Legatus will achieve the objectives of its Business Plan – such as an Advocacy Plan.	Legatus has prepared or partnered in a suite of plans guiding regional action in areas such as transport, waste, climate change and regional development.	Prepared annually to report against the performance measures outlined in the Business Plan and includes audited financial statements.

GOVERNANCE STRUCTURE

As a regional subsidiary, Legatus is subject to the direction of its Constituent Councils through its Charter. The Board of Management is responsible for setting the strategic directions, adopting policy and making decisions and may establish Committees to assist with or advise on these functions. The Secretariat, led by a Principal Officer, is responsible for the implementation of the Board's decisions.



BUSINESS PLANNING CONTEXT

A Business Plan needs to respond to the key external and internal influences that will create challenges and opportunities for Legatus in achieving its purpose. The strategic context for Legatus over the next four years includes:

- Federal and State Elections to be held in 2025 and 2026, providing opportunities for strong coordinated advocacy to attract funding and services to the region.
- Increased access to Federal and State funding for roads and transport infrastructure remains a significant priority for members to improve regional productivity and safety and relieve pressure on Council budgets.
- Australia's housing crisis creates significant challenges for the region. Access to health, education and childcare services are also major barriers to growth and social and economic wellbeing for regional communities. Local government nationally is exploring ways that it can be a partner in the solution by advocating and working together at a regional level.
- Climate change is here and now. Councils in the region need more funding and support to mitigate climate risk, build resilience and achieve net-zero targets.
- Increasing government fees and charges and the cost of complying with regulatory requirements is a significant financial burden for Councils. Legatus can initiate and support strong sector-wide advocacy to address these issues.
- Rising inflation and interest rates are creating significant cost of living pressures, which have flow on effects for Council budgets and financial sustainability.
- Legatus Business Plan and Budgets need to recognise the real and significant financial constraints facing its members and focus on the priorities and actions that deliver the most value.
- Budget repair at the Federal and State level restricts opportunities for 'new' funding. The region needs to maximise its opportunity and capacity to benefit from the funding streams and grant programs available.
- The State Planning Commission is leading a Regional Planning program, providing opportunities for coordinated engagement and advocacy to align State planning instruments to the needs of the region.
- Legatus is a leader of or partner in a suite of regional plans and strategies for transport, waste, regional development, climate change and drought resilience. These documents guide priority actions for Legatus where they are needed and supported by members.
- The Local Government Association is reviewing its Constitution, providing an opportunity for Legatus to strengthen its role and influence in state-wide forums.
- Councils elections in 2026 may result in new members requiring induction to Legatus.
- Initiating and embedding an amended Legatus Charter and other proposals arising from the 2023 review will require resourcing and focus.

KEY FOCUS AREAS

Legatus Members are seeking more succinct and focussed Business Plan that directs resources to the priorities and actions of greatest need. To achieve this, a Business Plan should be built around three strategic pillars that organise and focus the organisation's objectives, priorities and measures. The following is a strategic plan for Legatus that will guide forward business planning, including the allocation of resources to member priorities.

Advocate

Coordinate

Operate

Focus Area 1 - ADVOCATE

Legatus harnesses and leverages the strength of fifteen Councils speaking together with a united and powerful voice to advocate for better outcomes of the region.

Objectives	Priorities	Measures
<ol style="list-style-type: none"> Through relationships and engagement with members, develop a deep understanding of the collective advocacy needs and priorities of local government in the region. Implement a planned and strategic approach to targeted and tactical regional advocacy to achieve the region's priorities. Focus advocacy efforts on attracting more funding and services to the region. Work collaboratively with the Local Government Association and SAROC to initiate and support sector-wide advocacy and achieve greater influence for Legatus members. Build third party support for the region's advocacy priorities through beneficial alliances, partnerships and relationships. Legatus has a reputation with Federal and State Governments and their agencies as a 'go to' organisation for consultation and advice on matters relevant to local government. 	<ul style="list-style-type: none"> Develop and implement an Advocacy Plan and Framework to set priorities and guide a targeted and tactical approach to regional advocacy with a focus leading or supporting: <ul style="list-style-type: none"> <i>Increased and fairer allocation of funding for roads and transport infrastructure</i> <i>Increased Commonwealth Financial Assistance Grants</i> <i>Reducing the cost impact of government fees and charges</i> <i>Removing barriers to accessing State and Federal grant programs</i> <i>Improving housing supply and affordability</i> <i>Increased funding for tourism and better promotion of the tourism assets in the region</i> <i>Increased funding for regional waste infrastructure.</i> <i>Better access to health, education and childcare services in the region</i> Develop Federal and State Election advocacy campaigns for the region and provide members with a campaign toolkit to amplify regional priorities through local advocacy. Prepare an annual State Budget submission in accordance with the adopted Advocacy Plan. 	<ol style="list-style-type: none"> Advocacy Plan adopted by the Legatus Board by September 2024. 100% delivery of annual actions identified in the adopted Advocacy Plan each year. Achieve a minimum 20% increase in the combined total amount of State and Federal road and transport infrastructure investments in the region by the end of 2027/28. 100% of Council items of business supported by Legatus and referred to the LGA or SAROC are adopted as state-wide positions. Legatus election campaign materials are used by all member councils in their local advocacy.

Focus Area 2 – COORDINATE

Councils and partners work together through Legatus on issues, actions and outcomes that can be sensibly, efficiently and effectively progressed at a regional level to provide benefits to members.

Objectives	Priorities	Measures
<p>7. Encourage and support members to share information, identify common solutions and learn from each other's best practices.</p> <p>8. Coordinate and manage the region's requirements for the Special Local Roads Program.</p> <p>9. Keep regional plans, strategies and partnerships under review and evaluate their effectiveness and value to member councils.</p> <p>10. Provide information and resources to Councils to support service delivery and compliance, where there has been a clear and consistent need for Legatus assistance established across the region.</p> <p>11. Collate research, data and case studies that provide a strong and compelling evidence-base for the region's priorities identified in the Advocacy Plan.</p> <p>12. Identify and apply for grants that are directly linked to the delivery of the Legatus Business Plan.</p>	<ul style="list-style-type: none"> Implement, monitor, review and update the Legatus Group 2030 Regional Transport Plan. Implement, monitor and evaluate the Legatus Group Waste and Resource Recovery Strategy and a Waste Management Action Plan 2021. Implement, monitor, support and evaluate the Northern and Yorke Climate Change Sector Agreement and Regional Drought Resilience Plan. Transition state-wide CWMS roles to the LGA and facilitate regional collaboration and information sharing on CWMS through an informal network of interested members. Work with regional partners to convene on annual 'Regional Forum' with thought leaders and decision makers. 	<p>6. Achieve a member satisfaction score of at least 75% for the coordination of the Special Local Roads.</p> <p>7. Achieve a member satisfaction score of at least 75% for the value of regional plans and strategies managed or supported by Legatus.</p> <p>8. Complete a major review of the Legatus Group 2030 Regional Transport Plan completed by end February 2025.</p> <p>9. Complete a major review of the Legatus Group Waste and Resource Recovery Strategy and Action Plan by end December 2025.</p> <p>10. At least 70% of grant applications submitted or coordinated by Legatus receive funding.</p> <p>11. The Regional Forum achieves a maximum capacity audience each year.</p> <p>12. Year on year increase on the baseline number of visits to the Legatus website and the number of times resources on the website are downloaded.</p>

Focus Area 3 – OPERATE

The Legatus Group operates effectively in accordance with legislative requirements and delivers value to its members.

Objectives	Priorities	Measures
<p>13. Member satisfaction is a priority and is regularly measured and monitored.</p> <p>14. Constituent Council elected members and staff are well informed of what Legatus is doing and able to actively contribute to regional initiatives.</p> <p>15. Legatus is financially sustainable and has robust financial management in place.</p> <p>16. The Legatus Business Plan is reviewed and updated annually and gives priority to the issues and outcomes that matter most to member Councils.</p> <p>17. The Legatus Board makes good decisions that are in the best interest of the region by carefully evaluating the potential benefits and risks of each item of business.</p> <p>18. Legatus is committed to continuous improvement and systematically reviews and evaluates its operations and outcomes.</p>	<ul style="list-style-type: none"> Implement the adopted outcomes of the 2023 Strategic Review, including a new Charter and strategic framework. Implement a change of name to the Northern and Yorke Local Government Association (NYLGA) Introduce an annual member satisfaction survey to be completed by Constituent Council elected members and staff. Prepare and adopt position descriptions for officer bearers of the Board. Review the Terms of Reference of all Advisory Committees at least once every two years. Review the Legatus Charter at least once every four years. 	<p>13. Adopt a new Charter and implement a change of name to the Northern and Yorke LGA to take effect by 1 July 2024.</p> <p>14. All fifteen Councils in the region continue to be financial members of Legatus.</p> <p>15. Year on year increase in overall member satisfaction with a target to achieve a satisfaction score of 75%.</p> <p>16. Achievement of all financial metrics adopted by the Board.</p> <p>17. 100% compliance with all requirements of the Act and Charter.</p> <p>18. The Legatus CEO or President attend a meeting of each Constituent Council at least twice during each four-year Council term.</p>

**Draft Minutes****SPECIAL MEETING****Friday 15 December 2023****Online via Zoom****OPENING OF MEETING**

Each Board Member announced their presence to all other Board Members taking part in the meeting.

The Legatus Group Chair Mayor Rodney Reid opened the meeting at 10.33am and provided an acknowledgement of Country.

1. ADMINISTRATIVE MATTERS**Attendance:**

Members: Mayor Leonie Kerley, Mayor Roslyn Talbot, Mayor Allan Aughey OAM, Mayor Ken Anderson, Mayor Bill O'Brien, Deputy Mayor Marcus Strudwicke, Mayor Stephen McCarthy, Mayor Sue Scarman, Mayor Bill Gebhardt, Mayor Leon Stephens, Mayor Darren Braund and Mayor Rodney Reid.

Others: Legatus Group CEO Simon Millcock, Sean Cheriton and Lisa Teburea

1.1 Apologies

Apologies: Mayor Mark Wasley, Mayor Grant Chapman, Mayor Ruth Whittle OAM and Mayor Bim Lange OAM

1.2 Leave of Absence

The meeting noted that Adelaide Plains Council advised that Mayor Mark Wasley is on leave and as such the principal member for their council is Deputy Mayor Marcus Strudwicke.

1.3 Conflict of Interest Nil**1.4 Previous meeting minutes****1.4.1 Legatus Group Ordinary meeting held 1 December 2023**

The Legatus Group CEO provided a report with the agenda and the minutes were attached and they had been distributed.

Motion: That the minutes of the Legatus Group Ordinary Meeting held on 1 December 2023 be confirmed as a true and correct record.

Moved: Mayor Leon Stephens Seconded: Mayor Stephen McCarthy

CARRIED

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2 REPORTS FOR DECISIONS

2.1 Legatus Group Charter and Strategic Plan

The Legatus Group CEO provided a report along with attachments of the Draft Charter, Draft Strategic Plan Framework and a Legatus Group Charter Review Report as provided by BRM Advisory Lisa Teburea who attended the meeting.

Motion: That the Legatus Group receives and notes the report and endorses the Strategic Plan Framework Report and recommended alterations to the Charter and:

1. **Requests the Legatus Group CEO to distribute to all Constituent Councils the Draft Charter as presented and the Legatus Group Charter Review Report to Constituent Councils seeking their decision to approve or not the proposed alterations by Thursday 15 February 2024.**
2. **Requests the Legatus Group CEO distribute the Draft Strategic Plan Framework to Constituent Councils seeking a response noting that subject to final approval of the Charter alterations the Strategic Plan Framework may then be considered for adopting.**

Moved: Mayor Leon Stephens Seconded: Mayor Stephen McCarthy

CARRIED

3 CLOSE and DATE FOR NEXT MEETING

Meeting Closed at: 10.40am

Next Meeting

Friday 23 February 2023 – Ordinary Meeting to be hosted by Yorke Peninsula Council.

23 CORPORATE AND COMMUNITY SERVICES**23.1 FINANCIAL REPORT AS AT 31 DECEMBER 2023****Document #:** 24/384**Department:** Corporate and Community Services**PURPOSE**

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

RECOMMENDATION

That Council receive the financial report and capital projects update report as at 31 December 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 \$110,000; dog and cat registration fees of \$96,000 and septic tank registration fees of approximately \$37,000.

- Note 3 - approximate income of \$2.5m collected for user charges (boat ramps, caravan parks, cemetery fees, hall hire, etc.) of which approximately \$1.88m relates to Caravan Parks and \$200,000 to Bush Camping.
- Note 4 - combined operating and capital grants, subsidies & contributions of approximately \$2.2m received to date (Note: a further \$330,000 in unearned grant income is currently recorded as a liability in Council's balance sheet. This grant funding is to be recognised as income progressively as relevant capital expenditure and project milestones occur in accordance with the relevant accounting standards).
- Note 5 - approximately \$520,000 of investment, reimbursements and miscellaneous income.
- Note 6 - commitments of approximately \$3m with \$1.9m being for waste management services.
- Note 7 - depreciation for six months of the financial year has been included in the YTD expenditure being approximately 50% of the 2023/2024 annual revised 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. The UPF also has included in its capital totals free of charge assets accepted by council of 270,000 in the 23/24 year of which are not included in the Capital projects update.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

- Acting Manager Financial Services
- Budget and Project Managers
- 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 sixth update for the 2023/2024 financial year. After six months of the year, overall financial performance is forecast to decline against Council's endorsed Budget. This decline is due to significant increased adjustments to forecast depreciation following the revaluation of Council's

buildings and structures in 2022/2023. Adjustments to depreciation were made through the September quarter budget review.

Expenditure on capital projects, including commitments, is increasing as projects advance into procurement, construction and delivery phases. After six (6) months of the 2023/2024 financial year, 57% of the 2023/2024 budgeted capital funds remain uncommitted.

It should be noted that Council's audited 2022/2023 Annual Financial Statements and the 2023/2024 September quarterly budget review were endorsed by Council at the November 2023 meeting. All adjustments to reflect the finalisation of these processes are included in the attachments to this Council report.

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. Additionally, 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 - Council Report - Financial report - December 2023**  
2. **Capital Projects Update Report as at 31 December 2023**  

<p style="text-align: center;">YORKE PENINSULA COUNCIL UNIFORM PRESENTATION OF FINANCES AS AT 31 DECEMBER 2023</p> 							
	2023/24 YTD Actuals \$'000	2023/24 Commitments \$'000	2023/24 YTD Expenditure (Incl Commitments) \$'000	Notes	2023/24 Full Year Revised Budget \$'000	2023/24 Full Year Budget Revisions \$'000	2023/24 Full Year Adopted Budget \$'000
Income							
Rates	28,462		28,462	1	28,423		28,423
Statutory Charges	298		298	2	408		408
User Charges	2,516		2,516	3	5,101	12	5,101
Grants, Subsidies and Contributions - Capital	1,452		1,452	4	1,991	411	1,749
Grants, Subsidies and Contributions - Operating	787		787		2,644	59	2,485
Investment Income	240		240		167	(1)	168
Reimbursements	188		188	5	173	2	171
Other Income	92		92		124		124
	34,035		34,035		39,030	402	38,629
Expenses							
Employee Costs	5,187	3	5,190		11,258	(32)	11,291
Materials, Contracts and Other Expenses	6,979	3,073	10,052	6	16,747	1,654	15,093
Depreciation, Amortisation and Impairment	6,146		6,146	7	12,292	831	11,461
Finance Cost	46		46		275	(4)	279
	(18,358)	(3,076)	(21,434)		(40,572)	(2,449)	(38,123)
Operating Surplus/ (Deficit)	15,677	(3,076)	12,602		(1,541)	(2,047)	506
Timing adjustment for grant revenue							
Adjusted Operating Surplus (Deficit)	15,677	(3,076)	12,602		(1,541)	(2,047)	506
Net Outlays on Existing Assets							
Capital Expenditure on renewal and replacement of Existing Assets	(3,277)	(2,981)	(6,258)	8	(10,586)	(688)	(9,898)
Add back Depreciation, Amortisation and Impairment	6,146		6,146		12,292	831	11,461
Add back Proceeds on Sale of Assets	95		95		174	25	149
	2,964	(2,981)	(17)		1,880	168	1,712
Net Outlays on New and Upgraded Assets							
Capital Expenditure on New and Upgraded Assets	(1,960)	(939)	(2,899)	9	(9,799)	(2,841)	(6,959)
Amounts received specifically for New and Upgraded Assets	1,196		1,196		3,788	837	2,952
Add back Proceeds for Sale of Surplus Assets					35	35	
	(764)	(939)	(1,702)		(5,976)	(1,969)	(4,007)
Annual Net Impact to Financing Activities (surplus/(deficit))	17,878	(6,995)	10,882		(5,638)	(3,848)	(1,789)

Note : Totals may not add due to rounding

Yorke Peninsula Council Monthly Capital Projects Update as at 31 December 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.			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		\$4,966,375	\$3,913,927	\$8,880,302	\$20,526,834	\$11,646,532	57%	TOTAL	
Buildings & Other Structures																	
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 - Minlaton Child Care Centre [BSBRGP]	ES	Jan-24		N/A	N/A	N/A				\$1,261,449	\$607,546	\$1,868,995	\$2,048,439	\$179,444	9%	[Rolled over from 2022/23] Work in progress, anticipated completion by January 2024.	
60205 - Point Turton CP - Upper Level Amenities	CCS	Jun-23								\$5,867	\$7,273	\$13,140	\$320,756	\$307,616	96%	[Rolled over from 2022/23] Tenders endorsed and contractor appointed to build a retaining wall, development application is in process.	
44626 - Stansbury Seawall	AIS	Jun-24				N/A				\$3,273	\$0	\$3,273	\$331,000	\$327,727	99%	Development application lodged, consultation is in process.	
44656 - Marion Bay Boat Ramp and Carpark	AIS	Jun-26				N/A				\$6,720	\$0	\$6,720	\$3,800,000	\$3,793,280	100%	Tender submissions were evaluated by Councils Tender Evaluation Panel (TEP) in November 2023, with a Special Council Meeting held to endorse the TEP's recommendation of Civil-Tech being awarded the contract. Development Consent and Building Consent is approved with formal Development Approval expected by December 2023. Council is working with the state government on a Land Tenure Lease and Native Title.	
60200 - Point Turton Caravan Park Storage Shed	CCS	Mar-24				N/A				\$3,807	\$15,231	\$19,038	\$40,000	\$20,962	52%	Development application approved, shed being fabricated.	
45794 - Port Rickaby Caravan Park Water Supply Upgrade	CCS	Dec-23			N/A	N/A				\$178,030	\$0	\$178,030	\$176,945	-\$1,085	-1%	Project is near completion and park has fully 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 application approved, Procuring holding tank.	
Total Buildings & Other Structures										\$1,482,560	\$656,465	\$2,139,025	\$6,848,705	\$4,709,680	69%		
CWMS Infrastructure																	
44254 - Maitland wwtp, Buffer tank, odour control system, roofing, shed roller door, tank aerators and Drain replacement	AIS	Jun-24		N/A	N/A	N/A				\$23,348	\$45,685	\$69,033	\$115,500	\$46,467	40%	Odour control system materials purchased, new aerators ordered, planning for other projects has commenced, quotations received and purchase orders issued.	
44253 - Yorketown Minlaton Road and Warooka CWMS pump station switchboard renewal and flowmeter	AIS	Apr-24		N/A	N/A	N/A				\$0	\$37,410	\$37,410	\$36,410	-\$1,000	-3%	Planning complete, quotations sourced, purchase orders issued. Due to other priorities these new switchboard are now to be installed at Yorketown Waterloo bay road and Stansbury Pitt street.	
44260 - Port Vincent caravan park main pump station monitoring system, Ventnor SL valve, Marina Station Pump 2 and wwtp waste Pump replacement	AIS	Dec-23		N/A	N/A	N/A				\$12,050	\$13,040	\$25,090	\$25,251	\$161	1%	Monitoring system and Marina pump station pump, wwtp pumps and valving, completed.	
44256 - Stansbury Oyster Court pump station pump replacement	AIS	Dec-23		N/A	N/A	N/A				\$10,250	\$41,980	\$52,230	\$52,790	\$560	1%	Completed. Budget adjustment required.	
44264 - Point Turton wwtp install pre-treatment filtration system, replacement of irrigation pump 2 and AAT tank aerators	AIS	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.	
Total CWMS Infrastructure										\$62,848	\$215,500	\$278,348	\$394,721	\$116,373	29%		
Land																	
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 beatification works.	
Total Land										\$0	\$0	\$0	\$100,000	\$100,000	100%		
Plant, Equipment & Other Assets																	
40026 - Various Coastal Management Strategy Projects [LRCIP Phase 3]	AIS	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	AIS	Jun-24		N/A	N/A	N/A				\$0	\$209,500	\$209,500	\$208,000	-\$1,500	-1%	Council approval granted and initial order raised.	
62002 - Major Plant Replacement - Patrol Grader	AIS	Jun-24		N/A	N/A	N/A				\$0	\$490,000	\$490,000	\$515,000	\$25,000	5%	Council approval granted and order raised.	
61203 - Major Plant Replacement - Utes	AIS	Dec-23		N/A	N/A	N/A				\$66,289	\$0	\$66,289	\$66,000	-\$289	0%	Completed	
62020 - Major Plant Replacement - Semi Water Tanker - North	AIS	Feb-24		N/A	N/A	N/A				\$0	\$116,700	\$116,700	\$120,000	\$3,300	3%	Council approval granted and order raised. Estimated delivery in February 2024.	
61210 - Fleet Vehicle Replacement	CCS	Nov-23		N/A	N/A	N/A				\$163,190	\$41,749	\$204,939	\$198,344	-\$6,595	-3%	1 x delivered in August, 1 x delivered in September, 1 x delivered in November 2023, 1 x delivered in December. Budget adjustment to be requested.	
40030 - ICT Equipment (Monitors & Computers Replacement, Video Editing Laptop)	CCS	Jun-24		N/A	N/A	N/A				\$14,916	\$0	\$14,916	\$28,526	\$13,610	48%	Monitors and video editing laptop received and aiming to seek quotations and purchase other laptops in quarter 3.	
Total Plant, Equipment & Other Assets										\$383,320	\$864,048	\$1,247,368	\$1,274,432	\$27,064	2%		
Transport Infrastructure																	
59650 - Yorketown Airstrip - Runway Lighting Upgrade [Support Regional Aviation Program]	AIS	Jul-23		N/A	N/A	N/A				\$189,361	\$482	\$189,843	\$324,728	\$134,885	42%	[Rolled over from 2022/23] Completed in July 2023, budget adjustment to be requested.	
54102 - Intersection Upgrades	AIS	Jun-24		N/A	N/A	N/A				\$17,073	\$0	\$17,073	\$800,716	\$783,643	98%	[\$193,000 Rolled over from 2022/23]. Tender raised on 20/12/2023.	
45053 - Arthurton Main Street Upgrade [LRCIP Phase 3]	AIS	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]	AIS	Jun-23			N/A	N/A				\$39,179	\$9,026	\$48,205	\$37,737	-\$10,468	-28%	[Rolled over from 2022/23] Footings completed and rest of the work will be completed in December 2023. Budget adjustment to be requested in 3rd Quarter.	
57117 - Edith Street Medium Strip Extension - Edithburgh	AIS	Oct-23				N/A				\$39,141	\$6,370	\$45,511	\$64,000	\$18,489	29%	Completed. Budget adjustment to request to allocate the remaining funds across Arthurton Main Street Upgrade [LRCIP Phase 3]	
57118 - James Wells Kerb/ Road Repairs	AIS	Oct-23				N/A				\$5,145	\$0	\$5,145	\$28,000	\$22,855	82%	Completed. Budget adjustment to request to allocate the remaining funds across Arthurton Main Street Upgrade [LRCIP Phase 3]	
54021 - Gleasons Rd - Marion Bay Rd to Liddiards Rd	AIS	Oct-23		N/A	N/A	N/A				\$81,215	\$0	\$81,215	\$81,216	\$1	0%	Completed.	
53519 - South Coast Rd - Yorke Hwy to Meehan Hill	AIS	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.	
54091 - Heel Rd - Sheoak Beach Rd to Goldsmith Beach Rd	AIS	Feb-24		N/A	N/A	N/A				\$142,443	\$261,430	\$403,874	\$454,889	\$51,015	11%	Preliminary works have commenced and scheduled for completion in February 2024.	
57119 - Town Rehabilitation South	AIS	Apr-24		N/A	N/A	N/A				\$3,826	\$6,750	\$9,576	\$646,522	\$636,946	99%	Council has endorsed tender panel recommendation, works to be undertaken in February 2024.	
54101 - New Honiton Rd - Troughbridge Hill Rd to Goldsmith Beach Rd	AIS	May-24		N/A	N/A	N/A				\$2,899	\$0	\$2,899	\$128,850	\$125,951	98%	Scheduled to commence in April 2024 for completion in May 2024.	
57108 - Corny Point Rd - Brutus Rd to Turton Rd	AIS	Nov-23		N/A	N/A	N/A				\$303,442	\$1,663	\$305,105	\$305,105	\$0	0%	Completed.	
57116 - Dust Suppression	AIS	Apr-24		N/A	N/A	N/A				\$76,000	\$0	\$76,000	\$92,001	\$16,001	17%	Scheduled to commence and completion in April 2024.	

Yorke Peninsula Council Monthly Capital Projects Update as at 31 December 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
54027 - Nalyappa Rd - Coopers Rd to Barnes Rd	AIS	Dec-23	🟢		N/A	N/A	N/A	🟢	🟢		\$211,906	\$124,535	\$336,441	\$406,200	\$69,759	17%	Completed.
53011 - Melton South Rd - Upper Yorke Rd to Wayside Rd	AIS	Nov-23	🟢		N/A	N/A	N/A	🟢	🟢		\$380,880	\$0	\$380,880	\$380,788	-\$92	0%	Completed.
54077 - Sandy Church Rd - Spencer Hwy to 3.45 Km East	AIS	Mar-24	🟢		N/A	N/A	N/A	🟢	🟢		\$48,896	\$322,922	\$371,818	\$501,232	\$129,414	26%	Works have commenced and scheduled for completion in March 2024.
57109 - Patch Work North - Various Roads	AIS	Jun-24	🟢		N/A	N/A	N/A	🟢	🟢		\$89,859	\$0	\$89,859	\$1,045,227	\$955,368	91%	Works commenced.
57112 - Patch Works South - Various Roads	AIS	Jun-24	🟢		N/A	N/A	N/A	🟢	🟢		\$212,105	\$0	\$212,105	\$644,887	\$332,782	61%	Works commenced.
54099 - Dowlingville Slant Rd - Yorke Hwy to Cook Rd	AIS	Jan-24	🟢		N/A	N/A	N/A	🟢	🟢		\$163,843	\$425	\$164,268	\$200,424	\$36,156	18%	Works commenced scheduled for completion in January 2024.
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] Tender awarded to Inroads Pty Ltd. Expenditure to date reflects completion of 2022/2023 reseal program in July 2023
52490 - Rubble Raising	AIS	Jun-24	🟢		N/A	N/A	N/A	🟢	🟡		\$0	\$0	\$0	\$500,000	\$500,000	100%	Tender raised on 20/12/2023
57535 - Sealed Road Rehabilitation Stabilisation Works	AIS	Jun-24	🟢		N/A	N/A	N/A	🟢	🟡		\$0	\$0	\$0	\$250,000	\$250,000	100%	Tender Panel's recommendation to be presented to Council in January 2024 meeting.
49499 - Additional Roads (works to be assigned)	AIS	Jun-24	🟢		N/A	N/A	N/A	🟢	🟡		\$0	\$0	\$0	\$202,557	\$202,557	100%	Budget to be reallocated for the purchase of grader attachments. Refer Council resolution 224/2023. Quotations currently being sourced.
57024 - North Coast Road Upgrade (Stage 2)	AIS	Feb-24	🟢	🟢	N/A	N/A	🟢	🟢	🟢		\$23,359	\$1,296,572	\$1,319,931	\$2,300,000	\$980,069	43%	Project commenced. Anticipate completion in February 2024 subject to weather conditions.
60040 - Maitland Plane Tree Root Control (Robert Street Concept Design)	AIS	Jun-20	🟢	🟢	N/A	N/A	🔴	🔴	🔴		\$5,200	\$0	\$5,200	\$171,431	\$166,231	97%	[Rolled over from 2022/23] Project on hold pending future application for grant funding to enable completion.
Total Transport Infrastructure											\$2,897,865	\$2,046,174	\$4,944,039	\$11,561,804	\$6,617,765	57%	
Stormwater Infrastructure																	
40080 - Minlaton 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. Anticipate completion in May 2024.
44304 - Stormwater Drainage - Corry 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 finalise in January 2024.
59425 - Stormwater - Maitland Drainage [LRCIP] & [LRCIP Phase 3]	AIS	Jun-23	🟢	🟢	N/A	N/A	🟢	🟢	🟢		\$73,446	\$0	\$73,446	\$68,861	-\$4,585	-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	\$67,340	\$67,340	\$62,000	-\$5,340	-9%	Tender awarded November 2023, works to commence in January 2024.
59449 - Maitland Western stormwater dam spillway installation stage 2	AIS	Dec-23	🟢	🟢	N/A	N/A	🟢	🟢	🟢		\$44,858	\$0	\$44,858	\$50,000	\$5,142	10%	Commenced, near completion.
Total Stormwater Infrastructure											\$138,494	\$82,386	\$220,880	\$256,022	\$35,142	14%	
Water Scheme Infrastructure																	
44283 - Hardwicke Bay water scheme increased storage capacity	AIS	Dec-23	🟢	🟢	N/A	N/A	🟢	🟢	🟢		\$0	\$36,600	\$36,600	\$80,000	\$43,400	54%	New tank installed and operational, awaiting final invoice.
Total Water Scheme Infrastructure											\$0	\$43,430	\$43,430	\$86,150	\$42,720	50%	
Note : Totals may not add due to rounding.																	

23.2 CONSULTATION - VIETNAM WAR MEMORIAL WALK**Document #:** 24/695**Department:** Corporate and Community Services**PURPOSE**

For Council to receive and consider the results of the community engagement process regarding the proposed Vietnam War Memorial Walk signage.

RECOMMENDATION

That Council receive the written submissions in response to the community engagement process for the proposed Vietnam War Memorial Walk signage.

and

RECOMMENDATION A

That Council proceed with the Vietnam War Memorial Walk project, including a Saluting Their Service Commemorative Grant Program funding application, with the start/finish point of the Memorial Walk and associated signage at the Edithburgh end to be located further north away from residential views. The start/finish point of the Memorial Walk and associated signage at the Coobowie end to be located on Parrington Street north of the causeway, with associated works including widening the existing walking path, tree trimming, better delineation of the walking path from the road, and seeking to make the road 'local traffic only'.

OR

RECOMMENDATION B

That Council proceed with the Vietnam War Memorial Walk project, including a Saluting Their Service Commemorative Grant Program funding application, with the start/finish point of the Memorial Walk and associated signage at the Edithburgh end to be located further north away from residential views. The start/finish point of the Memorial Walk and associated signage at the Coobowie end to be located on the coastal side of St Vincent Highway south of the causeway, with associated works including a dedicated carpark.

LINK TO STRATEGIC PLAN

Goal:

- 1 Economically Prosperous Peninsula
- 2 Community Connected through Infrastructure
- 4 Community Engaged and Supported

Strategy:

- 1.3 Improve visitor experiences, including tourism infrastructure, signage, information and support
- 1.9 Seek out, develop and deliver on economic development opportunities
- 2.6 Upgrade and beautification of open (recreation) spaces (e.g. playgrounds, water parks, BBQ areas etc.)
- 4.6 Continuous improvement in communicating with and engaging the community

BACKGROUND

Local residents Roger Hogben and John Edwards have developed a proposal for a Vietnam War Memorial Walk (Memorial Walk) along the Walk the Yorke stretch between Coobowie and Edithburgh.

On 8 November 2023, Council endorsed for staff to work with Mr Hogben and Mr Edwards to progress the Memorial Walk project, including community consultation, and to then apply for a Saluting Their Service Commemorative Grant following that process.

DISCUSSION

Staff have held several meetings with Mr Hogben and Mr Edwards, as well as other key stakeholders, to plan the Memorial Walk. The signage proposed includes ten boards of a maximum 1.8 metres height detailing all units involved in the Vietnam War, 15 smaller boards, and six bench seats. For the start/finish areas of the walk, it is proposed to install two entry/exit signs or archways of a maximum 3m height, and two honour roll boards of a maximum 1.8m height. These archways and honour roll boards are the signs most likely to impact the views of residents.

A Level 2, Consult, community engagement process opened Tuesday, 19 December 2023 and closed 5pm Wednesday, 10 January 2024. Information supplied to the public included the locations of all signs along the route, the specific locations of the archways and honour roll boards, and an artist's impression of the archways (refer Attachment 1).

Consultation included:

- Information sent directly to property owners in the vicinity of the archways and honour roll boards
- Article on Council's website
- Three Facebook posts
- A public notice in the Yorke Peninsula Country Times

Council received numerous formal responses about the proposal (refer Attachment 2). Of these, the majority expressed concerns.

Respondents noted that the proposed starting/finishing point at the Coobowie end (in the carpark space before the causeway, just south of the scenic frame sign) could create safety issues for walkers. The Walk the Yorke path at that location, which the Memorial Walk was intended to utilise, crosses St Vincent Highway and runs alongside Parrington Street. Respondents noted that Parrington Street is only wide enough for one car to travel comfortably and so motorists often drive on the bitumen walking path, especially when two cars pass. Compounding this concern, a hill on Parrington Street limits driver visibility. The walking track requires walkers to cross the highway at the northern end of the causeway in the 50km/h zone, follow Parrington Street, and then cross the highway again on the southern end of the causeway in an 80km/h zone. These crossings were approved as part of Walk the Yorke through Council consultation with the State Government based on factors such as sight lines. However, the Memorial Walk as originally planned would encourage more people, many of whom are in an older demographic, to make these crossings and walk along Parrington Street.

Other responses pertained to the archway and honour roll board blocking coastal views at both Coobowie and Edithburgh, and to using community resources toward such a project. To the latter, staff replied that the project would be funded by a Federal Government grant.

For the above reasons, Council staff, with Mr Hogben and Mr Edwards, have looked at alternative locations for the start/finish of the Memorial Walk. At Edithburgh, this would be further north along the Walk the Yorke track which would move the signs further from homes and down a hill, minimising or eliminating views of the signs from residences (see Image 1 below).



Image 1: Proposed alternative start/finish point for Edithburgh in yellow. This is north of the original proposal submitted to residents for consultation (refer Attachment 1).

At Coobowie there are two options. The first is to start the Memorial Walk at Parrington Street, and seek to make the road 'local traffic only'. This would require widening the start of the Memorial Walk path, tree trimming, better delineation of the walking path from the road, and consideration of

installing 'local traffic only' signage (see Image 2 below). This is the preferred option of Mr Hogben and Mr Edwards.



Image 2: Proposed alternative start/finish point for Coobowie in yellow. This is south of the original proposal submitted to residents for consultation, and would still send walkers along Parrington Street (refer Attachment 1). Directional signage would be required from the carpark which is 200m to the north.

The second option is to start the walk south of the causeway by creating a new dedicated carpark. This off-street parking would mean visitors did not have to cross the highway or negotiate Parrington Street to use the Memorial Walk. It would also mean the archway and honour roll board no longer affected residential views of the coast (see Image 3 below). The estimated cost of this carpark would be \$7,000. This is not the preferred option of Mr Hogben and Mr Edwards as they feel it would take the Memorial Walk too far from the Coobowie business district thus limiting the economic benefits to the town.



Image 3: Proposed alternative start/finish point for Coobowie in yellow. This is south of the original proposal submitted to residents for consultation (refer Attachment 1), and would eliminate any issues with people walking along Parrington Street or crossing the highway. The space marked in red is a proposed off-street carpark specifically for the Vietnam War Memorial Walk.

In addition to the formal responses, three posts about the Vietnam War Memorial Walk on Council's Facebook page (19 December 2023, 28 December 2023 and 4 January 2024) received more than 100 'likes' and 16 comments, all of which were positive or neutral.

The deadline to apply for the next round of Saluting Their Service Commemorative Grant funding is 6 February 2024. This deadline must be met to ensure the project can be completed in time for an official opening on Vietnam Veterans' Day, 18 August 2025, which marks 50 years since Australia's withdrawal from the Vietnam conflict.

COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

Refer Attachment 3.

CONSULTATION PROCESS

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

- Manager Economic Development and Business Sustainability
- Operations Manager
- Community Development and Engagement Officer

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

- Roger Hogben
- John Edwards

POLICY IMPLICATIONS

PO057 Community Engagement Policy

BUDGET AND RESOURCE IMPLICATIONS

Creating a designated gravel carpark (refer Coobowie option two) will add approximately \$7,000 to the project budget as costed by Council's Operations Manager. This would bring total cost estimates for the project to approximately \$172,000. Costings are being obtained for potential changes to Parrington Street (refer Coobowie option one). Actual costs will not be known until procurement is undertaken in accordance with Council's PO052 Purchasing and Procurement Policy, which will occur if and when a Saluting Their Service Commemorative Grant of \$150,000 is successful. There are various options available to reduce the costs of the project if necessary, including reducing the number of bench seats, having local businesses/organisations sponsor bench seats, or seeking other contributions. It is possible to apply for further Saluting Their Service Commemorative Grants after one successful application, and a subsequent application could be made in attempt to fund additional works not achieved during the initial project.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Although it is proposed that the Memorial Walk follows the existing Walk the Yorke path, there is a risk to Council associated with actively encouraging additional usage of the Parrington Street/causeway section, Coobowie, particularly given the concerns expressed by locals.

Positioning the proposed archways and honour roll boards in the path of residential coastal views risks causing angst within the Coobowie and Edithburgh communities. Property owners do not have a legal right to protect their view; however, such angst could lead to financial, time and/or reputational impacts to Council.

Both of the above risks must be addressed not only in the project planning but also in the grant application and therefore, if not addressed, could reduce Council's chance of successfully obtaining funding.

ATTACHMENTS

1. **Community Engagement Documents - Level 2 Community Consult - Vietnam War Memorial Walk** [!\[\]\(2ef72411ca05ee5fb170f84203399c9c_img.jpg\)](#) [!\[\]\(54523265a05a18db9468164450303c7c_img.jpg\)](#)
2. **Combined Submissions - Vietnam War Memorial Walk Level 2 Consult - Redacted** [!\[\]\(24d81556578ec5e4349a7f43a51dce18_img.jpg\)](#) [!\[\]\(f834756ac198b5b021f29da37c92271d_img.jpg\)](#)
3. **Community Engagement Plan - Vietnam War Memorial Walk** [!\[\]\(8dc38b118c2cfbd284ff57011dc1645f_img.jpg\)](#) [!\[\]\(2bd3c9fe0677d64c264dec58b869ffbe_img.jpg\)](#)

YORKE PENINSULA COUNCIL

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



15 December 2023

Record No: 23/112060

Good afternoon

Proposed Vietnam War Memorial Walk

You are receiving this letter as you are considered by the Yorke Peninsula Council (Council) to be an affected property owner in relation to a proposed Vietnam War Memorial Walk (Memorial Walk).

Local residents have developed plans for a large-scale Memorial Walk along a stretch of the existing Walk the Yorke trail between Coobowie and Edithburgh (see map – Attachment 1).

The key aspect of the plan is to add signs featuring information about Australia's involvement in the Vietnam War, along with seating, and archways at each end of the Memorial Walk.

The Memorial Walk would be dependent upon funding through the Federal Government's Saluting Their Service Commemorative Grant Program.

Council is now seeking feedback about the proposed Memorial Walk, in particular about:

- Two (2) entry/exit signs or archways of a maximum 3m height (draft design – Attachment 4) and two (2) honour roll boards of a maximum 1.8 metres height. (Proposed placement of these – Attachments 2 and 3)
- Ten (10) boards of a maximum 1.8 metres height detailing all units involved, 15 smaller boards, and six (6) bench seats (refer map – Attachment 1)

Consultation is open until close of business (5pm) on Wednesday 10 January 2024 and all feedback must be returned by this time.

Please email feedback to admin@yorke.sa.gov.au or mail to Yorke Peninsula Council, PO Box 57, Maitland SA 5573.

Any submissions received will be provided to the Council to inform decision making relating to the proposed Memorial Walk. Please note that the identity of any persons submitting feedback can be redacted and made confidential upon request. Please indicate in your feedback submission if you wish to appear in person before Council in relation to the proposed Memorial Walk.

For further information, please contact Nick Perry, Manager Economic Development and Business Sustainability on 8832 0000.

Yours sincerely

Nick Perry
Manager Economic Development and Business Sustainability

BRANCH OFFICES
MINLATON
YORKETOWN

Attachment 1

Map showing Vietnam War Memorial Walk trail and proposed signage



Vietnam War Memorial Walk proposed location including signage/archway positioning.

Attachment 2

Proposed placement of 3m high archway sign and 1.8m high welcome sign, Edithburgh. Please note archway sign will be angled to ensure the least possible disruption to residents' coastal views.



Vietnam War Memorial Walk proposed signage/archway positioning (Edithburgh entrance).

Attachment 3

Proposed placement of 3m high archway sign and 1.8m high welcome sign, Coobowie. Please note archway sign will be angled to ensure the least possible disruption to residents' coastal views.



Vietnam War Memorial Walk proposed signage/archway positioning (Coobowie entrance).

Attachment 4



Artist's impression of the proposed entrance archways.

From: [Mark Bennetts](#)
To: [Corporate Email Address](#)
Subject: Att: Nick Perry.
Date: Wednesday, 10 January 2024 3:37:37 PM

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I Mark Bennetts have a couple of concerns regarding the proposed Vietnam Memorial walk at the beginning of O'Halaran Parade Edithburgh.

1) Signs ?

Why do we want to deface our natural sea front with a large arch and sign.

Would it not be more appropriate to use a small memorial park sign nicely imbedded into or onto a large natural rock. This would not deface the foreshore as much and would blend in with the natural surroundings.

2) Why start the walk there?

Very few people will drive to this location to walk the proposed Memorial trail. 99% of people who use this trail will be local walkers and runners from local caravan parks and park fun run people. Start the Memorial walk at the golf course opposite cemetery.

3) Why do we need a Vietnam Memorial walk?

Do we not have Anzac day. Should it not be inclusive of all Aussie soldiers and families that have made sacrifices for the freedom of this country.

4) Why can't we just leave the walk the Yorke path alone!

Nice for just a pleasant stroll.

Conclusion: Plaque or small sign at area just before golf course. For the soldiers and families that have made the ultimate sacrifice in all wars. People who wish to read plaque or sign can without having to be forced to walk under a large intimidating arch. Thanks to listening to my concerns Nick.

Kind regards

From: [Leslie Bishop](#)
To: [Corporate Email Address](#)
Subject: Proposed Vietnam War Memorial Walk
Date: Tuesday, 19 December 2023 3:09:21 PM

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Sent from [Mail](#) for Windows

Proposed Vietnam War Memorial Walk located between Coobowie and Edithburgh
Members of the Yorke Peninsula community have proposed a Vietnam War Memorial Walk to be located along a stretch of the existing Walk the Yorke trail between Coobowie and Edithburgh.

Council is seeking feedback about the proposed Memorial Walk, in particular the planned archways, signs and seating.

Vietnam War Memorial Walk. What a wonderful Idea, to use such a beautiful existing walk as a place of remembrance for our Vietnam Vets. With seating for quiet contemplation along the way. At the same time as highlighting wonderful and peaceful views. With appropriate access to disabled and wheelchair visitors of course. Inviting for tourists and encouraging for locals. Love, love, love this proposal.

Yours In appreciation Leslie Bishop



Virus-free www.avg.com

From: [Tony Bober](#)
To: [Corporate Email Address](#)
Subject: Feedback on Proposed Vietnam War Memorial Walk
Date: Tuesday, 19 December 2023 9:20:56 AM

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Dear Yorke Peninsula Council,

Good morning, I appreciate the opportunity to provide feedback on the proposed Vietnam War Memorial Walk located between Coobowie and Edithburgh.

After consideration, I must express my opposition to this proposal. While acknowledging the significance of history, I believe our community's resources could be better directed towards initiatives that actively engage and attract young people to the region.

It is also crucial to prioritize the improvement of roads and existing infrastructure. Just a quick look around, can see there are plenty of areas of concern. By concentrating on modernization and present needs, hopefully we can build a thriving community that is well-equipped for the future.

While I understand the importance of honoring our history, I firmly believe that fostering a vibrant, forward-looking community should take precedence. I urge the Council to reconsider its priorities to ensure the long-term growth and prosperity of our region.

Thank you for considering my feedback.

Sincerely,

Tony Bober



Coobowie Resident

Sent from my iPhone

From: [Rosie Bee](#)
To: [Corporate Email Address](#)
Subject: Vietnam Memorial
Date: Tuesday, 19 December 2023 12:30:05 PM

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 afternoon, my submission is really to request that this Vietnam Veterans memorial between Coobowie and Edithburgh should have at least some of it, access to people in gophers and wheelchairs, walkers, etc. The age of Vietnam Veterans are such now, that many would need disability access.

Many Thanks,
Rose Boxall
MOONTA


Get [Outlook for Android](#)

From: [Lynne Butler](#)
To: [Corporate Email Address](#)
Subject: Vietnam war memorial walk feedback
Date: Sunday, 7 January 2024 9:11:17 PM

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.

Hi,

I think the Vietnam war memorial walk is a fantastic idea but some things I believe need considering.

If the walk is going over the old causeway as indicated by the map then once you get to the cross over (the main road) at the other end to gain access to the bike/walk track to Edithburgh. It is presently an 80 kms zone this needs to be reduced to 50kmh zone.

Therefore where the 50kmh zone starts coming from Edithburgh needs to be pushed back to where the 80kmh sign is presently.also as sign saying 50kmh ahead would be beneficial. It is already dangerous to cross the main road so having more people crossing there is only going to lead to an accident.

Many people like to take short cuts and don't want to walk the long way round. Going along the walk the Yorke trail along the old causeway is longer and hilly. Many people presently take the short cut and go along the newer causeway which is very narrow for two way traffic let alone a group of people walking along. There needs to be a seperate walking/cycling bridge along the newer causeway.

If the council wanted to be leaders in innovation and promote this venture they should seriously consider taking down the newer causeway and replacing this with a pylon roadway with a wide walking/ cycling bridge seperate. This would also assist the aquatic reserve estuary in flushing the waters so the aquatic reserve can be returned to a natural habitat for breeding of fish, birds and other ecology. At present there isn't enough water flowing through and does get smelly at times. Maybe seek federal funding for this.

Another point to mention is that there are two areas along the walking/bike track that need attention as they are not bituminised and would make it very difficult if people are utilising walkers or gophers.

Last point to mention would be parking. Where you have indicated the walk to start from Coobowie end, there is an area for parking but this would need to be formalised otherwise people will be parking any which way.

Kind Regards
Lynne Butler
Coobowie Resident
Sent from my iPad

Nick Perry: Manger Economic Development and Business Sustainability.

Re: Proposed Vietnam War Memorial Walk.

As an affected resident on O'Halloran Parade Edithburgh, I am strongly opposed to this development and in particular the need and its location. I urge the YP council not to proceed further with this application in its current form.

I find it difficult to understand how a handful of residents (amongst many thousands of ratepayers) have found a need for this walk in Edithburgh and I also fail to comprehend why the Vietnam war has been singled out for representation over the numerous other conflicts our servicemen have been involved with. We already have an RSL club in Edithburgh commemorating our armed forces and their many conflicts. It must be said that I have no axe to grind with our returned service men as I have the utmost respect and admiration for their service and sacrifices during the many wars over the years.

The "Walk the Yorke" trail is enjoyed by tens of thousands of residents annually, visitors and tourists alike, who all enjoy the exercise, serenity and grandiose unimpeded ocean views it delivers whilst walking its path, totally devoid of any gaudy political or commercial advertising. This trail is a credit to the Peninsula and must be preserved at all costs in its current form for everyone to enjoy.

The proposal would adversely affect views from our residence as the proposed imposing archways and signage is merely tens of metres to the northeast and directly in our eyeline to the magnificent ocean views we and other residents and visitors enjoy. I find it astounding that council would even consider allowing a minority group to hijack the "Walk the Yorke" trail with gaudy signage and tall archways destroying the pristine ocean views. It would truly be "environmental vandalism" and utterly destroy the inherent serenity of the walk. This is not a legacy that I would think the council would like to live with if given their nod of approval. What next big "M" golden archways and other advertising from fast food chains or the like along the trail? I am quite certain that in future years the harsh conditions of our marine environment we live in will reduce the monuments to rusting monstrosities as they fall into disrepair leaving an ugly eyesore as a result.

Even though our residence is arguably the most affected along O'Halloran Parade this objection is not about "Nimbyism" rather the need and the location of the proposed memorial walk. Surely there are more appropriate locations if it is deemed necessary to proceed. Dev Patterson Park springs to mind and could surely accommodate such a proposal with its obvious close proximity to the present RSL club being a distinct advantage.

Another issue that would arise from the proposed siting would be the lack of car parking adjacent to the entrance and associated safety issues for pedestrians and children negotiating traffic on the corner of Giles Tce and O'Halloran Parade. This has previously been an issue with Park Run competitors and necessitated the movement of parking to further south in front of the Tidal swimming pool.

Please do the right thing and quash this proposal now to ensure that future generations can all enjoy our beautiful Yorke Peninsula and more particularly the "Walk the Yorke" trail for all that it is now and forever.

Yours sincerely



Garry Clothier



From: [Evelina Facelli](#)
To: [Corporate Email Address](#)
Subject: Vietnam War Memorial Walk Consultation
Date: Wednesday, 10 January 2024 4:41:22 PM

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Vietnam War Memorial Walk Consultation

In the first instances, we question whether such memorial is needed.

1. There are other memorials in the area. Money could be better used into the update and beautification of those (or into a feature recognising the aboriginal peoples of the area who do not have a mention in the landscape).
2. How the memorial is going to increase our towns appeal for more tourist
3. We also wonder why the Vietnam conflict would be singled out (the existing War Memorial include all conflicts were Australian troop served).

We use the this part of the Walk the Yorke trail frequently, walking or cycling. One of the main attraction for us is to be surrounded by native vegetation. That part of the Walk is particularly important because is one of the very few remnants of native vegetation. We are concerned that the location of 24 signs and 4 seats will be extremely difficult to achieve without spoiling this connection with nature.

Although the arches and large signs will not interrupt the sea view from our house, we think that the view of the bay will be interrupted for those passer-by's and users of the trail.

Sincerely,

Dr José M. Facelli and Dr Evelina Facelli

PS: we do not wish to appear in person before Council.

[Evelina Facelli PhD](#)



Please note: I work Tuesdays and Wednesdays

From: [Bob Fisher](#)
To: [Corporate Email Address](#)
Subject: Vietnam Walk
Date: Wednesday, 3 January 2024 12:40:03 AM

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.

Respectfully to the diggers but I can't see the significance of such a walk. We have a memorial in the town can't we add or develop that to encompass all conflicts, this is where we can sit, go and reflect. I would have thought the title Progressive is about the town of Edithburgh, looking forward to the future, display the history of what makes Edithburgh the best town in the Peninsula. I would have thought it's about making our town a destination point, we have the magnificent horse and cart which people love, the water tower, the sea side pool, museum and so on. Shouldn't we look to what people want, a reason to come to our town. The horse is a great talking point as people from everywhere talk about this structure. We have rich history and we should be proud of where we live and it should be on display.. Respectfully all conflicts are recognised, we have a memorial, perhaps we should enhance that further.

In Onslow WA they too have an arch that looks out to sea? This is reflective of the Submarine base and passage taking our troops to face conflict, they also have the moonlight steps. What is the significance to Edithburgh?

I'm sure we could put our energies to improving the town, footpaths, roads, beautification of the town, shipwrecks, the island, developing the pool, so more families come around and not to the water park in Moonta. We need to continue growing this town.

I submit this with total respect to all diggers living and dead.

We need to continue to progress our town, we now have a supermarket which is great, land is being sold for housing, people are coming, we need to fix the infrastructure within the town or people will go elsewhere.

The word progressive is simply that....look forwards

Bob

Sent from my iPad

From: [William Hackett](#)
To: [Corporate Email Address](#)
Subject: Proposed Vietnam War Memorial Walk
Date: Friday, 5 January 2024 12:25:15 PM

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.

Attention Nick Perry
Manager Economic Development and Business Sustainability.

Dear Nick,

Thank you for the information on the proposed walk.

While we agree in principle with recognition of the Vietnam Veterans, we feel the proposed Coobowie plaque and arch are in the wrong place.

Not only does it impinge on the nearby residents, it is more visual pollution on the coast. There are few uninterrupted views of the bay for Coobowie residents and visitors alike. Why obscure what little we have left? We already have a large rectangular frame for taking photos close to the proposed arch. Why do we need two? The arch and plaque could be situated at the southern end of the causeway where the welcome to Coobowie sign is, this would not impact on any resident and logically is a better suited position.

The proposed construction of Vietnam memorial signs at Edithburgh does not affect residents.

Please take our objections into consideration and if necessary we are willing to appear in person before council.

Yours sincerely
William Hackett
Jan Hackett

Sent from my iPad

From: [MARK HARRIS](#)
To: [Corporate Email Address](#)
Subject: Proposed War Memorial Coobowie/Edithburgh
Date: Tuesday, 19 December 2023 8:59:41 AM

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Good morning

I just wanted to provide my feedback on the proposed Vietnam War Memorial.

Firstly, it baffles me how Council seems to have money for so many of these “fluffy” projects, yet so many of the town roads remain unsealed. Surely, prioritising the roads would not only make for a safer driving community but also help to bring more people and more money to the region (assuming this is something council actually wants to see).

Secondly, why are we considering a war memorial in 2023? Of course history is important, however so is the future, growth and sustainability of this community. What are we doing to attract young families to the region? Who is going to be providing services to this already aged and aging population if we have nothing to attract the young people to our region.

Finally, I reject this proposal, I think the money could be better spent elsewhere, seal some roads, fix other black spots, give a reason for people to want to live, work and visit our region. They are our future.

Regards

Mark Harris

From: [Sheryl Lorenz](#)
To: [Corporate Email Address](#)
Subject: Proposed Vietnam memorial walk coobowie
Date: Wednesday, 3 January 2024 10:17:34 AM

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.

I would like to submit my opinion on the above memorial walk. I have reservations about the section which comes up Parrington street across the causeway then back across the main road.

This stretch of road is quite dangerous for walkers. Vehicles do not stick to the 30kph limit and it is confusing for both locals and visitors alike as to what is road and what is walking path. Due to this many vehicles drive on the bitumen section that is actually the walk the Yorke trail. There is no clear delineation between path and road. As there is a blind bend as you come off the causeway this creates a Dangerous situation for walkers.

I would recommend an alternative route. I also have reservations about a memorial for the Vietnam War. There have been many wars before and since where Australian lives were lost so I do wonder why the Vietnam War has been singled out. Perhaps councils money could be better spent in other areas of coobowie? Preferably one also which didn't involve ruining our beach like other proposals.

Sheryl Lorenz

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From: [nathan.m](#)
To: [Corporate Email Address](#)
Subject: Vietnam War Memorial Walk Consultation
Date: Tuesday, 9 January 2024 8:28:21 AM

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Dear Yorke Peninsula Council,

I am the President of the Edithburgh RSL Sub-Branch, this letter is on behalf of the Sub-Branch and its members.

I am writing to express our full support for the proposed Vietnam Veterans Memorial Walk between Edithburgh and Coobowie. As a resident of Edithburgh and the President of the Edithburgh RSL Sub-Branch, I believe this project holds great significance in commemorating the service of those who contributed to one of Australia's longest conflicts.

The walk not only honours the sacrifice of our veterans, but also sheds light on the challenges they faced, including the inadequate treatment by the government and the public during that time. It is crucial to recognise the sacrifices made by these individuals, many of whom were sent to Vietnam without a choice and often against their personal beliefs.


I believe this initiative has the potential to be the first of its kind in Australia and can serve as a poignant memorial while attracting tourists to the region. Commemorating our history is essential, and this walk provides a meaningful way to do so.

In addition to my support, I would like to suggest the consideration of sealing the two unsealed sections of the Walk The Yorke track between Edithburgh and Coobowie. Given that the youngest Vietnam War veteran is around 70 years old, providing a sealed path would accommodate their mobility needs, allowing them to personally experience the memorial walk.

This improvement not only benefits the veterans but also serves the wider community. A sealed path could enhance the experience for groups like Edithburgh Park Run, attracting more visitors to the region and contributing to the local economy.

Thank you for your attention to this matter, and I hope the Yorke Peninsula Council will embrace and support this meaningful project for our community.

Regards,

Nathan Mulholland
President Edithburgh RSL Sub-Branch


From: [REDACTED]
To: [Corporate Email Address](#)
Subject: Vietnam war memorial walk consultation
Date: Wednesday, 3 January 2024 7:40:23 PM

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.

To the Yorke peninsula Council,

I have some large concerns regarding the Vietnam memorial walk proposal .

I mean no disrespect to the idea of a memorial walk, just the location and the idea of big, arches and signs in inappropriate spots that will affect others.

Firstly my obvious concern is regarding a big arch and sign opposite my house -1 O'Halaran Parade , Edithburgh. Only about 15 metres from my door. It is not an attractive thing and right in front of my windows that are angled exactly in that direction. I think anyone would object to this location and size. Please have a close look as angling will not make this a thing of beauty. It will be an eyesore. If this walk is made in this location (which I hope it is not) there should be no arch or it should be up on the main road with the path joining the golfers track. Somewhere not in front of houses.

Secondly, that stretch is the loviest walk with just nature and sea views. Lots of people walk, run, bike ride that part of the track as it is natural and quiet, without signs and urban demands. Let the natural beauty shine. Why not place the walk in a more appropriate location , not the seafront. I personally think a special trail within the dev Patterson reserve would be wonderful, near the services club .

I hope those involved will look closely at how some people will be affected and rethink ideas.

I also hope council will consider the residents and the effect this will have on some of us. It is a very small number of residents who have submitted this idea to council and all the residents near the beginning on O'Halaran parade just love the natural coastal views, the pool area and the trail as is.

It is a narrow part of the road and people will be encouraged to park there blocking us from getting out with boats. I feel a memorial walk should be inclusive of all veterans or you will open a can of worms for more walks and signs. As I stated , I don't think it is the appropriate location , needs more inclusive thinking, no arches less signs . This is not an attractive proposal. The beautiful mosaics and history plaques up the other end are well placed and not obtrusive to anyone or any houses.

I wish to be notified of council meetings regarding this proposal and be able to air my concerns.

Yours sincerely
Kate O'Connell

Sent from my iPhone

From: [Tina Boye](#)
To: [Corporate Email Address](#)
Subject: RE: Public Consultation - Proposed Vietnam Veterans Memorial Walk - Edithburgh to Coobowie
Date: Tuesday, 19 December 2023 11:59:23 AM

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.

Nick Perry

Thank you for informing us of the proposed Vietnam War Memorial walk.

We think it's a great idea and a positive attraction .

But there are some issues of great concern. The proposed route of the walk from the Coobowie lookout then going across the old causeway road (following the current 'Walk the Yorke' route) is very unsafe.

I walk daily across the St Vincent Highway causeway and around to the old causeway road. There are safety issues with both roads.

I see many people walking or bike riding across the St Vincent Highway causeway.

On St Vincent Highway I must walk on the opposite side of the road to traffic because the ground alongside of the road is too unstable/uneven. When there is oncoming traffic, I step off and wait for the traffic to pass. There's not a huge amount of room on either side of the road especially if a wide load comes past and the road itself is very uneven / bouncy especially if people are towing or entering too fast.

Then there's the old causeway road that is far more dangerous due to the fact its only wide enough for a single vehicle at a time and its very uneven. It is a steep windy road on the northern side which has often caught me off guard when a vehicle is coming up and over the hill.

The better and much safer option would be to rebuild the St Vincent Highway causeway road /bridge as a pylon structure with an additional safe walking path . As you know this is the main road between Coobowie and Edithburgh.

So, it should not go out along the old causeway road.

Its only a matter of time before someone gets seriously injured walking/riding across it.

I suggest that some council members should physically walk across both roads to see for themselves.

Thank you for taking the time to read this, as concerned residence.

From: Corporate Email Address <admin@yorke.sa.gov.au>
Sent: Friday, December 15, 2023 2:33 PM
To: Corporate Email Address <admin@yorke.sa.gov.au>
Subject: Public Consultation - Proposed Vietnam Veterans Memorial Walk - Edithburgh to Coobowie

Good afternoon,

You are receiving this letter as you are considered by the Yorke Peninsula Council (Council) to be an affected property owner in relation to a proposed Vietnam War Memorial Walk (Memorial Walk).

Local residents have developed plans for a large-scale Memorial Walk along a stretch of the existing Walk the Yorke trail between Coobowie and Edithburgh.

The key aspect of the plan is to add signs featuring information about Australia's involvement in the Vietnam War, along with seating, and archways at each end of the Memorial Walk.

Please see attached correspondents from Nick Perry – Manager Economic Development and Business Sustainability.

Sonny Coombs

Community Development and Engagement Officer
Yorke Peninsula Council | Maitland Office
P: 08 – 8832 0000
W: www.yorke.sa.gov.au

From: [Rodney Smith](#)
To: [Corporate Email Address](#)
Subject: Rodney Smith/ Memorial Walk
Date: Thursday, 28 December 2023 5:44:57 PM

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Dear Admin

I am writing in response to the proposed memorial walk as a house owner on Parrington street Coobowie.

I think it would be a very bad idea as we find it very dangerous when we walk up the road towards the causeway because cars come around the corner over the hill driving partly on the walking track and have had some near misses.

If the foot traffic is increased I think there would be a very good chance someone would be hit by a car.

We have cars constantly speeding pass the houses on Parrington street and the only way to make it safe would be to stop traffic over the causeway which would make it a lot safer for the walkers as they have to share the space with cars driving on the walking track and we have seen cars coming from both directions at the same time which leaves no safe space for the walkers.

It would be great if the council had some funds to to put some basic bitumen down just in front of the 5 houses on Parrington Street with a clear marking for the walking trail if traffic was still allowed to travel across the causeway and past the house.

Some more speed signs would be of great benefit if traffic was to still travel on the road.

Closing the road off to local traffic and walkers only would be the only safe alternative.

If I could have a council representative give me a call to discuss this proposal would be much appreciated.

Rodney Smith [REDACTED]

Kind regards

Rodney Smith

From: [Malcolm Stanton](#)
To: [Corporate Email Address](#)
Subject: RE: Vietnam War Memorial Walk Consultation
Date: Tuesday, 9 January 2024 2:13:17 PM

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.

Yorke Peninsula Council

Att: Nick
Perry,
January 2024

9th

Having read the proposal and the map plans of the Vietnam War Memorial Walk between Coobowie and Edithburgh I have some concerns.

The Archway and sign at the Coobowie end is in the wrong place. There is already signage re the Coobowie to Edithburgh walking trail, and not far from that is a Welcome to Coobowie archway for visitors and locals to have photos taken with Coobowie and Port Giles silos in the background. We do not need more archways and signs in the town.

I am suggesting the start and end point of the Coobowie walk is over on the southern end of the causeway towards Edithburgh approximately 250 meters south of the estuary point. There is already an area there for parking and easy access to the walking trail.

The archway and signage would not be obtrusive to anyone in fact there is an area there where a gallery of signs could be assembled, eliminating elderly citizens having to walk the four and a half kilometers to view them all.

For your Information.

A young pair of Ospreys appeared in the area a couple of years ago and decided to build a nest in a Communication Tower in Edithburgh which created problems for them and the communication techs.

A lot of time spent observing, filming and reporting to relevant authorities over the last couple of years has resulted in an OSPREY NESTING PLATFORM being installed 190 meters from the southern point of the estuary and about 340 meters east of the main causeway and bird hide.

Within four hours after installing the platform at Coobowie the Ospreys had moved from the communication tower to the new nesting site and to this day are still returning despite failing to breed this year.

Until three years ago there weren't any Ospreys sighted or recorded on Yorke Peninsula and only fifty pairs sighted in the whole of South Australia.

Ospreys are fish eaters only and there are plenty of fish for them in the Coobowie estuary area.

Ospreys are also on the endangered list register.


Our main concern is extra seating or signs in this area can create problems as Ospreys and a variety of other birds feed and congregate on that shoreline and flats as well. It is a peaceful and sheltered area for the birds from the weather and away from people.

This area is advertised as: Bird Sanctuary.

Coobowie to Edithburgh Walking Trail.
Friends of Osprey on social media.

I would like to appear in person before the council on matters I have raised.

Yours Sincerely

Malcolm Stanton
Coobowie SA 5583


24/2832 NICK, THESE ARE MY 2 SUGGESTION FOR PROPOSED
MEMORIAL SIGNAGE.

KIND REGARD DENNIS TAPE,
COOBOWIE.

Attachment 3

Proposed placement of 3m high archway sign and 1.8m high welcome sign, Coobowie.
Please note archway sign will be angled to ensure the least possible disruption to residents' coastal views.



Vietnam War Memorial Walk proposed signage/archway positioning (Coobowie entrance).

OPTION 1
SUGGEST
THIS
LOCATION



24/2832

Attachment 2

Proposed placement of 3m high archway sign and 1.8m high welcome sign, Edithburgh. Please note archway sign will be angled to ensure the least possible disruption to residents' coastal views.



Vietnam War Memorial Walk proposed signage/archway positioning (Edithburgh entrance).

4th January 2024

Yorke Peninsula Council

Att: Nick Perry

In relation to the proposed Vietnam War Memorial Walk between Coobowie and Edithburgh, we feel that it is an excellent idea to recognise their efforts and sacrifice.

The Archway from the Edithburgh Entrance is ideally located, however the Coobowie Entrance would be better placed at the Southern side of the 'new causeway' due to it not impacting any residential areas.

It also feels to be a more natural gateway and will avoid visual cluttering of the foreshore which already features the very prominent 'Welcome to Coobowie' sign.

As long term residents who have been active contributors to the beautification of our precious seaside town, we will always support progress for the town's future sustainability. However we strongly believe there is a better solution in this instance.

We thank you for the opportunity to share our thoughts/concerns.

Peter and Kathy Tape
Beach Road
Coobowie

From: [REDACTED]
To: [Corporate Email Address](#)
Cc: [REDACTED]
Subject: Arch for memorial walk
Date: Wednesday, 20 December 2023 11:56:45 AM

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.

Dear Nick,

Further to receiving your letter advising that council was considering archways and signs for a memorial walk on the existing coastal walk from Edithburgh to Coobowie, I wish to register our viewpoint. We are the owners of the house at 12 Beach Rd. Coobowie and purchased this location for the unspoilt view of Coobowie Bay.

The existing walking path from Edithburgh to Coobowie is a spectacular view of the unspoilt bays and gulf waters of St. Vincent Gulf along with the native bushland bordering the path. I believe that it would be well suited to commemorate the Vietnam veterans with this walk. Placing the southern arch at the entrance of the golf course or even further along the par three course would be ideal and not intruding on the view of existing homeowners at the Edithburgh end. However, positioning the northern arch in front of all the homeowners in Coobowie amounts to visual pollution of the pristine view of Coobowie Bay for the homeowners. The northern arch would be better positioned at the southern end of the causeway either entering the coastal walk or entering the old causeway walk as there would be no intrusion on any homeowners at either of these two locations. Should council not accept our viewpoint and proceed with the presented plan we would have to take this matter further as it would spoil the pristine view we presently have.

Yours faithfully,

A. Torresan

From: [Robert](#)
To: [Corporate Email Address](#)
Subject: Vietnam War Memorial Walk Consultation
Date: Wednesday, 3 January 2024 10:31:29 AM

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.

Hi From Rob Wilson ,
Re input for Vietnam War Memorial Walk , looking at the Paper I suggest not so many signs as it will be taking away from the Serenity of the area ...
Thankyou ..
Sent from [Mail](#) for Windows



COMMUNITY ENGAGEMENT PLAN									
PROJECT NAME: VIETNAM WAR MEMORIAL WALK									
Stakeholders	Level 1 INFORM	Level 2 CONSULT	Level 3 PARTICIPATE	Level 4 COLLABORATE	Responsibility	Start Date	End Date	Status	Evaluation Method
Affected residents		Personalised Letter			Manager Economic Development and Business Sustainability	19/12/2023	10/01/2024	C	10 Responses
All residents		Public Notice			Manager Economic Development and Business Sustainability	19/12/2023	19/12/2023	C	10 Responses
All residents		Website			Manager Economic Development and Business Sustainability	19/12/2023	10/12/2024	C	107 Views
All residents		Social Media			Manager Economic Development and Business Sustainability	19/12/2023	19/12/2023	C	9,868 reach, 90 likes, 16 comments, 20 shares
All residents		Social Media			Manager Economic Development and Business Sustainability	28/12/2023	28/12/2023	C	2,202 reach, 18 likes, 3 shares
All residents		Social Media			Manager Economic Development and Business Sustainability	4/01/2024	4/01/2024	C	1,426 reach, five likes

24 ASSETS AND INFRASTRUCTURE SERVICES

24.1 DESIGN OF COASTAL DEFENCE STRUCTURE - COOBOWIE

Document #: 23/119504

Department: Assets and Infrastructure Services

PURPOSE

To seek approval to cease further investigations and development of the coastal defence structure at Coobowie.

RECOMMENDATION

That Council not proceed with further investigation and development of the proposed coastal defence structure at Coobowie.

LINK TO STRATEGIC PLAN

Goal: 2 Community Connected through Infrastructure

3 Valued and Restored Environment

Strategy: 2.4 Explore provision of new infrastructure

3.3 Integrate environmental sustainability consideration in land use planning and development

BACKGROUND

Council was successful in receiving a grant from the Coast Protection Board to design coastal defence structures for Port Clinton, James Well, Pine Point, and Coobowie. In Council's Strategic Coastal Risk Database, this work is of high priority. Council engaged consultant Wavelength Consulting (now Hatch), to prepare the designs.

At the Information and Briefing Session for Council, conducted Wednesday, 26 April 2023, Wavelength Consulting presented an overview of the draft designs. Following on, Council endorsed a community engagement process at its meeting on Wednesday, 12 July 2023. The Coobowie Public Consultation Workshop was held on Thursday, 10 August 2023.

DISCUSSION

The community engagement process for the initial design of the coastal defence structure at Coobowie saw a great amount of feedback received.

Following the consultation period, submissions were considered by the consultant in conjunction with staff from Council and the Coast and Marine Branch of the Department for Environment and Water. Subsequently work on a re-design occurred, taking into account the opposition to a rock revetment, whilst still complying with Coast Protection Board Policy. This re-design is yet to be completed and presented to Council.

As a result of the initial draft concept design presented at the Public Consultation Workshop, a Friends of Coobowie Foreshore group formed, to represent the viewpoints of its membership (the majority of the community).

The Friends of Coobowie Foreshore representatives presented at Council's Information and Briefing Session on Wednesday, 22 November 2023, and once again as Visitors to the meeting of Council on Wednesday, 13 December 2023.

The overwhelming response, both in written feedback and from the presentations outlined above, was opposition to the development of any form of hard engineered structure to serve as a defence mechanism to coastal processes.

Subsequently it is recommended to Council that no further action is taken in developing a coastal defence structure at Coobowie.

Currently, Council has assets that are threatened by coastal erosion; the Coobowie Caravan Park is experiencing deterioration to its existing levee, as a result of recent winter storms. Coobowie Progress Association have written to Council staff expressing their concerns. The degradation in its current state poses a degree of risk to safety if accessed by pedestrians. Council staff will investigate options to address the immediate risk and will subsequently report to Council.

COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

The consultation period begun on Thursday, 13 July 2023 and closed on Friday, 11 August 2023. A public notice was placed in the Yorke Peninsula Country Times and on Council's social media sites. An Information Sheet was prepared and was available for viewing at Council offices at Maitland, Minlaton and Yorketown, and on Council's website. A letter was addressed to affected residents, as well as to Coobowie Progress Association. The Coobowie Public Consultation Workshop was held on Thursday, 10 August 2023. Council's Operations Manager has responded individually to all feedback received.

CONSULTATION PROCESS

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

- Chief Executive Officer
- Operations Manager
- Environment Officer

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

- Coast Protection Board
- Friends of Coobowie Foreshore
- Wavelength Consulting

POLICY IMPLICATIONS

PO091 Risk Management

PO057 Community Engagement Policy

BUDGET AND RESOURCE IMPLICATIONS

Nil

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Council assets are at risk to future coastal inundation as a result of sea level rise. At some point in time, Council will need to consider options for these assets.

ATTACHMENTS

Nil

24.2 FOOD ORGANICS GREEN ORGANICS SERVICE**Document #:** 24/244**Department:** Assets and Infrastructure Services**PURPOSE**

For Council to close out the Assets and Infrastructure Services review of waste management and endorse the introduction of a food organics/green organics (FOGO) waste management collection service.

RECOMMENDATION A

1. That Council endorse the introduction of a fortnightly food organics/green organics (FOGO) waste management collection service for the townships, with co-mingled yellow-lidded bin waste collection to remain at fortnightly, and general red-lidded bin waste to be collected at a frequency of fortnightly for residential and weekly for rural/business.

OR

RECOMMENDATION B

2. That Council reject the proposed fortnightly food organics/green organics (FOGO) waste management collection service as detailed below and at this time make no changes to waste collection.

LINK TO STRATEGIC PLAN**Goal:** 3 Valued and Restored Environment**Strategy:** 3.2 Continue to effectively manage the collection, recycling and disposal of waste
3.4 Partner with other tiers of government and non-government organisations to improve environmental outcomes**BACKGROUND**

At the Meeting of Council held on 14 December 2022, Council endorsed “progressing to the next stage of the possible implementation of a food organics/green organics (FOGO) waste management collection service, including costings, contract management, and policy review, to be presented to Council at a future meeting, and ratification of inclusion in the 2023/2024 budget”.

Informing this decision were the following Council reports: Feasibility Study of Food Waste Management Options; Community Views of Food Waste Collection (Focus Groups – Qualitative Research); and Food Waste Collection Research (Panel Surveys – Quantitative Research).

Additionally, Council had received the Legatus Group’s Waste and Resource Recovery Strategy 2021 to 2026, in which Council is set a landfill diversion target. Meeting this target will depend on the introduction of a FOGO collection service and the transition from a weekly general waste collection service to a fortnightly general waste collection service. Council’s landfill diversion target is increased from the current estimated 35% to 45%.

At the Environment Ministers’ Meeting of 21 October 2022 (comprising the Commonwealth Minister for Environment, and the environment minister from each Australian state and territory), updates were agreed to the National Waste Policy Action Plan, and reflected in the National Waste Policy Action Plan Annexure 2022. An included update is to introduce FOGO collection services to all metropolitan households and businesses, from the end of 2023, to 2030.

The South Australian Government addresses management of food waste in its document ‘Valuing Our Food Waste; South Australia’s strategy to reduce and divert household and business food waste 2020 – 2025’. Whilst no action is suggested for regional areas, a proposed action is:

“Pursue regulatory interventions to ensure segregated food and organic waste collection systems exist for residential, commercial and industrial premises in the Adelaide metropolitan area (as relevant to areas prescribed in the Environment Protection [Waste to Resources] Policy 2010)”.

At the 14 December 2022 meeting of Council, staff suggested the following action for management of FOGO:

- Short-term (over three years): With the existing waste collection contractor, introduce a FOGO collection service in 2023/2024 utilising the existing three bin system (i.e. food organics may be disposed of in the green-lidded bin, along with the current approved green organics i.e. garden clippings). The nearest existing commercial FOGO processing and waste disposal site is near Dublin and hence, for the short-term option, FOGO waste will require transport to it.
- Medium-term (three to six years): Consider the outcomes of the regional organics (FOGO) processing facility (Pilot Organics Processing Plant at Peterborough Project) and whether or not it is more cost effective than the short-term arrangement. Consider joining a Waste Management Authority (WMA) if it has been established. Review technology as it advances (i.e. innovative composting solutions).
- Long-term (six to ten years): Council to cut transportation costs of FOGO, consider evolving processing technology, and reconsider the relative economics of FOGO processing at two locations (Warooka and Central Yorke Peninsula – Arthurlton) in the Council area, for reuse by Council.

DISCUSSION

Council's current green organics collection service is provided to residential properties within the town service area (who subsequently pay the three bin system service charge).

The current three bin service sees the red-lidded bin (general waste) being serviced weekly, yellow-lidded bin (co-mingled recycling) serviced fortnightly, and green-lidded bin (green organics only) serviced once per month.

To introduce a FOGO collection service to these properties, and keep cost increases to a minimum, a change in bin collection frequency is required. FOGO bins must be collected fortnightly at a minimum as per legislation. For Council, this would result in both the green-lidded bin (FOGO), and the yellow-lidded bin (co-mingled), collected fortnightly. However, due to the varying service areas and entitlements, there are options for the frequency of collection of the red-lidded bin (general waste). No change is suggested to the current weekly street bin and bush camp bin bank (both general waste) collection frequencies, even though many municipalities across Australia adopt a fortnightly collection frequency for these public bins.

The current red-lidded bin collection service standard entitlement of once per week, is provided to all properties that are entitled to receive the service:

- residential properties within the town service area (8,534 properties); and
- residential properties within the rural service area and commercial/industrial/other/non-rateable properties (2,000 properties).

NB: green-lidded bins total 8,470 properties; yellow-lidded bins total 10,500 properties.

As per Council's PO125 Waste and Recycling Policy, some properties apply for an additional service(s) per week, subject to the payment of the appropriate fee(s), as set out in Council's Fees and Charges Register (R011).

As stated, to achieve the diversion targets of the Legatus Group's Waste and Resource Recovery Strategy 2021 to 2026 (the Strategy), the Strategy states it **depends on an introduction of a FOGO collection service and the transition from a weekly general waste collection service to a fortnightly general waste collection service**. The introduction of a FOGO collection service needs to be provided as all or nothing service. An opt in system is not feasible for multiple reasons, including its limitations in achieving the waste diversion targets, its implications to determining costing models,

increased administration time managing options, and the complications it creates for the waste contractor in delivery.

As such, it is recommended Council adopt a red-lidded bin collection at a frequency of fortnightly (with no additional collection during peak seasons – e.g school holidays, Christmas and Easter) for residential properties within the town area (residential), with rural/business to remain weekly.

Note: emissions calculations: - Due to contractor leave and availability over the Christmas period, the km's per annum and the associated emissions from the contractor's fleet have not been able to be calculated.

COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

As previously reported in Council documents Community Views of Food Waste Collection (Focus Groups – Qualitative Research); and Food Waste Collection Research (Panel Surveys – Quantitative Research).

CONSULTATION PROCESS

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

- Operations Manager
- Manager Financial Services
- Environment Officer

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

- Waste and Management Service Pty Ltd
- Veolia Australia and New Zealand

POLICY IMPLICATIONS

Council's PO125 Waste and Recycling Policy will require review to implement a FOGO waste management collection service.

BUDGET AND RESOURCE IMPLICATIONS

The increase to waste management expenditure created by changes to Council's waste collection regime to include FOGO has been estimated by the contractor to be \$286,321.

This increase to waste management expend should be fully recovered through a corresponding increase to the waste collection service charge.

The transition to FOGO impacts collection and disposal costs for both two bin and three bin waste collection services due to changes in collection frequency, type and tonnage.

It is estimated that the two bin service charge would need to increase by \$20.80 per annum (\$0.40 per week) and the three bin service charge would need to increase by \$28.18 per annum (\$0.54 per week)

Implementation and education costs would also need to be recovered through further increases to the three bin service charge.

The Environmental Protection Agency of South Australia recently increased the Country Solid Waste Levy rate per tonne from \$73 to \$78.

Please note, the impact of any additional one-off implementation and education costs would further increase waste expenditure above and beyond the amount estimated above and is detailed below:

The additional costs for the implementation of a FOGO system is:

Service	Cost (\$s)
Kitchen caddy	34,303
Assembly and distribution (by waste contractor)	123,577
Compostable liners (150 bag)	86,309
Possible education program (to be tailored), indicative costing	42,500
<ul style="list-style-type: none"> • FOGO wrap on trucks \$ 5,000 • Community workshops \$ 8,000 • School incursions \$ 7,000 • Annual waste guide \$13,000 • Community engagement \$ 5,500 • Bin audit \$ 4,000 	
Total	286,689

Green Industries SA (GISA) offers an incentive program that offers support for:

- 50% toward the cost of container and assembly
- 50% toward the cost of delivery

GISA contribution toward the cost of education material is limited to only items that can be provided in or on the food waste system (sticker, brochure). The incentive is 50% toward the cost to print these items.

Over the last couple of years, the incentive has offered 100% of the cost of a roll of 75 bags, noting that any system commencing in 2024/5 will be supported with compostable bags in store for on-going supply.

Based upon some of the costs above, the incentive is typically capped at \$10/tenement (or ~\$12 with GISA covering the cost of 75 bags).

For budget purposes it would be reasonable to look at $8,500 \times \$12 = \$102,000 + \text{GST}$ for incentive rebates, bringing the implementation costs down to \$184, 689.

Cost Summary:

Implementation costs - \$184,689 from current year budget.

Ongoing Costs - \$286,321 ongoing budget increase required.

Ultimately to be offset against the above bin service charge increase is the savings in land fill levy that would arise from red bin tonnes diverted. The \$/ rate notice saving associated with red bin landfill diversion could be something to consider in future year budgets when diversion tonnages for YPC are known.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Not proceeding with the recommendation of this report will see Council's failure to meet the initiatives of the Waste and Resource Recovery Strategy 2021 to 2026, endorsed by the Legatus Group.

ATTACHMENTS

Nil

25 DEVELOPMENT SERVICES**25.1 REQUEST FOR AMENDMENTS TO HEADLEASE & UNDERLEASE - ALLOTMENT 300, DEPOSIT PLAN 71293, BREAKWATER DRIVE, PORT VINCENT****Document #:** 23/112823**Department:** Development Services**PURPOSE**

To endorse staff seeking Ministerial approval for amendments to the Headlease with Department for Infrastructure and Transport to facilitate proposed development for Port Vincent Landing Pty Ltd at Allotment 300, Deposit Plan 71293, Breakwater Drive, Port Vincent known as Float.

RECOMMENDATION

That Council:

1. Endorse staff seeking Ministerial approval for the development of floating homes and a proposed floating café/cellar door on Allotment 300, Deposited Plan 71293, Breakwater Drive, Port Vincent.
2. Endorse staff seeking Ministerial approval for a revised or new Headlease with Department for Infrastructure and Transport to facilitate proposed development for Port Vincent Landing Pty Ltd at Allotment 300, Deposited Plan 71293 Breakwater Road, Port Vincent.

LINK TO STRATEGIC PLAN**Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.5 Partner and build positive relationships with key stakeholders to progress tourism and business growth

1.9 Seek out, develop and deliver on economic development opportunities

BACKGROUND

Port Vincent Landing Pty Ltd (PVL) have lodged a development application for the mooring of floating homes and a floating café/cellar door on Allotment 300, Deposited Plan 71293, Breakwater Drive, Port Vincent, known as Float.

Council received correspondence (refer Attachment 1) dated 1 August 2023, from planning consultant Planning Chambers on behalf of PVL, in relation to the Headlease and Underleases applicable to Allotment 300, Deposit Plan 71293, Breakwater Road, Port Vincent which is the proposed location for the floating homes and cellar door development.

Under the terms of the Headlease and Underleases there is a requirement to seek Ministerial approval from the Minister for Infrastructure and Transport (the Minister) for the proposed construction and activities including potential changes to the Headlease.

The proposed floating homes and floating café/cellar door are not in accordance with the plans and specifications annexed to the Underlease. Council will need to agree to the proposed change of use to these premises and the prior written consent of the Minister is required for the proposed development.

DISCUSSION

The existing Headlease between the Department for Infrastructure and Transport (DIT) and Council for Lots 203, 207, 212 and 300 includes the proposed developments by PVL for Dockside at Lot 212 and Float at Lot 300. (refer Attachment 2)

Council administers the Underlease for Allotment 300, Deposit Plan 71293, Breakwater Road Port Vincent to Port Vincent Berths Pty Ltd (PVB). PVB subsequently lease to Port Vincent Marina Association (PVMA) and PVMA to PV E Finger Pty. All are part of the Villis Group.

The relationship between the Headlease and the Underlease holdings by the Villis Group, are of a complex nature and a flowchart is provided for your reference (refer Attachment 3).

For the purpose of this report, the following information is only in regard to Lot 300, for the proposed construction of floating homes and a proposed café/cellar door.

The existing Headlease between DIT and Council clearly reflects a lease of non-commercial nature. DIT also consider the developments proposed by PVL do not meet the permitted uses as detailed in the Headlease and are prohibited and considered of a commercial nature.

Council has two options to consider with the Headlease and subsequent Underlease arrangements for Lot 300 Deposited Plan 71293, Breakwater Drive, Port Vincent.

- The existing lease could remain in place, providing Council with the opportunity to continue to hold the Minister's land for non-commercial purposes, noting that the proposed development by PVL cannot proceed, or
- Seek to enter into a revised Headlease with the Minister under commercial terms and conditions allowing for Council to develop the Minister's land on a commercial basis including the proposed development by PVL for Lot 300.

DIT have advised a revised or new Headlease to facilitate the request by PVL would require the approval of the Cabinet to proceed.

Should Council not proceed with a revised or new Headlease of a commercial nature, then no further action is required, as the proposed development will not proceed.

If Council wishes to proceed with a revised or new Headlease, the following concerns for Council will be reflected in the terms and conditions of the Headlease and subsequent Underlease with DIT.

1. The "Permitted Use" from Clause 2.13 of the Headlease is clear that the use of the marina for purposes other than mooring of vessels and yachting requires the prior written approval of the Minister's representative. Clause 2.14 expressly prohibits the use of the marina as a dwelling or sleeping place, although the Minister has agreed for persons to reside on a "vessel" for no more than 3 months.

Consideration into the definition of 'vessel' as it applies to the Headlease and, in turn, to the Underleases will need to be examined and Minister's consent be sought to extend the definition to include the mooring of floating homes for a 'commercial purpose' and a floating cafe.

2. To ensure Council is protected in the event the business venture failed and Port Vincent Landing Pty Ltd and associated entities became insolvent, Council should consider;
 - Provisions to reinstate the Minister's land in the event PVL abandons its development, requiring removal of its assets as per the requirement of the Headlease.
 - Amendment to Underleases to reflect the above to remain consistent with the Headlease.
 - Provision of a bank guarantee or a security bond to cover any contingent costs in the event the business venture failed and PVL becomes insolvent.
3. Any development approvals are to be reflected in the Underlease with PVB as well as reflecting any relevant conditions imposed as part of the development approval process.

4. Whilst PVL have requested an extension of the Headlease to Lot 300, including subsequent Underleases, Council should consider:
 - Extensions will need to be consented to by the Minister.
 - The current rent review mechanism is reviewed annually in line with Consumer Price Index. Whilst this is appropriate now, a commercial rental rate along with rental reviews should be specified (eg. every 5 or 10 years).
5. Lot 300 is considered community land, therefore the 42 year leasing limitation will apply, pursuant to Section 202 of the Local Government Act 1999.
6. To facilitate a lease exceeding 42 years, Council would require a revocation of classification of land as community land, pursuant to Section 194 of the Local Government Act 1999, including community consultation requirements.
7. Commercial lease fees applied to Council by DIT in the revised or new Headlease will be recovered in the revised or new Underlease between Council and PVB.
8. The Underleases from PVB to the PVMA and from the PVMA to the floating home owners and the café owner will require amendments to bind the lessees in each case to the terms of the Headlease as though each Underlessee is the Head lessee.
9. It is presently unclear who or which entity will own the floating homes and the café or whether they are to be on-sold to a third party. Relevant licences may need to be obtained and further appropriate insurance cover should be a term of all underleases in the relation to the floating homes and the café.
10. Council has already incurred and will continue to incur legal costs in relation to the proposed amendments to the leases and the proposed developments in general. Cost recovery clauses are proposed to apply for Underleases.

It is envisaged that the process of applying to the Minister will involve various negotiations and amendments to draft lease documents. For this reason the report seeks the consent of Council to lodge the request only, with a final draft lease arrangement to be considered by Council at a later date.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Corporate Management Team
- Property Tenure Officer
- Manager Development
- Asset Manager

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

- Villis Group
- Planning Chambers
- URPS
- Department for Infrastructure and Transport
- Norman Waterhouse

POLICY IMPLICATIONS

Strategic Management Plan 2021-2025

Long Term Financial Plan 2024-2033

BUDGET AND RESOURCE IMPLICATIONS

Council will seek full cost recovery for legal costs (unknown at this stage) in relation to the proposed amendments to the various leases and the proposed developments.

The cost of obtaining initial legal advice (including advice for Lot 212) was \$2,072 including GST which will be absorbed within the 2023/2024 budget allocation.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS



Local Government Act 1999

Retail and Commercial Leases Act 1995

Harbors and Navigation Act 1993

Real Property Act 1886

ATTACHMENTS

1. **Correspondence - Request to seek Consent for Float Development - Planning Chambers**
[!\[\]\(99aec71b2e784e72efa34cc18403e592_img.jpg\)](#) 
2. **Head Lease - Leased Area** [!\[\]\(22bad2d8b78b47fba15eb27a06e0e643_img.jpg\)](#) 
3. **Flow Chart - Villis Group Underleases** [!\[\]\(07998c35d4b325e1e7f6c1eab606d14a_img.jpg\)](#) 



1 August 2023

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

Dear Andrew,

RE: Allotment 300 in DP 71293 – Breakwater Road, Port Vincent

On behalf of Port Vincent Landing Pty Ltd, I write in relation to the headlease and underleases applicable to abovementioned land (Figure E within the Port Vincent Marina) owned by the Minister for Transport (the Minister).

Port Vincent Landing Pty Ltd would like to formally request that Council seek the consent of the Minister for works and use of the land proposed as part of the Float development along with the extension of those leases and preparation of new underleases related to the occupation of the proposed floating homes and café/cellar door. The following details and comments are provided in support of this request.

Float development

Port Vincent Landing Pty Ltd have lodged a development application for the mooring of nine floating homes and a floating café/cellar door on Figure E of the Port Vincent marina, as shown within Figure 1 below.

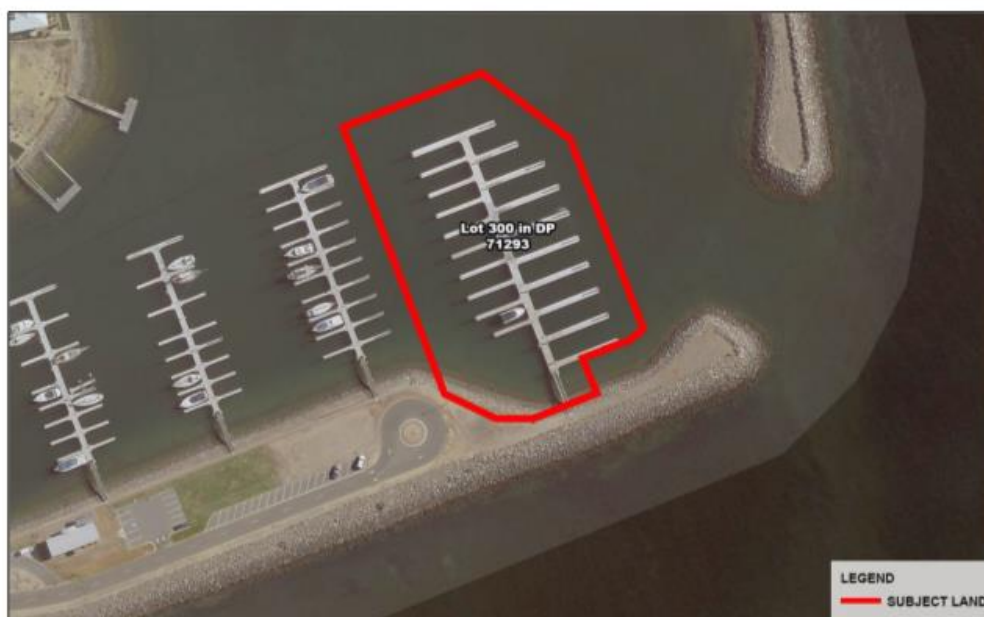


Figure 1: Location of Float development on Lot 300/Figure E.

The project, known as Float, seeks to provide a unique opportunity to showcase Port Vincent and the Yorke Peninsula through a one-of-a-kind experience. Along with the proposed multistorey mixed use Dockside development Port Vincent Landing Pty Ltd are seeking to make a significant contribution to Port Vincent to draw in visitors to the marina and provide high quality accommodation and commercial uses at the northern end of the Port Vincent township.

The proposal is outlined within the attached site plan prepared by Planning Chambers.

Leases

The proposed floating homes and café/cellar door will be moored along the western side of Figure E, which is the eastern most grouping of berths within the marina. Figure E is located entirely within Allotment 300 in Deposited Plan 71293.

Allotment 300 is owned by the Minister for Transport, with the berths leased to the Council (headlease). Council subsequently leases the berths to Port Vincent Berths Pty Ltd. The berths are further leased to Port Vincent Marina Association Incorporated. New leases have been drafted to allow the individual berths to be leased by the Marina Association to future owners of the floating homes and a separate commercial lease prepared for the café/cellar door. The leasing arrangements are detailed within Table 1 below with draft leases (both new leases and those that require extensions and variations) attached. These leases have previously been provided to Council staff within the development application lodged for Float.

Premises	Lessor	Lessee	Extended Term sought
Whole of Lot 300 in DP 71293 (Finger E)	Minister for Transport	Yorke Peninsula Council	1 May 2003 to 30 April 2172
Whole of Lot 300 in DP 71293 (Finger E)	Yorke Peninsula Council	Port Vincent Berths Pty Ltd	12 June 2014 to 29 April 2172
Whole of Lot 300 in DP 71293 (Finger E)	Port Vincent Berths Pty Ltd	Port Vincent Marina Association Incorporated	12 June 2014 to 28 April 2172
Portions of Lot 300 in DP 71293 being the particular berths to be developed	Port Vincent Marina Association Incorporated	The lessees of floating homes	From the commencement date (TBC) until 27 April 2172 at the latest
Portions of Lot 300 in DP 71293 being the particular berths to be developed	Port Vincent Marina Association Incorporated	The lessee of and operator of the floating café/cellar door	From the commencement date (TBC) until 27 April 2172 at the latest

Table 1: Lease arrangements

The attached leases are not final and are provided as drafts for further discussion and refinement in conjunction with Council and the Minister.



Extensions of Lease have been prepared for the following current leases:

- Headlease between the Minister and Council
- Underlease between Council and Port Vincent Berths Pty Ltd; and
- Underlease between Port Vincent Berths and Port Vincent Marina Incorporated.

The year 2172 has been inserted as the extended expiration year. This will enable 100 year floating home leases to be offered with the actual extension still to be agreed to by all parties.

Headlease

The Council has a number of obligations under the headlease including seeking consent from the Minister for the following:

- any construction works undertaken within the lease area/allotment (Section 2.7 of the headlease);
- uses other than the mooring of vessels, yachting and other reasonably connected activities (Section 2.13); and
- residing on a vessel for a period greater than three months (Section 2.14).

As such Port Vincent Landing Pty Ltd request that Council seek the following amendments to the headlease:

- extend the term until 2172 to enable 100 year leases to be offered to each of the subsequent Underleases;
- amend the terms so that occupation of the floating homes for more than 3 months is permitted;
- introduce a broad definition of "Floating Home";
- make amendments so that the occupiers of the Floating Homes are not adversely impacted by specific provisions of the headlease, such as rights of entry and inspection and rights to undertake works that the Minister has under the headlease.

Existing underleases

The underlease from Yorke Peninsula Council to Port Vincent Berths Pty Ltd and underlease from Port Vincent Berths Pty Ltd to Port Vincent Marina Association Incorporated are on largely the same terms. Broadly, these underleases require the parties to comply with the terms of the headlease. The consent of Council and the Minister is sought to extend the terms of each of the underleases so that 100 year underleases can be offered to the floating home lessees and the operator of the café/cellar door.

New underleases

New leases are proposed from Port Vincent Marina Association Incorporated to each floating home owner/occupier. The lease has been drafted by amending and updating the template Marina Berth lease which was previously approved by the Minister. The lease has only been amended where required so that it is suitable for the floating homes. As such this lease is largely on the same terms as has been previously approved by the Minister with the intention that the Minister will not require substantial additional amendments.

The draft floating home lease includes the following:

- enables leases of 100 years;
- reflects the use of the berth for the construction and occupation of a floating home;
- enables the landlord to require the lessee to repair the floating home, maintain it, use it lawfully and without causing nuisance to neighbours;
- entitles the landlord to, at the expiration of the lease, require the lessee to remove the floating home from the premises, or transfer ownership of it to the landlord; and



- the standard insurance provisions have been updated to reflect the use of the premises as a floating home.

A new lease from Port Vincent Marina Association Incorporated to the café/cellar door operator has also been drafted based on standard commercial terms to comply with the requirements of the Retail and Commercial Leases Act 1995 (SA).

The consent of Council and the Minister is sought for the proposed new underleases.

Conclusion

The current Float development proposal submitted by Port Vincent Landing Pty Ltd has the potential to activate the marina, deliver significant benefits to the local community through increased employment and housing and provide ongoing economic returns to the region. To achieve these outcomes Port Vincent Landing Pty Ltd requests that Council seek approval from the Minister for the amendments and extensions to the various leases as outlined above. Approval is also sought for the new underleases to the owners of the floating homes and the café/cellar door.

I trust that the above and attached information is sufficient for the Council to formally consider the above requests in relation to Allotment 300.

Please contact me on 8211 9776 if any further information is required.

Yours sincerely



Damian Dawson
Director

Enc: Proposed site plan – Planning Chambers

Draft extension and variation of Headlease between Minister and Council

Draft extension and variation of Underlease between Council and Port Vincent Berths

Draft extension and variation of Underlease between Port Vincent Berths and Port Vincent Marina Association

Draft Café/cellar door lease

Draft Floating Home lease

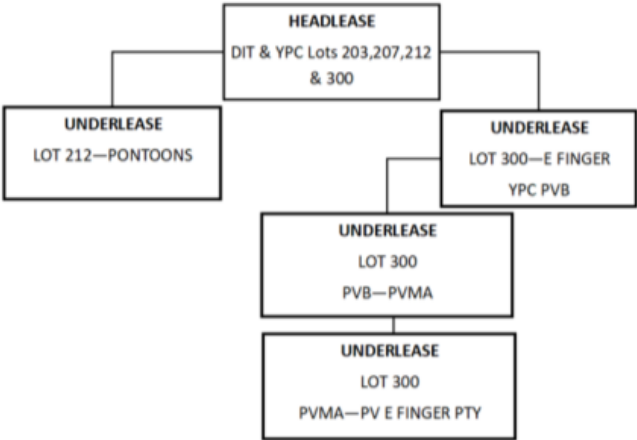


HEADLEASE – Leased Area
(Department for Infrastructure & Transport & Yorke Peninsula Council)



FLOW CHART
HEADLEASE INCLUDES LOTS 212 AND 300
VILLIS GROUP UNDERLEASES

DIT – Minister for Dept
Infrastructure & Transport
YPC – Yorke Peninsula Council
PVL – Port Vincent Landing Pty Ltd
PVB – Port Vincent Berths Pty Ltd
PVMA – Port Vincent Marina
Association Inc.



25.2 REQUEST FOR AMENDMENTS TO HEADLEASE & UNDERLEASE - ALLOTMENT 212, DEPOSIT PLAN 61702, MARINA DRIVE, PORT VINCENT**Document #:** 23/121669**Department:** Development Services**PURPOSE**

To endorse staff seeking Ministerial approval from Department for Infrastructure and Transport for the construction of a non-standard pontoon and swimming pool at Allotment 212, Deposit Plan 61702, Marina Drive, Port Vincent and proposed amendments to the Headlease for the said land to facilitate proposed development for Port Vincent Landing Pty Ltd known as Dockside.

RECOMMENDATION

That Council:

1. Endorse staff seeking Ministerial approval for the construction of a non-standard pontoon and a swimming pool at Allotment 212, Deposit Plan 61702, Marina Drive, Port Vincent.
2. Endorse staff seeking Ministerial approval for a revised or new Headlease with Department for Infrastructure and Transport to facilitate development on Allotment 212, Deposit Plan 61702, Marina Drive, Port Vincent.

LINK TO STRATEGIC PLAN**Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.5 Partner and build positive relationships with key stakeholders to progress tourism and business growth

1.9 Seek out, develop and deliver on economic development opportunities

BACKGROUND

Port Vincent Landing Pty Ltd (PVL) have lodged a development application for the construction of a five storey mixed use development, incorporating apartments on private land known as Dockside. As associated amenities, the proposed café and swimming pool will be constructed on Lot 212, Deposited Plan 61702, Marina Drive, Port Vincent which is held by PVL as an Underlease to Council.

Council received correspondence (refer Attachment 1) dated 28 July 2023, from planning consultant Planning Chambers on behalf of PVL, seeking Council support for the construction of a non-standard pontoon and a swimming pool at Allotment 212, Deposit Plan 61702, Marina Drive, Port Vincent. Under the terms of the Headlease and Underlease there is a requirement to seek Ministerial approval from the Minister for Infrastructure and Transport (the Minister) for the proposed construction and activities including potential changes to the Headlease.

The proposed pontoon and swimming pool are not in accordance with the plans and specifications annexed to the Underlease. Council will need to agree to the proposed change of use to these premises and the prior written consent of the Minister is required for the proposed development.

DISCUSSION

The existing Headlease between the Department for Infrastructure and Transport (DIT) and Council for Lots 203, 207, 212 and 300 includes the proposed developments by PVL for Dockside at Lot 212 and "Float" at Lot 300 (Refer Attachment 2).

Council administers the Underleases provided to individual landowners of the marina fronting allotments to Lot 212 for the construction of a pontoon for access to the marina with associated terms and conditions.

The relationship between the Headlease and the Underlease holdings by the Villis Group, are of a complex nature and a flowchart is provided for your reference (refer Attachment 3).

For the purpose of this report, the following information is only in regard to Lot 212, for the proposed construction of a non standard pontoon and a swimming pool.

The existing Headlease between the DIT and Council clearly reflects a lease of non-commercial nature. DIT also consider that the developments proposed by PVL do not meet the permitted uses as detailed in the Headlease and are prohibited and considered of a commercial nature.

Council has two options to consider with the Headlease and subsequent Underlease arrangements for Lot 212 Deposited Plan 61702, Marina Parade, Port Vincent.

- The existing lease could remain in place, providing Council with the opportunity to continue to hold the Minister's land for non-commercial purposes, noting that the proposed development by PVL cannot proceed, or
- Seek to enter into a revised Headlease with the Minister under commercial terms and conditions allowing for Council to develop the Minister's land on a commercial basis including the proposed development by PVL for Lot 212.

DIT have advised a revised or new Headlease to facilitate the request by PVL would require the approval of the Cabinet to proceed.

Should Council not proceed with a revised or new Headlease of a commercial nature, then no further action is required, as the proposed development will not proceed.

If Council wishes to proceed with a revised or new Headlease, the following concerns for Council will be reflected in the terms and conditions of the Headlease and subsequent Underlease with DIT.

Any development approvals are to be reflected in the Underlease with PVL as well as reflecting any relevant conditions imposed as part of the development approval process.

1. To ensure Council is protected in the event the business venture failed and PVL and associated entities became insolvent, Council should consider:
 - Including relevant provisions to reinstate the premises in the event PVL abandons its development, requiring removal of its assets in the Headlease.
 - Amendment to Underleases to reflect the above to remain consistent with the Headlease
 - Providing either a bank guarantee or a security bond to cover any contingent costs in the event the business venture failed and PVL becomes insolvent.
2. Whilst PVL have requested an extension of the Headlease to Lot 212, including subsequent Underleases, Council should consider:
 - Extensions will need to be consented to by the Minister.
 - The current rent review mechanism is reviewed annually in line with Consumer Price Index. Whilst this is appropriate now, a commercial rental rate along with rental reviews should be specified (eg. every 5 or 10 years).
 - Lot 212 is considered community land, therefore the 42 year leasing limitation will apply, pursuant to Section 202 of the Local Government Act 1999.
3. To facilitate a lease exceeding 42 years, Council would require a revocation of classification of land as community land, pursuant to Section 194 of the Local Government Act 1999, including community consultation requirements.
4. Commercial lease fees applied to Council by DIT in the revised or new Headlease will be recovered in the revised or new Underlease between Council and PVL.

5. Council has already incurred and will continue to incur legal costs in relation to the proposed amendments to the leases and the proposed developments in general. Cost recovery clauses will apply for Underleases.

It is envisaged that the process of applying to the Minister will involve various negotiations and amendments to draft lease documents. For this reason the report seeks the consent of Council to lodge the request only, with a final draft lease arrangement to be considered by Council at a later date.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Corporate Management Team
- Property Tenure Officer
- Manager Development
- Asset Manager

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

- Villis Group
- Planning Chambers
- URPS
- Department for Infrastructure and Transport
- Norman Waterhouse

POLICY IMPLICATIONS

Strategic Management Plan 2021-2025

Long Term Financial Plan 2024-2033

BUDGET AND RESOURCE IMPLICATIONS

Council will seek full cost recovery for legal costs (unknown at this stage) in relation to the proposed amendments to the various leases and the proposed developments.

The cost of obtaining initial legal advice (including advice for Lot 300) was \$2,072 including GST which will be absorbed within the 2023/2024 budget allocation.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Local Government Act 1999

Retail and Commercial Leases Act 1995

Harbors and Navigation Act 1993

Real Property Act 1886

ATTACHMENTS

1. **Correspondence - Request to seek Consent for Dockside development - Planning Chambers** [!\[\]\(a5b8bd8a696c3640f3356115b78d38a2_img.jpg\)](#) [!\[\]\(bb552e29d773d70d88a0ea92bcc35b99_img.jpg\)](#)
2. **Headlease - Leased Area** [!\[\]\(f9b597dc9fdb581407c6864ab1f5d5f4_img.jpg\)](#) [!\[\]\(8b6d973337a71dedb8b27a66d8210970_img.jpg\)](#)
3. **Flow Chart - Villis Group Underleases** [!\[\]\(0b1058de81c22ac8bc44f200fe732b84_img.jpg\)](#) [!\[\]\(309db2b463f70b1f67108a3768fa1a30_img.jpg\)](#)



28 July 2023

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

Dear Andrew,

RE: Allotment 212 in DP 61702 - Marina Drive, Port Vincent

On behalf of Port Vincent Landing Pty Ltd, I write in relation to the headlease and underlease applicable to abovementioned land owned by the Minister for Transport (the Minister).

Port Vincent Landing Pty Ltd would like to formally request that Council seek the consent of the Minister for construction works upon the land proposed as part of the Dockside development. The following details and comments are provided in support of this request.

Dockside development

Port Vincent Landing Pty Ltd have lodged a development application 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 at 2-6 Marina Drive. The project, known as Dockside, provides an exciting opportunity to complete the initial vision for Port Vincent Marina through the provision of retail and café uses overlooking the marina, boat ramp and yacht club. Port Vincent Landing Pty Ltd seek to make a significant contribution to Port Vincent which will act as a destination for visitors to the marina and provide high quality accommodation and commercial uses at the northern end of the Port Vincent township.

The proposal includes the construction of a swimming pool with associated stairs and decking on top of the existing stone revetment wall of the marina and an enlargement of the existing pontoon adjacent the site within the marina. The proposal is outlined within the attached plans prepared by Studio Nine Architects and Magryn Engineers.

Leases

The proposed swimming pool and expanded pontoon are located within Allotment 212 in Deposited Plan 61072 as shown within Figure 1 below. Allotment 212 extends along the edge of the marina, covering the rock revetment wall and the pontoons in front of each of the marina fronting allotments.

Allotment 212 is owned by the Minister for Transport, with the land leased to the Council (headlease). Council subsequently leases the land to the individual owners of the marina fronting allotments (underlease) to allow use of the land for access to the marina and for the installation of a pontoon. The leasing arrangements are shown within Figure 2 below, with copies of the headlease and underlease attached (copies are in the name of the previous owner of the Dockside site but were transferred to Port Vincent Landing Pty Ltd at the time of purchase).

Under Section 2.7 of the headlease Council must seek the consent of the Minister for any construction works undertaken within the lease area. Under Section 2.13 of the lease consent must also be sought for uses other than the mooring of vessels, yachting and other reasonably connected activities.



Figure 1: Location of Dockside development on Lot 1 and land covered under leases with the Minister for Transport and Council – Lot 212.

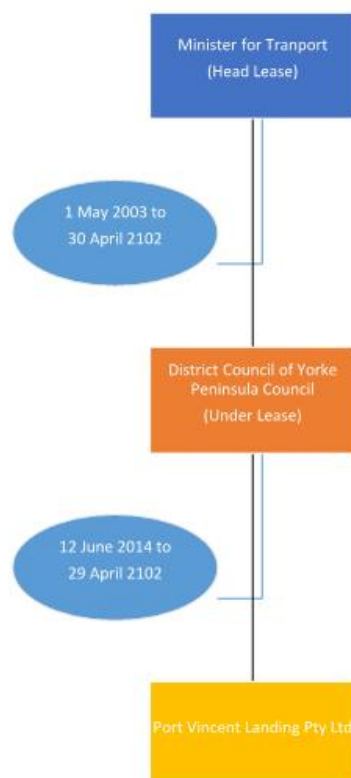


Figure 2: Lease arrangements



The terms of the underlease require the owners of marina fronting allotments to seek the consent of Council to construct a non-standard pontoon (Section 7 of the underlease). The proposed extensions to the pontoon fall outside of the specifications within the underlease.

As such, and in accordance with the headlease and underlease noted above Port Vincent Landing Pty Ltd seek:

- The consent of Council under the underlease for the construction of the proposed alterations and enlargement of the existing pontoon; and
- For Council to request the consent of the Minister under the headlease for the construction of the proposed elements upon Lot 212 (swimming pool, deck, stairs and pontoon) and for the proposed use of these elements connected to the Dockside development proposal, including outdoor dining.

Conclusion

The current development proposal submitted by Port Vincent Landing Pty Ltd has the potential to deliver significant benefits to the local community through increased employment and housing, improved public realm, additional public car parking and ongoing economic activity and returns to the region. To achieve these outcomes the Dockside development seeks to better utilise the waterfront to the marina which in turn requires the consent of Council and the Minister under the relevant leases.

I trust that the above and attached information is sufficient for the Council to formally consider the above requests in relation to Allotment 212.

Please contact me on 8211 9776 if any further information is required.

Yours sincerely



Damian Dawson
Director

Enc: Proposed Dockside ground floor plan and details – Studio Nine Architects

Pool and pontoon details – Magryn Engineers

Headlease between the Minister for Transport and the District Council of Yorke Peninsula

Underlease between the District Council of Yorke Peninsula and Christopher John Pty Ltd

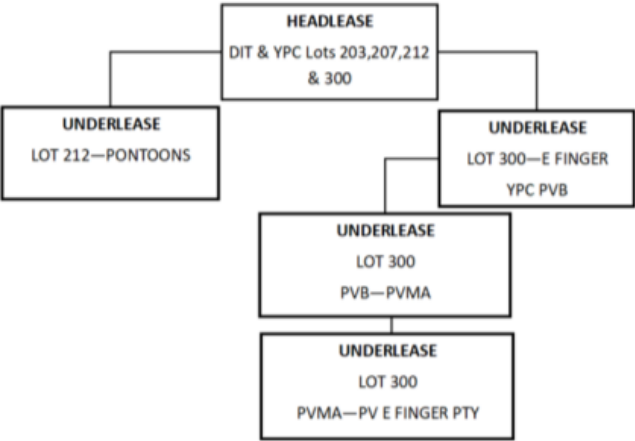


HEADLEASE – Leased Area
(Department for Infrastructure & Transport & Yorke Peninsula Council)



FLOW CHART
HEADLEASE INCLUDES LOTS 212 AND 300
VILLIS GROUP UNDERLEASES

DIT – Minister for Dept
Infrastructure & Transport
YPC – Yorke Peninsula Council
PVL – Port Vincent Landing Pty Ltd
PVB – Port Vincent Berths Pty Ltd
PVMA – Port Vincent Marina
Association Inc.



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 TENDER 240-2023 - SEALED SHOULDER REWORK PROGRAM 2023-2024****RECOMMENDATION****Section 90 Order**

That pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.1 Tender 240-2023 - Sealed Shoulder Rework Program 2023-2024, 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
- Acting Director Development Services

The Council is satisfied that, pursuant to Section 90(2) and (3)(k) of the Act, the information to be received, discussed or considered in relation to report Item 27.1 Tender 240-2023 - Sealed Shoulder Rework Program 2023-2024, is confidential information relating to:

- (k) tenders for the supply of goods, the provision of services or the carrying out of works.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

RESUMPTION OF PUBLIC MEETING

28 NEXT MEETING

Wednesday 14 February 2024

29 CLOSURE