



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

Date: Wednesday, 13 March 2024
Time: 5.30pm
Location: Council Chamber
Minlaton Town Hall
57 Main Street
Minlaton

AGENDA

Ordinary Council Meeting

13 March 2024

Andrew Cameron
CHIEF EXECUTIVE OFFICER

CONFLICT OF INTEREST

Members are reminded of the requirement 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.

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

Nil

5 APOLOGIES

Nil

6 CONFLICT OF INTEREST

7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

Ordinary Council Meeting - 14 February 2024

Confidential Council Meeting - 14 February 2024

- 27.1 Tender 242-2023 – Rubble Raising Services
- 27.2 Tender 243-2023 – Vegetation Management (Rural Road Intersections)
- 27.3 CEO Performance Indicators 2023/2024 – Status Update

8 MOTIONS ON NOTICE

Nil

9 QUESTIONS ON NOTICE**9.1 QUESTIONS ON NOTICE RECEIVED FROM CR TANIA STOCK****Document #:** 24/21786**Department:** Executive Services

The following question without notice in relation to Item 9.2 Questions on Notice received from Cr Tania Stock, was taken on notice at the 14 February 2024 Council Meeting.

Question

Cr Tania Stock sought clarification in relation to Question 2 and asked when this question will be answered.

Item 9.2 Questions on Notice received from Cr Tania Stock, Question 2 refers:

Please provide a summary of expenditure in each ward for the past 5 years (i.e. previous council term and budgeted expenditure for 2023/24) across all major categories (i.e. Roads, Environment, Waste, CWMS, Council Caravan Parks, Footpaths & Stormwater, Community Projects etc.)

Response

Please refer Council report (13 March 2024) – Investigation into additional resourcing required to provide answer to Question on Notice.

RECOMMENDATION

That the response to the question regarding the Questions on Notice from the 14 February 2024 Council Meeting received from Cr Tania Stock be received and noted.

ATTACHMENTS

Nil

9.2 QUESTIONS ON NOTICE RECEIVED FROM CR KYLIE GRAY**Document #:** 24/21781**Department:** Executive Services

The following question without notice in relation to Item 9.3 – Questions on Notice received from Cr Adam Meyer, Question 5 b) was taken on notice at the 14 February 2024 Council Meeting.

Question

Cr Kylie Gray sought clarification in relation to Question 5 b). Cr Kylie Gray put to Council that this matter was considered in May (2023) and therefore the response to this question requires clarification.

Response

Question 5 b) was “*Has the Council issued any infringements to Mr Judd for his alleged commercial activities on the Port Vincent Wharf and if not, why not?*”. The Mayor ruled that this question not be answered on the basis that it was irrelevant within the meaning of regulation 9(6) *Local Government (Procedures at Meetings) Regulations 2013* (Regulations). The question was considered to be irrelevant because it relates to an historical matter from more than one year ago which is not a matter of current consideration by Council.

By way of clarification, it is because the ‘*alleged commercial activities*’ which were the subject of question 5 b) occurred over one year ago that the Mayor has used the language ‘*an historical matter from more than one year ago which is not a matter of current consideration by Council*’.

Question 5 a) cites comments made by the CEO in January 2023, which is over one year ago. As indicated in the CEO’s comments, bollards had been installed at that time to prevent certain commercial activities. The reference to alleged commercial activities in question 5 b) is interpreted to mean the same activities referred to in question 5 a), being the activities which were prevented by bollards.

The Mayor does note that, at the meeting on 10 May 2023, the Council did receive a petition, and a number of public submissions in connection with proposed community land management plan amendments, which were supportive of Mr Judd. However, that was unrelated to the comments that were the subject of the question.

RECOMMENDATION

That the response to the question regarding the Questions on Notice from the 14 February 2024 Council Meeting received from Cr Kylie Gray be received and noted.

ATTACHMENTS**Nil**

9.3 QUESTIONS ON NOTICE RECEIVED FROM CR ADAM MEYER**Document #:** 24/20041**Department:** Executive Services

The following question without notice in relation to Item 9.3 Questions on Notice received from Cr Adam Meyer, was taken on notice at the 14 February 2024 Council Meeting:

Question

Cr Adam Meyer sought clarification in relation to Item 9.3 Questions on Notice Received from Cr Adam Meyer and asked how he should put the questions in order to receive an answer.

Response

The Mayor makes an assessment on a case-by-case basis as to whether any question is vague, irrelevant, insulting or improper within the meaning of regulation 9(6) of the *Local Government (Procedures at Meetings) Regulations 2013* (Regulations). It is a discretionary matter and the Mayor cannot limit his discretion by setting general rules which apply in all cases.

However, the Mayor does observe that a number of questions of Cr Meyer have been deemed improper on the basis that they are addressed directly to the CEO. Although for editorial purposes, the pronoun 'you' has been changed to 'the CEO' in the published versions of questions, often the substance of the question is still unavoidably directed at the CEO. The Mayor considers this to be a basis to rule a question improper, though again such rulings are made on a case-by-case basis.

While it is a function of the CEO to receive questions under regulation 9(1) of the Regulations, this is an administrative function so that the CEO can place the question on the agenda. Questions should not be framed as though they are directed at the CEO but rather must be framed generally. The Mayor determines whether and how each question will be answered, as part of the role of the presiding member.

RECOMMENDATION

That the response to the question regarding the Questions on Notice from the 14 February 2024 Council Meeting received from Cr Adam Meyer be received and noted.

ATTACHMENTS**Nil**

9.4 QUESTIONS ON NOTICE RECEIVED FROM CR TANIA STOCK**Document #:** 24/21757**Department:** Executive Services

The following questions on notice were received from Councillor Tania Stock.

Question 1

How many Primary Production entities are there? This can be calculated by totalling the number of PP fixed charges. Please provide the average amount of rate revenue contributed per Primary Production entity in 2023/24 (Total PP Rate Revenue divided by number of PP entities).

Response

	Valuation per Category	Number of Properties	Ave Valuation	Total General Rates Raised on PP LUC	Average General Rates Raised on Average Primary Production Property
Primary Production	\$7,024,128,525	2878*	\$2,440,628	\$8,898,151	\$3,091

*number of properties not number of entities (multiple properties may be owned by a single entity).

	Valuation per Category	Number of Properties with fixed charge	Ave Valuation Per Entity	Total General Rates Raised on PP LUC	Average General Rates Raised on Average Primary Production Entity
Primary Production	\$7,024,128,525	1,138	\$6,172,344	\$ 8,898,151	\$7,819

Question 2

How many Residential properties are there? Please provide the average amount of rate revenue contributed per Residential property in 2023/24 (Total Residential Rate Revenue divided by number of Residential properties).

Response

	Valuation per Category	Number of Properties	Ave	Total General Rates Raised on Residential LUC	Average General Rates Raised on Average Residential Property
Residential	\$3,033,207,701	9,056	\$334,939	\$11,632,893	\$1,284

Question 3

Please provide the number and total value of residential properties that are owned by people who are non-residents of Yorke Peninsula Council.

Response

We can only tell that a ratepayer's postal address is not in the Council area. That doesn't necessarily mean they don't live on their property as their mail may go to an accountant (as an example). If a resident ratepayer has more than one property in the Council area, and one is a holiday house, we cannot tell that as the post code is within the district.

There are 9,056 residential properties. Of these 4,327 have local postcodes and we might assume are living on their properties

The remaining 4,729 may not be residents of the district.

	Valuation per Category	Number of Properties	Ave
Potential Residential properties owned by non-residents to Yorke Peninsula Council	\$1,416,010,279	4,327	\$327,249
Potential Non-Residential properties owned by non-residents of Yorke Peninsula Council	\$1,617,197,422	4,729	\$341,974

Question 4

Last financial year YP Council received approx. \$2.1M in Financial Assistance Grants, comprised of \$1.13M General Purpose and \$1.07 Local Roads. What projects were funded by the General Purpose funding?

Response

Financial Assistance Grants are untied and as such form part of general Council revenue. No specific projects are attached to this funding.

Question 5

Please provide the FAG funding each year to date since 2016/17, detailing the split between General Purpose and Local Roads, and the estimated loss in General Purpose funding for each financial year due to the assessment of capacity to raise rate revenue.

Response

Yorke Peninsula Council								
Commonwealth Financial Assistance Grants - General Purpose and Identified Local Roads Components 2016/17 to 2023/24 Estimate								
Grant Classification	Estimate [^] 2023/2024	Actual 2022/2023	Actual 2021/2022	Actual 2020/2021	Actual 2019/2020	Actual 2018/2019	Actual 2017/2018	Actual 2016/2017
General Purpose Grant (GPG) Component	\$ 1,134,685	\$ 1,134,686	\$ 1,270,292	\$ 1,338,567	\$ 1,387,256	\$ 1,383,424	\$ 1,416,988	\$ 1,438,300
Annual Movement Percentage	-0.0%	-10.7%	-5.1%	-3.5%	0.3%	-2.4%	-1.5%	N/A
Annual Dollar Movement	-\$ 1	-\$135,606	-\$68,275	-\$48,689	\$3,832	-\$33,564	-\$21,312	N/A
Roads (Formula Funding - ILRG) Component	\$ 1,072,688	\$ 1,015,873	\$ 944,741	\$ 894,888	\$ 866,977	\$ 833,801	\$ 808,470	\$ 784,103
Annual Movement Percentage	5.6%	7.5%	5.6%	3.2%	4.0%	3.1%	3.1%	N/A
Annual Dollar Movement	\$56,815	\$71,132	\$49,853	\$27,911	\$33,176	\$25,331	\$24,367	N/A
Total - Combined (GPG + ILRG)	\$ 2,207,373	\$ 2,150,559	\$ 2,215,033	\$ 2,233,455	\$ 2,254,233	\$ 2,217,225	\$ 2,225,458	\$ 2,222,403
Annual Movement Percentage	2.6%	-2.9%	-0.8%	-0.9%	1.7%	-0.4%	0.1%	N/A
Annual Dollar Movement	\$56,814	-\$64,474	-\$18,422	-\$20,778	\$37,008	-\$8,233	\$3,055	N/A
[^] Note: FA Grants for 2023/24 are provided as an estimate until advised as final by the Local Government Grants Commission.								

Please note that an estimated 65 Councils out of the 68 in SA have had indexed increases in FA Grants, similar to the roads component, over the last 8 financial years compared to the negative received by Yorke Peninsula Council. Due to this feature, it is difficult to calculate/estimate the "actual loss" in FA grants year-on-year over the period.

Question 6

What is the breakdown of rates collected per land use category and expenditure invested per rate category for the 2023/24 financial year (excluding all income not contributed by community)?

Response

	Valuation per Category	Rates Raised 23/24	% Valuations	% Rates	Number of Properties
Residential	\$3,033,207,701	\$11,632,893	29%	52%	9056
Commercial - Shop	\$ 32,152,939	\$139,383	0%	1%	148
Commercial Office	\$ 3,379,921	\$18,327	0%	0%	23
Commercial - Other	\$ 86,934,389	\$301,944	1%	1%	295
Industry Light	\$ 3,139,000	\$14,003	0%	0%	17
Industry Other	\$18,581,543	\$64,367	0%	0%	45
Primary Production	\$7,024,128,525	\$8,898,151	67%	40%	2878
Vacant Land	\$208,472,685	\$1,044,870	2%	5%	1439
Other	\$52,529,067	\$171,029	1%	1%	280
Silos	\$30,780,000	\$82,254	0.3%	0.4%	4
	\$10,493,305,770	\$22,367,225	100%	100%	14185

Regarding expenditure per rate category, rates are raised as a form of taxation for services for the whole community and as such we do not track where every dollar raised (per category) is spent. Refer to Council report (13 March 2024).

Question 7

What is the principle by which Council seeks to increase revenue from one category and reduce another? Please share the formula.

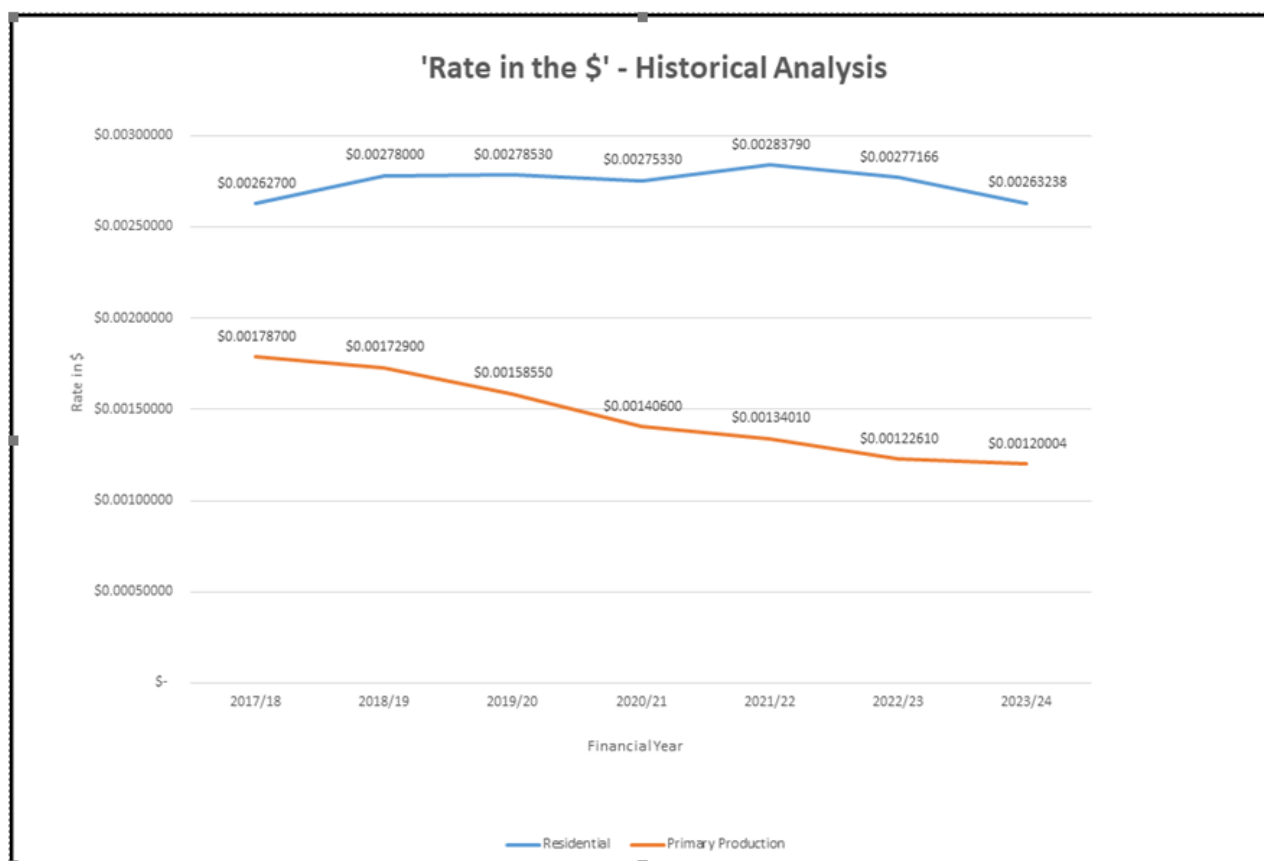
Response

The questions are vague because it is unclear what actual information is being sought.

Council currently rates all land use categories at a differential rate of 0.263238 cents in the dollar with the exception of primary production which has a differential rate of 0.120004 cents in the dollar, representing a 54.4% discount. Please note the SA state average discount for primary production is 11%

Capital property value (value of land plus capital improvements) is the major determinant of how much each individual ratepayer contributes to general rates. Rates paid do not directly relate to the services used by each ratepayer. In general, the higher the value of the property, the higher the rates paid. Council uses capital values provided by the Valuer General (VG) to value all properties. These are used to adopt and set valuations and rates. While capital valuations do not influence the total amount of rates that need to be raised, they do impact the amount of rates contributed by individual

ratepayers and various land use categories. In determining how rates are applied, Council currently uses the differential rating system described above with a fixed charge. Differential rates are applied depending on the use to which the land is put, whether it be residential, commercial, primary production etc. The fixed charge is a declared amount all ratepayers contribute in addition to differential rates which are applied directly against the property capital value. The rate-in-the-dollar to be applied each year is determined during the annual budget process. Put simply, the differential rate is calculated by dividing the required rates revenue by the total rateable capital value for the Council area, after accounting for the total fixed charge contribution from all properties. The set differential rates for the last 7 financial years is shown below for reference.



Question 8

Please provide the answer to Question 2 of my Questions on Notice from the Meeting of the 14th February – Please provide a summary of expenditure in each ward for the past 5 years (i.e. previous council term and budgeted expenditure for 2023/24) across all major categories (i.e. Roads, Environment, Waste, CWMS, Council Caravan Parks, Footpaths & Stormwater, Community Projects etc.)

Response

Refer to Council report (13 March 2024).

RECOMMENDATION

That the responses to the questions received from Councillor Tania Stock be received and noted.

ATTACHMENTS

Nil

9.5 QUESTIONS ON NOTICE RECEIVED FROM CR ADAM MEYER**Document #:** 24/21966**Department:** Executive Services

The following questions on notice were received from Councillor Adam Meyer.

Question 1**Fringe Benefits Tax Expenses**

What are the amounts and details of Council Expenses, that have incurred the Fringe Benefit Tax amounts, over the last 3 financial years, as per Questions on Notice February 2024?

Response

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

The total Fringe Benefits Tax amounts paid by the Council in each relevant year was provided in reply to question 6(e) of 14 February 2024. To now provide a detailed breakdown of all transactions or arrangements which have given rise to Fringe Benefits Tax will involve disclosure of matters pertaining to the personal affairs of various Council employees. Given that the Council elected body is not responsible for the management of any employee other than the CEO, and given that the benefits provided to the CEO have already been set out in response to previous questions, it is irrelevant to now request a more detailed breakdown relating to all employees.

Question 2**Par Lake Walking Path, YORKETOWN**

- a) Who authorised the construction of a walking path around Par Lake in Yorketown, on Private Property?
- b) What was the cost of removing the walking path from the affected private property and the subsequent diversion that has been put in place?

Response

- a) Council administration
- b) The cost is not presently known as the works are ongoing.

Question 3**South Coast Road, Section 13 FOUL BAY**

Does Council own all the land, or have approval from the owner, to construct the section of South Coast Road on Private Property (Section 13) at Foul Bay in May 2017?

If Council doesn't own or have approval for construction of a road on private property at this location, what is Council doing to correct the situation?

Can the Property Owner at this location, install a fence along their property boundary or have the Council remove their infrastructure from their property?

Response

Please refer to confidential Item 27.1 of this agenda.

Question 4**Questions on Notice**

My Questions on Notice for February 2024, were edited by the Mayor to show that they weren't addressed to the CEO, then the Mayor subsequently ruled many questions as "Improper", because they were addressed directly to the CEO; how does the Mayor wish for me to ask my Questions on Notice, so that they can be answered?

Response

The Mayor makes an assessment on a case-by-case basis as to whether any question is vague, irrelevant, insulting or improper within the meaning of regulation 9(6) of the *Local Government (Procedures at Meetings) Regulations 2013* (Regulations). It is a discretionary matter and the Mayor cannot limit his discretion by setting general rules which apply in all cases.

However, the Mayor does observe that a number of questions of Cr Meyer have been deemed improper on the basis that they are addressed directly to the CEO. Although for editorial purposes, the pronoun 'you' has been changed to 'the CEO' in the published versions of questions (or else the questions would not make sense to any person reading the agenda), often the substance of the question is still unavoidably directed at the CEO. The Mayor considers this to be a basis to rule a question improper, though again such rulings are made on a case-by-case basis.

While it is a function of the CEO to receive questions under regulation 9(1) of the Regulations, this is an administrative function so that the CEO can place the question on the agenda. Questions should not be framed as though they are directed at the CEO but rather must be framed generally. The Mayor determines whether and how each question will be answered, as part of the role of the presiding member.

RECOMMENDATION

That the responses to the questions received from Cr Adam Meyer be received and noted.

ATTACHMENTS

Nil

10 QUESTIONS WITHOUT NOTICE

11 PETITIONS

Nil

12 MAYOR**12.1 MAYOR'S MONTHLY REPORT FEBRUARY 2024****Document #:** 24/18927**Department:** Executive Services**PURPOSE**

To keep Elected Members updated on Mayoral activities during the month of February 2024.

RECOMMENDATION

That the report be received.

DISCUSSION

- | | |
|-------------|---|
| 9 February | Asthma Community Connector in Southern Yorke Peninsula – Steering Committee Meeting – via Teams. |
| 13 February | Meeting with Fraser Ellis MP – Maitland. |
| 14 February | Attend Monthly Council Meeting – Minlaton. |
| 15 February | Attend St Columba's Memorial School – Leadership presentations and present Young Citizen Award – Yorketown. |
| 22 February | Attend Country Arts SA Board Meeting – via Teams. |
| 23 February | Attend Legatus Group Meeting hosted by Yorke Peninsula Council – Ardrossan. |
| 26 February | Attend SA Coastal Councils Alliance Executive Committee Meeting – via Teams. |
| 27 February | Meeting with Dr Eleanor Daniel – Bringing Junior Doctors to the Region – Maitland. |
| | Audit and Risk Committee Meeting – Minlaton. |
| 28 February | Information and Briefing Session – Minlaton. |

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 - FEBRUARY 2024****Document #:** 24/18565**Department:** Executive Services**PURPOSE**

To keep Elected Members informed of meetings during the month of February 2024.

RECOMMENDATION

That the report be received.

DISCUSSION

- | | |
|----------------|---|
| 5 February | Executive Services Team Meeting – Maitland.
Southern Yorke Peninsula Childcare Progress Meeting – (via Teams). |
| 6 February | Corporate Management Team Meeting – Maitland. |
| 13 February | Corporate Management Team Meeting – Maitland.
Meeting with Fraser Ellis MP – Maitland. |
| 14 February | Attend YPC Leadership Academy – Minlaton.
Monthly Council Meeting – Minlaton. |
| 15 February | Meeting with Renewal SA – (via Teams).
Meeting with Holmes Dyer – Review strategic documents – Maitland. |
| 16 February | Attend Port Vincent with Cr Clerke.
Attend Edithburgh – Inspection of Community Clubrooms.
Meeting with Regional Development Australia Yorke and Mid North – Update – Maitland. |
| 19 February | Southern Yorke Peninsula Childcare Progress Meeting – (via Teams).
Meeting with Sue Barry and Anita Kuss – Uni Hub – Maitland. |
| 21-23 February | Attend Local Government Chief Officers Group Forum – Maroondah. |
| 27 February | Meeting with Dr Eleanor Daniel – Bringing Junior Doctors to the Region – Maitland.
Quarterly CEO Scheme Briefing – via Zoom.
Audit and Risk Committee Meeting – Minlaton. |
| 28 February | Corporate Management Team Meeting – Maitland.
Outside Staff EBA Meeting – Maitland.
Information and Briefing Session – Minlaton. |
| 29 February | Meeting with Care in Motion, Copper Coast & Barunga West Councils – Kadina. |

ATTACHMENTS

Nil

16.2 ACTION LIST REPORT**Document #:** 24/20599**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. **March 2024 - Action List** [↓](#) 
2. **March 2024 - Completed Action List** [↓](#) 

Council Meeting Action List

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
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. DIT has advised that the report is still pending. Staff have again requested an urgent response on the load rating.	10/04/2024
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. Refer to 13 March 2024 Council Agenda for the matter to be lifted from the table.	13/03/2024
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. See further report in this agenda (13 March 2024)	13/03/2024
13/09/2023	Assets and Infrastructure Services	24.1	208/2023	Strategy Response to Network Level Heavy Vehicle Route Assessment and Risk Analysis - matter laid on the table	8/05/2024
11/10/2023	Assets and Infrastructure Services	24.1	223/2023	Council staff have commenced lease negotiations with property owners and are sourcing fencing quotes for the purpose of providing community access to the beach adjacent to Section 1, Dairy Road Corny Point.	10/04/2024
8/11/2023	Assets and Infrastructure Services	24.1	256/2023	Balgowan Boat Ramp Facility Options - Council recognised the funding challenges, along with evolving environmental challenges and commit no further funding to this project. Signage has been ordered and is to be erected to highlight the risks of boat ramp and breakwater use.	10/04/2024
13/12/2023	Assets and Infrastructure Services	24.2	298/2023	SA Jetties Renewal Program - Application for Funding (Stage 1) - Currently waiting on response from the State following grant submission.	10/04/2024

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
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. Council is waiting for documents to be returned from the Central Yorke football Club for further execution.	10/04/2024
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. The road closure is currently in the public consultation stage pursuant to the Roads (Opening & Closing) Act 1991. The public consultation period will conclude on 15 March 2024.	10/04/2024
13/12/2023	Development Services	25.7	305/2023	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 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. The road closure is currently in the public consultation stage pursuant to the Roads (Opening & Closing) Act 1991. The public consultation will conclude 15 March 2024.	10/04/2024
17/01/2024	Development Services	25.1	016/2024	Staff to seek Ministerial approval for the development of floating homes and a proposed floating café/cellar door, and 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. On 6 March 2024 a request was forwarded to the Department, Infrastructure & Transport (DIT). Council is awaiting a response.	11/09/2024

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
17/01/2024	Development Services	25.2	017/2024	Staff to seek Ministerial approval for the construction of a non-standard pontoon and swimming pool, and for a revised or new Headlease with Department for Infrastructure and Transport to facilitate development for Allotment 212, Deposit Plan 61702, Marina Drive, Port Vincent. On 6 March 2024 a request was forwarded to the Department, Infrastructure & Transport (DIT). Council is awaiting a response.	11/09/2024

Council Meeting Completed Action List

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
12/07/2023	Development Services	25.3	170/2023	The Mayor and Chief Executive Officer signed and affixed Council's Common Seal to the relevant documents necessary to execute the road closure and proposed sale for Osmond Street, Maitland. The signed documents were sent to the surveyor to lodge with the Land Title Office. (Refer to 14 February 2024 Council Report - Road Process Order - Portion Osmond Street, Maitland).	14/02/2024
13/12/2023	Assets and Infrastructure Services	24.1	297/2023	Care, control and management of Cape Elizabeth - Council staff have notified the community of the engagement timeline. March 2024 Agenda will include a report of written submissions.	13/03/2024
14/02/2024	Corporate and Community Services	23.1	028/2024	Council endorsed the 2023/2024 December Quarterly Budget Review changes as presented in the attached Summary of Changes, Statement of Comprehensive Income and Uniform Presentation of Finances and received the updated Statement of Financial Position, Statement of Cash Flows, Statement of Changes in Equity and Financial Indicators (Ratios).	28/02/2024
14/02/2024	Corporate and Community Services	23.2	029/2024	Council received the financial report and capital projects update report as at 31 January 2024.	28/02/2024
14/02/2024	Corporate and Community Services	23.3	030/2024	Council endorsed an extension until 20 December 2024 for the acquittal of the \$5,000 Community Grant that was awarded to the Minlaton and District Progress Association in September 2023, to install banners on the light poles within the Main Street median strip. Minlaton and District Progress Association have been notified of this outcome.	28/02/2024
14/02/2024	Development Services	25.1	031/2024	The Mayor and Chief Executive Officer signed and affixed Council's common seal to the Road Process Order to close the portion of public road, known as Osmond Street, Maitland. As per Minute Number Item 170/2023, the signed documents have been returned to the surveyor to lodge with the Lands Title Office.	28/02/2024

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
14/02/2024	Development Services	25.2	032/2024	Council endorsed financial contributions from the Access Advisory Working Party budget for \$1,550 (including GST) to the Ardrossan Progress Association for the purchase of a disability accessible table and chair setting to be installed at the pump track located on Second Street, Ardrossan and \$3,800 (including GST) for two ramps to be installed on the north west and north east footpath corners of North Terrace and Main Street, Minlaton. The relevant Progress Associations have been notified that their project requests were successful and the projects must be completed by 30 June 2024.	28/02/2024

16.3 UPDATE - SOUTHERN YORKE PENINSULA COMMUNITY CHILDCARE CENTRE**Document #:** 24/18602**Department:** Corporate and Community Services**PURPOSE**

To provide Elected Members with a progress report in relation to the construction of the Southern Yorke Peninsula Community Childcare Centre (Centre) in Minlaton, and 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. Although it was originally hoped to have the Centre open ahead of schedule, in time for the start of the 2024 school year, the project remains on target for an opening in early March. The inability to open the Centre at the start of Term 1 2024 can be attributed to minor internal works not being completed and latent site conditions interrupting scheduled external works.

Internal works now completed include electrical, plumbing, joinery and pre-handover cleaning. Works in the middle courtyard, including stormwater, started on Wednesday, 21 February. Opening of the Centre remains contingent upon licensing from the Education Standards Board.

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 once the Centre becomes operational. Almost 30 employees are receiving formal training (or are enrolled to start) for Certificate III or higher in Early Childhood Education.

The Maitland Centre is currently at 58 per cent utilisation on average per day (licensed for 40 placements per day). This is due to not all enrolments requiring full-time care placements. The Centre at Minlaton will be accredited for 80 full-time placements. It is estimated that it will have a placement utilisation rate of between 46.5% and 51.4% when it opens, increasing over time.

ATTACHMENTS

1. **Photos - Childcare Centre Construction - March 2024** [!\[\]\(49aa2e1da5fe39294864e9598c593810_img.jpg\)](#) 



29 February 2024







16.4 2023-24 COAST PROTECTION BOARD GRANT PROGRAMS - SUCCESSFUL APPLICATIONS**Document #:** 24/16101**Department:** Executive Services**PURPOSE**

To provide Elected Members with a copy of correspondence received from the Coast Protection Board in relation to Council's applications to the Coast Protection Board's 2023-2024 Coast Protection Grant Program.

RECOMMENDATION

That the report be received.

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

Council has been advised of its successful applications under the 2023-2024 Coast Protection Grants Program for the following projects:

- Planning & Investigation – Pt Victoria & Pt Vincent (\$13,000 plus GST); and
- Black Point Foreshore Modelling (\$43,000 plus GST).

DISCUSSION

A copy of correspondence received from the Coast Protection Board informing Council of these successful grant applications is attached for Elected Members' information.

ATTACHMENTS

1. **Correspondence from Coast Protection Board - Successful Applications** [!\[\]\(1fd18b524d5424e49d618cba18b5cf0d_img.jpg\)](#) 



Government of South Australia
Coast Protection Board

GPO Box 1047
Adelaide SA 5001
Australia

Ph: +61 8 8124 4928
coastprotectionboard@sa.gov.au
www.environment.sa.gov.au

DEW-D00024846/D00024867

Mr Andrew Cameron
Chief Executive Officer
Yorke Peninsula Council
PO Box 57
Maitland SA 5573
admin@yorke.sa.gov.au

Dear Mr Cameron,

Re: Applications to the Coast Protection Board's 2023-24 Coast Protection Grant Program

I write to offer congratulations on Council's applications for 2023-24 Coast Protection Grants for the projects '**Planning & Investigation - Pt Victoria & Pt Vincent**' and '**Black Point Foreshore Modelling**'.

The Coast Protection Board is pleased to offer **\$13,000** (plus GST) and **\$43,000** (plus GST) towards each project respectively.

Staff from the Department for Environment and Water will administer the grants on behalf of the Coast Protection Board, and will liaise with Council regarding the grant agreements.

On behalf of the Coast Protection Board, I would like to thank you for your Council's commitment to managing South Australia's coastline and I look forward to seeing the outcome of these projects.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Tate'.

Jeff Tate
Presiding Member
Coast Protection Board

19 December 2023

16.5 SOUTH AUSTRALIAN TOURISM COMMISSION - JULY-DECEMBER 2023 WRAP UP**Document #:** 24/18909**Department:** Executive Services**PURPOSE**

To provide a copy of the South Australian Tourism Committee (SATC) Marketing snap shot for the period July – December 2023.

RECOMMENDATION

That the report be received.

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

The SATC's purpose is to assist in securing economic and social benefits for the people of the state through promoting South Australia as a tourism destination.

DISCUSSION

Attached is a SATC Marketing report for the period July – December 2023. The report details SATC's activities, and includes both state-wide marketing initiatives and strategy, together with Yorke Peninsula specific information.

ATTACHMENTS

1. **South Australian Tourism Committee Marketing Report July-December 2023 (under separate cover)** 

16.6 CORRESPONDENCE RECEIVED FROM THE MINISTER FOR CLIMATE, ENVIRONMENT & WATER**Document #:** 24/20113**Department:** Executive Services**PURPOSE**

To provide Elected Members with correspondence received from the Minister for Climate, Environment and Water, the Hon. Susan Close MP, dated 22 February 2024.

RECOMMENDATION

That the report be received.

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

In December 2023, Mayor Darren Braund wrote to the Minister for Climate, Environment and Water, the Hon Susan Close MP (the Minister) requesting:

- An update on the response being led by the Department for Environment and Water (DEW) to address concerns about the unrestricted use of vehicles on beaches (unalienated Crown land), particularly Wauraltee Beach; and
- With state department budget proposals due in February, inclusion of resourcing that will result in more proactive management of the coastal unalienated Crown lands, through allocation of DEW Rangers/Authorised Officers, compliance activity, and access management and restoration works.

DISCUSSION

The Minister has responded to the above correspondence by letter dated 22 February 2024, attached for Elected Member information.

Key points are:

- DEW is currently delivering an enhanced summer educational and compliance campaign;
- DEW continues to support the development of the Coastal Access Strategy for Yorke Peninsula, led by the Northern and Yorke Landscape Board under the Djulda-wawa Badja Resilient Coasts project;
- An enhanced compliance effort was made at Cape Elizabeth to address driving off-track in the fragile dune systems; and
- Resourcing allocation will be considered in the context of other state priorities as part of upcoming budget proposals.

The Minister appreciates Council's dedication and continued advocacy for our coastal areas.

ATTACHMENTS

1. **Correspondence from Minister for Climate, Environment and Water**  

OFFICIAL

Government
of South Australia

Reference: CLM2301286

Mayor Darren Braund
Yorke Peninsula Council
PO Box 57
MAITLAND SA 5573
Email: Darren.braund@yorke.sa.gov.au

The Hon Susan Close MP
Deputy Premier
Minister for Climate, Environment and Water
Minister for Industry, Innovation and Science
Minister for Defence and Space Industries
Level 13, State Administration Centre
200 Victoria Square, Adelaide SA 5000
Tel (08) 8226 8520
Email: OfficeoftheDeputyPremier@sa.gov.au

Dear Mayor Braund

Thank you for your email dated 13 December 2023 regarding management of coastal unalienated Crown lands on Gururanda (Yorke Peninsula).

I appreciate the collaborative efforts made by Yorke Peninsula Council, the Narungga Nation Aboriginal Corporation (NNAC) and the Northern and Yorke Landscape Board (the Board) in addressing significant environmental concerns for coastal areas like Cape Elizabeth, Wauraltee Beach and Parsons Beach.

The Department for Environment and Water is currently delivering an enhanced summer educational and compliance campaign focused on promoting appropriate visitor behaviours in coastal parks and reserves managed under the *National Parks and Wildlife Act 1972* and the *Wilderness Protection Act 1992*. DEW is also working closely with the Board, SA Coastal Councils Alliance, NNAC and Council to assess beach access across the Peninsula, and as part of the Board developing a management strategy. Once finalised, it is expected that the Board's strategy may be used as a blueprint across other coastal regions and inform a code of practice for state-wide use.

An enhanced compliance effort was made at Cape Elizabeth in 2023, during which 40 expiation notices were issued for driving off-track in the fragile dune area at this site.

I note your comments regarding resourcing requirements for proactive management of coastal Crown lands. Resourcing allocation will be considered in the context of other state priorities as part of upcoming budget proposals.

Thank you for your dedication and continued advocacy for this important work.

Yours sincerely

Hon Susan Close MP
Deputy Premier
Minister for Climate, Environment and Water

22/2/2024



17 CORPORATE AND COMMUNITY SERVICES**17.1 SUMMARY OF AUDIT AND RISK COMMITTEE MEETING - 5 DECEMBER 2023****Document #:** 24/13139**Department:** Corporate and Community Services**PURPOSE**

To provide Elected Members with a report summarising the meeting of the Audit and Risk Committee meeting that was held on 5 December 2023 and to receive the minutes.

RECOMMENDATION

That the report be received.

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

Changes to the Local Government Act 1999 (Act), that came into effect from 30 November 2023, under Section 126 (8) of that Act, states a Council Audit and Risk Committee (Committee) must provide a report to the council after each meeting summarising the work of the Committee during the period preceding the meeting and outcomes of the meeting.

DISCUSSION**Order of Business**

The Audit and Risk Committee meeting held on 5 December 2023 Order of Business (Attachment 1) contained six reports, being;

- 8.1 Audit and Risk Committee Work Plan 2023
- 8.2 Audit and Risk Committee Annual Review and Self Assessment 2023
- 8.3 September Quarterly Budget Review 2023-2024
- 8.4 Internal Audit Planning 2024-2026
- 8.5 Asset Management Update
- 8.6 Report on Excess Annual Leave Entitlements

Audit and Risk Committee Work Plan 2023

The Audit and Risk Committee Work Plan 2023 (Attachment 2) was presented to the Audit and Risk Committee in December 2022 and was endorsed for action, targeting 31 tasks for completion during 2023, the majority of these are programmed to be reported on either a quarterly or annual basis.

The Work Plan is updated each meeting to reflect the work scheduled and is colour coded and all items considered by the Committee are updated as meetings occur. Any items deferred between meetings are clearly shown, as are the dates of meetings.

The following changes were proposed at the 5 December 2023:

- Item 1.2 updated to reflect endorsement of Land, Buildings and Structures revaluation at the September 2023 Committee meeting.
- Items 1.3 and 1.4 marked as deferred for December 2023 meeting. These items are not reported on at the December meeting with the focus of reporting being consideration of the proposed Internal Audit Plan for the new year.
- Item 3.3 deferred pending further consideration in the formation of the Committee's 2024 work plan.
- Item 7.1 amended to reflect submission of annual self-assessment report to the Committee at the current meeting.
- Item 8.3 marked as deferred with work to commence on review of Asset Management Plans in 2024.

Minutes of the Audit and Risk Committee Meeting

A copy of the Minutes of the Audit and Risk Committee meeting held 5 December 2023 are provided in Attachment 3 for Council's consideration.

There were no reports with recommendations made for Council consideration.

The full Audit and Risk Committee Agenda and Minutes for the meeting held 5 December 2023 can be viewed on Council's website.

ATTACHMENTS

1. **Order of Business - Audit and Risk Committee Meeting - 5 December 2023** [↓](#) 
2. **Audit and Risk Committee Work Plan 2023** [↓](#) 
3. **Minutes - Audit and Risk Committee Meeting - 5 December 2023** [↓](#) 

AUDIT AND RISK COMMITTEE MEETING AGENDA

5 DECEMBER 2023

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Yorke Peninsula Council Audit and Risk Committee Work Plan 2023						
Activity	Timeframe					Notes
	Completed Current Deferred					
	Feb-23	Jun-23	Sep-23	Oct-23	Dec-23	
	21st	7th	5th	31st	5th	
1. Financial Reporting						
1.1 Review General Purpose Financial Statements				X		Following external audit but prior to Council endorsement Land, Buildings and Structures Revaluation as at 1 July 2022 was endorsed by the Committee at its September 2023 meeting. As part of asset revaluations and financial statements For information only generally after adoption by Council due to timing
1.2 Review asset revaluations		X	X			
1.3 Review methodology and approach to Depreciation				X		
1.4 Quarterly Budget Reviews - information only	X	X			X	
2. Internal controls						
2.1 Review progress on Council's Internal Financial controls self-assessment testing		X		X		Status report provided on internal controls self assessment testing. A full review of the internal control library and updated risk assessments has been undertaken by Council staff. Self assessment testing undertaken in September 2023. Updates to the Internal Control Policy (PO156) and Procedure (PR150) were endorsed at the February meeting. Future updates to this policy and procedure will be undertaken as required in response to legislative updates and provided to the Committee.
2.2 Review Council's internal control policies and procedures	X					
3. Risk Management Systems						
3.1 Risk Profiling Review			X			Council is participating in the Local Government Risk Services Risk Profiling Review pilot project and is presently providing feedback on the process to the scheme. Deferred for further consideration in formation of the Committee's 2024 Work Plan. Due for review following November 2022 LG Elections in line with review of Strategic Management Plan. Review SMP due within 2 years after LG Election (i.e. - before November 2024, date TBA, current SMP spans period 2021-2025).
3.2 Assess the appropriateness of the Council's response to the risk profile review's findings and recommendations					X	
3.3 Review Council's Risk Management Implementation Plan					X	
3.4 Annual Desktop Review of Council's Strategic Risk Register and Operational Risk Register			X			
3.5 Mandated Update to Strategic Risk Register						

Yorke Peninsula Council Audit and Risk Committee Work Plan 2023						
Activity	Timeframe					Notes
	Completed Current Deferred					
	Feb-23	Jun-23	Sep-23	Oct-23	Dec-23	
	21st	7th	5th	31st	5th	
4. Public Interest Disclosure (previously Whistleblowers)						
4.1 Review Council's Public Interest Disclosure requirements						Public Interest Disclosure Policy PO171 and Procedure PR152 were endorsed at December 2022 Council meeting. Next review due December 2026.
4.2 Ensure staff are informed of and trained in these policies						Training has been provided to Council Staff and Elected Members (through new term induction) to ensure compliance. Further training to be provided should further amendments to legislation or policy require.
4.3 Review Independent Member Appointments						Mr. Rob Reiman - appointment expiry 30 November 2024 Mr. Hussain Rafeeu - appointment expiry 30 November 2024
4.4 Appoint Additional Independent Member to Committee			X			Mrs. Sarah Beesley - appointment to commence 30 November 2023, expiry 30 November 2027
5. Internal Audit						
5.1 Review proposed annual internal audit work program and outcomes of past work					X	Proposed upcoming Internal Audit Plan to be presented to the Committee for consideration
5.2 Consider any internal audits conducted	X	X	X	X		
5.3 Review the status and follow up work of any outstanding audit actions (relating to internal audit, internal control self-assessments and external audit management letters)	X	X	X	X		Reports provided on progress made against matters raised by Council's external and internal auditor
6. External Audit						
6.1 Meet with Council's external auditor to: > invite presentation of their audit methodology and risk assessments within the audit plan; > discuss any qualifications raised in the most recent audit or comments made in the accompanying audit management letter; > assess the appropriateness of the proposed Council response to matters so raised; and > invite comment on the financial systems and affairs of the Council having regard to comparable benchmarks.				X		
6.2 Review effectiveness of external audit				X		
6.3 Review audit findings/ management representation letters			X	X		
6.4 Assess the appropriateness of the Council's response to the auditor's findings and recommendations			X	X		

Yorke Peninsula Council Audit and Risk Committee Work Plan 2023						
Activity	Timeframe					Notes
	Completed Current Deferred					
	Feb-23	Jun-23	Sep-23	Oct-23	Dec-23	
	21st	7th	5th	31st	5th	
6.5 Oversee action to follow up on matters raised by the external auditor			X	X		
7. Reporting						
7.1 Report annually to Council: > activities of the Committee's work program and the results of a self-assessment of performance for the preceding financial year including whether it believes any changes to its Terms of Reference are needed; > outlining any training needs; > advising future work program proposals; and > inviting comment from Council on all of the above.	X		X		X	A review covering the 6 month period January 2023 to June 2023 was deferred pending further Committee discussion. Instead an annual review has been conducted for 2023 to be reported at the December 2023 meeting. Council continues to await provision of updated model Terms of Reference documentation for Council's Audit and Risk Committee from the Local Government Association.
8. Strategic, Financial and Management Planning						
8.1 Review Strategic Management Plan						Due for review following November 2022 LG Elections. Review due within 2 years after LG Election (i.e. - before November 2024, date TBA, current SMP spans period 2021-2025).
8.2 Review Long Term Financial Plan	X					Updated annually in conjunction with adoption of Annual Business Plan and Budget. Presentation provided by Manager Financial Services at the February 2023 meeting.
8.3 Review Asset Management Plans/Strategy					X	Review of Council's Asset Management Plans to commence in 2024. Plans are due for review due within 2 years after LG Election (i.e. - before November 2024).
8.4 Review appropriateness of the range and content of Council's policies and strategies	X	X	X	X	X	As per review timeframes and legislative requirements - ongoing
8.5 Review Annual business plan, budget and fees and charges		X				In conjunction with public consultation period
9. Other matters						
9.1 Adopt/review the Committee annual workplan	X	X	X	X	X	Updated for each meeting
9.2 Reports on other relevant matters	X	X	X	X	X	Ongoing as the need arises



MINUTES

Audit and Risk Committee Meeting

5 December 2023

AUDIT AND RISK COMMITTEE MEETING MINUTES**5 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

AUDIT AND RISK COMMITTEE MEETING MINUTES5 DECEMBER 2023

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

Page 3

AUDIT AND RISK COMMITTEE MEETING MINUTES**5 DECEMBER 2023**

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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AUDIT AND RISK COMMITTEE MEETING MINUTES**5 DECEMBER 2023**

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.


CHAIRPERSON

18 ASSETS AND INFRASTRUCTURE SERVICES**18.1 LEGATUS GROUP WASTE MANAGEMENT ADVISORY COMMITTEE****Document #:** 24/14314**Department:** Assets and Infrastructure Services**PURPOSE**

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

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN**Goal:** 3 Valued and Restored Environment

Strategy: 3.2 Continue to effectively manage the collection, recycling and disposal of waste
3.4 Partner with other tiers of government and non-government organisations to improve environmental outcomes

BACKGROUND

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

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

DISCUSSION

Attached are the draft Minutes of the Legatus Group Waste Management Advisory Committee (LGWMAC) held on 1 February 2024.

ATTACHMENTS

1. LGWMAC - Draft Minutes - 1 February 2024  

**Draft Minutes Legatus Group Waste Management Advisory Committee****Thursday 1 Feb 2024 Online Zoom meeting****1. Welcome / Open meeting**

Chairman Mayor Mark Wasley Opened the meeting at: 10.34am

2. Attendance and members

Members: Mayor Mark Wasley (Adelaide Plains), Tom Jones (Adelaide Plains), Glen Growden (Wakefield Regional Council), Nathan Berry (Light), Robyn Ridsdale (Barossa) and Megan Renzella (Light).

Non-Members: Simon Millcock.

Mayor Wasley welcomed Robyn Ridsdale and Megan Renzella to the committee. The meeting noted the resignation of Stephen Rufus and efforts to fill the position. Action Simon Millcock to call for further EOI from Legatus Group CEOs to fill this position once the Peterborough CEO commences.

3. Apologies

Andre Kompler (Yorke Peninsula) and Ivan Nolte (Copper Coast).

4. Conflict of Interest Nil**5. Minutes of previous meeting**

Draft Minutes from the previous meeting held on 19 October 2023 were distributed to all members with the agenda.

Motion: That the Legatus Group Waste Management Advisory Committee minutes of the 19 October 2023 be taken as read and confirmed.

Moved: Tom Jones Seconded: Nathan Berry CARRIED

6. Business arising**6.1 Legatus Group Business Plan and Strategic Plan Review**

Simon Millcock CEO provided a report with the agenda and general discussions including value of a survey and results can be part of the forthcoming forum. Action Simon Millcock to draft questions seek in put from committee.

Motion: That the committee notes the report and supports a survey of member councils on ideas for the Legatus Group to consider regarding Waste Management.

Moved: Tom Jones Seconded: Glen Growden CARRIED

6.2 Household Hazardous Waste Collection (HHWC)

Simon Millcock CEO provided a report with the agenda and Robyn Ridsdale updated on Barossa and timing and that she has meeting with Justin Lang GISA next week so updates will be provided.

Motion: That the committee notes the report.

Moved: Megan Renzella Seconded: Tom Jones

CARRIED

6.3 Waste Forum

Simon Millcock CEO provided a report with the agenda including update from KESAB. Consensus was for KESAB to be involved. Good to get case studies from member councils plus include GISA. Target Elected Members, CEOs, managers and Operational Staff. Program to also look at Illegal Dumping as topic.

Motion: That the committee notes the report.

Moved: Glen Growden

Seconded: Robyn Ridsdale

CARRIED

7. Other Business**7.1 Regional Transport Subsidies Program provides funding support for one-way transport of kerbside recyclables**

Simon Millcock CEO provided a report with the agenda.

Motion: That the committee notes the report.

Moved: Tom Jones

Seconded: Robyn Ridsdale

CARRIED

8. Close and next meeting.

Meeting closed at: 11.10am

Next meeting: Wednesday 15 May 2024 10.30am

18.2 2024 LGA ROADS AND WORKS CONFERENCE**Document #:** 24/14370**Department:** Assets and Infrastructure Services**PURPOSE**

To seek expressions of interest from Elected Members to attend the 2024 Local Government Association Roads and Works Conference, being held in Hahndorf on Wednesday, 28 and Thursday, 29 August 2024.

RECOMMENDATION

That the report be received.

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

The Local Government Association (LGA) Roads and Works Conference provides attendees with the opportunity to meet and discuss issues relating to the provision of roads and works services.

DISCUSSION

The annual conference includes networking opportunities, information sessions and presentations. This highly successful and well-attended event is the premier 'all things outdoors' conference and this year is hosted by the Mount Barker District Council.

CEOs, Senior Council Engineers, Works Managers, Staff, Mayors/Chairpersons and Council Members from all 68 metropolitan and country councils are invited and encouraged to attend.

Elected Members are to advise their interest in attending the annual conference to the Executive Assistant to Director Assets and Infrastructure Services before end of March to secure registration for the Conference and accommodation in Hahndorf. The Conference Program is yet to be finalised.

ATTACHMENTS

Nil

18.3 LEGATUS GROUP ROAD AND TRANSPORT INFRASTRUCTURE ADVISORY COMMITTEE**Document #:** 24/15784**Department:** Assets and Infrastructure Services**PURPOSE**

To keep Elected Members informed of the activities of the Legatus Group Road and Transport Infrastructure Advisory Committee.

RECOMMENDATION

That the report be received.

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

2 Community Connected through Infrastructure

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

2.4 Explore provision of new infrastructure

BACKGROUND




The Legatus Group Road and Transport Infrastructure Advisory Committee seeks to coordinate and progress regional road and transportation issues and activities, including:

- overseeing the implementation, coordination and review of the Legatus Group Regional Transport Strategy; and
- assessing and prioritising regional transport projects, as necessary.

DISCUSSION

Attached are the draft minutes of the Legatus Group Road and Transport Infrastructure Advisory Committee (LGRTIAC) meeting held on 15 February 2024 along with the updated Regional Transport Plan and Draft Group Roads Database Calculator.

ATTACHMENTS

1. LGRTIAC - Draft Minutes 15 February 2024 [!\[\]\(53bbead7c6301fdaad0e6a4142d703bc_img.jpg\)](#) 
2. LGRTIAC - 2030 Regional Transport Plan - Regional Action Plans - February 2024 [!\[\]\(a46678db7641903cff84e0f1e49f29dd_img.jpg\)](#) 
3. LGRTIAC - Draft Group Roads Database Calculator - February 2024 [!\[\]\(24b74a78f7e4732056a7d1e2b31b51cf_img.jpg\)](#) 

**Draft Minutes
Legatus Group Road and Transport Infrastructure Advisory Committee**

Thursday 15 February 2024 10.30am held Online

- 1. Welcome** Chairperson Dr Helen Macdonald opened the meeting at: 10.34am
- 2. Attendance** Members: Helen Macdonald, Steven Kaesler, Tim Neumann, Daniel Willson, Stuart Roberts, and Russell Troupe. Non-Members: Simon Millcock, Tim Viner-Smith HDS, Dr Soufiane Boufous Associate Professor UNSW and Tony Fox Northern and Yorke Landscape Board.
- 3. Apologies** Mayor Leon Stephens, Mitchell Foote, Lee Wallis and Andre Kompler.
- 4. Conflict of Interest** Nil
- 5. Minutes of the committee meeting held 31 October 2023**

Simon Millcock CEO provided minutes of the Legatus Group RTIAC held on 31 October 2023 after the meeting and with the agenda.

Motion: That the Legatus Group Road and Transport Infrastructure Advisory Committee minutes of the 31 October 2023 be taken as read and confirmed.

Moved: Tim Neumann Seconded: Stuart Roberts CARRIED

6. Matters Arising

6.1 Legatus Group Reviews

Simon Millcock provided a report with the agenda.

Motion: That the committee notes the report and supports a survey of member councils on ideas for the Legatus Group to consider regarding Road and Transport Infrastructure.

Moved: Steven Kaesler Seconded: Stuart Roberts CARRIED

6.2 Regional Roads Priority Plan and SLRP 2024

Simon Millcock provided a report with the agenda and Tim Viner-Smith attended and provided an update on the progress of:

- Regional Route and Road Action Plan
- 2024 Regional Roads Database
- Presentation at Roads Forum
- 2023 – 2024 SLRP Regional Priorities List (SLRP is opening on 4 March 2024 and closing slightly earlier this year).

Motion:

- 1. That the committee supports the inclusion of the two roads from Wakefield Regional Council as proposed.**
- 2. That the committee endorses the updated Road Action Plans.**

3. That the committee supports the update to the Roads Database and draft list of projects for this year's SLRP.
4. That the committee recommends the Legatus Group expend the cost for the proposed 3 additional reviews by HDS for the roads database application.
5. That the Committee meet on Monday 8 April to undertake the stage 2 scoring for this year's SLRP applications.

Moved: Stuart Roberts

Seconded: Tim Neumann

CARRIED

6.3 Lobby for increased funding re SLRP

Simon Millcock provided a report with the agenda and Tim Viner-Smith provided an update including the offer to continually support members re QGIS.

Motion: That the committee notes the report.

Moved: Steve Kaesler

Seconded: Stuart Roberts

CARRIED

7. Other Business

7.1 UNSW - Cycling

Simon Millcock provided a report with the agenda and Dr Soufiane Boufous UNSW attended and presented on ideas on possible research projects. Focus for Tourism sits with RDAs and or individual councils. Possible link with Legatus and the committee included urban environment and road / footpath and recreational and as transport mode. Action: Simon Millcock to continue to liaise and consider question/s for the survey.

7.2 Landscape Board Halting the spread of Woody Weeds

Simon Millcock provided a report with the agenda. Tony Fox attended and presented on this project. Consensus was the linkages between this project and the work the LGA are doing re agenda item 7.4 and the opportunities for Legatus Group to partner with Landscape Board with the focus on roadside vegetation and the linkages to the Priority Roads with the Regional Transport Plan.

7.3 Legatus Group Roads Forum – 10 May 2024 Melrose

Simon Millcock provided a report with the agenda and committee members to provide feedback on topics for inclusion. Could look to include cycling – links to transport plan.

7.4 Native Vegetation

Simon Millcock provided a report with the agenda.

7.5 Lower greenhouse gas (GHG) emissions in local roads and footpaths

Simon Millcock provided a report with the agenda.

8. Close and next meeting.

Meeting closed at: 12.04pm

Next Meetings: Special meeting SLRP State 2 scoring Monday 8 April 2024 10.30am and Ordinary meeting Friday 17 May 2023 10.30am

Legatus Group

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ROAD DEFICIENCY ACTION PLAN 1
(RTIA Committee Endorsed - 15 Feb 24)

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Road	Segment Description (from/to)	Regional Routes(s) F/T/C or Combo	Segment Length (nearest 0.1 km)	Speed Environment	Dimensions	Geometry	Strength / Durability	Action Plan	Cost for Action Plan 1 Only (nearest \$0.1 million)
Adelaide Plains Council									
Germantown Road	Gawler Road to Kenner Road	F	3.6	Compliant	Compliant	Compliant	Major	1	0.6
Hart Road	Port Wakefield Road to Devon Road	F	1.8	Compliant	Major	Compliant	Major	1	0.9
Old Port Wakefield Road	Gawler Road to Brooks Road	C	1.1	Compliant	Compliant	Compliant	Major	1	0.4
Wasleys Road	Marshman Street to Cheek Road	F	7.1	Compliant	Minor	Major	Major	1	1.6
Wasleys Road	Cheek Road to Woolsheds Road	F	5.2	Compliant	Minor	Major	Major	1	1.6
Sub-Total			18.8						
The Barossa Council									
Basedow Road	Murray Street to Light Pass Road	F, C	3.5	Minor	Minor	Compliant	Major	1	1.1
Bethany Road	Menge Road to Thiele Road	T, C	1.1	Compliant	Minor	Minor	Major	1	0.8
Calton Road	Lucks Road to Council Boundary (Sunnyside Avenue)	C	0.7	Minor	Minor	Minor	Major	1	0.2
Carrara Hill Road	Sturt Highway to Stockwell Road	F	1.1	Compliant	Minor	Major	Minor	1	0.5
Hurns Road	Long Gully Road to Eden Valley Road	T	1.3	Compliant	Major	Minor	Compliant	1	0.3
Mengler Hill Road	Light Pass Road to Tanunda Creek Road	T, C	4.1	Major	Compliant	Minor	Compliant	1	0.1
Moculta Road	Murray Street to Truro Road	C	8.8	Minor	Major	Minor	Compliant	1	2.8
Para Wirra Road	Yettie Road to Humbug Scrub Road	C	2.9	Minor	Compliant	Major	Compliant	1	0.2
Stockwell Road	Penrice Road to Carrara Hill Road	F, C	4.7	Compliant	Major	Compliant	Major	1	0.5
Sub-Total			28.2						
District Council of Barunga West									
Bay Street	McKay Street to Harvey Street	C	0.1	Compliant	Compliant	Compliant	Major	1	0.1
Mundoorra Road	Upper Yorke Road to Railway Terrace	C	14.0	Compliant	Compliant	Minor	Major	1	1.2
Ninnes Road	Upper Yorke Road to Council Boundary (Green Road)	F, C	6.3	Compliant	Minor	Minor	Major	1	1.3
Sub-Total			14.0						
Clare and Gilbert Valleys Council									
Alma Road	Giles Corner Road to Range Road	F, C	3.2	Compliant	Compliant	Minor	Major	1	1.0
Burra Street	Burton Street to Meridin Road	F	0.6	Compliant	Major	Compliant	Major	1	0.5
Copper Ore Road	Meridin Road to Wookie Creek Road	F	2.8	Compliant	Minor	Minor	Major	1	0.3
Giles Corner Road	Vandeleur Road to Alma Road	F	1.2	Compliant	Major	Compliant	Major	1	0.4
Burra Street (formerly Leasingham Road)	Jacka Road to Burton Street	F, T	0.8	Compliant	Major	Compliant	Minor	1	0.4
Main Road 45	North of Steelton Road (end of seal) to Waterloo Road	F, C	6.3	Compliant	Minor	Minor	Major	1	1.9
Mount Rufus Road	Farrell Flat Road to Ystalyfera Avenue	F	4.9	Compliant	Major	Compliant	Major	1	1.5
Quarry Road	Horrocks Highway to Edwards Road	F	4.7	Minor	Major	Major	Compliant	1	0.8
Vandeleur Road	Horrocks Highway to Giles Corner Road	F	3.9	Compliant	Compliant	Minor	Major	1	1.2
Ystalyfera Avenue	Mount Rufus Road to Edwards Road	F	2.5	Compliant	Compliant	Compliant	Major	1	0.8
Sub-Total			30.9						
Copper Coast Council									
Bay Road	Frances Terrace to 167 Bay Road (carpark)	C	2.5	Compliant	Compliant	Compliant	Major	1	10.0
Bowman Road	Spencer Highway to Copper Coast Highway	F	2.3	Compliant	Minor	Compliant	Major	1	0.9
Ninnes Road	Copper Coast Highway to Pine Forest Road	F, C	1.1	Compliant	Compliant	Compliant	Major	1	0.1
Roach Street	Copper Coast Highway to Agery Road	C	0.4	Compliant	Compliant	Compliant	Major	1	0.5
Magazine Road	Sharples Road to Spencer Highway	F	2.5	Minor	Minor	Compliant	Major	1	1.8
Sharples Road	Copper Coast Highway to Magazine Road	F	1.2	Compliant	Minor	Compliant	Major	1	0.8
Walleroo Plain Road	Snodgrass Road to Council Boundary	C	7.2	Compliant	Compliant	Compliant	Major	1	0.4
Sub-Total			17.2						

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The Flinders Ranges Council									
Arden Vale Road	Park Terrace to Warren Gorge Access	T	19.5	Minor	Compliant	Major	Compliant	1	0.3
Sub-Total			19.5						
Regional Council of Goyder									
Boorabowie Road	Whyte Road to Council Boundary (Sleep Road)	C	15.4	Compliant	Minor	Compliant	Major	1	0.4
Claremont Road	Farrell Flat Road to Quarry Entrance	F	0.1	Compliant	Major	Compliant	Major	1	0.6
Copperhouse Street	West Street to Barrier Highway	F	3.5	Compliant	Compliant	Major	Major	1	1.5
Eudunda Road	Thiele Highway to Council Boundary (Oaklands Road)	F	18.5	Compliant	Major	Compliant	Major	1	2.0
Hill Road	Goyder Highway to Princess Royal Feedlot	F	0.6	Compliant	Compliant	Compliant	Major	1	0.3
Three Chain Road	South Terrace to Bruce Street	F	1.9	Compliant	Compliant	Compliant	Major	1	0.8
West Street	Barrier Highway to Copperhouse Street	F	0.5	Compliant	Minor	Major	Major	1	0.6
Sub-Total			40.5						
Light Regional Council									
Argent Road	Sturt Highway to Thiele Highway	F	1.2	Compliant	Compliant	Minor	Major	1	1.1
Bethel Road	End of seal to Horrocks Highway	F	12.4	Compliant	Compliant	Major	Compliant	1	3.6
College Road	Mudla Wirra Road to Cliff Road	F, C	4.3	Compliant	Compliant	Major	Compliant	1	4.0
Garrell Street	Horrocks Highway to Cliff Road	F, C	1.1	Compliant	Compliant	Major	Compliant	1	1.0
Gray Street	Thiele Highway to Hanson Street	F, C	2.0	Compliant	Minor	Minor	Major	1	1.0
Samuel Road	Greenock Road to Seppeltsfield Road	F, T, C	2.8	Compliant	Major	Compliant	Major	1	2.0
Seppeltsfield Road	Peter Seppelt Road to Gerald Roberts Road	F, T	1.7	Compliant	Major	Major	Minor	1	2.1
Wasleys Road	End of seal to Council Boundary (Woolsheds Road)	F	3.6	Compliant	Compliant	Minor	Major	1	1.1
Sub-Total			29.1						
District Council of Mount Remarkable									
Abbott Road	Carling Road to Voigt Road	F	0.6	Compliant	Compliant	Minor	Major	1	0.1
Alligator Gorge Road	Main carpark to Blue Gum carpark	T	0.8	Minor	Major	Major	Minor	1	0.1
Bruce Road	Voigt Road to Council Boundary	F	3.4	Minor	Major	Minor	Major	1	0.1
Buffham Road	Carling Road to Well Road	F	8.1	Compliant	Major	Compliant	Major	1	0.2
Carling Road	Wilmington Road (gate) to Coolangatta Road (gate)	F	4.7	Major	Major	Major	Major	1	0.1
Carling Road	Coolangatta Road (gate) to Buffham Road	F	4.1	Minor	Major	Compliant	Major	1	0.1
Carling Road	Buffham Road to Rogers Road	F	4.8	Compliant	Minor	Compliant	Major	1	0.1
Carling Road	Rogers Road to Northern Boundary Road	F	3.6	Compliant	Major	Minor	Major	1	0.1
Dickson Road	McCallum Road to Reichstein Road	F	8.8	Compliant	Compliant	Compliant	Major	1	0.2
Gladstone Road	Greyhound Track Road to Applia-Laura Road	F	7.3	Compliant	Compliant	Minor	Major	1	0.2
Hammond Road	Willowie Road to Kennedy Terrace	F	18.5	Compliant	Minor	Minor	Major	1	0.3
Morchard Road	Booleroo Road to Council Boundary (McCallum Road)	C	15.8	Compliant	Compliant	Minor	Major	1	0.4
Pinda Road	Willowie Road to Booleroo Road	F	11.1	Compliant	Compliant	Minor	Major	1	0.2
Voigt Road	Abbott Road to Buffham Road	F	2.9	Minor	Minor	Major	Minor	1	0.1
Wilmington Road	Horrocks Highway to Carling Road	F	7.9	Compliant	Compliant	Compliant	Major	1	0.2
Sub-Total			102.4						
Northern Areas Council									
Andrews Road	Intersection with RM Williams Way	F	0.1	Compliant	Minor	Major	Major	1	0.5
Andrews Road	RM Williams Way to Hill River Road	F	3.5	Compliant	Minor	Compliant	Major	1	1.0
Sub-Total			3.6						
District Council of Ororoo Carrieton									
Railway Terrace (Heavy Vehicle Bypass)	RM Williams Way to Weighbridge Road	F	1.0	Compliant	Major	Major	Minor	3	1.0
Weighbridge Road (Heavy Vehicle Bypass)	Railway Terrace to RM Williams Way	F	0.8	Compliant	Major	Major	Minor	3	1.7
Sub-Total			1.8						
District Council of Peterborough									
Cotton Road	Main Street to Samex Export Abattoir	F	1.6	Compliant	Major	Compliant	Major	1	0.3
Sub-Total			1.6						

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Port Pirie Regional Council										
Boundary Road (Port Pirie)	Spencer Highway to Warnertown Road	F	1.0	Compliant	Minor	Compliant	Major	1	1.0	
Collinsfield Road	Augusta Highway to Koolunga Road	C	12.8	Compliant	Compliant	Compliant	Major	1	1.4	
Koolunga Road	First Street to Council Boundary (Power Station Road)	C	6.4	Compliant	Major	Compliant	Minor	1	1.3	
Sub-Total			20.2							
Wakefield Regional Council										
Angle Grove Road	Stone Cutter Road to Horrocks Highway	F, C	4.9	Compliant	Minor	Compliant	Major	1	1.5	
Koolunga Road	Downer Street to Power Station Road	F, C	7.8	Compliant	Compliant	Compliant	Major	1	0.9	
Muanu Road	Council Boundary (Eldredge Road) to Bocconoc Park Road along the boundary with	C	2.0	Compliant	Minor	Compliant	Major	1	0.1	
Saint Station Road	Templeton Road to Balaklava Road	F	5.6	Compliant	Major	Compliant	Major	1	3.0	
Wokurna Road	Augusta Highway to Council Boundary (Mundoora Boundary Road)	F, C	13.8	Compliant	Compliant	Compliant	Major	1	0.3	
Sub-Total			34.1							
Yorke Peninsula Council										
Brutus Road	Point Turton Road to Corry Point Road	T, C	2.6	Compliant	Compliant	Minor	Major	1	0.3	
Clinton Road	Robert Street to Davey Road	T, C	28.2	Compliant	Minor	Compliant	Major	1	0.3	
Clinton Road	Davey Road to Yorke Highway	T, C	6.0	Compliant	Minor	Minor	Major	1	2.0	
Corry Point Road	Brutus Road to Yorke Highway	T, C	1.6	Compliant	Compliant	Compliant	Major	1	0.6	
Gardner Terrace	Yorke Highway to Bowman Terrace	T, C	1.3	Compliant	Major	Major	Major	1	0.8	
Gardner Terrace	Bowman Terrace to One And All Road	C	0.2	Compliant	Major	Major	Major	1	0.8	
North Coast Road	End of existing seal to 4km west of existing seal	C (T)	4.0	Compliant	Compliant	Minor	Major	1	3.4	
Sub-Total			43.9							
TOTAL			406						84.6	

Legatus Group

2030 REGIONAL TRANSPORT PLAN
ROAD DEFICIENCY ACTION PLAN 2
(RTIA Committee Endorsed - 15 Feb 24)

HDS Australia Pty Ltd

Road	Segment Description (from/to)	Regional Routes(s) F/T/C or Combo	Segment Length (nearest 0.1 km)	Speed Environment	Dimensions	Geometry	Strength / Durability	Action Plan	Cost for Action Plan 1 Only (nearest \$0.1 million)
Adelaide Plains Council									
Unnamed road	Alternative short section of road east of The Esplanade to caravan park	C	0.2	Compliant	Minor	Major	Minor	2	
Sub-Total			0.2						
The Barossa Council									
Burings Road	Murray Street to the end of Burings Road	F	1.0	Compliant	Major	Minor	Compliant	2	
Hermann Thumm Drive	Barossa Valley Way to Council Boundary (North Para River)	F, T	2.1	Compliant	Major	Major	Compliant	2	
Hoffnungsthal Road	Lyndoch Valley Road to the end of seal	T	2.6	Minor	Minor	Major	Compliant	2	
Hoffnungsthal Road	End of seal to end of road	T	0.8	Minor	Major	Major	Compliant	2	
Humburg Scrub Road	Para Wirra Road to Council Boundary (South Para River)	C	1.0	Minor	Minor	Major	Compliant	2	
Peramangk Road	Moppa Road to dead end	F	0.4	Compliant	Major	Minor	Compliant	2	
Rosedale Road	Barossa Valley Way to Council Boundary (North Para River)	F/C	5.2	Compliant	Minor	Minor	Major	2	
Seven Steps Road	Heggies Range Road to Eden Valley Road	T, C	4.3	Compliant	Compliant	Major	Compliant	2	
Smyth Road	Langmeil Road to Council Boundary (North Para River)	F, T	0.1	Compliant	Major	Major	Major	2	
Sub-Total			17.5						
District Council of Barunga West									
Arbon Road	End of seal to Upper Yorke Road	F	1.0	Compliant	Minor	Compliant	Major	2	
Fisherman Bay Road	North Terrace to 2 Whiting Road	T, C	4.3	Minor	Compliant	Major	Minor	2	
Mundoorra Boundary Road	Wokurna Road to Patingale Road along the boundary with Wakefield Regional Co	F	8.6	Compliant	Compliant	Major	Compliant	2	
Mundoorra Boundary Road	Patingale Road to end of seal	F	2.4	Compliant	Compliant	Major	Compliant	2	
Sub-Total			16.3						
Clare and Gilbert Valleys Council									
Bocconnoc Park Road	Start of seal to Council Boundary (90 degree bend)	C	2.1	Compliant	Minor	Major	Major	2	
Bond Street	Horrocks Highway to Railway Terrace	C	0.2	Compliant	Major	Compliant	Major	2	
Hill Road	Railway Terrace to Giles Corner Road	C	4.8	Minor	Major	Major	Minor	2	
Muanu Road	Spring Gully Road to Woodlands Brae Road	C	2.3	Minor	Minor	Major	Minor	2	
Saw Mill Road	Spring Gully Road to Trevarrick Road	T	3.5	Minor	Compliant	Major	Compliant	2	
Spring Gully Road	Horrocks Highway to Muanu Road	T, C	4.9	Minor	Minor	Major	Compliant	2	
Spring Gully Road	Muanu Road to Saw Mill Road	T	3.1	Compliant	Compliant	Major	Compliant	2	
Trevarrick Road	Jeanneret Road to Sawmill Road	T	1.2	Minor	Major	Major	Major	2	
Trevarrick Road	Hughes Park Road to Jeanneret Road	T	0.5	Minor	Major	Major	Minor	2	
Willow Glen	Hughes Park Road to Horrocks Highway	T	1.4	Major	Major	Major	Major	2	
Sub-Total			24.0						
Copper Coast Council									
Dowling Drive	Harris Point Road to Minnie Terrace	C	0.7	Compliant	Compliant	Compliant	Major	2	
Graves Street	East Terrace to Copper Coast Highway	C	1.5	Compliant	Compliant	Compliant	Major	2	
Heritage Drive	Sailing Club to Jetty Road	C	0.3	Compliant	Compliant	Compliant	Major	2	
Hopgood Road	North Beach Road to Woodforde Drive	C	1.3	Compliant	Compliant	Compliant	Major	2	
Sub-Total			3.8						

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ROAD DEFICIENCY ACTION PLAN 2
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The Flinders Ranges Council									
Bultham Road	Horrocks Highway to Council Boundary (Foster Road)	F	2.8	Compliant	Minor	Minor	Major	2	
Carling Road	Flinders Ranges Way to gate	F	1.3	Major	Major	Compliant	Major	2	
Carling Road	Gate to Boolcunda Road (gate)	F	3.6	Major	Major	Major	Major	2	
Druid Range Drive	End of seal to Flinders Ranges Way (unsealed section)	F	1.0	Compliant	Major	Compliant	Compliant	2	
Sub-Total			8.7						
Regional Council of Goyder									
Sub-Total			1.9						
Light Regional Council									
Bethel Road	Thiele Highway to end of seal	F	1.5	Compliant	Minor	Major	Compliant	2	
Forrest Road	Wasleys Road to Owen Road	F, C	13.0	Compliant	Compliant	Minor	Major	2	
Golflinks Road	Gomersal Road to Council Boundary (North Para River)	T	4.5	Compliant	Minor	Major	Compliant	2	
Seppeltsfield Road	Sturt Highway to Peter Seppelt Road	F, T	2.2	Compliant	Major	Major	Minor	2	
Seppeltsfield Road	Gerald Roberts Road to Kraehe Road	F, T	0.6	Compliant	Major	Major	Minor	2	
Templers Road	Goss Road to Owen Road	C	5.7	Compliant	Compliant	Minor	Major	2	
Wasleys Road	Mudla Wirra Road to End of Seal	F	0.8	Compliant	Compliant	Minor	Major	2	
Sub-Total			28.3						
District Council of Mount Remarkable									
Alligator Gorge Road	Horrocks Highway to carpark	T	11.7	Major	Major	Major	Compliant	2	
Appia-Laura Road	Gladstone Road to Council Boundary (300mm before Pine Creek)	F	7.0	Compliant	Major	Minor	Compliant	2	
Hammond Road	Kennedy Terrace to Main Street	F	0.3	Compliant	Major	Compliant	Compliant	2	
Main Street	West Terrace to Hammond Road	F	0.3	Compliant	Major	Compliant	Compliant	2	
McCallum Road	Schmidt Road to Dickson Road	F	0.8	Compliant	Compliant	Major	Compliant	2	
Sub-Total			20.1						
Northern Areas Council									
Broughton Valley Road	R M Williams Way to Quarry	F	2.5	Compliant	Major	Minor	Minor	2	
Huddleston Road	Council Boundary to Horrocks Highway	C	11.7	Compliant	Major	Minor	Major	2	
Sub-Total			14.2						
District Council of Ororoo Carleton									
Booleroo Road	Price Maurice Road to Council Boundary (Schwark Road)	F, C, T	13.8	Minor	Compliant	Minor	Major	2	
Crotta Road	Johnburgh Road to cattle grid	T	3.7	Compliant	Minor	Major	Minor	2	
Crotta Road	Cattle grid to Bendieby Ranges Homestead	T	4.9	Minor	Major	Major	Major	2	
Morchard Road	Willowie Road to Council Boundary (McCallum Road)	C	6.4	Compliant	Compliant	Major	Minor	2	
Sub-Total			28.8						
District Council of Peterborough									
Sub-Total			0.0						

Port Pirie Regional Council									
Abattoirs Road	Augusta Highway to Spencer Highway	F, C, T	10.0	Compliant	Compliant	Minor	Major	2	
Huddleston Road	Eyre Road to Council Boundary	C	14.1	Compliant	Major	Minor	Major	2	
Wandearah Road	Augusta Highway to Spencer Highway	F	10.4	Compliant	Major	Compliant	Compliant	2	
Sub-Total			34.5						
Wakefield Regional Council									
Sub-Total			0.0						
Yorke Peninsula Council									
Daly Head Road	Marion Bay Road to waterfront junction	T	7.6	Compliant	Minor	Major	Minor	2	
Ilfracombe Road	Marion Bay Road to waterfront	T	1.1	Compliant	Minor	Compliant	Major	2	
Main Road	St Vincent Highway to Port Vincent Road	T, C	1.7	Compliant	Compliant	Major	Major	2	
Mceacherns Beach Road	St Vincent Highway to Waterloo Bay Road	C	5.9	Compliant	Minor	Major	Major	2	
North Coast Road	4km west of existing seal to Point Souttar Road	C (I)	7.9	Compliant	Compliant	Minor	Major	2	
Sub-Total			24.2						
TOTAL			223						

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2030 REGIONAL TRANSPORT PLAN
ROAD DEFICIENCY ACTION PLAN 3
(RTIA Committee Endorsed - 15 Feb 24)

HDS Australia Pty Ltd

Road	Segment Description (from/to)	Regional Routes(s) F/T/C or Combo	Segment Length (nearest 0.1 km)	Speed Environment	Dimensions	Geometry	Strength / Durability	Action Plan	Cost for Action Plan 1 Only (nearest \$0.1 million)
Adelaide Plains Council									
Gawler River Road	Old Port Wakefield Road to Boundary Road	C	8.0	Compliant	Compliant	Compliant	Minor	3	
George Street	Webb Beach Road to July Street	T, C	0.4	Compliant	Minor	Compliant	Compliant	3	
Middle Beach Road	Unnamed road to Shortbird Road	T, C	8.0	Compliant	Compliant	Minor	Minor	3	
Port Parham Road	Port Wakefield Highway to First Street	T, C	8.2	Compliant	Compliant	Minor	Minor	3	
Shortbird Road	Middle Beach Road to The Esplanade	C	0.5	Compliant	Compliant	Minor	Compliant	3	
South Terrace	Old Port Wakefield Road to Clonan Road	T, C	0.8	Compliant	Compliant	Minor	Compliant	3	
Webb Beach Road	Port Parham Road to George Street	T, C	1.2	Compliant	Compliant	Minor	Compliant	3	
Sub-Total			27.1						
The Barossa Council									
Balmoral Road	Williamstown Road to Lucks Road	C	5.4	Minor	Compliant	Minor	Compliant	3	
Bethany Road	Barossa Valley Way to Menge Road	F, T, C	1.6	Compliant	Minor	Compliant	Compliant	3	
Gofflinks Road	Barossa Valley Way to Council Boundary (North Para River)	T	0.6	Compliant	Compliant	Minor	Compliant	3	
Heggies Range Road	Tanunda Creek Road to Seven Steps Road	T, C	1.1	Compliant	Minor	Minor	Compliant	3	
Kalima Road	Murray Street to Stockwell Road	C	3.5	Compliant	Minor	Minor	Minor	3	
Light Pass Road	Bethany Road to Basedow Road	T	1.3	Compliant	Compliant	Minor	Compliant	3	
Light Pass Road	Basedow Road to Menglers Hill Road	F, T, C	0.6	Compliant	Minor	Compliant	Compliant	3	
Light Pass Road	Menglers Hill Road to Vine Vale Road	F	1.6	Compliant	Minor	Compliant	Compliant	3	
Lucks Road	Balmoral Road to Calton Road	C	0.7	Compliant	Compliant	Minor	Compliant	3	
Moppa Road South	Council Boundary (Peramangk Road) to Old Kapunda Road	F	0.7	Compliant	Compliant	Minor	Compliant	3	
Old Kapunda Road	Moppa Road South to Sturt Highway	F	0.2	Compliant	Minor	Minor	Compliant	3	
Penrice Road	Murray Street to Stockwell Road	T, C	3.6	Compliant	Compliant	Minor	Compliant	3	
Penrice Road	Stockwell Road to Angaston Road	C	4.4	Compliant	Compliant	Minor	Compliant	3	
Radford Road	Long Gully Road to Hurns Road	T	0.9	Compliant	Minor	Compliant	Compliant	3	
Seppeltsfield Road	Barossa Valley Way to Council Boundary (North Para River)	F, T	1.0	Compliant	Minor	Compliant	Compliant	3	
Siegersdorf Road	Barossa Valley Way to Stockwell Road	F	3.5	Minor	Compliant	Compliant	Compliant	3	
Springton Road	Warren Road to L Staricks Road	F, C	18.2	Compliant	Minor	Minor	Compliant	3	
Stelzer Road	Langmeil Road to Council Boundary (North Para River)	T	0.1	Compliant	Minor	Minor	Compliant	3	
Stockwell Road	Vine Vale Road to Angaston Road	F	2.9	Compliant	Minor	Compliant	Compliant	3	
Stockwell Road	Carrara Hill Road to Duck Ponds Road	C	0.6	Compliant	Minor	Compliant	Compliant	3	
Tanunda Creek Road	Mengler Hill Road to Heggies Range Road	T, C	5.4	Compliant	Compliant	Minor	Compliant	3	
Vine Vale Road	Light Pass Road to Stockwell Road	F	1.1	Compliant	Minor	Compliant	Compliant	3	
Whispering Wall Road	Yettie Road to Whispering Wall	T	0.8	Compliant	Minor	Minor	Compliant	3	
Williamstown Road	L Staricks Road to Eden Valley Road	F, C	0.8	Compliant	Minor	Compliant	Minor	3	
Sub-Total			60.6						

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District Council of Barunga West									
Arbon Road	191 Arbon Road to end of seal	F	0.9	Compliant	Compliant	Minor	Compliant	3	
Bicentennial Road	Railway Terrace to Spencer Highway, there is a section of road along the boundary	F	9.2	Compliant	Compliant	Compliant	Minor	3	
Bypass Road	Spencer Highway to Upper Yorke Road	F	1.4	Compliant	Compliant	Minor	Compliant	3	
East Terrace	Ingram Gap Road to Railway Terrace along the boundary with Port Pirie Regional C	F	0.4	Compliant	Compliant	Compliant	Minor	3	
Harvey Street	Bay Street to North Terrace	T	0.5	Compliant	Compliant	Compliant	Minor	3	
McKay Street	North Terrace to Bay Street	C	0.5	Compliant	Compliant	Compliant	Minor	3	
Mundoora Boundary Road	End of seal to Ingram Gap Road	F	0.9	Compliant	Minor	Compliant	Minor	3	
Ninnes Road	Council Boundary (Church Road) to Upper Yorke Road	F, C	10.4	Compliant	Minor	Minor	Minor	3	
North Terrace	Harvey Street to Fisherman Bay Road	T	0.1	Compliant	Compliant	Compliant	Minor	3	
Railway Terrace	Mundoora Road to East Terrace	C	0.8	Compliant	Minor	Compliant	Minor	3	
Tickera-Alford Road	Spencer Highway to Coast Road	T, C	10.8	Compliant	Compliant	Minor	Minor	3	
Wokurna Road	Upper Yorke Road to Mundoora Boundary Road	F, C	10.3	Compliant	Compliant	Compliant	Minor	3	
Youngs Road	Spencer Highway to Upper Yorke Road	F	8.9	Compliant	Compliant	Minor	Minor	3	
Sub-Total			55.1						
Clare and Gilbert Valleys Council									
Barinia Road	White Hut Road to Dudley Road	C	1.5	Compliant	Compliant	Minor	Compliant	3	
Barton Hill Road	Barrier Highway to Hardings Road	F	3.2	Minor	Minor	Minor	Compliant	3	
Bates Hill Road	Dudley Road to Hilltown Road	C	4.2	Minor	Compliant	Minor	Compliant	3	
Bayes Road	Horrocks Highway to Gillentown Road	C	0.9	Compliant	Minor	Minor	Compliant	3	
Bocconoc Park Road	End of seal to Blyth Road	C	2.0	Compliant	Compliant	Minor	Compliant	3	
Brothers Hill Road	Flaxmill Road to Weymouth Street	F	13.6	Minor	Minor	Minor	Compliant	3	
Cooper Ore Road	Wookie Creek Road to Council Boundary (Airport Road)	F	6.3	Compliant	Minor	Minor	Minor	3	
Hilltown Road	End of seal to Council Boundary (1300 Hilltown Road)	C	7.5	Compliant	Compliant	Minor	Compliant	3	
Hughes Park Road	Trevanick Road to Willow Glen	T	0.2	Compliant	Minor	Minor	Compliant	3	
John Street	Weymouth Street to George Street	F, C	0.4	Compliant	Compliant	Minor	Compliant	3	
Main Road 45	Saddlesworth Road to north of Steelton Road (end of seal)	F, C	9.4	Compliant	Compliant	Compliant	Minor	3	
Main Road 45	Waterloo Road to Sydney Street	F, C	0.5	Compliant	Minor	Compliant	Minor	3	
Main Road 45	Sydney Street to end of seal	F	2.0	Compliant	Minor	Compliant	Compliant	3	
Main Road 45	End of seal to Hardings Road	F	4.0	Compliant	Minor	Compliant	Minor	3	
Mintaro Road	Horrocks Highway to Jacka Road	F, T	10.0	Compliant	Minor	Minor	Compliant	3	
Muanu Road	Eldridge Road to Woodlands Brae Road	C	0.9	Compliant	Minor	Compliant	Compliant	3	
Smith Street	Stockport Road to Gardiner Terrace	C	0.5	Compliant	Compliant	Minor	Minor	3	
Stockport Road	Horrocks Highway to Smith St	C	6.9	Compliant	Compliant	Minor	Compliant	3	
Waterloo Road	George Street to Main Road 45	F, C	5.7	Minor	Minor	Minor	Compliant	3	
White Hut Road	Farrell Flat Road to Barinia Road	C	7.2	Compliant	Compliant	Minor	Compliant	3	
Sub-Total			86.9						

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Copper Coast Council									
Abraham Rydberg Drive	Chatfield Terrace to Hall Street	F	0.4	Compliant	Minor	Compliant	Compliant	3	
Agery Road	Roach Street to Kochs Road	C	1.3	Compliant	Compliant	Compliant	Minor	3	
Arthurs Road	Moonta-Cunliffe Terrace to Council Boundary (Pedler Road)	T, C	3.6	Compliant	Compliant	Compliant	Minor	3	
Doswell Terrace	Frances Terrace to Waring Street	C	1	Compliant	Compliant	Compliant	Minor	3	
Eighth Street	School Terrace to Railway Terrace	F	0.1	Compliant	Minor	Compliant	Compliant	3	
Ernest Terrace	Erington Street to Athena Drive	C	0.4	Compliant	Compliant	Compliant	Minor	3	
Hall Street	Cornish Terrace to Abraham Rydberg Drive	F	0.2	Compliant	Compliant	Compliant	Minor	3	
Heritage Drive	Spencer Highway to Sailing Club	C	1.1	Compliant	Compliant	Minor	Compliant	3	
Kainton Road	School Terrace to Council Boundary (Holman Road)	F	5.9	Compliant	Minor	Compliant	Minor	3	
Lydia Terrace	Abraham Rydberg Drive to Hughes Street	F	0.2	Compliant	Compliant	Compliant	Minor	3	
Walleroo Plain Road	North Beach Road to Snodgrass Road	C	7.5	Compliant	Compliant	Compliant	Minor	3	
Sub-Total			21.7						
The Flinders Ranges Council									
Arden Vale Road	Silo Road to Park Terrace	T, C	0.3	Compliant	Compliant	Minor	Minor	3	
Bruce Road	Rodgers Road to Council Boundary	F	3.0	Compliant	Minor	Compliant	Minor	3	
Carling Road	Boolcunda Road (gate) to Northern Boundary Road	F	19.9	Compliant	Minor	Minor	Minor	3	
Druid Range Drive	Flinders Ranges Way to end of seal (sealed section)	F	0.4	Compliant	Minor	Compliant	Compliant	3	
Oval Road	Park Terrace to Flinders Ranges Way	C	0.5	Compliant	Compliant	Minor	Compliant	3	
Park Terrace	Silo Road to Flinders Ranges Way	C	2.4	Compliant	Compliant	Minor	Compliant	3	
Silo Road	Park Terrace to Oval Road	F	0.6	Compliant	Minor	Compliant	Compliant	3	
Silo Road	Oval Road to Flinders Ranges Way	F, C	0.8	Compliant	Minor	Compliant	Compliant	3	
Warren Gorge Access	Adren Vale Road to Warren Gorge	T	0.5	Compliant	Compliant	Minor	Compliant	3	
Sub-Total			28.4						
Regional Council of Goyder									
Andrews Road	Council boundary to Goyder Highway	F	4.2	Compliant	Compliant	Compliant	Minor	3	
Whyte Road	Barrier Highway (Railway South Terrace) to Council Boundary (Kidman Stock Route)	C	13.6	Compliant	Compliant	Minor	Compliant	3	
Sub-Total			17.8						
Light Regional Council									
Sub-Total			0.0						

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District Council of Mount Remarkable									
Appila-Tarcowie Road	Appila Road to Council Boundary	F	2.2	Compliant	Minor	Minor	Compliant	3	
Arthur Street	Stephens Street to Borgas Street	F, C	0.5	Compliant	Compliant	Compliant	Minor	3	
Booleroo Road	End of seal to Morchard Road	F, T, C	19.5	Compliant	Compliant	Minor	Compliant	3	
Buffham Road	Voigt Road to Council Boundary (Foster Road)	F	2.1	Compliant	Minor	Compliant	Minor	3	
Coe Road	Augusta Highway to Cattle Track (gates)	F	2.0	Compliant	Minor	Minor	Compliant	3	
Greyhound Track Road	Appila Road to Gladstone Road	F	0.1	Compliant	Compliant	Compliant	Minor	3	
Park Road	Augusta Highway to Mambrey Creek Track (parking area)	T	6.1	Compliant	Minor	Minor	Compliant	3	
Stephens Street	Colin Street to Authur Street	T, C	0.6	Compliant	Compliant	Compliant	Minor	3	
Well Road	Buffham Road to Wilmington Road	F	4.0	Compliant	Minor	Minor	Minor	3	
White Cliffs Road	Borgas Street to Council Boundary (Schwark Road)	F, C	8.0	Compliant	Compliant	Minor	Compliant	3	
White Well Road	Horrocks Highway to Nukunu Yarta Way	C	7.7	Compliant	Compliant	Minor	Compliant	3	
Wilmington Road	Well Road to West Terrace	F	1.8	Compliant	Compliant	Compliant	Minor	3	
Sub-Total			54.6						
Northern Areas Council									
Appila-Laura Road	East Terrace to Council Boundary (300mm after Pine Creek)	F	9.8	Compliant	Minor	Compliant	Compliant	3	
Appila-Tarcowie Road	Council Boundary to Caltowie-Tarcowie Road	F	8.0	Compliant	Compliant	Minor	Compliant	3	
Belalie North Road	Jamestown-Whyte Yarcowie Road to Council Boundary (Downing Road)	C	14.2	Compliant	Minor	Minor	Minor	3	
Caltowie-Tarcowie Road	Appila-Tarcowie Road to Stagg Road	F	2.1	Compliant	Minor	Minor	Compliant	3	
Hill River Road	Soyder Highway to Andrews Road	C	9.0	Compliant	Minor	Compliant	Compliant	3	
Jamestown-Whyte Yarcowie Road	Wilkins Highway to Council Boundary (Kidman Stock Route)	C	11.7	Compliant	Compliant	Minor	Compliant	3	
North Terrace	Mill Street to East Terrace	F	0.3	Compliant	Minor	Compliant	Minor	3	
Unnamed road at Gladstone	Horrocks Highway to Viterra facilities	F	0.8	Compliant	Minor	Minor	Compliant	3	
Sub-Total			55.9						
District Council of Orroroo Carrieton									
Almerta Road	Boolcunda Road to Almerta Station	T	2.8	Compliant	Compliant	Compliant	Minor	3	
Boolcunda Road	RM Williams Way to Almerta Road	T	3.0	Compliant	Compliant	Compliant	Minor	3	
Fourth Street	Second Street to South Terrace	F, C	0.5	Compliant	Compliant	Compliant	Minor	3	
Johnburgh Road	R M Williams Way to Crotta Road	T	40.5	Compliant	Compliant	Minor	Minor	3	
Price Maurice Road	South Terrace to Booleroo Road	F, C, T	13.3	Compliant	Compliant	Minor	Compliant	3	
Sub-Total			60.1						
District Council of Peterborough									
Booborowie Road	Cleary Road to end of seal	C	1.0	Compliant	Compliant	Compliant	Minor	3	
Booborowie Road	End of seal to Earle Road	C	3.8	Compliant	Compliant	Compliant	Minor	3	
Booborowie Road	Earle Road to Council Boundary (Sleep Road)	C	7.5	Compliant	Compliant	Compliant	Minor	3	
Main Street	Beniah Road to South Terrace	C	0.3	Compliant	Compliant	Compliant	Minor	3	
Sub-Total			12.6						

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Port Pirie Regional Council									
Bicentennial Road	Ingram Gap Road to Spencer Highway, there is a section of road along the boundary	F	9.2	Compliant	Minor	Minor	Minor	3	
Ellis Street	Augusta Highway to River Terrace	C	0.7	Compliant	Compliant	Compliant	Minor	3	
Firth Road	Augusta Highway to Darbon Terrace	F, C	2.4	Compliant	Minor	Minor	Minor	3	
Gap Road	Augusta Highway to Clements Road	F	7.9	Compliant	Compliant	Minor	Minor	3	
Main Road (Koolunga to Redhill)	River Terrace to Fifth Street	C	12.4	Compliant	Minor	Compliant	Minor	3	
Milcowie Road	Spencer Highway to Augusta Highway	F	10.6	Compliant	Minor	Minor	Compliant	3	
Nelshaby Road	Augusta Highway to Flinders View Drive	C	5.8	Compliant	Minor	Compliant	Compliant	3	
Nurom Road	The Whim Road to Augusta Highway	F	9.2	Compliant	Minor	Minor	Minor	3	
Oaks Road	Nelshaby Road to Scenic Drive	C	2.9	Compliant	Minor	Compliant	Minor	3	
Pirie Blocks Road	Railway Terrace to Warnertown Road	C	0.1	Compliant	Minor	Minor	Minor	3	
River Terrace	Ellis Street to Main Road	C	0.4	Compliant	Compliant	Compliant	Minor	3	
Scenic Drive	Augusta Highway to South Terrace	C	7.4	Compliant	Minor	Compliant	Compliant	3	
Sixth Street	Third Street to First Street	C	0.4	Compliant	Compliant	Compliant	Minor	3	
The Cattle Track	Goyder Highway to Main Road	F, C	19.8	Compliant	Minor	Minor	Compliant	3	
The Whim Road	Spencer Highway to Nurom Road	F	4.8	Compliant	Minor	Compliant	Minor	3	
Waits Road	Abattoirs Road to Railway Terrace	C	4.8	Compliant	Minor	Minor	Minor	3	
Sub-Total			98.8						
Wakefield Regional Council									
Alma Road	Owen Road to Council Boundary (Range Road)	F, C	8.5	Compliant	Minor	Minor	Minor	3	
Hoyleton Road	Balaklava Road to Hight Street	C	6.2	Compliant	Compliant	Minor	Compliant	3	
Nantawarra Road	Augusta Highway to Templeton Road	F, T, C	12.2	Compliant	Compliant	Minor	Compliant	3	
Ninnes Road	Hugh Terrace to Council Boundary (Green Road)	F, C, T	8.1	Compliant	Minor	Minor	Compliant	3	
Pinery Road	Wray Road to Tiller Road (Council Boundary)	C	15.5	Compliant	Minor	Minor	Compliant	3	
Plains Road	Goldney Road to Traeger Road	C	3.3	Compliant	Compliant	Minor	Minor	3	
Smith Street	Augusta Highway to Hugh Terrace	F, C, T	0.6	Compliant	Minor	Compliant	Compliant	3	
Sunny Hill School Road	Ninnes Road to Pump Station Road	F	1.8	Compliant	Minor	Compliant	Compliant	3	
Whitwarta Road	Balaklava Road to Templeton Road	F, C	0.5	Compliant	Compliant	Minor	Minor	3	
Sub-Total			56.7						
Yorke Peninsula Council									
Androssan Road	Arthurton Road to Upper Yorke Road	C	22.7	Compliant	Compliant	Compliant	Minor	3	
Arthurton Road	Upper Yorke Road to Council Boundary (Pedler Road)	T, C	21.9	Compliant	Compliant	Minor	Minor	3	
Bluff Road	Maitland Road to Rickaby Road	T, C	4.3	Compliant	Compliant	Minor	Minor	3	
Bluff Road	Rickaby Road to Davit Drive	C	7.7	Compliant	Compliant	Minor	Compliant	3	
Corry Point Road	Marion Bay Road to Liddiard Road	T, C	3.5	Compliant	Minor	Compliant	Minor	3	
Corry Point Road	Liddiard Road to Brutus Road	C	28.8	Compliant	Compliant	Compliant	Minor	3	
Dans Road	Port Vincent Road to South Terrace	C	6.6	Compliant	Compliant	Minor	Minor	3	
Esplanade, Point Turton	Savio Road to dead end	C	1.6	Minor	Compliant	Compliant	Minor	3	
Kainton Road	Upper Yorke Road to Council Boundary (Holman Road)	F	3.2	Compliant	Minor	Compliant	Compliant	3	
Marion Bay Road	Yorke Highway to Corry Point Road	T, C	39.7	Compliant	Compliant	Minor	Compliant	3	
Mount Rat Road	Main Street to Spencer Highway	C	13.3	Compliant	Compliant	Compliant	Minor	3	
One And All Road	Yorke Highway to Bowman Terrace	T, C	1.6	Compliant	Compliant	Compliant	Minor	3	
One And All Road	Bowman Terrace to Gardner Terrace	C	0.4	Compliant	Compliant	Minor	Compliant	3	
Park Terrace	Vista Grove to Yorketown Road	C	0.5	Compliant	Compliant	Compliant	Minor	3	
Pine Point Road	Vista Grove to end of seal	C	4.4	Compliant	Compliant	Compliant	Minor	3	
Port Vincent Road	Main Road to Young Avenue	T, C	0.6	Compliant	Compliant	Compliant	Minor	3	
Reserve Terrace	South Terrace to Main Street	C	0.3	Compliant	Minor	Compliant	Minor	3	
Rickaby Road	Bluff Road to Maurialta Drive	T, C	12.5	Compliant	Compliant	Minor	Compliant	3	
Tiddy Widdy Beach Road	Gordon Road to Esplanade	C	2.2	Compliant	Compliant	Compliant	Minor	3	
Waterloo Bay Road	McEacherns Beach Road to Warooka Road	C	9.5	Compliant	Compliant	Minor	Compliant	3	
White Hut Road	Hayes Road to Yorke Highway	T, C	18.2	Compliant	Compliant	Compliant	Minor	3	
Sub-Total			203.5						

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2030 REGIONAL TRANSPORT PLAN
ROAD DEFICIENCY ACTION PLAN 3
(RTIA Committee Endorsed - 15 Feb 24)

HDS Australia Pty Ltd

TOTAL

840

Legatus Group

2030 REGIONAL TRANSPORT PLAN
COMPLIANT ROADS
(RTIA Committee Endorsed - 15 Feb 24)

HDS Australia Pty Ltd

Road	Segment Description (from/to)	Regional Routes(s) F/T/C or Combo	Segment Length (nearest 0.1 km)	Speed Environment	Dimensions	Geometry	Strength / Durability	Action Plan	Cost for Action Plan 1 Only (nearest \$0.1 million)
Adelaide Plains Council									
Aerodrome Road	Balaklava Road to Hall Road	T	0.7	Compliant	Compliant	Compliant	Compliant	N/A	
Aerodrome Road	Hall Road to Mallala Motor Sport Park	T	1.5	Compliant	Compliant	Compliant	Compliant	N/A	
Carslake Road	Port Wakefield Road to Shannon Road	F	3.5	Compliant	Compliant	Compliant	Compliant	N/A	
Boundary Road	Gawler Road to Gawler River Road	F, C	3.6	Compliant	Compliant	Compliant	Compliant	N/A	
Calomba Road	Traeger Road to Shannon Road	C	8.2	Compliant	Compliant	Compliant	Compliant	N/A	
Creek Road	Redbanks Road to Wasleys Road	F, C	2.7	Compliant	Compliant	Compliant	Compliant	N/A	
Daniel Road	Shannon Road to Lawrie Road	C	5.0	Compliant	Compliant	Compliant	Compliant	N/A	
Dublin Road	Port Wakefield Road to Balaklava Road	F, C	15.1	Compliant	Compliant	Compliant	Compliant	N/A	
Lawrie Road	Daniel Road to McArdle Terrace	C	0.5	Compliant	Compliant	Compliant	Compliant	N/A	
Middle Beach Road	Port Wakefield Road to unnamed road	F, T, C	0.8	Compliant	Compliant	Compliant	Compliant	N/A	
Old Port Wakefield Road	Port Wakefield Highway to Beach Road, then to Port Wakefield Highway	C	2.5	Compliant	Compliant	Compliant	Compliant	N/A	
Old Port Wakefield Road	Port Wakefield Highway to Sanders Avenue - RAMP	C	0.3	Compliant	Compliant	Compliant	Compliant	N/A	
Old Port Wakefield Road	Sanders Avenue to South Terrace	T, C	0.1	Compliant	Compliant	Compliant	Compliant	N/A	
Old Port Wakefield Road	Brooks Road to Council Boundary	C	4.8	Compliant	Compliant	Compliant	Compliant	N/A	
Ruskin Road	Clonan Road to unnamed road	T, C	8.2	Compliant	Compliant	Compliant	Compliant	N/A	
Ruskin Road	Unnamed road to The Esplanade	C	0.2	Compliant	Compliant	Compliant	Compliant	N/A	
Sanders Avenue	Port Wakefield Highway to Sanders Avenue - RAMP	T, C	0.2	Compliant	Compliant	Compliant	Compliant	N/A	
Shannon Road	Carslake Road to Dublin Road	F	4.0	Compliant	Compliant	Compliant	Compliant	N/A	
The Esplanade	Shortbird Road to 1 The Esplanade	C	0.6	Compliant	Compliant	Compliant	Compliant	N/A	
The Esplanade	1 The Esplanade to Thompsons Beach Road	C	3.2	Compliant	Compliant	Compliant	Compliant	N/A	
Wasleys Road	Adelaide Road to Marshman Street	F	0.6	Compliant	Compliant	Compliant	Compliant	N/A	
Sub-Total			66.3						
The Barossa Council									
Bastion Hill Road	Duck Ponds Road to Council boundary	F		Not assessed	Not assessed	Not assessed	Not assessed		
Belvidere Road	Sturt Highway to Council Boundary (Kalimna Road West)	F, C	0.7	Compliant	Compliant	Compliant	Compliant	N/A	
Bethany Road	Thiele Road to Light Pass Road	T	1.1	Compliant	Compliant	Compliant	Compliant	N/A	
Duck Ponds Road	Stockwell Road to Sturt Highway	C	0.8	Compliant	Compliant	Compliant	Compliant	N/A	
Elizabeth Street	Langmeil Road to Ellen Place	T	0.2	Compliant	Compliant	Compliant	Compliant	N/A	
Langmeil Road	Para Road to Elizabeth Street	T	1.7	Compliant	Compliant	Compliant	Compliant	N/A	
Light Pass Road	Penrice Road to Kalimna Road	C	1.2	Compliant	Compliant	Compliant	Compliant	N/A	
Magnolia Street	Murray Street to Barossa Arts & Convention Centre	T	1.3	Compliant	Compliant	Compliant	Compliant	N/A	
Menge Road	Bethany Road to Basedow Road	F/T/C	1.2	Compliant	Compliant	Compliant	Compliant	N/A	
Mengler Hill Road	Tanunda Creek Road to Radford Road	T	3.0	Compliant	Compliant	Compliant	Compliant	N/A	
Para Road	Murray Street to Langmeil Road	T	1.2	Compliant	Compliant	Compliant	Compliant	N/A	
Stockwell Road	Angaston Road to Penrice Road	F, T, C	1.8	Compliant	Compliant	Compliant	Compliant	N/A	
Truro Road	Moculta Road to Council Boundary	C	3.1	Compliant	Compliant	Compliant	Compliant	N/A	
Yaldara Drive	Barossa Valley Way to Fuss Road	T		Not assessed	Not assessed	Not assessed	Not assessed		
Yettie Road	Williamstown Road to Whispering Wall Road	T, C	1.2	Compliant	Compliant	Compliant	Compliant	N/A	
Yettie Road	Whispering Wall Road to Queen Street	C	5.3	Compliant	Compliant	Compliant	Compliant	N/A	
Sub-Total			23.8						

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2030 REGIONAL TRANSPORT PLAN
COMPLIANT ROADS
(RTIA Committee Endorsed - 15 Feb 24)

HDS Australia Pty Ltd

District Council of Barunga West									
Mail Road	Bush Road to Beaufort Road	F	11.5	Compliant	Compliant	Compliant	Compliant	N/A	
Mail Road	Beaufort Road to Scott Road	F	0.5	Compliant	Compliant	Compliant	Compliant	N/A	
Wallaroo Plain Road (Copper Coast Council)	Tickers-Alford Road to Council Boundary	C	0.2	Compliant	Compliant	Compliant	Compliant	N/A	
Whiting Road	2 Whiting Road to Dolphin Road	T, C	0.3	Compliant	Compliant	Compliant	Compliant	N/A	
Sub-Total			12.5						
Clare and Gilbert Valleys Council									
Boconnoc Park Road	Council Boundary (90 degree bend) to Muanu Road along the boundary with Wake	C	0.6	Compliant	Compliant	Compliant	Compliant	N/A	
Hilltown Road	Bates Hill Road to end of seal	C	0.4	Compliant	Compliant	Compliant	Compliant	N/A	
Sub-Total			1.0						
Copper Coast Council									
Agery Road	Kadina-Cunliffe Road to Council Boundary (Pedler Road)	C	2.2	Compliant	Compliant	Compliant	Compliant	N/A	
Athena Drive	Cooper Coast Highway to Spencer Highway	C	1.5	Compliant	Compliant	Compliant	Compliant	N/A	
Blyth Terrace	Blanche Terrace to Frances Terrace	C	0.9	Compliant	Compliant	Compliant	Compliant	N/A	
Charles Terrace	Cooper Coast Highway to Spencer Highway	C	0.9	Compliant	Compliant	Compliant	Compliant	N/A	
Chatfield Terrace	Cresco Road to Abraham Rydberg Drive	F, C	1.0	Compliant	Compliant	Compliant	Compliant	N/A	
Chatfield Terrace	Abraham Rydberg Drive to Jetty Road	C	0.6	Compliant	Compliant	Compliant	Compliant	N/A	
Clayton Drive	North Beach Road to Riley Road	C	1.2	Compliant	Compliant	Compliant	Compliant	N/A	
Coast Road	North Terrace to Harrys Point Road	C	2.8	Compliant	Compliant	Compliant	Compliant	N/A	
Cresco Road	Chatfield Terrace to Spencer Highway	C	1.4	Compliant	Compliant	Compliant	Compliant	N/A	
Drain Road	Rickera Road to Port Road	C	1.3	Compliant	Compliant	Compliant	Compliant	N/A	
Draper Street	Graves Street to Frances Terrace	C	0.1	Compliant	Compliant	Compliant	Compliant	N/A	
Ernest Terrace	Spencer Highway to Erington Street	C	0.5	Compliant	Compliant	Compliant	Compliant	N/A	
Frances Terrace	Blyth Terrace to Milne Terrace	C	0.6	Compliant	Compliant	Compliant	Compliant	N/A	
George Street	Blanche Terrace to Frances Terrace	C	0.9	Compliant	Compliant	Compliant	Compliant	N/A	
George Street (Newtown Road)	Drain Road to Lindsay Terrace	C	0.8	Compliant	Compliant	Compliant	Compliant	N/A	
Hallett Street	Lindsay Terrace to Doswell Terrace	C	0.3	Compliant	Compliant	Compliant	Compliant	N/A	
Harrys Point Road	Port Hughes Road to Dowling Drive	C	0.5	Compliant	Compliant	Compliant	Compliant	N/A	
Haylock Road	Moonita-Wallaroo Road to Bay Road	C	1.7	Compliant	Compliant	Compliant	Compliant	N/A	
Howard Street	Woodforde Drive to Oceanview Drive	C	0.1	Compliant	Compliant	Compliant	Compliant	N/A	
Jetty Road	Emu Street to Chatfield Terrace	C	0.7	Compliant	Compliant	Compliant	Compliant	N/A	
Kadina-Cunliffe Road	Kochs Road to Agery Road	C	11.6	Compliant	Compliant	Compliant	Compliant	N/A	
Lindsay Terrace	Hallett Street to Port Broughton Road	C	0.5	Compliant	Compliant	Compliant	Compliant	N/A	
Milne Terrace	Blanche Terrace to Frances Terrace	C	0.9	Compliant	Compliant	Compliant	Compliant	N/A	
Minnie Terrace	Harrys Point Road to waterfront	C	1.4	Compliant	Compliant	Compliant	Compliant	N/A	
Moonita-Wallaroo Road	Blyth Terrace to Spencer Highway	C	4	Compliant	Compliant	Compliant	Compliant	N/A	
Ninnes Road	Pine Forest Road to Council Boundary (Church Road)	F, C	4.3	Compliant	Compliant	Compliant	Compliant	N/A	
North Beach Road	Spencer Highway to Hopgood Road	C	1.9	Compliant	Compliant	Compliant	Compliant	N/A	
North Beach Road	Hopgood Road to Clayton Drive	C	0.7	Compliant	Compliant	Compliant	Compliant	N/A	
North Terrace	Haylock Road to Coast Road	C	2	Compliant	Compliant	Compliant	Compliant	N/A	
Oceanview Drive	Riley Road to Woodforde Drive	C	0.7	Compliant	Compliant	Compliant	Compliant	N/A	
Owen Terrace	Emu Street to Spencer Highway	C	0.3	Compliant	Compliant	Compliant	Compliant	N/A	
Owen Terrace	Spencer Highway to Copper Coast Highway	C	0.3	Compliant	Compliant	Compliant	Compliant	N/A	
Pamir Court	Pommern Way to waterfront	C	0.2	Compliant	Compliant	Compliant	Compliant	N/A	
Pommern Way	North Beach Road to Pamir Court	C	1.2	Compliant	Compliant	Compliant	Compliant	N/A	
Port Hughes Road	Milne Terrace to Harrys Point Road	C	2.4	Compliant	Compliant	Compliant	Compliant	N/A	
Railway Terrace (Paskerville)	Eighth Street to Copper Coast Highway	F	0.3	Compliant	Compliant	Compliant	Compliant	N/A	
Riley Road	Clayton Drive to Oceanview Drive	C	0.1	Compliant	Compliant	Compliant	Compliant	N/A	
Snodgrass Road	Spencer Highway to Point Riley Road	C	3.1	Compliant	Compliant	Compliant	Compliant	N/A	

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2030 REGIONAL TRANSPORT PLAN
COMPLIANT ROADS
(RTIA Committee Endorsed - 15 Feb 24)

HDS Australia Pty Ltd

Snodgrass Road	Point Riley Road to Wallaroo Plain Road	C	3.2	Compliant	Compliant	Compliant	Compliant	N/A	
Thrington Road	Mines Road to Kadina-Cunliffe Road	T	12.3	Compliant	Compliant	Compliant	Compliant	N/A	
Thrington Road	Kadina-Cunliffe Road to Copper Coast Highway	T	9.6	Compliant	Compliant	Compliant	Compliant	N/A	
Tickers Road	Spencer Highway to Drain Road	C	5.6	Compliant	Compliant	Compliant	Compliant	N/A	
Verran Terrace	Blanche Terrace to Moonta-Cunliffe Terrace	T, C	2.7	Compliant	Compliant	Compliant	Compliant	N/A	
Woodforde Drive	Oceanview Drive to Howard Street	C	0.4	Compliant	Compliant	Compliant	Compliant	N/A	
Woodforde Drive	Hoggood Road to 86 Woodforde Drive (90 degree bend)	C	0.5	Compliant	Compliant	Compliant	Compliant	N/A	
Sub-Total			90.2						
The Flinders Ranges Council									
Park Terrace	Railway Terrace to Silo Road	F, C	0.2	Compliant	Compliant	Compliant	Compliant	N/A	
Richman Valley Road	South Terrace to Wolseley Terrace	C	0.3	Compliant	Compliant	Compliant	Compliant	N/A	
Rodgers Road	Horrocks Highway to Bruce Road	F	0.4	Compliant	Compliant	Compliant	Compliant	N/A	
West Terrace	Railway Terrace to South Terrace	C	0.5	Compliant	Compliant	Compliant	Compliant	N/A	
Sub-Total			1.4						
Regional Council of Goyder									
Booberowie Road	Goyder Highway to South Terrace	C	1.9	Compliant	Compliant	Compliant	Compliant	N/A	
Copper Ore Road	Farrell Flat Road to Council Boundary (Airport Road)	F	2.3	Compliant	Compliant	Compliant	Compliant	N/A	
Three Chain Road	Thiele Highway to South Terrace	F	0.5	Compliant	Compliant	Compliant	Compliant	N/A	
Sub-Total			4.7						
Light Regional Council									
Anlaby Road	Thiele Highway to 829 Anlaby Road	T	8.2	Compliant	Compliant	Compliant	Compliant	N/A	
Annie Terrace	Mudla Wirra Road to Goss Road	C	0.7	Compliant	Compliant	Compliant	Compliant	N/A	
Belvidere Road	Truro Road to Sturt Highway	F, C	7.0	Compliant	Compliant	Compliant	Compliant	N/A	
Boundary Road	Two Wells Road to Gawler River Road	F, C	3.6	Compliant	Compliant	Compliant	Compliant	N/A	
Cliff Road	Gartrell Street to College Road	F, C	0.6	Compliant	Compliant	Compliant	Compliant	N/A	
Coleman Road	Forrest Road to Currie Road	F	5.5	Compliant	Compliant	Compliant	Compliant	N/A	
Coleman Road	Currie Road to Mudla Wirra Road	F	2.4	Minor	Compliant	Compliant	Compliant	N/A	
Currie Road	Coleman Road to Mudla Wirra Road	F	3.1	Compliant	Compliant	Compliant	Compliant	N/A	
East Terrace	Thiele Highway to Perry Road (northern sealed section)	F, T	2.1	Compliant	Compliant	Compliant	Compliant	N/A	
East Terrace	Perry Road to Thiele Highway (southern unsealed section)	F	1.6	Compliant	Compliant	Compliant	Compliant	N/A	
Gawler River Road	Two Wells Road to Heaslip Road	F, C	3.2	Compliant	Compliant	Compliant	Compliant	N/A	
Gawler River Road	Heaslip Road to Boundary Road	F, C	1.5	Compliant	Compliant	Compliant	Compliant	N/A	
Gerald Roberts Road	Gomersal Road to Seppeltsfield Road	F, T	5.0	Compliant	Compliant	Compliant	Compliant	N/A	
Hancock Road	Adelaide Road to Kidman Road	F	1.5	Compliant	Compliant	Compliant	Compliant	N/A	
Hatcher Road	Oates Road to Wilkinson Road	F	2.0	Compliant	Compliant	Compliant	Compliant	N/A	
Heaslip Road	Gawler River Road to Council Boundary (Gawler River / Metta Watte)	F, C	1.0	Compliant	Compliant	Compliant	Compliant	N/A	
John Eden Road	Sturt Highway to Thiele Highway	F	2.0	Compliant	Compliant	Compliant	Compliant	N/A	
Kentish Road	Redbanks Road to Parkers Road	C	0.9	Compliant	Compliant	Compliant	Compliant	N/A	
Kidman Road	Hancock Road to Tarlee Road	F	0.9	Compliant	Compliant	Compliant	Compliant	N/A	
Kings Bridge Road	Thiele Highway to Marrabel Road	F	3.2	Compliant	Compliant	Compliant	Compliant	N/A	
Lyndoch Road	Gomersal Road to Schmaal Road	F, T	0.9	Compliant	Compliant	Compliant	Compliant	N/A	
Lyndoch Road	Schmaal Road to Council Boundary (North Para River)	F, T	4.8	Compliant	Compliant	Compliant	Compliant	N/A	
Mogga Road (south)	Greenock Road to Council Boundary (Peramangk Road)	F	0.9	Compliant	Compliant	Compliant	Compliant	N/A	
Mudla Wirra Road	Redbanks Road to Annie Terrace	F, C	8.7	Compliant	Compliant	Compliant	Compliant	N/A	
Mudla Wirra Road	Annie Terrace to end of seal	F	1.5	Compliant	Compliant	Compliant	Compliant	N/A	
Mudla Wirra Road	End of seal to Owen Road	F	6.2	Compliant	Compliant	Compliant	Compliant	N/A	
Nurse Road	Sturt Highway to Thiele Highway	C	3.6	Compliant	Compliant	Compliant	Compliant	N/A	
Oates Road	Redbanks Road to Hatcher Road	F	3.2	Compliant	Compliant	Compliant	Compliant	N/A	
Parkers Road	Kentish Road to end of road	C	0.4	Compliant	Compliant	Compliant	Compliant	N/A	

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2030 REGIONAL TRANSPORT PLAN
COMPLIANT ROADS
(RTIA Committee Endorsed - 15 Feb 24)

HDS Australia Pty Ltd

Perry Road	Adelaide Road to East Terrace	F, T	1.0	Compliant	Compliant	Compliant	Compliant	N/A	
Peramangk Road	Moppa Road to dead end	F	0.4	Compliant	Compliant	Compliant	Compliant	N/A	
Rosedale Road	Gomersal Road to Council Boundary (North Para River)	F	4.5	Compliant	Compliant	Compliant	Compliant	N/A	
Roseworthy Road	Sturt Highway to Horrocks Highway	F, C	3.7	Compliant	Compliant	Compliant	Compliant	N/A	
Seppeltsfield Road	Kraehe Road to Stonewell Road	F, T	2.4	Compliant	Compliant	Compliant	Compliant	N/A	
Seppeltsfield Road	Stonewell Road to Council Boundary (North Para River)	F, T	2.5	Compliant	Compliant	Compliant	Compliant	N/A	
Smyth Road	Stonewell Road to Council Boundary (North Para River)	F, T	1.9	Compliant	Compliant	Compliant	Compliant	N/A	
Stelzer Road	Seppeltsfield Road to Council Boundary (North Para River)	T	1.8	Compliant	Compliant	Compliant	Compliant	N/A	
Stonewell Road	Sir Condor Laucke Way to Seppeltsfield Road	F, T	2.3	Compliant	Compliant	Compliant	Compliant	N/A	
Stonewell Road	Seppeltsfield Road to Smyth Road	F, T	2.4	Compliant	Compliant	Compliant	Compliant	N/A	
Turrefield Road	Gomersal Road to Rosedale Road	F, C	3.2	Compliant	Compliant	Compliant	Compliant	N/A	
Wilkinson Road	Hatcher Road to Two Wells Road	F	2.5	Compliant	Compliant	Compliant	Compliant	N/A	
Sub-Total			114.8						

Legatus Group

2030 REGIONAL TRANSPORT PLAN
COMPLIANT ROADS
(RTIA Committee Endorsed - 15 Feb 24)

HDS Australia Pty Ltd

District Council of Mount Remarkable									
Booleroo Road	Willowie Road to end of seal	F, T, C	0.4	Compliant	Compliant	Compliant	Compliant	N/A	
Booleroo Road	Morchard Road to Colin Street	F, T, C	1.6	Compliant	Compliant	Compliant	Compliant	N/A	
Causeway Road	North Flinders Esplanade to Augusta Highway	C	3.1	Compliant	Compliant	Compliant	Compliant	N/A	
Colin Street	Stephens Street to Nukunu Yarta Way	F	1.0	Not Assessed	Not Assessed	Not Assessed	Not Assessed	N/A	
Mambray Creek Track	Park Road to the Y junction on Mambray Creek Track	T	0.2	Compliant	Compliant	Compliant	Compliant	N/A	
Port Germein Road	Augusta Highway to Augusta Highway via township	C	4.2	Compliant	Compliant	Compliant	Compliant	N/A	
Reichstein Road	Dickson Road to Horrocks Highway	F	0.6	Compliant	Compliant	Compliant	Compliant	N/A	
Schmidt Road	Pinda Road to McCallum Road	F	2.8	Compliant	Compliant	Compliant	Compliant	N/A	
Sub-Total			13.9						
Northern Areas Council									
Andrews Road	Hill River Road to Council Boundary	F	4.6	Compliant	Compliant	Compliant	Compliant	N/A	
Hill River Road	Andrews Road to The Bluff Road (Council Boundary)	C	7.0	Compliant	Compliant	Compliant	Compliant	N/A	
Price Maurice Road	Chappies Road to Council Boundary	F	0.5	Compliant	Compliant	Compliant	Compliant	N/A	
Stagg Road	Calowie-Tarowie Road to Chappies Road	F	1.7	Compliant	Compliant	Compliant	Compliant	N/A	
Sub-Total			13.8						
District Council of Orreroo Carleton									
Price Maurice Road	Booleroo Road to Council Boundary	F	12.5	Compliant	Compliant	Compliant	Compliant	N/A	
Sub-Total			12.5						
District Council of Peterborough									
Belalie Road	South Terrace to Council Boundary (Downing Road)	C	9.5	Compliant	Compliant	Compliant	Compliant	N/A	
Chomel Street	East Terrace to O'Dea Road	C	0.5	Compliant	Compliant	Compliant	Compliant	N/A	
Dawson Road	Main Street to High Street	C	24.3	Compliant	Compliant	Compliant	Compliant	N/A	
Earle Road	O'Dea Road to Cleary Road	C	10.2	Compliant	Compliant	Compliant	Compliant	N/A	
Second Street	Beniah Road to East Terrace	C	0.2	Compliant	Compliant	Compliant	Compliant	N/A	
Sub-Total			44.7						
Port Pirie Regional Council									
Darben Terrace	Firth Road to Goyder Highway	F, C	0.6	Compliant	Compliant	Compliant	Compliant	N/A	
Dunstall Road (Port Pirie)	Warnertown Road to end	F	0.1	Compliant	Compliant	Compliant	Compliant	N/A	
Flinders View Drive	Scenic Drive to Nelshaby Road	C	0.5	Compliant	Compliant	Compliant	Compliant	N/A	
Ingram Gap Road	Augusta Highway to Council Boundary (Mundoora Boundary Road)	C	13.4	Compliant	Compliant	Compliant	Compliant	N/A	
Mundoora Boundary Road	Pattingale Road to Ingram Gap Road along the boundary with District Council of B	F	3.3	Compliant	Compliant	Compliant	Compliant	N/A	
Railway Terrace (Port Pirie)	Waits Road to Pirie Blocks Road	C	0.1	Not Assessed	Not Assessed	Not Assessed	Not Assessed	N/A	
Scenic Drive (North)	North Terrace to Flinders View Drive	C	2.7	Not Assessed	Not Assessed	Not Assessed	Not Assessed	N/A	
Sixth Street	South Terrace to North Terrace	C	0.5	Compliant	Compliant	Compliant	Compliant	N/A	
Third Street	Fifth Street to Sixth Street	C	0.2	Compliant	Compliant	Compliant	Compliant	N/A	
Sub-Total			21.4						

Legatus Group

2030 REGIONAL TRANSPORT PLAN
COMPLIANT ROADS
(RTIA Committee Endorsed - 15 Feb 24)

HDS Australia Pty Ltd

Wakefield Regional Council									
Blyth Road	Augusta Highway to Blyth Plains Road	F, C	30.8	Compliant	Compliant	Compliant	Compliant	N/A	
Dunn Road	Tranger Road to Balaklava Road	F, C	3.2	Compliant	Compliant	Compliant	Compliant	N/A	
Maggie Creek Road	Condowie Plain Road to Blyth Road	F, C	19.4	Compliant	Compliant	Compliant	Compliant	N/A	
Mail Road	Pump Station Road to Council Boundary (Bush Road)	F	2.4	Compliant	Compliant	Compliant	Compliant	N/A	
Mail Road	Copper Coast Highway to Scott Road, there is a section along the boundary with District Council of Barossa	F	6.2	Compliant	Compliant	Compliant	Compliant	N/A	
Main Street	Condowie Plain Road to Belling Street	C	1.7	Compliant	Compliant	Compliant	Compliant	N/A	
Mundoora Boundary Road	Wokurna Road to Pattingale Road along the boundary with District Council of Barossa	F	8.6	Compliant	Compliant	Compliant	Compliant	N/A	
Stow Road	Blyth Plains Road to Halbury School Road	C	1.6	Compliant	Compliant	Compliant	Compliant	N/A	
Templeton Road	Nantawarra Road to Hudson Road	F, T, C	12.9	Compliant	Compliant	Compliant	Compliant	N/A	
Whitwarta Road	Hudson Road to Railway Terrace	T, C	0.5	Compliant	Compliant	Compliant	Compliant	N/A	
Sub-Total			87.3						
Yorke Peninsula Council									
Agery Road	Arthurton Road to Council Boundary (Pedler Road)	C	6.7	Compliant	Compliant	Compliant	Compliant	N/A	
Arthurton Road	Yorke Highway to Ardrossan Road	C	0.7	Compliant	Compliant	Compliant	Compliant	N/A	
Balgowan Road	Spencer Highway to Melaleuca Court	T, C	15.0	Compliant	Compliant	Compliant	Compliant	N/A	
Bayview Road	Brutus Road to North Coast Road	C	2.1	Compliant	Compliant	Compliant	Compliant	N/A	
Black Point Road	St Vincent Highway to 68 Black Point Road	C	3.5	Compliant	Compliant	Compliant	Compliant	N/A	
Bookyanna Road	Port Victoria Road to Hughes Avenue	C	7.1	Compliant	Compliant	Compliant	Compliant	N/A	
Davit Drive	Bluff Road to Edwards Street	C	0.4	Compliant	Compliant	Compliant	Compliant	N/A	
Hayward Park Road	St Vincent Highway to First Street	C	5.4	Compliant	Compliant	Compliant	Compliant	N/A	
Liddiard Road	Corry Point Road to Hayes Road	T, C	8.2	Compliant	Compliant	Compliant	Compliant	N/A	
Lime Kiln Road	St Vincent Highway to Buttfield Avenue	T, C	1.5	Compliant	Compliant	Compliant	Compliant	N/A	
Main Street	Reserve Terrace to Mount Rat Road	C	0.1	Compliant	Compliant	Compliant	Compliant	N/A	
Main Street	Melaleuca Court to Ocean Parade	C	0.2	Compliant	Compliant	Compliant	Compliant	N/A	
McEacherns Beach Road	Waterloo Bay Road to First Street	C	4.3	Compliant	Compliant	Compliant	Compliant	N/A	
Nalyappa Road	Spencer Highway to Balgowan Road	C	26.1	Compliant	Compliant	Compliant	Compliant	N/A	
Nalyappa Road	Balgowan Road to Port Victoria Road	C	16.2	Compliant	Compliant	Compliant	Compliant	N/A	
North Coast Road	Bayview Road to end of seal	C	0.7	Compliant	Compliant	Compliant	Compliant	N/A	
Parsons Beach Road	Bluff Road to Leonard Court	C	1.2	Compliant	Compliant	Compliant	Compliant	N/A	
Pine Point Road	End of Seal to St Vincent Highway	C	24.0	Compliant	Compliant	Compliant	Compliant	N/A	
Point Pearce Road	Port Victoria Road to Bookyanna Road	C	9.5	Compliant	Compliant	Compliant	Compliant	N/A	
Point Turton Road	Yorke Highway to Brutus Road	T, C	3.9	Compliant	Compliant	Compliant	Compliant	N/A	
Savio Road	Brutus Road to Esplanade	C	0.4	Compliant	Compliant	Compliant	Compliant	N/A	
South Coast Road	Yorke Highway to Greenhill Road	C	47.9	Compliant	Compliant	Compliant	Compliant	N/A	
Waterloo Bay Road	Greenhill Road to McEacherns Beach Road	C	7.0	Compliant	Compliant	Compliant	Compliant	N/A	
Wauralteet Road	Spencer Highway to Port Victoria Road	T, C	17.9	Compliant	Compliant	Compliant	Compliant	N/A	
Sub-Total			210.0						
TOTAL			718						

Legatus Group

2030 Regional Transport Plan - 2023 Regional Roads Database

Summary of Road Proposals - Updated Feb 2024

Sort in Descending Order using Data / Sort by Column "H", then by Column "F"

Council	Road Name	Segment	Primary Purpose	Stage 1 Score (100 max)	Stage 1 Ranking	Stage 2 Score (30 max)	Final Score	Final Funding Priority	Council Year of Proposed SLRP Funding
YPC	North Coast Road	Point Turton Township to Point Souttar Road	Community Access	69	2	23	92	1	22/23
LRC	Samuel Road	Greenock Road to Seppeltsfield Road	Freight	70	1	0	70	6	25/26
LRC	Seppeltsfield Road	Peter Seppelt Road to Gerald Roberts Road	Tourism	69	6	15	84	2	23/24
CCC	Magazine Road	Spencer Highway to Sharples Road	Freight	69	3	13	82	3	23/24
CCC	Bowman Road	Copper Coast Highway to Spencer Highway	Freight	69	3	0	69	7	24/25
CCC	Sharples Road	Magazine Road to Bowman Road	Freight	69	3	13	82	3	23/24
LRC	Bethel Road	Horrocks Highway to End of Seal	Freight	64	8	0	64	8	24/25
WRC	Koolunga Road	End Kwt to Boucaut Road	Freight	65	7	17	81	5	23/24
NAC	Andrews Road	RM Williams Way to Hill River Road	Freight	64	9	0	64	9	26/27
LRC	Wasleys Road	Woolsheds Road to End of Seal	Freight	63	10	0	63	10	26/27
NAC	Andrews Road and RM William	Andrews Road and RM Williams Way Intersection	Freight	61	11	0	61	11	24/25
WRC	Saint Station Road	Balaklava Road to Templeton Road	Freight	60	12	0	60	12	25/26
APC	Hart Road	Port Wakefield Road to Devon Road	Freight	58	13	0	58	13	25/26
APC	Wasleys Road	Cheek Road to Woolsheds Road	Freight	54	14	0	54	14	25/26
RCG	Claremont Road	Farrell Flat Road to Quarry Entrance	Freight	52	15	0	52	15	26/27
DCP	Colton Road	Main Road to Price Road	Freight	51	16	0	51	16	25/26

Note - The following recommended "2023 Regional Priorities", sorted both by "Overall" and "Primary Purpose", are based upon all road segment upgrades submitted for consideration with "2023-24" council priority that are not yet completed (being a subset of all road segment upgrades listed in the 2023 Regional Roads Database).

Council	Road Name	Segment	Primary Purpose	Final Score	Final Funding Priority	2024 Priority Overall	2024 Priority by Purpose	SLRP Grant Sought (\$)	SLRP Notes for LGTAP
YPC	North Coast Road	Point Turton Township to Point Souttar Road	Community Access	92	1			\$1,600,000	Continue - Year 3 of 3
CCC	Bowman Road	Copper Coast Highway to Spencer Highway	Freight	69	7			\$1,300,000	New - Year 1 of 1
LRC	Bethel Road	Horrocks Highway to End of Seal	Freight	64	8			\$2,400,000	New - Year 1 of 1
NAC	Andrews Road and RM William	Andrews Road and RM Williams Way Intersection	Freight	61	11			\$100,000	New - Year 1 of 3
BC	Bethany Road							\$400,000	New - Year 1 of 1
						R1	F1	\$5,800,000	

Notes:

1. Based upon historical SLRP grant funds available to Legatus Group (circa \$3 to \$4 million), the likely SLRP funded projects are R1 to R5 (ie. All submissions).

15/02/2024

Summary

Legatus Group roads database calculator - Feb 24 draft.xlsm

18.4 CONSTRUCTION AND MAINTENANCE WORKS**Document #:** 24/17611**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 March 2024 meeting of Council.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN**Goal:** 2 Community Connected through Infrastructure**Strategy:** 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
South			
Green Flat Road	Pentonvale Road	Wool Bay township	Completed
Lower White Hut Road	Hundred Line Road	Marion Bay Road	Ongoing
Port Vincent Road	St Vincent Highway	Main Street Port Vincent	Completed
Lime Kiln Road	St Vincent Highway	Old Coast Road	Completed
North			
North South Road	Maitland Road	Mine Hill Road	In progress

Attention to parks, gardens and reserves is ongoing, in accordance with available resources and programming.

Approximately 81 Customer Service Requests (CSRs) have been attended to by staff throughout the reporting period, with activities including:

- Repairs to and replacement of signage: Tiddy Widdy, Maitland, Port Vincent, Wool Bay, Honiton, Troubridge Hill, Point Turton, Edithburgh
- Maintenance to public conveniences: Ardrossan, The Gap, Maitland, Minlaton, Yorketown, Warooka, Daly Head, Coobowie
- Repairs and maintenance to footpaths: Point Pearce, Maitland, Ardrossan, Pine Point, Port Victoria, James Well, Tiddy Widdy, Port Vincent
- Tree maintenance and planting: Maitland, Stansbury, Edithburgh, Sunbury, Coobowie

- Coastal infrastructure maintenance: Rogues Point, Black Point, Balgowan, Port Julia, Port Victoria, Sunbury
- Maintenance to public buildings: Edithburgh, Stansbury
- Tree trimming: Ardrossan, Rogues Point, Arthurton, Port Clinton, Pine Point, Tiddy Widdy, Port Vincent, Hardwicke Bay, Coobowie, Stansbury, Edithburgh
- Weed spraying: Price, Curramulka, Coobowie, Stansbury, Edithburgh, Warooka, Yorketown
- Campground maintenance: Wattle Point, Mozzie Flat, Sturt Bay, Fowl Bay, Daly Head
- Repairs to ticket machines: Port Vincent, Edithburgh
- Playground equipment maintenance: Balgowan
- Stormwater infrastructure maintenance: James Well, Maitland, Balgowan, Port Julia, Port Vincent, Marion Bay
- Cemetery maintenance: Pink Lake
- Walk the Yorke maintenance: Port Victoria
- Street sweeping was undertaken in the Northern sector of the Council area.
- North Coast Road (Stage 2) – North Coast Road project is nearing completion with some minor stormwater works to be undertaken.
- Marion Bay Boat Ramp and Carpark - Survey set out has commenced on site; fencing of site and compound area is underway. Awaiting EPA approval for the contractors dredging permit before major works can commence.

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 resheet 2.43km from Yorke Highway to Cook Road	Works completed		
Sandy Church Road	Reconstruct and resheet 3.4km from Spencer Highway towards Summer Track	Material delivered and currently resheeting is in process	October	March
Black Bobs Road	1 section of patchwork resheet of 5096 ^{m²} between St Vincent Highway and Redding Road	Earthworks reforming and material delivery completed. Waiting for resheet process	January	March
Yorke Valley Road	1 section of patchwork resheet of 7072 ^{m²} between Summer Track and Yarrum Road	Earthworks reforming completed material currently being delivered and waiting for resheet process	February	March

Yorke Valley Road	1 section of patchwork resheet of 4576 ^{m2} between Yarrum and Sandy Church Roads	Earthworks reforming completed. Waiting for material delivery and resheet process	February	April
South Kilkerran Road	1 section of patchwork resheet of 6136 ^{m2} between Barley Stack Road and Urania	Earthworks and reforming currently in process	February	April
Beach Road	Stabilizing works	Works completed		
Heel Road	Reconstruct and resheet 4300m	Works completed		
New Honiton Road	Reform and reshape existing road, correcting horizontal alignment and low areas	Works completed		
South Coast Road	Reconstruct and resheet 5000m	Preparation works commenced	February	May
Moorowie Station	Dust suppression, Tyne corrugations, potholes, add Polychlor dust suppression 850m / 6800 ^{m2}	Works completed		
Wool Bay Township	Dust suppression various roads 3150m / 25200 ^{m2} Grade, water, roll, add Polychlor dust suppression	Works completed		
Active Road Pt Julia	Reform roads add dust suppression 1400m / 10100 ^{m2}	Ongoing	February	March

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

North	Percent (%)	Roads
Patrol Output	67%	Weetulta and Gap Roads, sections along Nalyappa Road
Drains	33%	Weetulta area
CAPEX		
Other*		
Maitland		
Patrol Output	42%	Cunningham, Sandy Church, Hasting Roads and Summer Track
Drains	42%	Urania and surrounding areas

CAPEX	8%	
Other*	8%	2 days leave
Central		
Patrol Output	88%	Treloar, Gum Flat, Cutline and Lime Kiln Roads, Stansbury
Drains		
CAPEX		
Other*	12%	1 day leave and 2 days magnet
South		
Patrol Output	44%	Waterloo Bay Road
Drains		
CAPEX	39%	New Honiton and Heels Roads
Other*	17%	Leave and Operator resignation
*Patrol Grading productivity in the North, Maitland, Minlaton and South sectors has been impacted by Annual, Personal and Long Service Leave, TOIL, Workcover and Maintenance		

LRCIP Stage 3 status:

Twenty-five 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:
 - Salt Lake Tourist Trail Upgrades
 - Lookout and Shelter – Hardwicke Bay
 - Coastal Management Strategy Projects
- Completed:
 - Artherton Main Street Beautification
 - Maitland West Terrace Dam
 - Minlaton Rest Centre Exterior Upgrades
 - Walking Trail 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)

Maitland

- Chlorine tank repairs completed
- Gravity drain cleaning and inspections programme continuing
- Odour control system upgrade continuing

Ardrossan

- WWTP aerator repairs completed
- Rising main repairs commenced WWTP bypass pipe work continuing
- Odour control system upgrade continuing

Port Vincent

- WWTP filtration repairs completed

Point Turton

- Irrigation pump repairs carried out

Yorketown

- Golf Club and walking trail remedial works continuing

Marion Bay desal plant

- Upgrades completed to CO2 gas injection system

Minlaton Stormwater harvesting project

- Additional outlet and flowmeter installed

Maitland stormwater reuse

- Some pipework modifications completed
- Repairs to pumps completed

(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 #: 24/16698

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 reporting period 25 January 2024 to 20 February 2024, 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 dog and cat management issues.

Dog Attacks/Harassment

A dog was attacked by another dog at the Oyster Point Drive Caravan Park, Stansbury. As a result of the attack, the dog received extensive injuries and was treated at the local Veterinarian. The owner of the offending dog has commenced compensating the victims for the cost of the surgery. Council has given documentation to the offending dog's owner of Council's intention to issue a Dangerous Dog Control Order.

Council's Ranger is investigating a complaint from a Yorketown resident in relation to an alleged incident where the neighbour's dog enters their property and harasses their dog. The complainant was reluctant to take any action over the incident but wants the neighbour to keep their dog on their property. The offending dog owner was advised to keep the dog from entering private property or wandering at large. No further action was taken over the alleged incident.

Wandering and Nuisance Dog

A dog was detained whilst wandering at large in Yorketown. The registered dog was returned to its owner and cautioned as a result of the dog wandering at large.

A Minlaton dog owner was spoken to in relation to a complaint regarding their dog barking excessively when they are not home.

Cat Control

Council continues to receive complaints in relation to unowned cats in Ardrossan, Minlaton and Edithburgh. Rangers have investigated and removed two cats from Ardrossan and 12 from Minlaton.

Rangers will continue to monitor and work with the community on reducing the impact of unowned cats.

Council has been advised by the Dog and Cat Management Board that Council was successful in obtaining an \$8,080 grant for the purchase of new cages to assist in the ongoing management of feral and unowned cats. The grant money will be used to purchase approximately 40 new cages which will be used by the Rangers to target feral cat populations and also allow for the replacement of the cages available for use by the public at the Council offices.

Bush Camping

Council Rangers continue to manage camping in undesignated areas and those without permits in the designated areas. There were 35 show cause notices issued during this reporting period.

As a result of patrols by Council Rangers during the reporting period, nine expiation notices were issued to campers in designated areas that did not have a permit. A total of 15 expiation notices were issued for camping in undesignated areas which included Flaherty's Beach, Edithburgh, Honiton, Point Turton, Coobowie, Wool Bay, and Corny Point. One expiation was issued for an offender having a campfire, whilst another camper received an expiation for having a campfire and an expiation for camping in an undesignated area.

Boat Ramps

Routine patrols of boat ramps were undertaken to ensure that users pay for the use of the facilities. There were 35 show cause notices 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 no expiation notices have been issued in relation to boat ramp usage offences, however the subsequent follow up of the show cause notices could result in expiation notices being issued to offenders.

Vehicle Parking 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 for vehicles obstructing a driveway in Yorketown. Two expiation notices were issued as a result of vehicles being parked on a nature strip, one in Wool Bay and the other in Edithburgh. A car with a boat was issued an expiation notice for stopping on a yellow line in Point Turton.

A driver of a vehicle was cautioned for parking adjacent to the walking trail at Edithburgh.

Local Nuisance and Litter Control

Rangers continue to monitor properties at Corny Point and Warooka to ensure compliance with the direction to remediate the unsightly condition of the land.

Council Rangers have been liaising with an owner of land in Port Clinton in relation to the unused vehicles and rubbish on the road verge in front of their premises. The owner complied with the direction to remove all the materials and unused vehicles from the roadside.

A contractor working on a commercial premises in Minlaton was cautioned for creating a local nuisance as he was starting work and creating construction noise before the permitted time of 7am.

Fire Prevention

Council's Fire Prevention Officers continue to monitor any properties that have high fuel loads and action accordingly.

The farming burning off season commences on 1 March 2024. The weather conditions will be monitored by Council's Fire Prevention Officers and burning may not be permitted because of the current or approaching adverse weather conditions, even if it is not an official fire ban day.

ATTACHMENTS

Nil

19.2 DEVELOPMENT APPLICATION DECISIONS**Document #:** 24/20471**Department:** Development Services**PURPOSE**

To inform the Elected Members of Development Application decisions for the period 1 February to 29 February 2024.

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.

DISCUSSION

There were 47 Development Applications processed on the SA Planning Portal for the period 1 February to 29 February 2024 (refer Attachment 1).

ATTACHMENTS

1. Development Application Decisions - 1/02/2024 - 29/02/2024 [↓](#) 

DEVELOPMENT APPROVALS – DEVELOPMENT ASSESSMENT PORTAL – 1 FEBRUARY TO 29 FEBRUARY 2024

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
24003717	P Baynes	67 EDWARDES TCE PORT VICTORIA SA 5573	Shed (outbuilding)	Yorke Peninsula Council	16 Feb 2024	Development Approval Granted
24002300	S Hasan	16 MARY ST EDITHBURGH SA 5583	Land Division (1 into 2 Torrens Title allotments)	Yorke Peninsula Council	1 Feb 2024	Development Approval Granted
24002069	J Parfitt	20 ACTIVE RD PORT JULIA SA 5580	Construction of a domestic outbuilding - freestanding carport (measuring 6.0m x 4.6m x 3.0m post ...	Yorke Peninsula Council	26 Feb 2024	Development Approval Granted
24001710	D LeMonnier	11 CASPER CR PORT VICTORIA SA 5573	Outbuilding (Replacement)	Yorke Peninsula Council	30 Jan 2024	Development Approval Granted
24001410	D Southwood	669 NORTH SOUTH RD MAITLAND SA 5573	Outbuilding	Yorke Peninsula Council	21 Jan 2024	Development Approval Granted
24001362	J Cowin	31 BROWN RD JAMES WELL SA 5571	Shed (Outbuilding) 12.0m x 7.5m x 3.5m	Yorke Peninsula Council	24 Jan 2024	Development Approval Granted
23037968	P Button, J Button	630 OLD PORT VINCENT RD RAMSAY SA 5575	Land Division - 1 into 2 Allotments	Yorke Peninsula Council	8 Jan 2024	Development Approval Granted
23037663	D Ware	LOT 92 PASSAT ST PORT VICTORIA SA 5573	Relocation of existing garage on site - lean-to on side of garage to be demolished	Yorke Peninsula Council	22 Dec 2023	Development Approval Granted
23037368	B Prime, S Prime	52-54 FIFTH ST WOOL BAY SA 5575	Replacement Building	Yorke Peninsula Council	17 Jan 2024	Development Approval Granted
23036918	A Dreckow, I Dreckow	23 EAST TCE MINLATON SA 5575	Outbuilding	Yorke Peninsula Council	15 Dec 2023	Development Approval Granted

ID ↓	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
23036804	Point Pearce Aboriginal Corporation	-34.416898, 137.502347 -34° 25' 1", 137° 30' 8"	Shade Sail over recreation ground.	Yorke Peninsula Council	23 Jan 2024	Development Approval Granted
23036012	S Peart	LOT 4 MARINE PDE PORT MOOROWIE SA 5576	Single Storey Detached Dwelling	Yorke Peninsula Council	6 Dec 2023	Development Approval Granted
23035995	Z Kuzniecowa, T Kuzniecowa	1 MICHAEL ST STANSBURY SA 5582	Single Storey Detached Dwelling	Yorke Peninsula Council	18 Dec 2023	Development Approval Granted
23035851	W Fraser, J Fraser	2 WEST TCE MINLATON SA 5575	Residential Outbuilding - Garage	Yorke Peninsula Council	7 Dec 2023	Development Approval Granted
23035667	B Dolman	42 ESPLANADE PINE POINT SA 5571	Carport	Yorke Peninsula Council	7 Dec 2023	Development Approval Granted
23035375	H Gameau	82 MAIN ST PORT VINCENT SA 5581	Land Division (1 into 2)	Yorke Peninsula Council	4 Dec 2023	Development Approval Granted
23035311	J STEPHENS	48 FORESHORE RD HARDWICKE BAY SA 5575	Outbuilding (shed)	Yorke Peninsula Council	5 Dec 2023	Development Approval Granted
23034713	A Cotton	36-38 MAITLAND RD MINLATON SA 5575	Outbuilding - Shed	Yorke Peninsula Council	4 Dec 2023	Development Approval Granted
23034020	S FLACK	114 SULTANA POINT RD EDITHBURGH SA 5583	Single Storey Detached Dwelling and Outbuilding - Shed	Yorke Peninsula Council	4 Dec 2023	Development Approval Granted
23033645	T Goldsworthy, T Goldsworthy	24 WEST TCE MINLATON SA 5575	Outbuilding - Shed	Yorke Peninsula Council	15 Nov 2023	Development Approval Granted

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
23033326	T Crown	LOT 482 PARKVIEW RD ARDROSSAN SA 5571	Outbuilding with toilet for use in association with onsite caravan (Site 33)	Yorke Peninsula Council	15 Nov 2023	Development Approval Granted
23032902	L Boyd, E Stojanovic	19 BLANCHE ST EDITHBURGH SA 5583	Outbuilding - Shed	Yorke Peninsula Council	14 Dec 2023	Development Approval Granted
23032737	W Collyer, J Collyer	7 BLUEBAY DR POINT TURTON SA 5575	Single Storey Detached Dwelling and Outbuilding	Yorke Peninsula Council	7 Nov 2023	Development Approval Granted
23031534	P Effingham, M Effingham	17 TRENGOVE DR POINT TURTON SA 5575	Single storey detached dwelling	Yorke Peninsula Council	27 Oct 2023	Development Approval Granted
23031533	A MEJEAN	15 MAIN ST PORT VINCENT SA 5581	Dwelling alterations (enclose rear verandah for use as habitable room).	Yorke Peninsula Council	2 Nov 2023	Development Approval Granted
23031518	D Allen	1966 ARTHURTON RD ARTHURTON SA 5572	Agricultural building for storage of machinery.	Yorke Peninsula Council	2 Nov 2023	Development Approval Granted
23031485	J McIntosh, K Sziller-Collins	21 DOLPHIN DR MARION BAY SA 5575	Single Storey Detached Dwelling	Yorke Peninsula Council	1 Nov 2023	Development Approval Granted
23031312	W Gunn	19 ANNIE WATT ST PRICE SA 5570	Verandah (rear)	Yorke Peninsula Council	7 Nov 2023	Development Approval Granted
23030617	T Crown	LOT 650 SOUTH TCE EDITHBURGH SA 5583	Add annex to existing caravan	Yorke Peninsula Council	30 Oct 2023	Development Approval Granted
23030256	M Gilsmore, B Webb, S Grist	LOT 100 SCARLET RUNNER RD THE PINES SA 5577, 61 SCARLET RUNNER RD THE PINES SA 5577, 63 SCARLET RU..	Land division (boundary realignment) - 3 lots into 3	Yorke Peninsula Council	21 Nov 2023	Development Approval Granted

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
23029277	M DUTSCHKE	1159 WURLIE RD CORNY POINT SA 5575	Agricultural Building - Machinery Shed	Yorke Peninsula Council	10 Oct 2023	Development Approval Granted
23027979	C Carroll, S Rowntree	118 SULTANA POINT RD EDITHBURGH SA 5583	Two storey detached dwelling	Yorke Peninsula Council	17 Oct 2023	Development Approval Granted
23027547	R Brown, W Brown	3-4 DALRYMPLE TCE STANSBURY SA 5582	Single storey detached dwelling with double garage and alfresco	Yorke Peninsula Council	11 Oct 2023	Development Approval Granted
23026869	K TRIMBOLI	10 CERES ST STANSBURY SA 5582	Dwelling Additions including Verandah and Carport	Yorke Peninsula Council	27 Sept 2023	Development Approval Granted
23025698	M Shepley	811 POINT ANNIE RD CORNY POINT SA 5575	Workers' Accommodation	Yorke Peninsula Council	10 Oct 2023	Development Approval Granted
23025174	James Corcoran C-/ Future Urban Pty Ltd	LOT 5 BLACK POINT DR BLACK POINT SA 5571	Store (for domestic purposes)	Yorke Peninsula Council	4 Sept 2023	Development Approval Granted
23024914	J Smith, J Smith	7 NORTH COAST RD POINT TURTON SA 5575	Two storey detached dwelling with UMR balcony	Yorke Peninsula Council	1 Nov 2023	Development Approval Granted
23021830	D Batic	21 MARINE PDE PORT VINCENT SA 5581	Carport	Yorke Peninsula Council	31 Jul 2023	Development Approval Granted
23016027	M Hodge	LOT 17 CARDIGAN CASTLE CCT PORT VICTORIA SA 5573	Single Storey Detached Dwelling	Yorke Peninsula Council	6 Jun 2023	Development Approval Granted
23013228	D Cameron, B Cameron	82 BEACH RD COOBOWIE SA 5583	Single storey detached dwelling	Yorke Peninsula Council	17 Oct 2023	Development Approval Granted

ID	Owner	Location	Nature of Development	Relevant Authority	Lodged	Status
23012489	Y Merenda	8 ESTHER LANE PORT JULIA SA 5580	Replacement two-story detached dwelling.	Yorke Peninsula Council	11 May 2023	Development Approval Granted
23011202	C Bates, L Bates	26 O'HALLORAN PDE EDITHBURGH SA 5583	En-suite addition, Carport and Garage	Yorke Peninsula Council	19 Apr 2023	Development Approval Granted
22040195	D Leon	LOT 117 BLACK POINT DR BLACK POINT SA 5571	Detached dwelling, carport, masonry/stone walls, outbuilding, 22,730L underground water tank, und...	Yorke Peninsula Council	1 Dec 2022	Development Approval Granted
22032542	Q Ferguson, L Ferguson	LOT 2 SPENCER HWY WEETULTA SA 5573	single storey detached dwelling (within the Limited Dwelling Overlay)	Yorke Peninsula Council	25 Nov 2022	Development Approval Granted
22031846	B Boyanton	LOT 16 CARDIGAN CASTLE CCT PORT VICTORIA SA 5573	Single Storey Detached Dwelling & Outbuilding	Yorke Peninsula Council	2 Mar 2023	Development Approval Granted
21001671	J Altree	54 TI-TREE RD THE PINES SA 5577	Carport	Yorke Peninsula Council	26 Mar 2021	Development Approval Granted
20001391	Cheetham Salt Ltd	164 RELIANCE RD PRICE SA 5570	Multi Level (two main storeys with multiply platform and mezzanine levels for equipment) manufact...	Yorke Peninsula Council	3 Nov 2020	Development Approval Granted

19.3 WASTEWATER SYSTEM APPLICATION DECISIONS**Document #:** 24/20474**Department:** Development Services**PURPOSE**

To inform the Elected Members of Wastewater Application decisions for the period 1 February to 29 February 2024.

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 15 Wastewater Applications completed for the period 1 February to 29 February 2024 (refer Attachment 1).

ATTACHMENTS

1. Wastewater System Application Decisions - 1/02/2024 - 29/02/2024 [↓](#) 

**LIST OF WASTE CONTROL APPLICATIONS & DECISIONS ISSUED BY THE ENVIRONMENTAL HEALTH OFFICERS
UNDER DELEGATION FOR THE PERIOD 1 FEBRUARY 2024 TO 29 FEBRUARY 2024**

Septic App. No.	Owner	Location	Proposal	Conditions	Assess. No	Decision Date	Applicant
050/003/2023	D A Itsines	(Lot 106) Black Point Drive BLACK POINT	Septic & Soakage	18	49726	9 February 2024	S Palecek
050/047/2023	P Butcher	(Lot 2) 21 Edwards Street BLUFF BEACH	CWMS Connection	12	318477	8 February 2024	G Wahlstedt Pty Ltd
050/066/2023	C J & L J Bates	(Lot 295) 26 O'Halloran Parade EDITHBURGH	Aerobic System	19	209742	7 February 2024	Aitchison Plumbing Services
050/122/2023	S J Thompson	(Lot 30) Black Point Drive BLACK POINT	CWMS Connection	19	48983	29 February 2024	Construction Services Australia
050/152/2023	D A Shepley	(Sec 59) 811 Point Annie Road CORNYP POINT	Septic & Soakage	17	103986	21 February 2024	M Shepley
050/166/2023	C Danz	(Lot 4) South Coast Road FOUL BAY	Septic & Soakage	15	418434	7 February 2024	G Wright
050/167/2023	J & J Smith	(Lot 22) 7 North Coast Road POINT TURTON	Septic & Soakage	16	407296	14 February 2024	Selecta Homes & Building Solutions
050/176/2023	S C Moukachar	(Lot 32) 13 Beach Road PINE POINT	Septic & Soakage	24	19570	9 February 2024	Precision Homes
050/184/2023	T P & Y A Merenda	(Sec 302) 8 Esther Lane PORT JULIA	Septic & Soakage	14	314351	7 February 2024	T Hill
050/191/2023	D & F Dee	(Lot 42) 83 Marine Parade PORT MOOROWIE	Aerobic System	18	421032	5 February 2024	D & F Dee
050/192/2023	G Henderson	(Lot 8) 114 Beach Road COOBOWIE	Septic & Soakage	16	214064	8 February 2024	G Henderson

050/193/2023	J L McIntosh & K A Sziller-Collins	(Lot 66) 21 Dolphin Drive MARION BAY	CWMS Connection	18	431197	19 February 2024	J L McIntosh & K A Sziller-Collins
050/001/2024	Carlin Family Investments Pty Ltd	(Lot 316) 32 O'Halloran Parade EDITHBURGH	Aerobic System	20	209676	22 February 2024	Rivergum Homes
050/003/2024	Ardrossan Progress Association	(PTS 1) 1 Park Terrace ARDROSSAN	CWMS Connection	12	42	19 February 2024	S Palecek
050/004/2024	S Peart	(Lot 4) 134 Marine Parade PORT MOOROWIE	Aerobic System	20	228031	27 February 2024	S Peart

20 VISITORS TO THE MEETING

Lara Bickford (via Teams) – Cape Elizabeth Consultation

Peter Stockings – Cape Elizabeth Consultation

DEBATE AGENDA

DEBATE AGENDA

21 MAYOR

Nil

22 CHIEF EXECUTIVE OFFICER**22.1 POLICY UPDATE - PO001 PEAK WORK HEALTH SAFETY AND RETURN TO WORK POLICY****Document #:** 24/16533**Department:** Corporate and Community Services**PURPOSE**

To seek endorsement on the proposed updated PO001 Peak Work Health Safety and Return to Work Policy.

RECOMMENDATION

That Council endorse the proposed updated PO001 Peak Work Health Safety and Return to Work Policy as presented.

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

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

5.5 Undertake effective risk and emergency management

BACKGROUND

Council's PO001 Peak Work Health Safety and Return to Work (Policy) has recently been reviewed in line with the Local Government Association Workers Compensation Scheme (LGAWCS) review.

DISCUSSION

The LGAWCS work in conjunction with Return To Work SA (formerly WorkCover SA) to maintain the Local Government Association's Self-Insurer registration. As part of this, the LGAWCS provide a Peak Policy which forms the overarching document for all Local Government (LG) Authorities. The LGAWCS are in the process of a full review of their Work Health Safety Management System and as part of this process, have completely rewritten the Peak Policy to set out the vision, values, actions and responsibilities for those engaged in LG workplaces and provides the background for the new LG Safe framework being implemented across the sector.

This Peak Policy has been reviewed and incorporated onto Council's Policy template and will now be the foundation of Council's WHS and Return to Work systems. All other WHS policies and procedures within Council's system fall under the scope of this Peak Policy.

The proposed updated Policy has undertaken a full review and is a completely new document, so no track changes are shown. The proposed updated Policy is provided in attachment 1 and the current version is provided in attachment 2 for ease of reference.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Corporate Management Team

- Manager People Culture and Safety
- Senior Safety Advisor (Audit and Risk)
- Safety Committee
- All Staff

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

- Local Government Association Workers Compensation Scheme

POLICY IMPLICATIONS

Nil.

BUDGET AND RESOURCE IMPLICATIONS

Not applicable.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS




Work Health and Safety Act 2012

Work Health and Safety Regulations 2012

Return to Work Act 2014

Return to Work Regulations 2015

ATTACHMENTS

1. **Proposed - Updated Draft PO001 Peak Work Health Safety and Return to Work Policy**  [↓](#)
2. **Current Version - PO001 Peak Work Health Safety and Return to Work Policy**  [↓](#)  [↓](#)



COUNCIL POLICY

Peak Work Health Safety and Return to Work

Policy Number:	PO001		
Strategic Plan Objective:	5. Responsible Governance		
Policy Owner:	Chief Executive Officer	Record Number:	16/13828[v6]
Responsible Officer:	Manager People Culture and Safety	Minute Reference:	
Date Adopted:		Next Review Date:	

1. POLICY OBJECTIVES

Council is committed to providing a safe, healthy, and rewarding work environment free of accidents, injuries and illness.

2. SCOPE

This policy relates to the (Work Health and Safety) WHS and (Return To Work) RTW initiatives and actions of Council. It applies to the Corporate Management Team (CMT), senior management, workers, volunteers, contractors and others who may be impacted by our work.

3. DEFINITIONS

Term/Reference	Definition
Corporate Management Team	Referred to as CMT, includes the Chief Executive Officer and all Directors.
Return to Work	Return to work refers to South Australia's workers compensation legislation which is regulated by ReturnToWorkSA. Council is self-insured and all return to work initiatives and claims are managed through the Local Government Association Workers Compensation Scheme in line with Return to Work legislation
Self-Insured Standards	The performance standards describe the WHS management system requirements for self-insured organisations in South Australia that Council must adhere to.

PO001 – Peak Work Health Safety and Return to Work Policy

4. POLICY STATEMENT

Council values safety. Everyone working in or visiting our workplaces has a right to go home safely each day to their family and friends.

Council will help injured workers get back to work in a fair, timely and effective way.

4.1. Our Approach

Our Council:

- provides leadership and direction to our workers and others in meeting our duty of care to protect our people.
- complies with WHS and RTW laws and obligations.
- encourages the active participation of our workers and others in work health and safety matters.
- consults and communicates openly and honestly with workers and others and encourages the raising of health and safety issues or concerns without the fear of reprisal.
- applies a systematic approach to managing workplace hazards to ensure the health and safety of our workers and others who may be impacted by our work.
- provides and maintains safe plant, structures, chemicals, facilities and systems of work.
- implements organisational policies and procedures to achieve our policy commitments and contribute to positive safety and RTW outcomes.
- implements equitable return to work practices built upon the principles of early intervention, prompt and timely service and active management to improve recovery and return to work outcomes.
- provides relevant training, instruction, information and supervision to workers and others.
- maintain an effective process for reporting and resolving health and safety issues.
- uses appropriate internal and/or external expertise when required to assist with WHS and RTW issues.
- monitors, evaluates and reviews WHS and RTW action plans, targets, performance indicators and outcomes to ensure continuous improvement.
- participates as a member of the Local Government Association Workers Compensation Scheme (LGAWCS) and meets the self-insured standards.

4.2. Staff Priorities

- The CMT will ensure that the organisation has systems to meet its legal duties under WHS and RTW laws.
- The CMT will provide the necessary financial and human resources within Council to facilitate the effective management of WHS and RTW issues.
- Managers and Supervisors will implement WHS and RTW procedures.
- Managers and Supervisors will monitor and evaluate WHS and RTW performance with a view to driving continuous improvement.

PO001 – Peak Work Health Safety and Return to Work Policy

- Managers and Supervisors will consult and communicate with workers and others to ensure they are meaningfully engaged in the management of WHS in their workplace.
- Managers and Supervisors will provide relevant WHS training and supervision to support the safety and wellbeing of Council workers.
- Managers and Supervisors will proactively engage with injured workers to promote timely and effective return to work actions.
- Workers while at work, will take reasonable care for their own safety and the safety of others and to comply (so far as the person is reasonably able) with any reasonable instruction that is given by Council.

5. COMPLAINTS

Complaints relating to this policy can be made in writing to Council's Manager People Culture and Safety. All complaints will be managed in accordance with Council's PO147 Complaints Policy (or via the Dispute/Conflict Resolution procedure contained within the relevant Enterprise Agreement).

6. REVIEW

This Policy shall be reviewed within four (4) years of the commencement date, or earlier if there is significant change to relevant legislation or elements of this policy that could affect WHS and/or RTW practices.

7. TRAINING

Council is committed to supporting Employees in complying with this Policy. An overview of this Policy will be provided to all staff during induction.

8. RECORDS

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

9. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS

PO003 Hazard Management Policy

PO003 Administration of the Work Health Safety Management System Policy

PO004 Hazardous Work Policy

PO005 Workplace Emergency Management Policy

PO006 Contractor Management Policy

PO007 Work Health Safety Consultation and Communication Policy

PO016 Fitness for Work Policy

PO019 Work Health Safety Document Management System

PO063 Records Management Policy

10. REFERENCES AND LEGISLATION

Work Health and Safety Standards for Self-insured Employers

Work Health and Safety Act 2012

Work Health and Safety Regulations

Return to Work Act 2014

PO001 – Peak Work Health Safety and Return to Work Policy**11. COUNCIL DELEGATION**

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

12. VERSION HISTORY

Version No	Issue Date	Description of Change
1.1.0	Dec 2009	New Document.
1.1.1	Nov 2010	Formatting changes only.
1.1.2	Nov 2011	Minor changes, SMT to CMT and 1995 to SA OHS&W Regulations 2010.
1.0	Mar 2014	Policy No. OHS&W-1 superseded by LGAWCS Work Health Safety and Injury Management Policy.
2.0	Oct 2015	LGAWCS WHS RTW Policy (signed)
3.0	Dec 2017	Scheduled review of policy – minor amendments to terms, training and name of policy.
4.0	October 2020	Safety Committee & CMT have endorsed review date extension to 30/06/2021, whilst awaiting Scheme updates, therefore allowing better alignment with review date.
5.0	10/03/2021	Put Policy into Council template and aligned with scheduled review of policy by LGAWCS. Amendments to incorporate LGASA Mutual Services, changes to definitions & inclusion of PCBU responsibilities. Document adopted 10/03/2021 Council meeting Ref: 034/2021
6.0	11/01/2024	Newly written Policy as per changes made by LGWCS. Put Policy into Council template as required and added in definitions, review, complaints, related documents and legislation.



COUNCIL POLICY

Peak Work Health Safety and Return to Work

Policy Number:	PO001		
Strategic Plan Objective:	5. Responsible Governance		
Policy Owner:	Chief Executive Officer	Record Number:	16/13828[v5]
Responsible Officer:	Manager People Culture and Safety	Minute Reference:	034/2021
Date Adopted:	10/03/2021	Next Review Date:	March 2025

1. OVERVIEW

The Local Government Association of South Australia (LGA) is, for the purposes of the Return to Work Act 2014, the nominated Employer for a group of Self Insured Employers which includes all Local Government entities (Councils and Prescribed Bodies (Members)).

In conjunction with the LGA, LGA Mutual Services and its Members, the Local Government Association Workers Compensation Scheme (LGAWCS) administers the principles and commitments outlined within this policy. The above parties are committed to, within the appropriate scope of involvement and level of remit, to work towards the strategic plan mission to:

- “Provide unique cover and risk services that meet our Members’ needs”

This Policy is designed to provide direction on the system structure that will be applied by Local Government to achieve the commitments as documented below.

2. PURPOSE

To ensure, so far as is reasonably practicable, the health and safety of workers* and others via a Management Systems approach to Work Health and Safety (WHS) and Return to Work (RTW), in line with the organisational vision of Local Government Workplaces. This will be established by:

- Management commitment to WHS and RTW in accordance with organisational objectives.
- Development of a WHS and RTW System and Action Plans which support identified policy objectives and procedural requirements.
- Implementation of individual elements as outlined in the WHS and RTW System and Action Plans.
- Measurement and evaluation of the WHS and RTW System against defined objectives, targets and performance indicators.
- Reviewing the WHS and RTW System and Action Plans to identify scope for continuous improvement.

PO001 – Peak Work Health Safety and Return to Work Policy

NB: Definition of a worker is different for the purposes of the Return to Work Act 2014 and the Work Health and Safety Act 2012 (see definitions section below).

3. SCOPE

This policy applies to Local Government workers whilst at work. This policy should be read in conjunction with any provisions of Enterprise Bargaining Agreements and any other Federal or State Legislation directly or indirectly which affects employees of Local Government entities, relating to work in WHS and RTW.

4. DEFINITIONS

Refer to Attachment 1.

5. POLICY STATEMENT

Local Government is committed to and able to demonstrate application of the following objectives:

- a) Providing and undertaking measures to eliminate risks to health and safety, so far as is reasonably practicable. If it is not reasonably practicable to eliminate risks to health and safety, then to minimise those risks so far as is reasonably practicable and to demonstrate a systematic approach to the planning and implementation of Work Health and Safety processes that is compliant with the WHS Act 2012 and Regulations and self-insurance requirements;
- b) Implementation of effective and early Return to Work procedures in accordance with the Return to Work Act 2014, and associated Regulations, to assist work injured employees to return to work and achieve the best practicable levels of physical and mental recovery;
- c) Implementation of equitable Claims Management, in accordance with the Return to Work Act 2014 and associated Regulations, for employees who suffer an injury in the course of their employment;
- d) Maintaining effective processes and procedures for consultation, coordination and cooperation in WHS and RTW matters;
- e) Monitoring and reviewing WHS and RTW System Performance and Action Plans, objectives and measures;
- f) Further, as well as the above Objectives, Local Government recognises and is able to demonstrate (at the pertinent system level within the Local Government structure as appropriate), application of the following within the WHSMS:
 - The requirement to meet legislative compliance;
 - Processes for ongoing review and continuous improvement;
 - The requirement for ongoing review of this WHS and RTW Policy and supporting Policies;
 - The commitment that adequate resources and appropriate internal / external expertise will be used so far as is reasonably practicable, when required;
 - Other relevant supporting policies and procedures that support the WHS and RTW systems;
 - A commitment to communicating relevant information to relevant workers in an appropriate manner;
 - Its obligations to workers and others while workers are at work and whilst other persons may be at risk from work carried out, so far as is reasonably practicable;

PO001 – Peak Work Health Safety and Return to Work Policy

- The requirement for an effective hazard management approach to WHS, which encompasses the identification, assessment and elimination or control of hazards;
- g) This policy will be reviewed regularly and updated as required for continued suitability and effectiveness.

6. RESPONSIBILITIES

- 6.1. The LGAWCS is accountable for conducting planning, monitoring and review activities and confirming that organisational and policy objectives are being met in relation to the self-insurance requirements.
- 6.2. The Corporate Management Team of Yorke Peninsula Council (Council) are accountable for checking that the organisation at that level meets their duties as a PCBU and Scheme Member and has available for use, and uses, appropriate resources and processes to enact this policy and supporting policies and procedures effectively.
- 6.3. Supervisors/Managers of Council are accountable for bringing this policy and supporting policies and procedures to the attention of relevant workers, applying implementation processes in their areas of responsibility and confirming, through supervisory activities, that this policy and supporting policies and procedures are adhered to.
- 6.4. Supervisors/Managers of Council are accountable for checking that workers have had appropriate training to undertake the activities identified within this policy and supporting policy and procedures.
- 6.5. Workers of Council are accountable for complying and co-operating with the requirements of this policy and supporting policies and procedures, and for reporting any inability to do so to management at the earliest opportunity.
- 6.6. Further specific responsibilities and accountabilities are detailed within the supporting WHS and RTW management system policies and procedures.

7. COMPLAINTS

Complaints relating to this Policy can be made in writing to Council's Manager People Culture and Safety. All complaints will be managed in accordance with Council's PO147 Complaints Policy.

8. REVIEW

This Policy will be reviewed every four (4) years, in consultation with Workers and/or their nominated representative(s). The policy will also be reviewed as deemed necessary in consideration of any changes made by the LGAWCS, change to legislation, relevant standards, codes and guidelines, audit findings, any corrective actions/controls arising from risk assessments and or hazard/ incident reports and stakeholder feedback.

9. TRAINING

Council is committed to supporting Employees in complying with this Policy. An overview of this Policy will be given to all staff during their induction.

10. RECORDS

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

PO001 – Peak Work Health Safety and Return to Work Policy

11. RELATED COUNCIL POLICIES

PO002 Hazard Management Policy

PO003 Administration of the WHS Management System Policy

PO063 Records Management Policy

PO004 Hazardous Work Policy

PO005 Workplace Emergency Management Policy

PO006 Contractor Management Policy

PO007 Work Health and Safety Consultation and Communication Policy

PO011 Training and Development Policy

PO016 Fitness for Work Policy

12. REFERENCES AND LEGISLATION

Local Government Act, 1999.

Work Health and Safety Act 2012.

Work Health and Safety Regulations 2012.

Return to Work Act 2014.

Return to Work Regulations 2015.

Code for the Conduct of Self Insured Employers under the Return to Work Scheme which includes the Performance Standards (Injury management standards for self-insured employers April 2019 and Work Health and Safety standards for self-insured employers August 2017).

ISO45001: 2018 Occupational health and safety management systems.

SIGNED:

CEO

Date: ____/____/____

Chairperson, Safety Committee

Date: ____/____/____

13. VERSION HISTORY

Version No	Issue Date	Description of Change
1.1.0	Dec 2009	New Document.
1.1.1	Nov 2010	Formatting changes only.
1.1.2	Nov 2011	Minor changes, SMT to CMT and 1995 to SA OHS&W Regulations 2010.

PO001 – Peak Work Health Safety and Return to Work Policy

Version No	Issue Date	Description of Change
1.0	Mar 2014	Policy No. OHS&W-1 superseded by LGAWCS Work Health Safety and Injury Management Policy.
2.0	Oct 2015	LGAWCS WHS RTW Policy (signed)
3.0	Dec 2017	Scheduled review of policy – minor amendments to terms, training and name of policy.
4.0	October 2020	Safety Committee & CMT have endorsed review date extension to 30/06/2021, whilst awaiting Scheme updates, therefore allowing better alignment with review date.
5.0	10/03/2021	Put Policy into Council template and aligned with scheduled review of policy by LGAWCS. Amendments to incorporate LGASA Mutual Services, changes to definitions & inclusion of PCBU responsibilities. Document adopted 10/03/2021 Council meeting Ref: 034/2021

PO001 – Peak Work Health Safety and Return to Work Policy**ATTACHMENT 1: DEFINITIONS**

Term/Reference	Definition
Management System	Set of interrelated or interacting elements of an organisation to establish policies and objectives and processes to achieve those objectives. Note 2: The system elements include the organisation's structure, roles and responsibilities, planning, operation, performance evaluation and improvement. [As defined within ISO45001:2018]
PCBU	A "Person Conducting a Business or Undertaking" as described in section 5 of the WHS Act is the entity with the primary duty of care. Councils "in terms of the organisation" and Prescribed Bodies are PCBUs for the purpose of the Act.
Work Health and Safety Management System (WHSMS)	An orderly arrangement of interdependent activities and related procedures that drives an organisation's WHS performance. [as defined by the RTWSA Work Health and Safety Guidelines August 2017] In Local Government the WHS Management System must also comply with the Code of Conduct for Self-Insured Employers under the Return to Work Scheme which includes Performance Standards.
Worker (for the purposes of the WHS Act 2012 - Section 7)	A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as— a) an employee; or b) a contractor or subcontractor; or c) an employee of a contractor or subcontractor; or d) an employee of a labour hire company who has been assigned to work in person's business or undertaking; or e) an outworker; or f) an apprentice or trainee; or g) a student gaining work experience; or h) a volunteer; or i) a person of a prescribed class.
Worker (for the purposes of the RTW Act 2014 - Section 4)	A worker means— (a) a person by whom work is done under a contract of service (whether or not as an employee); (b) a person who is a worker by virtue of Schedule 1; (c) a self-employed worker, and includes a former worker and the legal personal representative of a deceased worker.
Return to Work (RTW)	For the purposes of this policy RTW includes both Claims Management activities and Return to Work activities.

22.2 POLICY REVIEW - PO014 EMPLOYEE BEHAVIOURAL STANDARDS POLICY**Document #:** 24/19174**Department:** Corporate and Community Services**PURPOSE**

To seek endorsement on the proposed updated PO014 Employee Behavioural Standards Policy.

RECOMMENDATION

That Council endorse the proposed updated PO014 Employee Behavioural Standards Policy presented for inclusion in Council's Policy Manual and on Council's website.

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

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

5.5 Undertake effective risk and emergency management

BACKGROUND

Council's PO014 Employee Behavioural Standards Policy (Policy) has recently been reviewed in line with a change to legislation and as part of the scheduled periodic review.

DISCUSSION

The proposed updated Policy is presented with recommendations including:

- Change in title to "Employee Behavioural Standards";
- Minor wording updates;
- Reference to updated Local Government Act 1999 and removal of old Local Government Act Regulations;
- Attachment 3 removed as obsolete;
- Added section in Complaints relating to Mayor, CEO and employee complaints; and
- Updated Related Documents and Legislation.

The proposed updated Policy is attached with changes shown in colour (Attachment 1) and a copy without track changes is provided for ease of reference (Attachment 2).

The Audit and Risk Committee adopted this proposed updated Policy at the meeting on 27 February 2024 and recommended it be endorsed by Council as presented.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Corporate Management Team
- Manager People Culture and Safety

- Governance Officer
- All Staff

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

- Australian Workers Union

POLICY IMPLICATIONS

PO001 Peak Work Health Safety and Return to Work Policy

PO014 Council Employee Code of Conduct Policy

PO026 Fair Treatment Policy

PO146 Support Disciplinary Performance Management Policy

PO148 Fraud Corruption Misconduct and Maladministration Prevention Policy

PO150 Gifts and Benefits Policy

PO171 Public Interest Disclosure Policy

PR152 Public Interest Disclosure Procedure

BUDGET AND RESOURCE IMPLICATIONS

Nil

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Local Government Act 1999

Independent Commission Against Corruption Act 2012

Ombudsman Act 1972

Public Interest Disclosure Act 2013

Work Health and Safety Act 2012

Fair Work Act 1994

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

Local Government Association Model Employee Behavioural Standards

ATTACHMENTS

1. **Proposed Draft - PO014 Employee Behavioural Standards Policy - Track Changes**  
2. **Proposed Draft - PO014 Employee Behavioural Standards Policy - No Track Changes**  



COUNCIL POLICY

Employee Code of Conduct Employee Behavioural Standards

Policy Number:	PO014		
Strategic Plan Objective:	5. Responsible Governance and Leadership		
Policy Owner:	Chief Executive Officer	Record Number:	46/13873[v5] 16/13873[v6]
Responsible Officer:	Chief Executive Officer	Minute Reference:	163/2020
Date Adopted:	08/07/2020 xx/xx/xxxx	Next Review Date:	July 2024March 2028

1. POLICY OBJECTIVES

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

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

2. SCOPE

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

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

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

3. DEFINITIONS

Refer to Attachment 1.

PO014 – Employee Code of ConductEmployee Behavioural Standards Policy**4. POLICY STATEMENT**

This policy operates in ~~accordance with edition to the Code of Conduct for Employees, as per Section 120A40~~ of the Local Government Act 1999 (the Act) as provided at Attachment 2 ~~and Local Government (General) Regulations 2013, as provided in Attachment 3.~~

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

- a) Integrity, impartiality and good decision making;
- b) Promotion of the aims and objectives of local government; and
- c) Accountability and transparency.

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

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

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

- PO148 Fraud, ~~and~~ Corruption, Misconduct and Maladministration -Prevention Policy;
- PO150 Gifts and Benefits Policy;
- PO171 Public Interest Disclosure Policy;
- PR152 Public Interest Disclosure Procedure
- PO026 Diversity, Equity and Fair Treatment Policy;
- PR168 Diversity, Equity and Fair Treatment Procedure; and
- PO037 Internal Review of Council Decision Policy.

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

4.1. Integrity, Impartiality and Good Decision Making

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

In keeping with this principle, Council employees must:

1. Act honestly, ethically, impartially and with integrity in the performance of their duties at all times by:
 - Ensuring decision making processes are fair, transparent, objective, impartial, justifiable and lawful;
 - Ensuring advice provided is objective, impartial, justifiable and lawful;
 - Not influencing, in an improper manner, the making of decisions by others; and

PO014 – Employee Code of ConductEmployee Behavioural Standards Policy

- Not seeking or accepting gifts or benefits except as permitted by ~~the Code of Conduct for Employees (Attachment 2)~~ and Council's PO150 Gifts and Benefits Policy.
2. Ensure that personal interests, including financial interests, do not influence or interfere with the performance of Council work by:
- Ensuring that relationships with external parties do not improperly influence, affect judgement, decisions and/or actions;
 - Identifying, disclosing and managing Conflicts of Interest in accordance with the Act (Section 120);
 - Abstaining from carrying out any secondary employment for which a Conflict of Interest exists in line with the Secondary Employment Policy (PO159), unless the CEO determines otherwise.
 - Abstaining from carrying out Council Work in relation to any matter for which a Conflict of Interest exists, unless the CEO determines otherwise.
 - In the case that the CEO has an interest in a matter in relation to which they are required or authorised to act in the course of official duties, the CEO must disclose the interest to the Elected Body and must not, unless the Elected Body otherwise determines during a Council meeting that is open to the public, act in relation to the matter; or
 - Where a Council employee (other than the CEO) has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties, must disclose the interest to the CEO and must not, unless the CEO otherwise determines, act in relation to the matter; or
 - If an employee or any other person undertaking Council Work is entitled to act in relation to a matter and the employee is providing advice or making recommendations to the Council or a Council committee on the matter, the Council employee must also disclose the relevant interest to the Council or Council committee.
3. Demonstrate reasonable, just, respectful and non-discriminatory behaviour when dealing with all people that:
- Generates and fosters community trust and confidence in the Council;
 - Provides a fair and balanced representation of the decisions and policies of the Council;
 - Supports the decisions and policies of the Council and does not adversely reflect on the reputation of the Council;
 - Does not adversely affect the health and safety of other persons, as required by the Work Health and Safety (WHS) Act 2012 and Council's WHS policies and procedures; and
 - Employees and any other person who carry out Council Work must not ~~publically~~publicly criticise an Elected Member or any another person who carries out Council Work.

PO014 – Employee Code of ConductEmployee Behavioural Standards Policy

4.2. Promotion of Aims and Objectives of Local Government

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

Council employees must:

- Comply with all Council resolutions, policies, procedures, processes and codes;
- Remain accountable and responsible for the use and collection of public funds;
- Use their best endeavours to provide accurate information to Council and to the public at all times;
- Base decisions or actions on information which that-areis factually correct, and after obtaining and considering all relevant information;
- Comply with all lawful and reasonable directions which is given by a person with appropriate authority to do so;
- Not release or divulge information that the Council or CEO of the Council has ordered be kept confidential, or that the Council employee should reasonably know is information that is confidential, including information that is considered by the Council or the CEO in confidence, subject to the Ombudsman Act 1972 and the ICAC Act 2012 (ICAC Act);
- Only make public comment in relation to your duties when specifically authorised to do so by the CEO or the Mayor, and restrict such comment to factual information and professional advice;
- Take responsibility for the health and safety of themselves and others when carrying out their duties and activities in line with the requirements of the WHS Act 2012, which includes general wellbeing and physical injury;
- Maintain adequate documentation to support important decisions and actions; and
- Commit to the continuous improvement of Council's capacity and performance, its planning, processes and service delivery.

4.3. Accountability and Transparency

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

Council Employees will:

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

PO014 – Employee Code of ConductEmployee Behavioural Standards Policy**5. CONFIDENTIALITY**

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

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

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

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

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

6. COMPLAINTS

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

Complaints about an employee must be made in writing to the CEO. Complaints about the CEO must be made in writing to the Mayor (unless the complaint has been made by the Mayor or involves the Mayor, and in such a case, the complaint should be brought to the attention of the Deputy Mayor).

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

In considering the lodgement of a complaint about a breach of this policy, the Independent Commission Against Corruption CAC 2012 Act and Public Interest Disclosure Act 2018 must be considered.

Complaints may be investigated and resolved according to the disciplinary processes of Council relating to employees.

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

7. RIGHTS TO APPEAL DECISIONS ABOUT COMPLAINTS

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

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Members of the community have the right to seek an external review of internal decisions through the [Office of Public Integrity \(OPI\)](#), Ombudsman, or other legal processes at any time.

8. REVIEW

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

9. TRAINING

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

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

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

10. RECORDS

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

11. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS

PO001 [Peak](#) Work Health Safety and Return to Work [Policy](#);

PO020 Social Media Policy;

PO026 Fair Treatment Policy;

PO037 Internal Review of Council Decisions Policy;

PO063 Records Management Policy;

PO137 Volunteer Policy;

PO146 Support, Disciplinary and Performance Management Policy;

PO147 Complaints Policy;

PO148 Fraud, ~~and~~ Corruption, [Misconduct and Maladministration](#) -Policy;

PO150 Gifts and Benefits Policy;

PO153 Information Systems Access Control Policy;

PO159 Secondary Employment Policy;

PO171 Public Interest Disclosures Policy;

PR152 Public Interest Disclosure Procedure;

Council's Training Needs Analysis (elementSTAFF); and

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

12. REFERENCES AND LEGISLATION

[Fair Work Act 1994](#)

PO014 – Employee Code of ConductEmployee Behavioural Standards Policy

Independent Commissioner Against Corruption Act (SA) 2012;

~~Local Government (General) Regulations 2013;~~

Local Government Act 1999;

Local Government Association Model Employee ~~Conduct~~Behavioural Standards Policy

Ombudsman Act 1972;

Public Interest Disclosure Act 2018; and

Work Health and Safety Act 2012.

13. COUNCIL DELEGATION

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

14. VERSION HISTORY

Version No	Issue Date	Description of Change
1.0	07/04/2003	New Policy
2.0	14/09/2010	Added reference to Section 91a of the Local Government (Elections) Act 1999 and included related documents.
3.0	11/07/2012	Complete rewrite in line with new Policy template.
4.0	14/02/2014	Adopted Code of Conduct for Council Employees as gazetted on 13/02/2014.
5.0	08/07/2020	Complete rewrite incorporating Local Government Associations model documentation.
<u>6.0</u>	<u>Xx/xx /2024</u>	<u>Change of title and minor updates to Policy, complaints, documents and legislation sections.</u>

PO014 – Employee Code of ConductEmployee Behavioural Standards Policy**ATTACHMENT 1: DEFINITIONS**

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

PO014 – Employee Code of ConductEmployee Behavioural Standards Policy

Term/Reference	Definition
	<ul style="list-style-type: none">• Volunteers.

DRAFT

PO014 – Employee Code of ConductEmployee Behavioural Standards Policy**ATTACHMENT 2: EXTRACT FROM THE LOCAL GOVERNMENT ACT 1999
SECTION 120A10**

Local Government Act 1999—17.11.2022

Chapter 7—Council staff

Part 4—Employee integrity and behaviour

Division 2—Employee behaviour

Division 2—Employee behaviour**120A—Behavioural standards**

- (1) A council may prepare and adopt standards (the *employee behavioural standards*) that—
 - (a) specify standards of behaviour to be observed by employees of councils; and
 - (b) provide for any other matter relating to behaviour of employees of councils.
- (2) An employee behavioural standard must not diminish a right or employment condition under an Act, award, industrial agreement or contract of employment.
- (3) An employee of a council must comply with the council's employee behavioural standards.
- (4) A council may from time to time alter its employee behavioural standards, or substitute new employee behavioural standards.
- (5) Before a council—
 - (a) adopts employee behavioural standards; or
 - (b) alters, or substitutes, its employee behavioural standards,
 the council must consult with any registered industrial association that represents the interests of employees of councils on the employee behavioural standards, alteration or substituted standards (as the case may be).
- (6) A council must, within 6 months after the conclusion of each periodic election—
 - (a) in the case of a council that has employee behavioural standards in effect under this section—review the operation of the employee behavioural standards; or
 - (b) in any other case—consider whether it should adopt employee behavioural standards.

1.1.2019—Local Government Act 1999

Council staff—Chapter 7

Conduct of employees—Part 4

General duty and code of conduct—Division 1

PO014 – Employee Code of ConductEmployee Behavioural Standards Policy

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

In this Division—

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

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

109—General duty

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

110—Code of conduct for employees

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

110A—Duty to protect confidential information

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



PO014 – Employee Code of ConductEmployee Behavioural Standards Policy**Attachment 2: Extract from Local Government (General) Regulations 2013****Schedule 2A—Code of conduct for employees****1—Gifts and benefits**

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

Note—

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



COUNCIL POLICY

Employee Behavioural Standards

Policy Number:	PO014		
Strategic Plan Objective:	5. Responsible Governance and Leadership		
Policy Owner:	Chief Executive Officer	Record Number:	16/13873[v6]
Responsible Officer:	Chief Executive Officer	Minute Reference:	
Date Adopted:	xx/xx/xxxx	Next Review Date:	March 2028

1. POLICY OBJECTIVES

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

The purpose of this policy is to ensure a high level of integrity in the conduct of Council business and to contribute to good governance and 1rganizational culture.

2. SCOPE

Council employees must comply with this policy in carrying out their functions as public officers.

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

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

3. DEFINITIONS

Refer to Attachment 1.

4. POLICY STATEMENT

This policy operates in accordance with Section 120A of the Local Government Act 1999 (the Act) as provided at Attachment 2.

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

- a) Integrity, impartiality and good decision making;

PO014 – Employee Behavioural Standards Policy

- b) Promotion of the aims and objectives of local government; and
- c) Accountability and transparency.

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

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

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

- PO148 Fraud, Corruption, Misconduct and Maladministration Prevention Policy;
- PO150 Gifts and Benefits Policy;
- PO171 Public Interest Disclosure Policy;
- PR152 Public Interest Disclosure Procedure
- PO026 Diversity, Equity and Fair Treatment Policy;
- PR168 Diversity, Equity and Fair Treatment Procedure; and
- PO037 Internal Review of Council Decision Policy.

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

4.1. Integrity, Impartiality and Good Decision Making

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

In keeping with this principle, Council employees must:

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

PO014 – Employee Behavioural Standards Policy

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

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- Remain accountable and responsible for the use and collection of public funds;
- Use their best endeavours to provide accurate information to Council and to the public at all times;

PO014 – Employee Behavioural Standards Policy

- Base decisions or actions on information which are factually correct, and after obtaining and considering all relevant information;
- Comply with all lawful and reasonable directions which is given by a person with appropriate authority to do so;
- Not release or divulge information that the Council or CEO of the Council has ordered be kept confidential, or that the Council employee should reasonably know is information that is confidential, including information that is considered by the Council or the CEO in confidence, subject to the Ombudsman Act 1972 and the ICAC Act 2012 (ICAC Act);
- Only make public comment in relation to your duties when specifically authorised to do so by the CEO or the Mayor, and restrict such comment to factual information and professional advice;
- Take responsibility for the health and safety of themselves and others when carrying out their duties and activities in line with the requirements of the WHS Act 2012, which includes general wellbeing and physical injury;
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The principle supporting accountability and transparency contributes to community trust and confidence and ensures a high level of integrity in the conduct of Council business.

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

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

- Doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation);
- The Complainant consents to his/her identity being disclosed;

PO014 – Employee Behavioural Standards Policy

- There is a legislative requirement for disclosure; and
- The recipient believes on reasonable grounds that it is necessary to divulge the identity of the Complainant in order to prevent or minimise an imminent risk of serious physical injury or death to any person.

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

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

6. COMPLAINTS

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

Complaints about an employee must be made in writing to the CEO. Complaints about the CEO must be made in writing to the Mayor (unless the complaint has been made by the Mayor or involves the Mayor, and in such a case, the complaint should be brought to the attention of the Deputy Mayor).

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

In considering the lodgement of a complaint about a breach of this policy, the Independent Commission Against Corruption 2012 Act and Public Interest Disclosure Act 2018 must be considered.

Complaints may be investigated and resolved according to the disciplinary processes of Council relating to employees.

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

7. RIGHTS TO APPEAL DECISIONS ABOUT COMPLAINTS

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

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

8. REVIEW

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

PO014 – Employee Behavioural Standards Policy

9. TRAINING

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

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

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

10. RECORDS

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

11. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS

PO001 Peak Work Health Safety and Return to Work Policy;

PO020 Social Media Policy;

PO026 Fair Treatment Policy;

PO037 Internal Review of Council Decisions Policy;

PO063 Records Management Policy;

PO137 Volunteer Policy;

PO146 Support, Disciplinary and Performance Management Policy;

PO147 Complaints Policy;

PO148 Fraud, Corruption, Misconduct and Maladministration Policy;

PO150 Gifts and Benefits Policy;

PO153 Information Systems Access Control Policy;

PO159 Secondary Employment Policy;

PO171 Public Interest Disclosures Policy;

PR152 Public Interest Disclosure Procedure;

Council's Training Needs Analysis (elementSTAFF); and

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

12. REFERENCES AND LEGISLATION

Fair Work Act 1994

Independent Commissioner Against Corruption Act (SA) 2012;

Local Government Act 1999;

Local Government Association Model Employee Behavioural Standards Policy

Ombudsman Act 1972;

Public Interest Disclosure Act 2018; and

Work Health and Safety Act 2012.

PO014 – Employee Behavioural Standards Policy

13. COUNCIL DELEGATION

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

14. VERSION HISTORY

Version No	Issue Date	Description of Change
1.0	07/04/2003	New Policy
2.0	14/09/2010	Added reference to Section 91a of the Local Government (Elections) Act 1999 and included related documents.
3.0	11/07/2012	Complete rewrite in line with new Policy template.
4.0	14/02/2014	Adopted Code of Conduct for Council Employees as gazetted on 13/02/2014.
5.0	08/07/2020	Complete rewrite incorporating Local Government Associations model documentation.
6.0	Xx/xx /2024	Change of title and minor updates to Policy, complaints, documents and legislation sections.

PO014 – Employee Behavioural Standards Policy**ATTACHMENT 1: DEFINITIONS**

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

PO014 – Employee Behavioural Standards Policy

**ATTACHMENT 2: EXTRACT FROM THE LOCAL GOVERNMENT ACT 1999
SECTION 120A**

Local Government Act 1999—17.11.2022

Chapter 7—Council staff

Part 4—Employee integrity and behaviour

Division 2—Employee behaviour

Division 2—Employee behaviour**120A—Behavioural standards**

- (1) A council may prepare and adopt standards (the *employee behavioural standards*) that—
 - (a) specify standards of behaviour to be observed by employees of councils; and
 - (b) provide for any other matter relating to behaviour of employees of councils.
- (2) An employee behavioural standard must not diminish a right or employment condition under an Act, award, industrial agreement or contract of employment.
- (3) An employee of a council must comply with the council's employee behavioural standards.
- (4) A council may from time to time alter its employee behavioural standards, or substitute new employee behavioural standards.
- (5) Before a council—
 - (a) adopts employee behavioural standards; or
 - (b) alters, or substitutes, its employee behavioural standards,the council must consult with any registered industrial association that represents the interests of employees of councils on the employee behavioural standards, alteration or substituted standards (as the case may be).
- (6) A council must, within 6 months after the conclusion of each periodic election—
 - (a) in the case of a council that has employee behavioural standards in effect under this section—review the operation of the employee behavioural standards; or
 - (b) in any other case—consider whether it should adopt employee behavioural standards.



22.3 LONG TERM FINANCIAL PLAN - ANNUAL REVIEW**Document #:** 24/17998**Department:** Executive Services**PURPOSE**

To seek Council endorsement to undertake the public consultation process for the draft Long Term Financial Plan (LTFP) 2025-2034.

RECOMMENDATION

That Council endorse the draft Long Term Financial Plan 2025-2034 for public consultation.

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

As required by the Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011, Council must annually review its LTFP in accordance with actual and budgeted financial results with the updated plan to be used as a tool in decision making and annual budget processes. As part of this process, Council consults with the community and will consider all feedback prior to adoption of the revised LTFP at its meeting to be held in April 2024.

Currently, Council has a LTFP for the period 2024 – 2033 (adopted in April 2023) which has been reviewed. As a result of this review, a revised draft LTFP covering the period 2025 – 2034 has now been prepared.

The revised LTFP is an updated version of Council's current LTFP, reflecting up to date income and expenditure trends and indicators, impacts of any service level reviews, internal and external factors impacting Council operations, the current political and economic environment, opportunities available for grant funding of major projects and the latest available asset information.

As required by legislation the revised LTFP will be advertised for public consultation commencing Thursday 14 March 2024 should Council endorse it.

DISCUSSION

The revised LTFP 2025 – 2034 builds on the financial and sustainability principles and strategies of the current adopted LTFP 2024 – 2033. It uses, as a base, the 2023/2024 September Quarter revised Budget estimates (and significant December Quarter revised Budget estimates) and the 2022/2023 audited Annual Financial Statements.

In the preliminary stages of development, Council's Chief Executive Officer (CEO) provided input and direction on the key objectives and outcomes expected of the LTFP. The CEO endorsed key financial strategies and income and expenditure parameters for Council with the continued aim of achieving financial sustainability in the short to medium term (1 - 5 years).

The revised draft LTFP has been presented to both the Audit and Risk Committee and Elected Members in February 2024 where both concerns and questions were addressed. The presentations provided a high-level overview of the LTFP and the major financial implications for Council over the

next ten years. The Audit and Risk Committee received the revised LTFP at its meeting held on 27 February 2024 and recommended to Council that it be endorsed.

Goals and Desired Outcomes

The objectives of the current LTFP are to ensure that Council is financially sustainable in the short to medium term (1 – 5 years) and to provide at least the current level of services over the ten years of the plan in line with Council's five goals as stated in its Strategic Management Plan (SMP).

The revised LTFP has been developed considering current data (financial and service levels), cost indices, internal and external factors, forecast trends, current political environment, revenue streams, updated asset management information, limitations and community needs.

The key targets in the revised LTFP continue to be:

- Positive Operating Surplus Ratio (OSR) i.e. achieving an operating surplus, in the short to medium term (1 – 5 years);
- Spending on asset renewal consistent with Asset Management Plan (AMP) identified needs and Asset Renewal Funding Ratio (ARFR) minimum (100%) target annually;
- Net Financial Liabilities Ratio (NFLR) to be within the recommended Local Government target of 100% of Operating Income annually;
- No new services, assets or increases to existing services to be introduced without consideration of the impact on the LTFP.

Major Impacts

In recent times, Council's "business as usual" approach has been impacted by global economic uncertainty and local inflationary pressures. Whilst inflationary pressures are easing, the resultant financial impacts are still expected to be felt across the LTFP, especially during the short term (Y1 – Y2).

The revised LTFP has also factored in the following major impacts:

- CPI assumptions reflective of increased inflation;
- Reduction in Financial Assistance Grants (general component);
- Cessation of Supplementary Local Road Funding (formula funding);
- Increased effort to secure an appropriate level of rate revenue with due consideration to rating equity across all land use categories;
- IT Strategic Plan expenditure endorsed by Council;
- Inclusion of major operating and capital projects and associated assumptions around one-off grant funding opportunities;
- Enterprise Bargaining Agreement (EBA) negotiations;
- Increase in annual allowance for jetty maintenance;
- Increase in annual allowance for roadside tree-trimming;
- Variation in cost of utilities;
- Increase in cost of insurance;
- Estimated impacts of asset revaluations;
- Estimated costs to manage remediation of illegal dumping;
- Finance costs related to three new loans for major capital projects all to be drawn down in Y1 and Y2 of the plan.

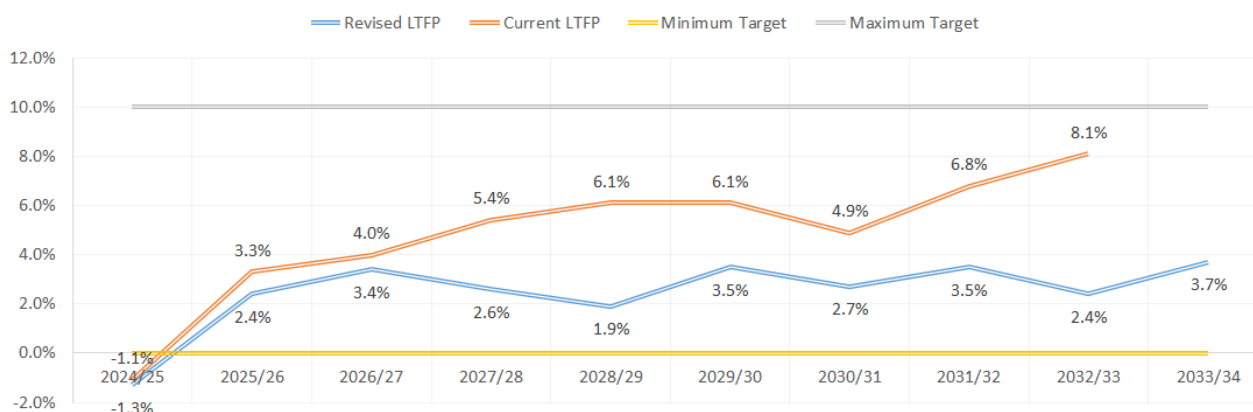
Financial Sustainability Indicators (Ratios)

The LTFP targets set for each of the ratios, listed below, remain unchanged:

- Operating Surplus Ratio between 0% and 10%.
- Net Financial Liabilities Ratio less than 100%
- Asset Renewal Funding Ratio greater than 100%

Graphs showing the ten-year forecast results are provided below.

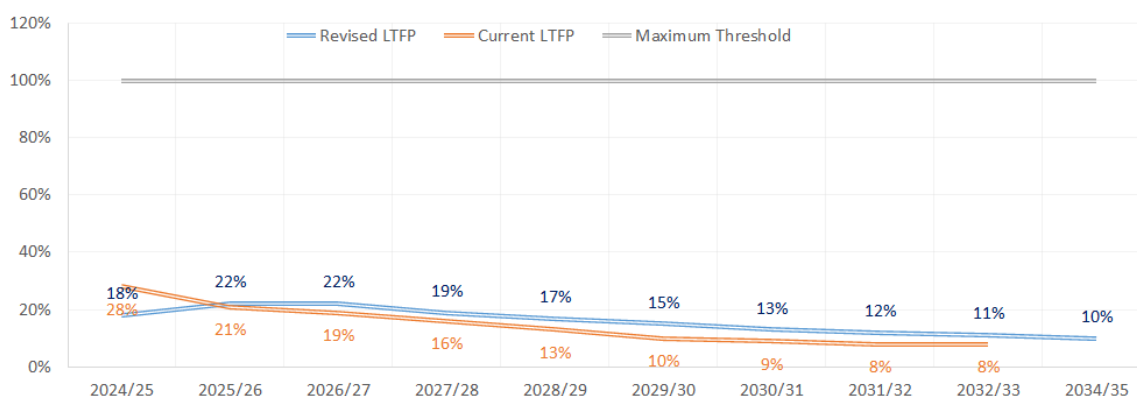
OPERATING SURPLUS RATIO



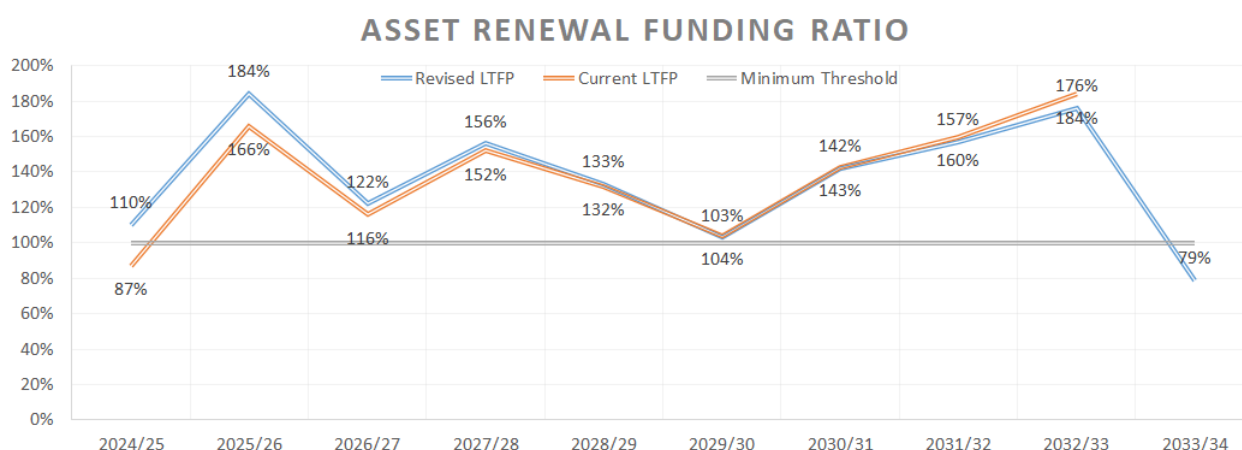
The revised draft LTFP shows that Council will return to a positive Operating Surplus Ratio (OSR) in 2025/2026 (Y2) which matches the forecast of the current adopted LTFP. This said, the revised draft LTFP provides for a more subtle return to positive territory on account of updated operating expenditure estimates and reduced expectations around future increases to Council rates over and above CPI the later part of the plan.

It should be noted, that from time to time, during the period of the LTFP Council's financial results are materially distorted by individually significant events (i.e. amounts that are either unusual in nature, or usual in nature but unusual in amount) which may convey a false impression of Council's underlying operations. The revised draft LTFP contains several one-off grant funded projects which are individually significant and as such have the potential to create material variances in the plan should these projects not proceed.

NET FINANCIAL LIABILITIES RATIO



Council's forecast Net Financial Liabilities Ratio (NFLR) continues to be well below Local Government recommended maximum limits and Council's LTFP maximum threshold of 100% of Operating Income. Two new loans are planned to be drawn down in 2025/2026 with a third new loan to be drawn upon in 2026/27. This will see the NFLR peak early in the LTFP but with no further loans predicted the ratio will then decline over the life of the plan.



The Asset Renewal Funding Ratio (ARFR) fluctuates significantly compared to Council's minimum target of 100% annually, however the annual average ARFR result over the ten-year period is 136% which is higher than Council's 100% minimum annual target.

Continuing with the increased focus on renewal of existing assets, Council over the life of this revised LTFP, is proposing to allocate approximately \$161 million towards renewal and replacement of existing assets. This allocation exceeds the current plan by \$14.0 million. This increased allocation will assist Council in seeking to address a portion of its current asset renewal backlog should plan assumptions come to fruition.

However, it should be noted that whilst the revised LTFP contains assumptions around asset revaluations, the actual outcomes of the revaluation of several major asset classes, presently in progress, are unknown. Further, Asset Management Plans (AMP) for all major asset classes are due to be updated by November 2024. These updates are likely to see adjustments to asset renewal requirements impacting the calculation of this ratio.

An additional \$14.3 million over ten years is allocated for upgrades to assets and acquisition of new assets. It should be noted that most of the anticipated expenditure on new/upgrade assets relate to major projects which are dependent on significant levels of grant funding.

Funding the Plan

The revised LTFP recommends a rating strategy that seeks to achieve a degree of stability, predictability and equity over the next ten years, whilst ensuring current levels of service and infrastructure are maintained for the community. Rates will be set at affordable levels having regard to Council's strategic direction, social and economic goals and external economic environment balanced against the community's ability to pay and its desire for services and infrastructure.

Rate revenue increases are set relative to current Consumer Price Index (CPI) (Adelaide All Groups) and/or Reserve Bank of Australia (RBA) inflationary forecasts plus a Road Maintenance and Renewal Loading (RMRL) which is to be applied over and above CPI to ensure Council makes progress on addressing asset renewal backlog and targets. Income generated through the RMRL will be quarantined specifically to be used in capital road renewal projects.

For the purposes of the revised LTFP the table below shows the forecast CPI compared to the overall rate increases proposed. It should be noted that the 2023 December quarter CPI was 4.8% on which the revised LTFP is based.

	Y1 24/25	Y2 25/26	Y3 26/27	Y4 27/28	Y5 28/29	Y6 29/30	Y7 30/31	Y8 31/32	Y9 32/33	Y10 33/34
General Rate Increase	6.80%	5.25%	4.25%	4.00%	4.00%	3.75%	3.75%	3.50%	3.25%	3.25%

Forecast CPI	4.80%	3.25%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
Road Maintenance and Renewal Loading (RMRL)	2.00%	2.00%	1.75%	1.50%	1.50%	1.25%	1.25%	1.00%	0.75%	0.75%

General rates (inclusive of all rebates) contribute 60.2% of total operating income across the life of the plan. This increases to 75.2% of total operating income when service charges, special rates and the landscape levy are included. Council is presently conducting an independent review of its approach to rating. The outcome of this review may impact future rating assumptions and future rating practices.

Other sources of revenue provide the remaining 24.8% of total operating income across the life of the plan. When compared to the current LTFP these income streams continue to contribute a similar portion in comparison to the whole in the revised LTFP. A breakdown of the contribution to total operation income made by statutory charges, user charges, investment income, reimbursements and other income will be provided in the presentation at the Committee meeting.

Overall Impact

The revised LTFP builds on Council's historical efforts to improve its financial performance. The plan seeks to secure the level of income required to achieve financial sustainability, whilst seeking to manage expenditure in a responsible manner. The financial statements in the revised draft LTFP (attachment 1) provide more detail on Council's financial position over the next ten years.

If the revised LTFP is adopted, as presented, and future annual Budgets and economic conditions continue in line with the revised LTFP assumptions, Council will achieve its objectives as stated. However, the impact of any future decisions around maintenance of Council's leased jetties, and the development of further coastal asset management and maintenance plans, are likely to continue to place additional pressures of Council's budget. Council will also continue to review its business operations in order to realise potential savings resulting from increased productivity, efficiencies and effectiveness. Any such gains will be reflected in future revisions of the LTFP.

COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

If the recommendation above is endorsed by Council the revised draft LTFP 2025 - 2034 will be advertised for public consultation commencing Thursday, 14 March 2024 and concluding Thursday, 4 April 2024. Advertising will be facilitated by notices in the Yorke Peninsula Country Times, Council's web site and social media pages as well as letters/advice to key community groups throughout the district as indicated in the Community Engagement Plan included as (Attachment 2) to this report. The outcome of the public consultation process will be reported to Council at its April 2024 meeting for consideration in formally adopting the revised LTFP 2025 - 2034.

CONSULTATION PROCESS

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

- Corporate Management Team
- Budget Managers
- Accountant – Financial Management

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

- Nil

POLICY IMPLICATIONS

PO142 Budget Reporting and Amendment Policy

The LTFP is part of the suite of Council's Strategic Management Plans.

BUDGET AND RESOURCE IMPLICATIONS

The budget and resourcing implications are as detailed in the revised draft LTFP.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS


Local Government Act 1999

Local Government (Financial Management) Regulations 2011

Not having an LTFP, or having one that is outdated, could result in Council making decisions without knowing the impact on its long-term financial position. Further, there is a risk that Council may not know what financial strategies it needs to adopt and implement to achieve financial sustainability.

ATTACHMENTS

1. **Draft Long Term Financial Plan 2025-2034 (under separate cover)** 
2. **Community Engagement Plan - Draft Long Term Financial Plan 2025-2034**  



YORKE PENINSULA COUNCIL
Apoikioy rōk-ōkioy rōkōkōl

COMMUNITY ENGAGEMENT PLAN

SF215

Responsible Officer: Community Development & Engagement Officer

Issue Date: 31/01/2024

Next Review Date: December 2027

PROJECT NAME:

Stakeholders	Level 1 INFORM	Level 2 CONSULT	Level 3 PARTICIPATE	Level 4 COLLABORATE	Responsibility	Start Date	End Date	Status	Evaluation Method
Entire community		Website			Community Development and Engagement Officer	14/03/2024	4/04/2024	NS	# submissions received
Entire community		Public Notice			Community Development and Engagement Officer	19/03/2024	19/03/2024	NS	# submissions received
Entire community		Social Media			Community Development and Engagement Officer	14/03/2024	4/04/2024	NS	# impressions
Progress Associations		Personalised Letter			Manager Financial Services	14/03/2024	14/03/2024	NS	# submissions received

23 CORPORATE AND COMMUNITY SERVICES**23.1 COMMUNITY ENERGY UPGRADES FUND PROGRAM - SOLAR GRANT OPPORTUNITY****Document #:** 24/16877**Department:** Corporate and Community Services**PURPOSE**

To seek Council approval for a grant application to fund solar and battery systems on the Maitland Council Office and Southern Yorke Peninsula Community Childcare Centre, Minlaton.

RECOMMENDATION

That Council endorse a grant application to the Community Energy Upgrades Fund Program for solar and battery systems on the Maitland Council Office and Southern Yorke Peninsula Community Childcare Centre, Minlaton.

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

3 Valued and Restored Environment

5 Responsible Governance and Leadership

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

1.9 Seek out, develop and deliver on economic development opportunities

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

3.5 Deliver projects and services that have direct environmental benefits

5.4 Seek alternate income streams and ensure financial sustainability

BACKGROUND

The Maitland Council Office and Southern Yorke Peninsula Community Childcare Centre, Minlaton, have been identified as Yorke Peninsula Council buildings for which solar and battery systems could create substantial long-term cost savings and reduce the organisation's greenhouse emissions. The Community Energy Upgrades Fund Program (CEUF), which closes for applications on 30 April 2024, offers an opportunity for Council to apply for grant funding to have solar and battery systems supplied and installed on these buildings.

DISCUSSION

The CEUF is a federal grant program targeted specifically at Local Government organisations, awarding grants from \$25,000 to \$2.5 million for renewables projects. This is the first time a funding opportunity has presented itself to Council that is targeted at local government to fund solar and battery systems. The CEUF aims to help councils make their facilities more energy efficient and to lower their greenhouse emissions. The program aligns with the Australian Government's emission reduction targets of 43% by 2030 and net-zero by 2050, as well as 82% renewable electricity generation by 2030. Grant applications are due by 30 April 2024.

Council staff have identified the opportunity to add solar and battery systems to its buildings, particularly the Maitland Principal Office (office) and Southern Yorke Peninsula Community Childcare Centre (childcare centre).

Adding such a system to the office would result in an estimated reduction of **\$28,600** in Council's annual electricity bills (based on current averages). This cost saving will reduce operating costs, in turn improving Council's long term financial sustainability. Additionally, environmental benefits include:

- Trees planted equivalent: 3,198 trees per year;
- Avoided equivalent fuel: 53,125 litres of petrol per year; and
- Avoided coal burnt: 60,376 kg of coal per year.

A solar and battery system on the childcare centre will make childcare operations more financially viable for the provider, Yorke Peninsula Learning and Care, helping ensure long-term sustainability of the service. The childcare venture will create significant and long-lasting social and economic benefits for families and the wider region, and reducing operating costs for Yorke Peninsula Learning and Care will help the service succeed. The childcare centre solar and battery system is estimated to save **\$11,800** annually (based on forecasting, due to no electricity consumption averages during construction).

The CEUF grant guidelines state "integrated projects that bring together several activities and encompass multiple sites are encouraged". Packaging both buildings in one application addresses the program's desire for multiple sites to be included, and combining solar with battery systems meets the definition of "several activities".

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Corporate Management Team
- Manager Economic Development
- Environment Officer

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

- Nil

POLICY IMPLICATIONS

PO121 External Grant Funding Policy

BUDGET AND RESOURCE IMPLICATIONS

The Community Energy Upgrades Fund Program requires a minimum 50% contribution, which for both combined locations, totals \$88,375. This amount is not presently included in the budget and would either need to be included in the 2024-2025 budget, or brought into the budget via quarterly variation (depending on when notification is received regarding the success or otherwise of the grant application). The 50% contribution has not been included in the Long Term Financial Plan during drafting, due to the grant opportunity presenting after this process.

Minimal ongoing costs will include solar panel and battery system maintenance, however these will be absorbed by the significant savings made to annual average electricity bills.

Estimated annual electricity savings:

- \$28,600 for the Maitland Principal Office;
- \$11,800 for the Southern Yorke Peninsula Community Childcare Centre; and

- Return on investment being approximately 2 years.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

The risks of not proceeding with this grant application and the subsequent project to install solar and battery systems on the Maitland Council Office and Southern Yorke Peninsula Community Childcare Centre include:

- Higher long-term operating costs;
- Higher greenhouse emissions;
- Higher operating costs for the childcare provider;
- Attempting the project in the future, whether by choice or to comply with potential State/Federal requirements, could require 100% Council funding;
- Reputational damage associated with declining an opportunity to become more energy efficient and environmentally conscious; and
- Reliance on generator back-up power.

ATTACHMENTS

Nil

23.2 POLICY REVIEW - PO124 ASSET ACCOUNTING POLICY**Document #:** 24/17903**Department:** Corporate and Community Services**PURPOSE**

To seek endorsement of the proposed updated PO124 Asset Accounting Policy.

RECOMMENDATION

That Council endorse the proposed updated PO124 Asset Accounting Policy as presented for inclusion in Council's Policy Manual and on Council's website.

LINK TO STRATEGIC PLAN**Goal:** 5 Responsible Governance and Leadership**Strategy:** 5.1 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 and emergency management

5.6 Continuous improvement of Council processes

BACKGROUND

Council's PO124 Asset Accounting Policy (Policy) has recently been reviewed in line with its scheduled periodic review.

DISCUSSION

The Policy is presented with recommendations for minor amendments having previously received a substantial overhaul as its last revision. The proposed updated Policy (Attachment 1) is shown with track changes and a copy with no track changes (Attachment 2) are attached for reference.

Minor amendments proposed include:

- Updated dates for the revaluation of non-current assets;
- Amended information regarding capitalisation of work in progress to ensure non-current assets are depreciated from the date the asset is deemed ready to use (or as close as practically possible) per representation to Council's external auditors;
- Removal of the paragraph relating to attractive assets for revision and inclusion in the new Council policy for inventory which is presently under development;
- Expansion to number of related Council policies and procedures listed;
- Expansion to number of references listed;
- Updated Council delegations referencing;
- Additional definitions provided in appendix 1;
- Removal of expenditure classification example for computer software in appendix 2. Annual software licences including software as a service (SaaS) are treated as operating expenditure; and

- Removal of appendix 4 table for estimated useful lives. The useful lives of non-current assets are required to be reviewed annually in accordance with the Australian Accounting Standards. The useful lives of Council's non-current assets are reported annually in its audited general purpose financial statements.

The Audit and Risk Committee adopted this proposed updated Policy at the meeting on 27 February 2024 and recommended it be endorsed by Council as presented.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Corporate Management Team
- Manager Financial Services
- Asset Manager
- Accountant – Financial Operations

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

- Nil

POLICY IMPLICATIONS

PO128 Asset Accounting Policy

BUDGET AND RESOURCE IMPLICATIONS

Nil

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Without appropriate policies, procedures and delegations in place, Council is placed at risk of non-compliance with legislation, accounting standards and its internal financial controls.

ATTACHMENTS

1. Proposed Draft PO124 Asset Accounting Policy - Track Changes [!\[\]\(1fd18b524d5424e49d618cba18b5cf0d_img.jpg\)](#) 
2. Proposed Draft PO124 Asset Accounting Policy - No Track Changes [!\[\]\(7e8076cb91acf7af6780e8527ba40e6f_img.jpg\)](#) 



COUNCIL POLICY

Asset Accounting

Policy Number:	PO124		
Strategic Plan Objective:	5. Responsible Governance		
Policy Owner:	Director Corporate and Community Services	Record Number:	16/14189[v2] 16/14189[v3]
Responsible Officer:	Manager Financial Services	Minute Reference:	297/2019 (11/12/2019)
Date Adopted:	11/12/2019	Next Review Date:	December 2027

1. POLICY OBJECTIVES

To provide a framework that ensures robust management and accounting for Council's non-current assets ~~are accounted for~~ in accordance with Australian Accounting Standards and Legislation.

2. SCOPE

This policy applies to all non-current assets ~~(i.e. Infrastructure, Property, Plant and Equipment)~~, intangible assets and assets held for resale as disclosed in Council's Statement of Financial Position.

This policy impacts all Council employees. Specifically, the policy directly applies to Council officers who have responsibility for the management of non-current Council assets and those officers with asset management and asset accounting responsibilities.

This policy (read in conjunction with PO128 Asset Management Policy) is applicable but not limited to the following functions:

- Acquiring, constructing or developing a non-current asset;
- Accounting for costs incurred in maintaining a non-current asset;
- Renewing, replacing or enhancing the service potential of a non-current asset;
- Revaluing non-current assets;
- Disposal of non-current assets;
- Accounting for the depreciation or amortisation of non-current assets;
- Reporting and disclosing non-current assets;
- Establishing the useful life and residual value of non-current assets; and
- Testing non-current assets for impairment.

PO124 – Asset Accounting Policy

3. DEFINITIONS

Refer to Attachment 1.

4. POLICY STATEMENT**EXPENDITURE CLASSIFICATIONS**

Expenditure by Council in providing services through infrastructure is to be classified into two major categories: operating expenditure and capital expenditure.

Operating expenditure encompasses all costs associated with general maintenance and operations of an asset. These costs are to be expensed when incurred. Operating expenditure falls outside the scope of this policy.

Capital expenditure is expenditure which either renews or upgrades an existing non-current asset or is applied to the creation of a new non-current asset. Capital expenditure for the renewal and replacement of assets is required to be distinguished from capital expenditure for new and upgraded assets by Council in its financial statements in accordance with South Australian Model Financial Statements guidance.

For further guidance in relation to the distinction between operating and capital expenditure refer to Appendix 2.

RECOGNITION OF A NON-CURRENT ASSET

A non-current asset is recognised in Council's Statement of Financial Position (Balance Sheet) when all of the following criteria are met:

- Council has control over the non-current asset;
- It is probable that the future economic benefits associated with the non-current asset will flow to Council;
- The non-current asset has a cost or value that can be measured reliably; and
- The cost or fair value exceeds Council's capitalisation threshold.

Activities associated with the acquisition/creation of new assets are detailed in Appendix 3

MEASUREMENT AT RECOGNITION

Expenditure which qualifies for recognition as a non-current asset shall be measured initially at its cost. Where an asset is acquired at no cost or for a nominal cost, the cost is its fair value, which is to be determined consistent with the requirements of Australian Accounting Standard Board (AASB) 13 as at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, contractual services and other expenditure incurred in construction, direct labour and plant costs of the project and an appropriate proportion of variable and fixed overhead.

DONATED NON-CURRENT ASSETS

Ownership and/or care and control of a donated non-current asset will not transfer to Council until a formal decision of Council has been made to accept the non-current asset.

PO124 – Asset Accounting Policy**CLASSIFICATION OF NON-CURRENT ASSETS**

The following asset classes are reported by Council:

- Buildings and Other Structures
- CWMS Infrastructure
- Land
- Plant, Equipment and Other Assets
- ~~Buildings and Other Structures~~
- Stormwater Infrastructure
- ~~CWMS Infrastructure~~
- Transport Infrastructure
- Water Infrastructure
- ~~Plant, Equipment and Other Assets~~

CAPITALISATION THRESHOLDS

Assets should have a useful life of greater than one year in order for the expenditure to be capitalised and have a value above the capitalisation threshold as stated in the table below. Capitalisation thresholds are set so as not to misstate Financial Statements and to provide a guide as to whether it is practical from an administrative perspective that expenditure is capitalised.

<u>Expenditure</u>	<u>Threshold</u>
<u>Road construction and reconstruction</u>	<u>\$10,000</u>
<u>Buildings & Other Structures</u>	<u>\$5,000</u>
<u>Paving, footpaths, kerb and gutter</u>	<u>\$5,000</u>
<u>Drains and Culverts</u>	<u>\$5,000</u>
<u>Computer software</u>	<u>\$5,000</u>
<u>Park Furniture and Playground Equipment</u>	<u>\$2,000</u>
<u>Office Furniture & Equipment</u>	<u>\$1,000</u>
<u>Other Plant and Equipment</u>	<u>\$1,000</u>
<u>All other assets</u>	<u>\$1,000</u>
<u>Expenditure</u>	<u>Threshold</u>
<u>Office Furniture & Equipment</u>	<u>\$1,000</u>
<u>Other Plant and Equipment</u>	<u>\$1,000</u>
<u>Buildings & Other Structures</u>	<u>\$5,000</u>
<u>Park Furniture and Playground Equipment</u>	<u>\$2,000</u>
<u>Paving, footpaths, kerb and gutter</u>	<u>\$5,000</u>

PO124 – Asset Accounting Policy

Drains and Culverts	\$5,000
Road construction and reconstruction	\$10,000
Computer software	\$5,000
All other assets	\$1,000

No capitalisation threshold is applied to the acquisition of land or interests in land. Land under roads is not capitalised.

Assets that have been determined to form part of a network can still be capitalised. These items fall below the capitalisation threshold ~~individually, but~~ individually but operate together as a cohesive whole to form a significant total value - for example the computer network.

DEPRECIATION OF NON-CURRENT ASSETS

All non-current assets have a limited useful life and are systematically depreciated over their useful lives (excluding land). The ~~straight line~~ straight-line depreciation method is adopted by Council to reflect consumption of the service potential embodied in its non-current asset. All non-current assets are depreciated from the date (or at least within the month) that the asset is deemed ready for use.

~~For more~~ Current information in relation to the useful lives of Council's non-current assets is provided in Council Annual Financial Statements, ~~refer to Appendix 4.~~

REVALUATION OF NON-CURRENT ASSETS

Pursuant to the Local Government (Financial Management) Regulations 2011 all material non-current assets are to be revalued in accordance with the requirements of AASB 116. Revaluation of non-current assets is to occur with sufficient regularity to ensure that the carrying amount does not differ materially from that which would be determined using fair value at reporting date. Council will annually review the movement in internal non-current road asset unit rates (pending a sufficient level of internal works for the asset class) to determine whether a material movement has occurred since last revaluation.

All assets subject to a revaluation process are to be revalued at fair value as determined in accordance with AASB 13. ~~(AASB 13 has replaced the fair value definition and specific guidance in AASB 116).~~ Under AASB 13 non-current assets may be revalued at fair value through use of one of the following methods:

Method	Explanation
Market Approach	Uses prices and other relevant information generated by market transactions involving identical or comparable (similar) assets, liabilities, or a group of assets and liabilities.
Income Approach	Converts future amounts (cash flows or income and expenses) to a single current (Discounted) amounts, reflecting current market expectations about those future amounts.
Cost Approach	Reflects the amount that would be required currently to replace the service capacity of an asset (current replacement cost of a substitute asset of comparable utility and condition, <u>i.e.</u> , the depreciated replacement cost of a new asset).

PO124 – Asset Accounting Policy

Council does not control any asset or group of assets where it is appropriate for the income approach to be adopted for asset revaluation purposes. As such, all assets subject to a revaluation are to be revalued at fair value based on the following criteria:

- Market approach if there is a readily available market; or
- Cost approach if there is no readily available market.

AASB 13 requires that valuation techniques employed to measure fair value shall maximize the use of relevant inputs and minimise the use of unobservable inputs. To aid users of Council's financial statements to make their own assessment about how much reliance they place on reported revaluations Council will ensure asset classes are segregated according to the type of inputs used to arrive at a valuation. In accordance with AASB 13 the hierarchy for this segregation is provided in the table below:

Fair Value Hierarchy	Explanation
Level 1 inputs	Are quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.
Level 2 inputs	Are inputs other than quoted prices included within Level 1 that are directly or indirectly observable for the asset or liability.
Level 3 inputs	Are unobservable inputs for the asset or liability.

At a minimum the following classes of assets will be independently revalued, by suitably qualified personnel, in accordance with the timetable below:

Asset Class	Last Revaluation	Next revaluation
Land	20182022/20192023	20212026/20222027
Buildings & Other Structures	20182022/20192023	20212026/20222027
Transport Infrastructure	20182019/20192020	20192023/20202024
Stormwater Infrastructure	20142019/20152020	20192023/20202024
Water Infrastructure	20142019/20152020	20192023/20202024
CWMS Infrastructure	20152019/20162020	20192023/20202024

Each asset class in the table above must be independently revalued at least once every four (4) years. Independent revaluations will, along with other relevant considerations, take into account the most recent condition assessment data (where available) in arriving at fair value.

As the total written down value of the Plant, Equipment and Other Assets class is not material this asset class will remain valued at cost and will not be subject to revaluation.

ASSET REGISTER

A register of all recognised non-current assets shall be maintained in an appropriate Asset Management System (~~i.e. — Conquest~~) and shall record individual assets in sufficient detail as to permit their identification and control. The asset registers shall be updated at least

PO124 – Asset Accounting Policy

annually each financial year. The asset registers shall be used for the purpose of revaluing, depreciating assets and stocktaking.

IMPAIRMENT OF NON-CURRENT ASSETS

In accordance with AASB 136 Impairment of Assets, an annual assessment will be made at 30th June each year, as to whether there is any indication that a non-current asset (or a class of assets) is 'impaired'. This assessment can also be informed by any indications of impairment highlighted during the process of revaluing a class of Council assets. A non-current asset is impaired when its carrying amount exceeds its recoverable amount.

This assessment will be documented and recorded as part of the annual financial statements working papers, for review by the external auditor.

Where a non-current asset is determined to be impaired, Council staff will estimate the recoverable amount of the non-current asset. If the non-current assets carrying amount exceeds the amount to be recovered through the use or sale of the non-current asset, it will be written down and an impairment loss recorded in the accounts, unless the non-current asset is carried at a revalued amount. Where a non-current asset has been revalued, the impairment loss will be offset against the asset revaluation reserve to the extent available. An impairment loss can be reversed for physical non-current assets in subsequent years.

PO124 – Asset Accounting Policy**NON-CURRENT ASSET DISPOSAL**

A non-current asset is to be removed from the asset register whenever:

- The asset is destroyed, abandoned or decommissioned with no future economic benefit expected to be generated from its use;
- The asset is scrapped, sold or traded;
- The asset is lost or stolen; or
- Control of the asset is transferred to another entity.

Partial removal of a non-current asset is to occur whenever:

- A significant component or section of an infrastructure asset is destroyed, abandoned or decommissioned with no future economic benefit expected to be generated from its use; or
- Major renewal works have been undertaken resulting in a significant component or section of an infrastructure asset being replaced.

All decisions to remove/dispose of an asset should be appropriately documented and authorised.

ACCOUNTING FOR DISPOSAL OF NON-CURRENT ASSETS

The gain or loss on disposal is the difference between net consideration received by Council and the carrying amount of the portion disposed within the asset register. Net consideration includes cash, trades, land swaps, any other type of asset received, liabilities transferred or extinguished less any costs associated with disposing the asset. Cost of disposal can include real estate commission fees, dismantling costs, dumping fees and associated legal costs.

Depreciation is to be processed up to the date the asset is removed from service (or identified as being no longer in service when the actual date is not known) to ensure the appropriate carrying value is used in the calculation of the gain or loss on disposal.

WORK IN PROGRESS

Capital work in progress balances are to be reviewed monthly with at least annually to ensure that completed capital works are transferred to the appropriate asset register annually within Council's Asset Management System and with the resultant movements and balances reflected in the appropriate asset class in the Financial Statements.

ATTRACTIVE ASSETS

~~Minor assets are those items acquired for a cost less than \$1,000. The acquisition of minor assets is treated as an expense. Minor assets with a cost greater than \$500 are recorded in an Attractive Assets Register for the purpose of controlling and safeguarding items which by their nature are at risk of loss.~~

~~The Attractive Assets Register will be subject to a random audit. The register will be in a common format and include description, details of location, responsible officer, serial numbers, acquisition and disposal or transfer details. Items in this Register are to be identified by marking or engraving to reduce the likelihood of theft or aid police recovery where cost effective.~~

PO124 – Asset Accounting Policy**5. COMPLAINTS**

Complaints about this Policy can be made in writing to the Director Corporate and Community Services. Complaints will be managed in accordance with Council's complaints policy PO147.

6. REVIEW

This Policy will be reviewed every four (4) years or as deemed necessary in consideration of any changes to legislation and relevant standards, codes and guidelines. Elected Members and employees will have the opportunity to participate in the review process.

7. TRAINING

Council is committed to supporting relevant authorised officers (through appropriate delegations) in complying with this Policy. Training needs will be identified and reviewed as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines

8. RECORDS

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

9. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS

PO072 ~~Sale and~~ Disposal of Land & Other Assets Policy

[PO091 Risk Management Policy](#)

PO128 Asset Management Policy

PO147 Complaints Policy

[PO161 Prudential Management Policy](#)

[Asset Management Plans](#)

[Annual Business Plan](#)

[Long Term Financial Plan](#)

[Strategic Management Plan](#)

[Strategic Risk Register](#)

10. REFERENCES AND LEGISLATION

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

AASB 13 Fair Value Measurement

AASB 116 Property, Plant and Equipment

AASB 136 Impairment of Assets

South Australian Model Financial Statements

~~IPWEA~~ Australia Infrastructure Financial Management Manual ([AIFMM](#))

PO124 – Asset Accounting Policy

[International Infrastructure Management Manual \(IIMM\)](#)

[Institute of Public Works Engineering Australasia \(IPWEA\) – NAMS.PLUS](#)

11. COUNCIL DELEGATION

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

12. VERSION HISTORY

Provide a brief summary of what has changed.

Version No	Issue Date	Description of Change
1	08/07/2015	Original Version.
2	11/12/2019	Minor Revision.
3	TBC	Minor Revision.

PO124 – Asset Accounting Policy**ATTACHMENT 1: DEFINITIONS**

Term/Reference	Definition
Asset	Future economic benefits controlled by the entity as a result of past transactions or other past events.
Asset Class	An asset class is a group of non-current assets having a similar nature or function in the operations of Council. The asset class is the unit of reporting of assets in Council's financial statements.
Assets held for resale	<p>When these criteria are met, an asset can be classified as held for sale and should be measured at the lower of its carrying amount and fair value less costs to sell. Additionally, assets classified as held for sale are presented separately on the balance sheet.</p> <ul style="list-style-type: none"> - The asset is available for immediate sale in its present condition subject only to terms that are usual and customary for sales of such assets. - The sale is highly probable, meaning that it's expected to occur within one year from the date of classification. - The asset is actively marketed for sale at a price that is reasonable in relation to its current fair value. - Actions required to complete the sale indicate that it's unlikely that significant changes to the plan to sell the asset will be made or that the plan will be withdrawn.
Capital Expenditure (New)	A new asset is additional to Council's previous asset complement.
Capital Expenditure (Renewal or Replacement)	Renewal or replacement of an asset occurs where a previously existing asset is replaced - giving a new asset with a new useful life - without enhancement of the service capability except where this is incidental and unavoidable.
Capital Expenditure (Upgrade)	An upgraded asset replaces a previously existing asset with enhanced capability or functionality, where an option existed for replacement without the enhanced capability or functionality.
Capitalisation Threshold	The capitalisation threshold sets the expenditure limit, below which an outlay is expensed as maintenance and above which it is recognised as capital expenditure.
Cost	Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition and all other costs incurred in getting the asset ready for use. Where an asset is acquired for no cost or nominal cost such as a contributed asset, then the fair value at the time of its acquisition or construction will be considered as the cost.
Council	Yorke Peninsula Council
Depreciated Current Replacement Cost	Current cost of replacement or reproduction of an asset, less deductions for physical deterioration of the asset.
Depreciation	Systematic allocation of the value of an asset over its useful life.
Fair Value	The amount for which an asset could be exchanged between knowledgeable, willing parties in an arm's length transaction.

PO124 – Asset Accounting Policy

Term/Reference	Definition
	Where no active market exists for an asset fair value is taken to be the depreciated current replacement cost.
Impairment	The decline in the future economic benefits or service potential of an asset over and above the consumption reported through depreciation. An asset is said to be impaired when its carrying amount exceeds its recoverable amount.
Intangible Asset	Intangible asset is an identifiable non-monetary asset without physical substance. Examples of intangible assets as per include patents, copyrights, trademarks, franchises, brand names, computer software, licenses, goodwill.
Maintenance	Maintenance of an asset is periodic expenditure required to ensure that the asset continues to provide future economic benefits or expenditure on non-current assets that do not meet the capitalisation criteria. Maintenance costs are expensed annually as they are incurred. This does not upgrade or renew the asset but enables the asset to attain its planned lifespan – e.g. pothole repair, crack sealing and bitumen patching.
Materiality	Information is material if omitting, misstating or obscuring it could reasonably be expected to influence decisions that the primary users of general purpose financial statements make on the basis of those financial statements, which provide financial information about a specific reporting entity. Omissions or misstatements of items are material if they could, individually or collectively, influence the economic decisions that users make on the basis of the financial statements. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor.
Non- Current Asset	An asset is a resource controlled by Council as a result of past events and from which future economic benefits/service potential are expected to flow to Council. Assets include physical assets which provide future economic benefits/service potential for more than 12 months. Any items which has a life less than 12 months is expenses under a maintenance/ operational budget and cannot be classified as an asset.
Recoverable Amount	The higher of its fair value less costs to sell or its value in use. Costs to sell are the direct incremental costs specifically attributable to the disposal of the asset, such as legal fees, transportation, or any other costs directly associated with the sale. Value in use is the present value of the future cash flows expected to be derived from the continued use of the asset. It involves estimating the future cash flows the asset will generate and discounting them to their present value.
Residual Value	Residual value of an asset is the estimated amount that a council would currently obtain from disposal of the asset, after deducting the estimated costs of disposal, if the asset were already of the age and in the condition expected at the end of its useful life.

PO124 – Asset Accounting Policy

Term/Reference	Definition
Useful Life	The period over which an asset is expected to be available for use by a council; or the number of production or similar units expected to be obtained from the asset by an entity.

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PO124 – Asset Accounting Policy**ATTACHMENT 2: ACTIVITIES ASSOCIATED WITH ASSET ACQUISITION / CREATION**

Operating Expenditure	Capital Expenditure
<p>All activities prior to decision made to proceed with investment including:</p> <ul style="list-style-type: none"> • Strategic planning reports • Project scoping and investigation, valuation reports, planning approvals 	<p>All activities following decision made to proceed with investment including:</p> <ul style="list-style-type: none"> • Borrowing costs • Survey and design • Professional fees • Site preparation • Construction • Contract payments • Council direct costs, wages, salaries, plant hire, materials, on-costs • Overheads • Supervision • Transport, installation, assembly and testing • Project Management • Future dismantling and removing item and site restoration (where applicable)

PO124 – Asset Accounting Policy**ATTACHMENT 3: EXPENDITURE CLASSIFICATION EXAMPLES (NOT EXHAUSTIVE)**

Item	Operating Expenditure	Capital Expenditure
Fleet and Plant Assets	<ul style="list-style-type: none"> Expenditure <\$1,000 for individual assets or assets that cannot be easily grouped 	<ul style="list-style-type: none"> Expenditure >\$1,000 for individual assets, or assets that can be easily grouped
Sealed Roads (including Kerb & Gutter)	<ul style="list-style-type: none"> Expenditure <\$10,000 for individual assets, or assets that cannot be easily grouped. Minor road patching Shoulder grading Line marking Road cleaning and sweeping General kerb maintenance Condition assessment 	<ul style="list-style-type: none"> Expenditure >\$10,000 for individual assets, or assets that can be easily grouped including: <ul style="list-style-type: none"> Road patching Road construction Resealing Reconstruction
Unsealed Roads	<ul style="list-style-type: none"> Expenditure <\$10,000 for individual assets, or assets that cannot be easily grouped. Grading Sweeping Vegetation Clearing 	<ul style="list-style-type: none"> Expenditure >\$10,000 for individual assets, or assets that can be easily grouped including: <ul style="list-style-type: none"> Road patching Road construction Resealing Reconstruction
Information Technology	<ul style="list-style-type: none"> Expenditure <\$1,000 for individual assets or assets that cannot be easily grouped Minor repairs 	<ul style="list-style-type: none"> Expenditure >\$1,000 for individual assets, or assets that can be easily grouped
CWMS Infrastructure	<ul style="list-style-type: none"> Expenditure <\$1,000 for individual assets or assets that cannot be easily grouped. Minor repairs Inspections/condition assessments 	<ul style="list-style-type: none"> Expenditure >\$1,000 for individual assets, or assets that can be easily grouped including: <ul style="list-style-type: none"> Pipe and structure replacement New pipes and structures Purchase or replacement of Pump and Bore
Office Furniture and Equipment	<ul style="list-style-type: none"> Asset purchases <\$1,000 	<ul style="list-style-type: none"> Asset purchases >\$1,000

PO124 – Asset Accounting Policy

	Item	Operating Expenditure	Capital Expenditure
Signs		<ul style="list-style-type: none"> Expenditure <\$1,000 for individual assets, or assets that cannot be easily grouped. Repairs to existing signs and posts 	<ul style="list-style-type: none"> Expenditure >\$1,000 for individual assets, or assets that can be easily grouped including: <ul style="list-style-type: none"> New signs and/or posts Replacement of existing signs
Footpaths		<ul style="list-style-type: none"> Expenditure <\$2,000 for individual assets, or assets that cannot be easily grouped. Footpath maintenance (pothole repair, joint grinding, segment paving resetting) 	<ul style="list-style-type: none"> Expenditure >\$2,000 for individual assets, or assets that can be easily grouped including: <ul style="list-style-type: none"> Footpath replacement Footpath construction
Research, Design and Project Management Costs		<ul style="list-style-type: none"> All research, design and project management costs incurred on projects which have not proceeded. 	<ul style="list-style-type: none"> Subject to the tests of AASB 136 Impairment of assets.
Playground Equipment & Park Furniture		<ul style="list-style-type: none"> Expenditure <\$2,000 for individual assets, or assets that cannot be easily grouped. All maintenance to existing playground equipment 	<ul style="list-style-type: none"> Expenditure >\$2,000 for individual assets, or assets that can be easily grouped including: <ul style="list-style-type: none"> All new playground equipment/park furniture Repairs/replacement to existing equipment/park furniture
Buildings		<ul style="list-style-type: none"> Any structural addition to the buildings <\$5,000 Repairs/renewal of building <\$5,000 Building/shelter construction <\$5,000 	<ul style="list-style-type: none"> Any structural addition to the buildings >\$5,000 Repairs/renewal of building >\$5,000 Building/shelter construction >\$5,000

PO124 – Asset Accounting Policy

Computer Software	<ul style="list-style-type: none"> Computer software with an initial cost of <\$5,000 Relocation Costs Report development Annual software and license agreement charges Ongoing staff training General admin costs Decommissioning cost 	<ul style="list-style-type: none"> Computer software with an initial cost >\$5,000 Purchases (including initial software licenses) >\$5,000 Testing, development and implementation costs associated with purchased software Additional concurrent user licenses for installed software
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Item	Operating Expenditure	Capital Expenditure
Irrigation	<ul style="list-style-type: none"> Expenditure <\$1,000 for individual assets, or assets that cannot be easily grouped Maintenance to existing irrigation equipment 	<ul style="list-style-type: none"> Expenditure >\$1,000 for individual assets, or assets that can be easily grouped including: <ul style="list-style-type: none"> New irrigation equipment Major repairs/ replacement of irrigation equipment
Sporting Ovals and Playing Courts	<ul style="list-style-type: none"> Expenditure <\$5,000 for individual assets, or assets that cannot be easily grouped Line Marking Lawn mowing Light tower bulb replacements Utilities 	<ul style="list-style-type: none"> Expenditure >\$5,000 for individual assets, or assets that can be easily grouped including: <ul style="list-style-type: none"> Major Earthworks Court construction and resurfacing Light tower construction
Stormwater Infrastructure	<ul style="list-style-type: none"> Expenditure <\$5,000 for individual assets or assets that cannot be easily grouped Minor repairs 	<ul style="list-style-type: none"> Expenditure >\$5,000 for individual assets, or assets that can be easily grouped Pipe and structure replacement New pipes and structures Purchase or replacement of Pump and Bore

PO124 – Asset Accounting Policy**ESTIMATED USEFUL LIVES CURRENT AS AT 30 JUNE 2019~~2023~~**

Buildings & Other Structures	
Buildings (with components)	10 – 100 years
Buildings (no components)	20 – 100 years
Structures	5 to 100 years
Stormwater Infrastructure	
Nodes	25 – 70 years
Pipes/Drains	30 – 100 years
Reuse & Storage	10 – 50 years
Community Wastewater Management Scheme Infrastructure	
Nodes	20 – 70 years
Pipes	50 – 70 years
Pumping Stations	15 – 50 years
Wastewater Treatment Plants & Storage	10 – 100 years
Transport Infrastructure	
Sealed Roads (Upper Surface)	17 – 30 years
Sealed Roads (Lower Surface)	80 – 90 years
Sealed Roads (Pavement)	80 – 90 years
Unsealed Roads (Wearing Surface)	15 – 50 years
Unsealed Roads (Low Base & Earthworks)	90 – 400 years
Paving & Footpaths	30 – 60 years
Drains, Kerb & Gutter	80 years
Walking Trails	30 years
Airfields	20 – 80 years
Water Infrastructure	
Nodes	25 – 60 years
Pipes	60 – 100 years
Pumping, Storage and Treatment	15 – 50 years
Plant, Equipment & Other Assets	
Fleet Vehicles	2 years (Residual 55%)
Major Plant	5 – 25 years (Residual 5% – 35%)
Minor Plant	5 – 60 years
Information Technology	3 – 20 years
Furniture & Other Equipment	5 – 100 years
Other Assets	5 – 100 years
Carparks	30 – 60 years

Useful lives shall be reviewed at the end of each financial year and adjusted where required in accordance with Australian Accounting Standard requirements.



COUNCIL POLICY

Asset Accounting

Policy Number:	PO124		
Strategic Plan Objective:	5. Responsible Governance		
Policy Owner:	Director Corporate and Community Services	Record Number:	16/14189[v3]
Responsible Officer:	Manager Financial Services	Minute Reference:	297/2019 (11/12/2019)
Date Adopted:	11/12/2019	Next Review Date:	December 2027

1. POLICY OBJECTIVES

To provide a framework that ensures robust management and accounting for Council's non-current assets in accordance with Australian Accounting Standards and Legislation.

2. SCOPE

This policy applies to all non-current assets, intangible assets and assets held for resale as disclosed in Council's Statement of Financial Position.

This policy impacts all Council employees. Specifically, the policy directly applies to Council officers who have responsibility for the management of non-current Council assets and those officers with asset management and asset accounting responsibilities.

This policy (read in conjunction with PO128 Asset Management Policy) is applicable but not limited to the following functions:

- Acquiring, constructing or developing a non-current asset;
- Accounting for costs incurred in maintaining a non-current asset;
- Renewing, replacing or enhancing the service potential of a non-current asset;
- Revaluing non-current assets;
- Disposal of non-current assets;
- Accounting for the depreciation or amortisation of non-current assets;
- Reporting and disclosing non-current assets;
- Establishing the useful life and residual value of non-current assets; and
- Testing non-current assets for impairment.

PO124 – Asset Accounting Policy

3. DEFINITIONS

Refer to Attachment 1.

4. POLICY STATEMENT**EXPENDITURE CLASSIFICATIONS**

Expenditure by Council in providing services through infrastructure is to be classified into two major categories: operating expenditure and capital expenditure.

Operating expenditure encompasses all costs associated with general maintenance and operations of an asset. These costs are to be expensed when incurred. Operating expenditure falls outside the scope of this policy.

Capital expenditure is expenditure which either renews or upgrades an existing non-current asset or is applied to the creation of a new non-current asset. Capital expenditure for the renewal and replacement of assets is required to be distinguished from capital expenditure for new and upgraded assets by Council in its financial statements in accordance with South Australian Model Financial Statements guidance.

For further guidance in relation to the distinction between operating and capital expenditure refer to Appendix 2.

RECOGNITION OF A NON-CURRENT ASSET

A non-current asset is recognised in Council's Statement of Financial Position (Balance Sheet) when all of the following criteria are met:

- Council has control over the non-current asset;
- It is probable that the future economic benefits associated with the non-current asset will flow to Council;
- The non-current asset has a cost or value that can be measured reliably; and
- The cost or fair value exceeds Council's capitalisation threshold.

Activities associated with the acquisition/creation of new assets are detailed in Appendix 3

MEASUREMENT AT RECOGNITION

Expenditure which qualifies for recognition as a non-current asset shall be measured initially at its cost. Where an asset is acquired at no cost or for a nominal cost, the cost is its fair value, which is to be determined consistent with the requirements of Australian Accounting Standard Board (AASB) 13 as at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, contractual services and other expenditure incurred in construction, direct labour and plant costs of the project and an appropriate proportion of variable and fixed overhead.

DONATED NON-CURRENT ASSETS

Ownership and/or care and control of a donated non-current asset will not transfer to Council until a formal decision of Council has been made to accept the non-current asset.

PO124 – Asset Accounting Policy**CLASSIFICATION OF NON-CURRENT ASSETS**

The following asset classes are reported by Council:

- Buildings and Other Structures
- CWMS Infrastructure
- Land
- Plant, Equipment and Other Assets
- Stormwater Infrastructure
- Transport Infrastructure
- Water Infrastructure

CAPITALISATION THRESHOLDS

Assets should have a useful life of greater than one year in order for the expenditure to be capitalised and have a value above the capitalisation threshold as stated in the table below. Capitalisation thresholds are set so as not to misstate Financial Statements and to provide a guide as to whether it is practical from an administrative perspective that expenditure is capitalised.

Expenditure	Threshold
Road construction and reconstruction	\$10,000
Buildings & Other Structures	\$5,000
Paving, footpaths, kerb and gutter	\$5,000
Drains and Culverts	\$5,000
Computer software	\$5,000
Park Furniture and Playground Equipment	\$2,000
Office Furniture & Equipment	\$1,000
Other Plant and Equipment	\$1,000
All other assets	\$1,000

No capitalisation threshold is applied to the acquisition of land or interests in land. Land under roads is not capitalised.

Assets that have been determined to form part of a network can still be capitalised. These items fall below the capitalisation threshold individually but operate together as a cohesive whole to form a significant total value - for example the computer network.

DEPRECIATION OF NON-CURRENT ASSETS

All non-current assets have a limited useful life and are systematically depreciated over their useful lives (excluding land). The straight-line depreciation method is adopted by Council to reflect consumption of the service potential embodied in its non-current asset. All non-current assets are depreciated from the date (or at least within the month) that the asset is deemed ready for use.

Current information in relation to the useful lives of Council's non-current assets is provided in Council Annual Financial Statements.

PO124 – Asset Accounting Policy**REVALUATION OF NON-CURRENT ASSETS**

Pursuant to the Local Government (Financial Management) Regulations 2011 all material non-current assets are to be revalued in accordance with the requirements of AASB 116. Revaluation of non-current assets is to occur with sufficient regularity to ensure that the carrying amount does not differ materially from that which would be determined using fair value at reporting date. Council will annually review the movement in internal non-current road asset unit rates (pending a sufficient level of internal works for the asset class) to determine whether a material movement has occurred since last revaluation.

All assets subject to a revaluation process are to be revalued at fair value as determined in accordance with AASB 13. Under AASB 13 non-current assets may be revalued at fair value through use of one of the following methods:

Method	Explanation
Market Approach	Uses prices and other relevant information generated by market transactions involving identical or comparable (similar) assets, liabilities, or a group of assets and liabilities.
Income Approach	Converts future amounts (cash flows or income and expenses) to a single current (Discounted) amounts, reflecting current market expectations about those future amounts.
Cost Approach	Reflects the amount that would be required currently to replace the service capacity of an asset (current replacement cost of a substitute asset of comparable utility and condition, i.e., the depreciated replacement cost of a new asset).

Council does not control any asset or group of assets where it is appropriate for the income approach to be adopted for asset revaluation purposes. As such, all assets subject to a revaluation are to be revalued at fair value based on the following criteria:

- Market approach if there is a readily available market; or
- Cost approach if there is no readily available market.

AASB 13 requires that valuation techniques employed to measure fair value shall maximize the use of relevant inputs and minimise the use of unobservable inputs. To aid users of Council's financial statements to make their own assessment about how much reliance they place on reported revaluations Council will ensure asset classes are segregated according to the type of inputs used to arrive at a valuation. In accordance with AASB 13 the hierarchy for this segregation is provided in the table below:

Fair Value Hierarchy	Explanation
Level 1 inputs	Are quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.
Level 2 inputs	Are inputs other than quoted prices included within Level 1 that are directly or indirectly observable for the asset or liability.
Level 3 inputs	Are unobservable inputs for the asset or liability.

PO124 – Asset Accounting Policy

At a minimum the following classes of assets will be independently revalued, by suitably qualified personnel, in accordance with the timetable below:

Asset Class	Last Revaluation	Next revaluation
Land	2022/2023	2026/2027
Buildings & Other Structures	2022/2023	2026/2027
Transport Infrastructure	2019/2020	2023/2024
Stormwater Infrastructure	2019/2020	2023/2024
Water Infrastructure	2019/2020	2023/2024
CWMS Infrastructure	2019/2020	2023/2024

Each asset class in the table above must be independently revalued at least once every four (4) years. Independent revaluations will, along with other relevant considerations, take into account the most recent condition assessment data (where available) in arriving at fair value.

As the total written down value of the Plant, Equipment and Other Assets class is not material this asset class will remain valued at cost and will not be subject to revaluation.

ASSET REGISTER

A register of all recognised non-current assets shall be maintained in an appropriate Asset Management System and shall record individual assets in sufficient detail as to permit their identification and control. The asset registers shall be updated at least annually each financial year. The asset registers shall be used for the purpose of revaluing, depreciating assets and stocktaking.

IMPAIRMENT OF NON-CURRENT ASSETS

In accordance with AASB 136 Impairment of Assets, an annual assessment will be made at 30 June each year, as to whether there is any indication that a non-current asset (or a class of assets) is 'impaired'. This assessment can also be informed by any indications of impairment highlighted during the process of revaluing a class of Council assets. A non-current asset is impaired when its carrying amount exceeds its recoverable amount.

This assessment will be documented and recorded as part of the annual financial statements working papers, for review by the external auditor.

Where a non-current asset is determined to be impaired, Council staff will estimate the recoverable amount of the non-current asset. If the non-current assets carrying amount exceeds the amount to be recovered through the use or sale of the non-current asset, it will be written down and an impairment loss recorded in the accounts, unless the non-current asset is carried at a revalued amount. Where a non-current asset has been revalued, the impairment loss will be offset against the asset revaluation reserve to the extent available. An impairment loss can be reversed for physical non-current assets in subsequent years.

PO124 – Asset Accounting Policy

NON-CURRENT ASSET DISPOSAL

A non-current asset is to be removed from the asset register whenever:

- The asset is destroyed, abandoned or decommissioned with no future economic benefit expected to be generated from its use.
- The asset is scrapped, sold or traded.
- The asset is lost or stolen; or
- Control of the asset is transferred to another entity.

Partial removal of a non-current asset is to occur whenever:

- A significant component or section of an infrastructure asset is destroyed, abandoned or decommissioned with no future economic benefit expected to be generated from its use; or
- Major renewal works have been undertaken resulting in a significant component or section of an infrastructure asset being replaced.

All decisions to remove/dispose of an asset should be appropriately documented and authorised.

ACCOUNTING FOR DISPOSAL OF NON-CURRENT ASSETS

The gain or loss on disposal is the difference between net consideration received by Council and the carrying amount of the portion disposed within the asset register. Net consideration includes cash, trades, land swaps, any other type of asset received, liabilities transferred or extinguished less any costs associated with disposing the asset. Cost of disposal can include real estate commission fees, dismantling costs, dumping fees and associated legal costs.

Depreciation is to be processed up to the date the asset is removed from service (or identified as being no longer in service when the actual date is not known) to ensure the appropriate carrying value is used in the calculation of the gain or loss on disposal.

WORK IN PROGRESS

Capital work in progress balances are to be reviewed monthly with completed capital works transferred to the appropriate asset register annually within Council's Asset Management System with the resultant movements and balances reflected in the appropriate asset class in the Financial Statements.

5. COMPLAINTS

Complaints about this Policy can be made in writing to the Director Corporate and Community Services. Complaints will be managed in accordance with Council's complaints policy PO147.

6. REVIEW

This Policy will be reviewed every four (4) years or as deemed necessary in consideration of any changes to legislation and relevant standards, codes and guidelines. Elected Members and employees will have the opportunity to participate in the review process.

PO124 – Asset Accounting Policy

7. TRAINING

Council is committed to supporting relevant authorised officers (through appropriate delegations) in complying with this Policy. Training needs will be identified and reviewed as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines

8. RECORDS

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

9. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS

PO072 Disposal of Land & Other Assets Policy

PO091 Risk Management Policy

PO128 Asset Management Policy

PO147 Complaints Policy

PO161 Prudential Management Policy

Asset Management Plans

Annual Business Plan

Long Term Financial Plan

Strategic Management Plan

Strategic Risk Register

10. REFERENCES AND LEGISLATION

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

AASB 13 Fair Value Measurement

AASB 116 Property, Plant and Equipment

AASB 136 Impairment of Assets

South Australian Model Financial Statements

Australia Infrastructure Financial Management Manual (AIFMM)

International Infrastructure Management Manual (IIMM)

Institute of Public Works Engineering Australasia (IPWEA) – NAMS.PLUS

11. COUNCIL DELEGATION

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

PO124 – Asset Accounting Policy

12. VERSION HISTORY

Provide a brief summary of what has changed.

Version No	Issue Date	Description of Change
1	08/07/2015	Original Version.
2	11/12/2019	Minor Revision.
3	TBC	Minor Revision.

PO124 – Asset Accounting Policy**ATTACHMENT 1: DEFINITIONS**

Term/Reference	Definition
Asset	Future economic benefits controlled by the entity as a result of past transactions or other past events.
Asset Class	An asset class is a group of non-current assets having a similar nature or function in the operations of Council. The asset class is the unit of reporting of assets in Council's financial statements.
Assets held for resale	<p>When these criteria are met, an asset can be classified as held for sale and should be measured at the lower of its carrying amount and fair value less costs to sell. Additionally, assets classified as held for sale are presented separately on the balance sheet.</p> <ul style="list-style-type: none"> - The asset is available for immediate sale in its present condition subject only to terms that are usual and customary for sales of such assets. - The sale is highly probable, meaning that it's expected to occur within one year from the date of classification. - The asset is actively marketed for sale at a price that is reasonable in relation to its current fair value. - Actions required to complete the sale indicate that it's unlikely that significant changes to the plan to sell the asset will be made or that the plan will be withdrawn.
Capital Expenditure (New)	A new asset is additional to Council's previous asset complement.
Capital Expenditure (Renewal or Replacement)	Renewal or replacement of an asset occurs where a previously existing asset is replaced - giving a new asset with a new useful life - without enhancement of the service capability except where this is incidental and unavoidable.
Capital Expenditure (Upgrade)	An upgraded asset replaces a previously existing asset with enhanced capability or functionality, where an option existed for replacement without the enhanced capability or functionality.
Capitalisation Threshold	The capitalisation threshold sets the expenditure limit, below which an outlay is expensed and above which it is recognised as capital expenditure.
Cost	Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition and all other costs incurred in getting the asset ready for use. Where an asset is acquired for no cost or nominal cost such as a contributed asset, then the fair value at the time of its acquisition or construction will be considered as the cost.
Council	Yorke Peninsula Council
Depreciated Current Replacement Cost	Current cost of replacement or reproduction of an asset, less deductions for physical deterioration of the asset.
Depreciation	Systematic allocation of the value of an asset over its useful life.
Fair Value	The amount for which an asset could be exchanged between knowledgeable, willing parties in an arm's length transaction.

PO124 – Asset Accounting Policy

Term/Reference	Definition
	Where no active market exists for an asset fair value is taken to be the depreciated current replacement cost.
Impairment	The decline in the future economic benefits or service potential of an asset over and above the consumption reported through depreciation. An asset is said to be impaired when its carrying amount exceeds its recoverable amount.
Intangible Asset	Intangible asset is an identifiable non-monetary asset without physical substance. Examples of intangible assets as per include patents, copyrights, trademarks, franchises, brand names, computer software, licenses, goodwill.
Maintenance	Maintenance of an asset is periodic expenditure required to ensure that the asset continues to provide future economic benefits or expenditure on non-current assets that do not meet the capitalisation criteria. Maintenance costs are expensed annually as they are incurred. This does not upgrade or renew the asset but enables the asset to attain its planned lifespan – e.g. pothole repair, crack sealing and bitumen patching.
Materiality	Information is material if omitting, misstating or obscuring it could reasonably be expected to influence decisions that the primary users of general purpose financial statements make on the basis of those financial statements, which provide financial information about a specific reporting entity. Omissions or misstatements of items are material if they could, individually or collectively, influence the economic decisions that users make on the basis of the financial statements. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor.
Non- Current Asset	An asset is a resource controlled by Council as a result of past events and from which future economic benefits/service potential are expected to flow to Council. Assets include physical assets which provide future economic benefits/service potential for more than 12 months. Any items which has a life less than 12 months is expenses under a maintenance/ operational budget and cannot be classified as an asset.
Recoverable Amount	The higher of its fair value less costs to sell or its value in use. Costs to sell are the direct incremental costs specifically attributable to the disposal of the asset, such as legal fees, transportation, or any other costs directly associated with the sale. Value in use is the present value of the future cash flows expected to be derived from the continued use of the asset. It involves estimating the future cash flows the asset will generate and discounting them to their present value.
Residual Value	Residual value of an asset is the estimated amount that a council would currently obtain from disposal of the asset, after deducting the estimated costs of disposal, if the asset were already of the age and in the condition expected at the end of its useful life.

PO124 – Asset Accounting Policy

Term/Reference	Definition
Useful Life	The period over which an asset is expected to be available for use by a council; or the number of production or similar units expected to be obtained from the asset by an entity.

PO124 – Asset Accounting Policy

ATTACHMENT 2: ACTIVITIES ASSOCIATED WITH ASSET ACQUISITION / CREATION

Operating Expenditure	Capital Expenditure
<p>All activities prior to decision made to proceed with investment including:</p> <ul style="list-style-type: none">• Strategic planning reports• Project scoping and investigation, valuation reports, planning approvals	<p>All activities following decision made to proceed with investment including:</p> <ul style="list-style-type: none">• Borrowing costs• Survey and design• Professional fees• Site preparation• Construction• Contract payments• Council direct costs, wages, salaries, plant hire, materials, on-costs• Overheads• Supervision• Transport, installation, assembly and testing• Project Management• Future dismantling and removing item and site restoration (where applicable)

PO124 – Asset Accounting Policy**ATTACHMENT 3: EXPENDITURE CLASSIFICATION EXAMPLES (NOT EXHAUSTIVE)**

Item	Operating Expenditure	Capital Expenditure
Fleet and Plant Assets	<ul style="list-style-type: none"> Expenditure <\$1,000 for individual assets or assets that cannot be easily grouped 	<ul style="list-style-type: none"> Expenditure >\$1,000 for individual assets, or assets that can be easily grouped
Sealed Roads (including Kerb & Gutter)	<ul style="list-style-type: none"> Expenditure <\$10,000 for individual assets, or assets that cannot be easily grouped. Minor road patching Shoulder grading Line marking Road cleaning and sweeping General kerb maintenance Condition assessment 	<ul style="list-style-type: none"> Expenditure >\$10,000 for individual assets, or assets that can be easily grouped including: <ul style="list-style-type: none"> Road patching Road construction Resealing Reconstruction
Unsealed Roads	<ul style="list-style-type: none"> Expenditure <\$10,000 for individual assets, or assets that cannot be easily grouped. Grading Sweeping Vegetation Clearing 	<ul style="list-style-type: none"> Expenditure >\$10,000 for individual assets, or assets that can be easily grouped including: <ul style="list-style-type: none"> Road patching Road construction Resealing Reconstruction
Information Technology	<ul style="list-style-type: none"> Expenditure <\$1,000 for individual assets or assets that cannot be easily grouped Minor repairs 	<ul style="list-style-type: none"> Expenditure >\$1,000 for individual assets, or assets that can be easily grouped
CWMS Infrastructure	<ul style="list-style-type: none"> Expenditure <\$1,000 for individual assets or assets that cannot be easily grouped. Minor repairs Inspections/condition assessments 	<ul style="list-style-type: none"> Expenditure >\$1,000 for individual assets, or assets that can be easily grouped including: <ul style="list-style-type: none"> Pipe and structure replacement New pipes and structures Purchase or replacement of Pump and Bore
Office Furniture and Equipment	<ul style="list-style-type: none"> Asset purchases <\$1,000 	<ul style="list-style-type: none"> Asset purchases >\$1,000

PO124 – Asset Accounting Policy

	Item	Operating Expenditure	Capital Expenditure
Signs		<ul style="list-style-type: none"> Expenditure <\$1,000 for individual assets, or assets that cannot be easily grouped. Repairs to existing signs and posts 	<ul style="list-style-type: none"> Expenditure >\$1,000 for individual assets, or assets that can be easily grouped including: <ul style="list-style-type: none"> New signs and/or posts Replacement of existing signs
Footpaths		<ul style="list-style-type: none"> Expenditure <\$2,000 for individual assets, or assets that cannot be easily grouped. Footpath maintenance (pothole repair, joint grinding, segment paving resetting) 	<ul style="list-style-type: none"> Expenditure >\$2,000 for individual assets, or assets that can be easily grouped including: <ul style="list-style-type: none"> Footpath replacement Footpath construction
Research, Design and Project Management Costs		<ul style="list-style-type: none"> All research, design and project management costs incurred on projects which have not proceeded. 	<ul style="list-style-type: none"> Subject to the tests of AASB 136 Impairment of assets.
Playground Equipment & Park Furniture		<ul style="list-style-type: none"> Expenditure <\$2,000 for individual assets, or assets that cannot be easily grouped. All maintenance to existing playground equipment 	<ul style="list-style-type: none"> Expenditure >\$2,000 for individual assets, or assets that can be easily grouped including: <ul style="list-style-type: none"> All new playground equipment/park furniture Repairs/replacement to existing equipment/park furniture
Buildings		<ul style="list-style-type: none"> Any structural addition to the buildings <\$5,000 Repairs/renewal of building <\$5,000 Building/shelter construction <\$5,000 	<ul style="list-style-type: none"> Any structural addition to the buildings >\$5,000 Repairs/renewal of building >\$5,000 Building/shelter construction >\$5,000

PO124 – Asset Accounting Policy

Item	Operating Expenditure	Capital Expenditure
Irrigation	<ul style="list-style-type: none"> Expenditure <\$1,000 for individual assets, or assets that cannot be easily grouped Maintenance to existing irrigation equipment 	<ul style="list-style-type: none"> Expenditure >\$1,000 for individual assets, or assets that can be easily grouped including: <ul style="list-style-type: none"> New irrigation equipment Major repairs/ replacement of irrigation equipment
Sporting Ovals and Playing Courts	<ul style="list-style-type: none"> Expenditure <\$5,000 for individual assets, or assets that cannot be easily grouped Line Marking Lawn mowing Light tower bulb replacements Utilities 	<ul style="list-style-type: none"> Expenditure >\$5,000 for individual assets, or assets that can be easily grouped including: <ul style="list-style-type: none"> Major Earthworks Court construction and resurfacing Light tower construction
Stormwater Infrastructure	<ul style="list-style-type: none"> Expenditure <\$5,000 for individual assets or assets that cannot be easily grouped Minor repairs 	<ul style="list-style-type: none"> Expenditure >\$5,000 for individual assets, or assets that can be easily grouped Pipe and structure replacement New pipes and structures Purchase or replacement of Pump and Bore

23.3 POLICY REVIEW - PO088 ELECTED MEMBER USE OF COUNCIL SUPPLIED ELECTRONIC EQUIPMENT POLICY**Document #:** 24/17905**Department:** Corporate and Community Services**PURPOSE**

To seek endorsement of the proposed updated PO088 Elected Member Use of Council Supplied Electronic Equipment Policy.

RECOMMENDATION

That Council endorse the proposed updated PO088 Elected Member Use of Council Supplied Electronic Equipment Policy as presented for inclusion in Council's Policy Manual and on Council's website.

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

Council's PO088 Elected Member Use of Council Supplied Electronic Equipment Policy (Policy) has recently been reviewed in line with its scheduled periodic review.

DISCUSSION

The proposed updated Policy is presented with recommendations including:

- Minor grammatical changes;
- Update to Training and Council Delegation section; and
- Update to Definitions table in Attachment 1 of the Policy.

The proposed updated Policy (Attachment 1) is shown with track changes and a copy with no track changes (Attachment 2) is provided for ease of reference.

Council's current fleet of devices are managed and supported through the connectivity of existing office infrastructure. As elected member's devices are not connected to the same automated management and support systems, physical support of devices is required.

In times of increased cyber and similar threats, devices may be required to be checked to ensure that appropriate security updates and access controls are being applied, that security restrictions are in place to protect the device and information, that antivirus and firewall is active and that the devices have not been compromised. During this time, the devices will also be checked to ensure functionality is optimal.

The Audit and Risk Committee adopted this proposed updated Policy at the meeting on 27 February 2024 and recommended it be endorsed by Council as presented.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Executive Assistant to the CEO and Mayor
- Leader Systems and Technology

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

- Nil

POLICY IMPLICATIONS

PO015 Code of Practice for Access to Council and Committee Meetings

PO063 Records Management

PO089 Elected Member Allowances and Benefits Policy

PO135 Elected Members Training and Development Policy

PO123 Statutory - Code of Conduct for Council Members

PO152 Information Systems Acceptable Use Policy

PO153 Information Systems Access Control Policy

PO154 Password and Authentication Policy

PFC123 Process for Managing Complaints and Breaches under the Code of Conduct for Elected Members

BUDGET AND RESOURCE IMPLICATIONS

Nil


RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Local Government Act 1999

Local Government (Elected Member's Allowances and Benefits Regulations) 2010

Freedom of Information Act 1991

ATTACHMENTS

1. Draft - PO088 Elected Member Use of Council Supplied Electronic Equipment - Track Changes [↓](#) 
2. Draft - PO088 Elected Member Use of Council Supplied Electronic Equipment - No Track Changes [↓](#) 



COUNCIL POLICY

Elected Members Use of Council Supplied Electronic Equipment

Policy Number:	PO088		
Strategic Plan Objective:	5. Responsible Governance and Leadership		
Policy Owner:	Director Corporate & Community Services	Record Number:	16/6371[v76]
Responsible Officer:	Leader Systems & Technology	Minute Reference:	186/2022 (21/09/2022)
Date Adopted:	21/09/2022	Next Review Date:	March 2024

1. POLICY OBJECTIVES

The Yorke Peninsula Council will provide Elected Members with facilities and support (pursuant to Section 78 of the Local Government Act 1999) in the form of Information Technology Services and Equipment which is intended to:

- facilitate electronic communications with key stakeholders
- enable effective and efficient communication between staff of the Yorke Peninsula Council, Elected Members and members of the community
- enable informed decision-making
- enable Elected Members to perform their role effectively and efficiently
- increase productivity in the provision of services to the Yorke Peninsula Council community

2. SCOPE

This policy applies to the Elected Members of Yorke Peninsula Council.

3. DEFINITIONS

Refer to Attachment 1.

4. POLICY STATEMENT

Elected Members will be provided with Information Technology Services and Equipment for the duration of their term of office. These Information Technology Services and Equipment, determined by the Leader Systems and Technology (in consultation with the CEO), comprise:

- personal electronic devices and associated software;
- electronic communications services, including email and internet access;

PO088 – Elected Members Use of Council Supplied Electronic Equipment Policy

- technical and maintenance support-

4.1 Provision of Information Technology Services and Equipment

Information Technology Services and Equipment provided to an Elected Member remains the property of the Yorke Peninsula Council and, as such, are to be returned at the completion of the term of office of an Elected Member or upon request.

4.2 Use of Information Technology Services and Equipment

Elected Members' use of the provided Services and Equipment is to be in accordance with the following policies

PO123 Statutory - Code of Conduct for Council Members

PO152 Information Systems Acceptable Use Policy

PO153 Information Systems Access Control Policy

PO154 Password and Authentication Policy

4.3 Maintenance of Information Technology Services and Equipment

Access to the provided Services and Equipment may be required by Council IT staff every six (6) months or as requested, to ensure optimal functionality and that adequate access controls are in place.

5. COMPLAINTS

Complaints under this policy must be in writing to the CEO (including any person acting in the office of CEO) and will be managed in accordance with the Process for Managing Complaints and Breaches under the Code of Conduct for Elected Members.

6. REVIEW

This policy will be reviewed biennially of the release of this policy and as necessary in consideration of any changes to technology, legislation and relevant standards, codes and guidelines.

7. TRAINING

Elected Members are provided with appropriate training to enable them to meet the requirements of this policy. Training needs will be reviewed ~~annually as part of Council's Elected Member Training Plan and~~ as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

8. RECORDS

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

9. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS

PO015 Code of Practice for Access to Council and Committee Meetings

PO063 Records Management

PO089 Elected Member Allowances and Benefits Policy

PO135 Elected Members Training and Development Policy

PO088 – Elected Members Use of Council Supplied Electronic Equipment Policy

PO123 Statutory - Code of Conduct for Council Members

PO152 Information Systems Acceptable Use Policy

PO153 Information Systems Access Control Policy

PO154 Password and Authentication Policy

PFC123 Process for Managing Complaints and Breaches under the Code of Conduct for Elected Members

10. REFERENCES AND LEGISLATION

Local Government Act 1999

Local Government (Member's Allowances and Benefits Regulations) 2010

Freedom of Information Act 1991

11. COUNCIL DELEGATION

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

11.

Details of Delegation:	Chief Executive Officer
Delegate:	Director Corporate and Community Services

18.12. VERSION HISTORY

Version No	Issue Date	Description of Change
2	02/11/2003	Minor Revision.
3	13/07/2016	Minor Revision.
4	10/03/2021	Minor Revision.
5	29/09/2021	Minor Revision.
6	21/09/2022	Minor Revision
<u>7</u>	<u>19/02/2024</u>	<u>Minor Revision</u>

PO088 – Elected Members Use of Council Supplied Electronic Equipment Policy**ATTACHMENT 1: DEFINITIONS**

Term/Reference	Definition
CEO	Chief Executive Officer
Email	A service that enables people to exchange documents or messages in electronic form where messages are sent and received using computer technology.
Internet	A global research, information and communication network providing services such as file transfer and electronic mail.
<u>Computing</u> <u>Electronic</u> Device	A device such as a laptop or tablet used to run software systems used for communication and the manipulation and interpretation of data.



COUNCIL POLICY

Elected Members Use of Council Supplied Electronic Equipment

Policy Number:	PO088		
Strategic Plan Objective:	5. Responsible Governance and Leadership		
Policy Owner:	Director Corporate & Community Services	Record Number:	16/6371[v7]
Responsible Officer:	Leader Systems & Technology	Minute Reference:	186/2022 (21/09/2022)
Date Adopted:	21/09/2022	Next Review Date:	March 2024

1. POLICY OBJECTIVES

The Yorke Peninsula Council will provide Elected Members with facilities and support (pursuant to Section 78 of the Local Government Act 1999) in the form of Information Technology Services and Equipment which is intended to:

- facilitate electronic communications with key stakeholders
- enable effective and efficient communication between staff of the Yorke Peninsula Council, Elected Members and members of the community
- enable informed decision-making
- enable Elected Members to perform their role effectively and efficiently
- increase productivity in the provision of services to the Yorke Peninsula Council community

2. SCOPE

This policy applies to the Elected Members of Yorke Peninsula Council.

3. DEFINITIONS

Refer to Attachment 1.

4. POLICY STATEMENT

Elected Members will be provided with Information Technology Services and Equipment for the duration of their term of office. These Information Technology Services and Equipment, determined by the Leader Systems and Technology (in consultation with the CEO), comprise:

- personal electronic devices and associated software
- electronic communications services, including email and internet access

PO088 – Elected Members Use of Council Supplied Electronic Equipment Policy

- technical and maintenance support

4.1 Provision of Information Technology Services and Equipment

Information Technology Services and Equipment provided to an Elected Member remains the property of the Yorke Peninsula Council and, as such, are to be returned at the completion of the term of office of an Elected Member or upon request.

4.2 Use of Information Technology Services and Equipment

Elected Members' use of the provided Services and Equipment is to be in accordance with the following policies

PO123 Statutory - Code of Conduct for Council Members

PO152 Information Systems Acceptable Use Policy

PO153 Information Systems Access Control Policy

PO154 Password and Authentication Policy

4.3 Maintenance of Information Technology Services and Equipment

Access to the provided Services and Equipment may be required by Council IT staff every six (6) months or as requested, to ensure optimal functionality and that adequate access controls are in place.

5. COMPLAINTS

Complaints under this policy must be in writing to the CEO (including any person acting in the office of CEO) and will be managed in accordance with the Process for Managing Complaints and Breaches under the Code of Conduct for Elected Members.

6. REVIEW

This policy will be reviewed biennially of the release of this policy and as necessary in consideration of any changes to technology, legislation and relevant standards, codes and guidelines.

7. TRAINING

Elected Members are provided with appropriate training to enable them to meet the requirements of this policy. Training needs will be reviewed as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

8. RECORDS

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

9. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS

PO015 Code of Practice for Access to Council and Committee Meetings

PO063 Records Management

PO089 Elected Member Allowances and Benefits Policy

PO135 Elected Members Training and Development Policy

PO123 Statutory - Code of Conduct for Council Members

PO088 – Elected Members Use of Council Supplied Electronic Equipment Policy

PO152 Information Systems Acceptable Use Policy

PO153 Information Systems Access Control Policy

PO154 Password and Authentication Policy

PFC123 Process for Managing Complaints and Breaches under the Code of Conduct for Elected Members

10. REFERENCES AND LEGISLATION

Local Government Act 1999

Local Government (Member's Allowances and Benefits Regulations) 2010

Freedom of Information Act 1991

11. COUNCIL DELEGATION

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

12. VERSION HISTORY

Version No	Issue Date	Description of Change
2	02/11/2003	Minor Revision.
3	13/07/2016	Minor Revision.
4	10/03/2021	Minor Revision.
5	29/09/2021	Minor Revision.
6	21/09/2022	Minor Revision
7	19/02/2024	Minor Revision

PO088 – Elected Members Use of Council Supplied Electronic Equipment Policy

ATTACHMENT 1: DEFINITIONS

Term/Reference	Definition
CEO	Chief Executive Officer
Email	A service that enables people to exchange documents or messages in electronic form where messages are sent and received using computer technology.
Internet	A global research, information and communication network providing services such as file transfer and electronic mail.
Electronic Device	A device such as a laptop or tablet used to run software systems used for communication and the manipulation and interpretation of data.

23.4 POLICY REVIEW - PO177 YP LEISURE OPTIONS WORKER SCREENING REQUIREMENTS**Document #:** 24/19176**Department:** Corporate and Community Services**PURPOSE**

To seek endorsement on the proposed updated PO177 YP Leisure Options Worker Screening Requirements Policy.

RECOMMENDATION

That Council endorse the proposed updated PO177 YP Leisure Options Worker Screening Requirements Policy as presented for inclusion in Council's Policy Manual and on Council's website.

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

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

5.5 Undertake effective risk and emergency management

BACKGROUND

Council's PO177 YP Leisure Options Worker Screening Requirements Policy (Policy) has recently been reviewed in line with its scheduled periodic review.

DISCUSSION

The proposed updated Policy is presented with recommendations including:

- Grammatical changes;
- Reference to National Disability Insurance Scheme (NDIS) and Aged Care quality and safeguard arrangements;
- Aligned to legislation and grant funding requirements as a result of the Aged Care Reforms aligning with the NDIS legislation;
- Updated Risk Assessment process;
- Reduced to two types of screenings removing vulnerable screenings as NDIS/ Aged Care Worker Screenings are comprehensive and cover this category;
- Removed Acceptable Disability Sector Checks in South Australia as no Risk Assessed Roles have this old screening in place; and
- Referenced Aged Care Act 1997.

The proposed updated Policy is attached with changes shown in colour (Attachment 1) and a copy without track changes is provided for ease of reference (Attachment 2).

The Audit and Risk Committee adopted this proposed updated Policy at the meeting on 27 February 2024 and recommended it be endorsed by Council as presented.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Corporate Management Team
- Manager People Culture and Safety
- YP Leisure Options Coordinator
- All Staff

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

- Nil

POLICY IMPLICATIONS

PO193 YP Leisure Options Practice Standards Policy

PO195 YP Leisure Options Philosophy and Objectives Policy

PO201 YP Leisure Options Monitoring, Compliance and National Standards Policy

BUDGET AND RESOURCE IMPLICATIONS

Aged Care Act 1997



National Disability Insurance Scheme Act 2013

Risk assessed roles within Council that are required to undertake Worker Screenings are monitored and managed within Council current YP Leisure Options budget allocation. Key Personnel including Elected Members are deemed volunteers and there is no cost associated with the worker screening process.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Engaging personnel in 'risk assessed roles' that have not commenced the process of obtaining a Worker Screening would be in breach of the National Disability Insurance Scheme Service Provider registration conditions resulting in a non-compliance and possible cancellation of our registration.

ATTACHMENTS

1. **Proposed Draft - PO177 YP Leisure Options Worker Screening Requirements Policy - Track Changes** [!\[\]\(7b04e30f4fc74f1dfd5f7d748eb38d36_img.jpg\)](#) 
2. **Proposed Draft - PO177 YP Leisure Options Worker Screening Requirements Policy - No Track Changes** [!\[\]\(c62d9cc54c47f9e1aa2016063fd5e7d8_img.jpg\)](#) 



COUNCIL POLICY

YP Leisure Options Worker Screening Requirements

Policy Number:	PO177		
Strategic Plan Objective:	4. Community Engaged and Supported		
Policy Owner:	Director Corporate and Community Services	Record Number:	20/93032[v1] 20/93032[v2]
Responsible Officer:	YP Leisure Options Coordinator	Minute Reference:	097/2020
Date Adopted:	14/05/2020xx/xx/2024	Next Review Date:	May 2024xx 2028

1. POLICY OBJECTIVES

Yorke Peninsula Leisure Options (YPLO) has a responsibility to protect and remove unreasonable risk from the following groups:

- the [elderlyaged](#);
- vulnerable adults (including people with disabilities); and
- workers.

In meeting this responsibility, YPLO must be satisfied that all workers and key personnel of the programme meet the highest standard of integrity and suitability so that the risk of placing anyone in an unsafe environment is minimised. Worker screening checks help to ensure that workers and key personnel with a known history of violent or abusive behaviour do not work or make key decisions relating to our vulnerable clients.

2. SCOPE

This policy applies to key personnel and workers of YPLO.

3. DEFINITIONS

Refer to Attachment 1.

4. POLICY STATEMENT

YPLO will undertake screening clearances to:

- Establish the suitability of workers working with vulnerable adults;
- Establish the suitability of key personnel; and
- Ensure that all workers and clients are protected from working with personnel who do not meet the requirements of satisfactory screening.

PO177 – YP Leisure Options Worker Screening Requirements Policy

Under quality and safeguards arrangements within the National Disability Insurance Scheme (NDIS) and Aged Care, YPLO will risk assess all workers and key personnel to determine the applicable clearance requirements. All workers in a 'risk assessed' role must have a clearance (or make an application for a clearance) before they can start work.

All roles risk assessed will consider:

- Key personnel;
- A role whose normal duties includes the direct delivery of a specified support or services; and
- A role in which the normal duties are likely to involve more than incidental contact with our YPLO members/clients.

As such, compliance with this policy is a condition of appointment for all persons engaged to provide services or make decisions on behalf of YPLO.

Worker Screenings for all risk assessed roles is a mandatory requirement for YPLO to keep grant funding arrangements and the NDIS registration to remain in place and valid.

4.1. IDENTIFYING ROLES

A risk assessment will be undertaken to determine which type of screening will be required for all roles within YPLO. Risk assessed roles will be required to have an appropriate check.

Roles performed in the course of working with YPLO ~~clients-members~~ include direct workers such as employees, volunteers, consultants and other personnel such as subcontractors.

Section 11A of the NDIS Act defines key personnel as:

- a) 'A member of the group of persons who is responsible for the executive decisions of the NDIS provider (which includes but is not limited to a member of the NDIS provider's governing body); and
- b) Any other person who has authority or responsibility for (or significant influence over) planning, directing or controlling the activities of the NDIS provider.'

The Aged Care Act 1997 defines key personnel as:

- a) Staff who make executive decision;
- b) Have authority, influence or responsibility for planning, directing or controlling the activities of the services; and
- a)c) Are responsible for day to day operations.

As outlined above, kKey Personnel roles includes those persons that are responsible for the executive decision making, planning, directing or controlling the activities of YPLO. While these roles may not involve more than incidental contact with YPLO members/clients, due to the nature of these roles, they still need to be categorised as a risk assessed role. These roles include the Corporate Management Team, Elected Members (referred to as Board Members in the NDIS legislation), the Manager and YPLO Coordinator etc.

The risk assessment process will include:

- The role title, the type of activity that the role undertakes, screening requirements; and
- The reasons why the role is a risk assessed role; ~~and~~

PO177 – YP Leisure Options Worker Screening Requirements Policy

- ~~• The date the role was assessed and the name and title of the person who made the assessment.~~

4.2. SCREENING TYPES

There are ~~three~~ two worker screening checks that are relevant to YPLO including:

1. Mandated by Legislation
 - Disability Services as a requirement of the NDIS; and
 - Aged Care Sector as a requirement of the Commonwealth Home Support Programme grant funding arrangements.

2. ~~Non Mandated by Legislation:~~

- ~~• Vulnerable person-related employment.~~

4.3. POSSIBLE OUTCOMES

1. Clearance – the applicant meets the criteria and successfully receives their Worker Screening Clearance.
2. Exclusion – the applicant does not meet the criteria and is unable to engage in NDIS or Aged Care related work.
3. Risk Assessment – whilst the application is still in the assessment stage. They are still able to engage in NDIS related work only in the instance where a service provider has a risk assessment plan in place and they are appropriately supervised.
4. Interim bar – the applicant is neither cleared nor excluded (yet). This stage is similar to the risk assessment stage, however they are not allowed to engage in NDIS relation work with this status.

~~4.4. ACCEPTABLE DISABILITY SECTOR CHECKS IN SOUTH AUSTRALIA~~

~~From 1st July 2018, any worker engaged in a risk assessed role may have in place a Department of Human Services Disability Services Employment Screening check. These checks will remain valid until they expire (three years from date of issue), or are revoked. Any new worker delivering NDIS supports or services in South Australia who require a check, or whose existing check expiring after 01/07/2019, will need to obtain a Department of Human Services Disability Services Employment Screening check, until the NDIS Worker Screening Check is in place and accessible for applications.~~

~~4.5.4.4. EXEMPTIONS~~

Secondary school students on a formal work experience placement or participating in planned school interactions/ visits, do not need to go through a check to work with YPLO ~~clients~~ members provided they are directly supervised by another worker who has a check.

~~W~~These workers in the process of obtaining a Worker Screening Clearance under the conditions that they are supervised by another worker with a clearance and YPLO has a risk management plan in place.

~~4.6.4.5. ENGAGING CONTRACTORS~~

There are additional responsibilities and obligations for a contractor to perform work on any YPLO premises or otherwise as part of YPLO provision of supports and services. Contractors are responsible for acquiring their relevant clearances. YPLO will:

PO177 – YP Leisure Options Worker Screening Requirements Policy

- Take reasonable steps to ensure that the worker of the contractor has a check; and
- Make sure that the contract with the contractor requires them to:
 - Only allow a worker who has a check or is subject to an exemption to work in a risk assessed role; and
 - Only allow someone to work in a risk assessed role if the contractor is allowed to share information with YPLO about any matter relating to whether that person be engaged in a risk assessed role, such as whether they are subject to an interim bar, suspension or exclusion,

4.7.4.6. HOW THE PROCESS WORKS

Applications will be commenced by the YPLO Coordinator. The screening provider will then email the individual, requesting them to login to the system, confirm their identity and complete and submit the application.

YPLO will cover all expenses relating to worker screenings.

~~The screening process will be undertaken.~~ Screening Clearance Certificates for any check are no longer issued. The organisation and individuals will be notified of the outcome via email.

4.8.4.7. RENEWALS

YPLO will monitor the screenings via the Training Needs Analysis system (elementSTAFF). When screenings are coming up for renewal, the Training ~~Adviser~~ Administration Officer will notify the YPLO Coordinator for the process to be undertaken.

5. RESPONSIBILITIES

All YPLO workers are responsible for implementing this policy.

6. COMPLAINTS

Complaints in relation to this policy are to be directed in writing to the Manager People, Culture and Safety. All complaints will be managed in accordance with Council's Complaints Policy PO147. Internal complaints will follow the Dispute Resolution Procedures provided in their current Enterprise Agreement.

7. REVIEW

This policy will be reviewed every four (4) years, in consultation with employees and/or their representatives. The policy will also be reviewed as deemed necessary in consideration to any changes to legislation, relevant standards, codes and guidelines, audit findings, any corrective actions/controls arising from risk assessment and/or hazard/incident reports and stakeholder feedback.

8. TRAINING

Council is committed to supporting workers in complying with this Policy and workers will be made aware of this Policies and how the Worker Screening is relevant to their role.

9. RECORDS

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

PO177 – YP Leisure Options Worker Screening Requirements Policy**10. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS**

PO147 Complaints Policy

PO137 Volunteer Policy

RA0249 YPLO Worker Screening Risk Assessment

11. REFERENCES AND LEGISLATION

Australian Human Rights Commission Regulations 1989

NDIS Act 2013

NDIS Rules 2018 – National Disability Insurance Scheme (Practice Standards – Worker Screening)

NDIS Quality and Safeguards Commission – Worker Screening Requirements (NDIS Registered Providers)

[Aged Care Act 1997](#)Aged Care Quality [and Safety](#) Standards

Privacy Act 1988

Charter of Aged Care Rights

12. COUNCIL DELEGATIONAny applicable delegations are available on Councils website via the Delegations register via <https://yorke.sa.gov.au/about-us/forms-plans-and-publications/registers/>**13. VERSION HISTORY**

Version No	Issue Date	Description of Change
1	14/05/2020	New Council Policy
<u>2</u>		<u>Minor changes. Included Aged Care Act 1997 requirements, updated risk assessment process and reduced to two type of screenings removing vulnerable. Aligned to legislation and grant funding requirements and updated legislation.</u>

PO177 – YP Leisure Options Worker Screening Requirements Policy**ATTACHMENT 1: DEFINITIONS**

Term/Reference	Definition
Client	Is any person who receives a service of YPLO.
Worker Screening Clearance	Screening which has been completed and evidence provided by the Screening body that the worker has no restriction with respect to filling a position requiring screening.
Positions requiring Screening	Refers to positions (existing or prospective) which require workers, as an inherent requirement of the position, to interact directly with vulnerable adults or key personnel.
Worker	A person who carries out work in any capacity for the Yorke Peninsula Council including: (a) an employee (b) a contractor or subcontractor (c) an employee of a contractor or subcontractor (d) an employee of a labour hire company (e) an outworker (f) an apprentice or trainee (g) a student gaining work experience (h) a volunteer
Vulnerable adult	People with a disability and recipients of aged care services.
YPLO	Yorke Peninsula Leisure Options
Incidental contact	Includes: Physical contact; Building a level of rapport with a client as an integral or ordinary part of duties; Having contact with multiple client of YPLO either as part of the direct delivery of a specialist disability support or services.
Corporate Management Team	Includes the Chief Executive Officer and all Directors of Yorke Peninsula Council.



COUNCIL POLICY

YP Leisure Options Worker Screening Requirements

Policy Number:	PO177		
Strategic Plan Objective:	4. Community Engaged and Supported		
Policy Owner:	Director Corporate and Community Services	Record Number:	20/93032[v2]
Responsible Officer:	YP Leisure Options Coordinator	Minute Reference:	
Date Adopted:	xx/xx/2024	Next Review Date:	xx 2028

1. POLICY OBJECTIVES

Yorke Peninsula Leisure Options (YPLO) has a responsibility to protect and remove unreasonable risk from the following groups:

- the elderly;
- vulnerable adults (including people with disabilities); and
- workers.

In meeting this responsibility, YPLO must be satisfied that all workers and key personnel of the programme meet the highest standard of integrity and suitability so that the risk of placing anyone in an unsafe environment is minimised. Worker screening checks help to ensure that workers and key personnel with a known history of violent or abusive behaviour do not work or make key decisions relating to our vulnerable clients.

2. SCOPE

This policy applies to key personnel and workers of YPLO.

3. DEFINITIONS

Refer to Attachment 1.

4. POLICY STATEMENT

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PO177 – YP Leisure Options Worker Screening Requirements Policy

Under quality and safeguards arrangements within the National Disability Insurance Scheme (NDIS) and Aged Care, YPLO will risk assess all workers and key personnel to determine the applicable clearance requirements. All workers in a 'risk assessed' role must have a clearance (or make an application for a clearance) before they can start work.

All roles risk assessed will consider:

- Key personnel;
- A role whose normal duties includes the direct delivery of a specified support or services; and
- A role in which the normal duties are likely to involve more than incidental contact with our YPLO members.

As such, compliance with this policy is a condition of appointment for all persons engaged to provide services or make decisions on behalf of YPLO.

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PO177 – YP Leisure Options Worker Screening Requirements Policy

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There are two worker screening checks that are relevant to YPLO including:

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Workers in the process of obtaining a Worker Screening Clearance under the conditions that they are supervised by another worker with a clearance and YPLO has a risk management plan in place.

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 - Only allow a worker who has a check or is subject to an exemption to work in a risk assessed role; and
 - Only allow someone to work in a risk assessed role if the contractor is allowed to share information with YPLO about any matter relating to whether that person be engaged in a risk assessed role, such as whether they are subject to an interim bar, suspension or exclusion,

PO177 – YP Leisure Options Worker Screening Requirements Policy

4.6. HOW THE PROCESS WORKS

Applications will be commenced by the YPLO Coordinator. The screening provider will then email the individual, requesting them to login to the system, confirm their identity and complete and submit the application.

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Screening Clearance Certificates for any check are no longer issued. The organisation and individuals will be notified of the outcome via email.

4.7. RENEWALS

YPLO will monitor the screenings via the Training Needs Analysis system (elementSTAFF). When screenings are coming up for renewal, the Training Administration Officer will notify the YPLO Coordinator for the process to be undertaken.

5. RESPONSIBILITIES

All YPLO workers are responsible for implementing this policy.

6. COMPLAINTS

Complaints in relation to this policy are to be directed in writing to the Manager People, Culture and Safety. All complaints will be managed in accordance with Council's Complaints Policy PO147. Internal complaints will follow the Dispute Resolution Procedures provided in their current Enterprise Agreement.

7. REVIEW

This policy will be reviewed every four (4) years, in consultation with employees and/or their representatives. The policy will also be reviewed as deemed necessary in consideration to any changes to legislation, relevant standards, codes and guidelines, audit findings, any corrective actions/controls arising from risk assessment and/or hazard/incident reports and stakeholder feedback.

8. TRAINING

Council is committed to supporting workers in complying with this Policy and workers will be made aware of this Policies and how the Worker Screening is relevant to their role.

9. RECORDS

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

10. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS

PO147 Complaints Policy

PO137 Volunteer Policy

RA0249 YPLO Worker Screening Risk Assessment

11. REFERENCES AND LEGISLATION

Australian Human Rights Commission Regulations 1989

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PO177 – YP Leisure Options Worker Screening Requirements Policy

NDIS Rules 2018 – National Disability Insurance Scheme (Practice Standards – Worker Screening)

NDIS Quality and Safeguards Commission – Worker Screening Requirements (NDIS Registered Providers)

Aged Care Act 1997

Aged Care Quality and Safety Standards

Privacy Act 1988

Charter of Aged Care Rights

12. COUNCIL DELEGATION

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

13. VERSION HISTORY

Version No	Issue Date	Description of Change
1	14/05/2020	New Council Policy
2		Minor changes. Included Aged Care Act 1997 requirements, updated risk assessment process and reduced to two type of screenings removing vulnerable. Aligned to legislation and grant funding requirements and updated legislation.

PO177 – YP Leisure Options Worker Screening Requirements Policy**ATTACHMENT 1: DEFINITIONS**

Term/Reference	Definition
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Positions requiring Screening	Refers to positions (existing or prospective) which require workers, as an inherent requirement of the position, to interact directly with vulnerable adults or key personnel.
Worker	A person who carries out work in any capacity for the Yorke Peninsula Council including: (a) an employee (b) a contractor or subcontractor (c) an employee of a contractor or subcontractor (d) an employee of a labour hire company (e) an outworker (f) an apprentice or trainee (g) a student gaining work experience (h) a volunteer
Vulnerable adult	People with a disability and recipients of aged care services.
YPLO	Yorke Peninsula Leisure Options
Incidental contact	Includes: Physical contact; Building a level of rapport with a client as an integral or ordinary part of duties; Having contact with multiple client of YPLO either as part of the direct delivery of a specialist disability support or services.
Corporate Management Team	Includes the Chief Executive Officer and all Directors of Yorke Peninsula Council.

23.5 POLICY REVIEW - PO173 LEAVE MANAGEMENT POLICY**Document #:** 24/19189**Department:** Corporate and Community Services**PURPOSE**

To seek endorsement on the proposed updated PO173 Leave Management Policy.

RECOMMENDATION

That Council endorse the proposed updated PO173 Leave Management Policy as presented for inclusion in Council's Policy Manual and on Council's website.

LINK TO STRATEGIC PLAN**Goal:** 5 Responsible Governance and Leadership**Strategy:** 5.1 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 and emergency management

BACKGROUND

Council's PO173 Leave Management Policy (Policy) has recently been reviewed in line with its scheduled periodic review.

DISCUSSION

The proposed updated Policy is presented with recommendations including:

- Grammatical changes;
- Inclusion of the Chief Executive Officer being able to approve more than two weeks of annual leave being cashed out within a 12 month cycle;
- Replaced the written agreement to cash out with Council's Standard Form details;
- Altered numerals to be in full for one to ten and the utilised numerals for numbers 11 onwards;
- Added the Complaints section as old template had this omitted.

The proposed updated Policy is attached with changes shown in colour (Attachment 1) and a copy without track changes is provided for ease of reference (Attachment 2).

The Audit and Risk Committee adopted this proposed updated Policy at the meeting on 27 February 2024 and recommended it be endorsed by Council as presented.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Corporate Management Team
- Manager People Culture and Safety

- All Staff

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

- Nil

POLICY IMPLICATIONS

Nil.

BUDGET AND RESOURCE IMPLICATIONS

Leave liability has a financial impact on Council and can have negative effects on the position on our balance sheet.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

South Australian Municipal Salaried Officers Award

Local Government Employees Award

Yorke Peninsula Council Municipal Officers Enterprise Agreement No 5, 2019

Yorke Peninsula Council Local Government Employees Enterprise Agreement No 5, 2019

Fairwork Act (SA) 1994

Local Government Act 1999

Long Service Leave Act 1987

ATTACHMENTS

1. **Proposed Draft - PO173 Leave Management Policy - Track Changes** [↓](#) 
2. **Proposed Draft - PO173 Leave Management Policy - No Track Changes** [↓](#) 



COUNCIL POLICY

Leave Management

Policy Number:	PO173		
Strategic Plan Objective:	5. Responsible Governance and Leadership		
Policy Owner:	Chief Executive Officer	Record Number:	20/122/42
Responsible Officer:	Manager People, Culture and Safety	Minute Reference:	087/2020
Date Adopted:	14/05/2020xx/xx/xxxx	Next Review Date:	May 2024xxx 2028

1. POLICY OBJECTIVES

The purpose of this Policy is to provide a consistent approach to managing leave entitlements within Council including Long Service Leave (LSL), Annual Leave (A/L), Rostered Days Off (RDO) and Time Off In Lieu/Accrued Time (TOIL) to prevent accumulation of unjustifiable levels of accrued leave.

2. SCOPE

This Policy will be applied in conjunction with the LSL Act (SA) and relevant industrial instruments including Council's Enterprise Agreements and is relevant to:

- Employees who are employed on a permanent or fixed term contract; and
- Eligible casual employees for the purposes of LSL only.

3. DEFINITIONS

Refer to Attachment 1.

4. POLICY STATEMENT

Council has a responsibility to closely monitor A/L, LSL, RDO's and TOIL in order to reduce its leave liability and ensure leave credits do not accumulate beyond acceptable levels during the employment lifecycle of an employee.

There is a risk that when Employees do not use their allocated leave on a regularly basis, this could result in an increase~~ds~~ likelihood of sick leave and work related injuries occurring. Council has a duty of care to its staff to ensure regular breaks from work are taken.

The following general principles will be considered for all applications for leave:

- Council encourage employees to establish a balance between their personal and working lives, and to assist employees achieve this balance, A/L and LSL should be taken when it~~f~~ falls due;

PO173 – Leave Management Policy

- Permanent part-time employees are entitled to the same leave and absence entitlements as full-time employees in equivalent positions, except that leave will be paid on a pro rata basis as per relevant Enterprise Agreements;
- Where practicable, all absences must have prior approval;
- Employees should provide enough notice to allow their application (~~either via paper form or~~ an online elementTIME application) to be considered appropriately;
- Approvals should be considered fairly and equitably;
- All staff must take leave on a regular basis; and
- Employees' leave liability must be minimised.

5. GUIDELINES**5.1. Annual Leave**

- A/L provides employees with the opportunity to take a scheduled break from work to better manage and balance their work and life.
- Employees should take their annual allocation of their A/L entitlement regularly each year as required in accordance with the applicable Enterprise Agreement to ensure A/L liability is minimised.
- A/L is to be taken at a time that is mutually agreed between the Supervisor and Employee, taking into consideration operational requirements. Where possible, sufficient notice should be provided when applying for A/L i.e. preferably four ~~(4)~~ weeks before the commencement of leave, however, a shorter notice period may be approved in special circumstances.

5.1.1. Cashing Out of Annual Leave

- Employees have the ability to cash out in lieu of taking A/L as follows:
 - Employees cannot cash out more than two 2 weeks in each 12 month periods unless more than 2 weeks is otherwise agreed by the Chief Executive Officer, and must have at least four weeks A/L entitlement left over after the cash out;
 - Employees cannot accumulate more than 2 two years entitlement of A/L for the purpose of cashing out; and
 - The payment for the cashed out A/L will be the same as what the employee would have been paid if they took the leave; and;
 - Council will not force an employee to cash out A/L.
- Where an Employee indicates an interest in cashing out their Annual Leave, they should apply in writing by completing the SF396 Long Service and Annual Leave Cash Out Request and forward to the relevant Director.
- ~~A written agreement for the cash out of A/L will be recorded as follows:~~
 - ~~Signed by both Council and the Employee;~~
 - ~~Specify the amount of leave being cashed out;~~
 - ~~Specify the amount that will be paid for the leave;~~
 - ~~Specify the date this will be paid; and~~

PO173 – Leave Management Policy

- ~~If the employee is under 18 years of age, signed by their parent or guardian.~~
- e) ~~A copy of this agreement will be placed on the Employee Personnel Payroll file.~~
- c) The SF396 Long Service and Annual Leave Cash Out Request will form a written agreement which is signed by the relevant employee, their Director and the Director Corporate and Community Services which includes:
 - Period of leave in lieu of which the payment has been paid;
 - Payment gross amount;
 - Acknowledgement that the AL entitlement will be reduced by the number of hours detailed; and
 - The new AL balance details which will be reduced in line with the request for cashed out AL being processed.

A copy of the completed SF396 Long Service and Annual Leave Cash Out Request will be forwarded to the Employee for their records and a copy held in the Employee's Personnel Payroll file.

5.2. Long Service Leave

- a) Employees accrue an entitlement to LSL in accordance with the LSL Act 1987.
- b) Employees may elect to use their LSL on a pro-rata basis following the completion of seven years' continuous service as per the relevant Enterprise Agreement.
- c) LSL should be taken as soon as practicable after the Employee becomes entitled to the leave at a mutually agreed time.
- d) Other than exceptional circumstances and where no other form of paid leave is available or appropriate, the minimum period of LSL that can be taken at any one time is one ~~(1)~~ week.
- e) An Employee is required to provide a minimum period of one ~~(1)~~ month's' notice (unless otherwise approved) prior to taking LSL.
- f) To ensure that ~~employees~~ Employees have access to some entitlements for personal emergencies etc., ~~E~~employees may elect to maintain, at all times, a credit of up to twelve ~~(12)~~ weeks' LSL to a total of 456 hours (adjusted pro-rata for part time employees).
- g) The LSL Act 1987 specifies that employees cannot undertake paid work with any employer whilst on LSL.

5.2.1. Cashing out of Long Service Leave

- a) Where an ~~E~~mployee indicates an interest in cashing out their LSL, they should apply in writing by completing the SF396 Long Service and Annual Leave Cash Out Request and forward to the relevant Director. Cashing out LSL is only available once ~~10~~ ten years' of continuous service has been completed by the relevant employee.
- b) Any approval to cash out part or all of an employee's' LSL shall be made taking into consideration the reasons for the request and whether the

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Employee has other leave entitlements at a sufficient level to allow for rest and relaxation. Employees are strongly advised to speak with their financial/taxation advisor when considering cashing out LSL due to possible income taxation implications.

- c) The SF396 Long Service **and Annual** Leave Cash Out Request will form a written agreement which is signed by the relevant employee, their Director and the Director Corporate and Community Services which includes:
- Period of leave in lieu of which the payment has been paid;
 - Payment gross amount;
 - Acknowledgement that **the** LSL entitlement will be reduced by the number of hours detailed; and
 - The new LSL balance details which will be reduced in line with the request for cashed out LSL being processed.

A copy of the completed SF396 Long Service **and Annual** Leave Cash Out Request will be forwarded to the **E**mployee for their records and a copy held in the Employee's Personnel Payroll file.

5.3. Rostered Days Off (RDOs) and Time Off in Lieu (TOIL)

- a) Employees who are entitled to RDOs or TOIL will need to manage their entitlement balance.
- b) Employees may accumulate an additional three **(3)** days in RDO's and/or TOIL time for time taken between the Christmas and New Year's Day period, where the employee may not be required to work.

5.4. Individual Leave Management Plans

- a) The Corporate Management Team (CMT) will be provided with quarterly Leave Balance Reports. Employee leave balances **should not exceed**:
- **304 hours or eight **(8)** weeks of A/L; or**
 - **456 hours or twelve **(12)** weeks of LSL.**
- Hours above will need to be adjusted pro-rata for part time **E**mployees.
- b) Unless otherwise agreed with the relevant Director and approved by the CEO, in line with Council's Enterprise Agreements, any **E**mployee with an accumulated RDO's or TOIL balance in excess of five **(5)** days are to reduce the balance by taking some, at the minimum rate:
- i. 4-10 deferred days within six **(6)** months; and
 - ii. 11-15 deferred days within twelve **(12)** months.
- c) Where an **E**mployee's leave balance exceeds the above allowable thresholds, the Director will require relevant Managers to consult with Supervisors (if applicable) and **E**mployees to discuss future leave arrangements. This discussion will need to be documented on the SF395 Individual Leave Management Plan which will include:
- A schedule of when the **E**mployee intends to take the excess leave; and

PO173 – Leave Management Policy

- Reason for delaying any leave beyond twelve ~~(12)~~ months from start of plan (the CEO will need to approve any delays).
- d) The SF395 Individual Leave Management Plan once completed will be returned to Human Resources to be saved on the ~~E~~mployee's Personnel Payroll file.
- e) If ~~E~~mployees have been unable to agree upon a plan or the ~~E~~mployee has not complied with an approved plan, the CEO may direct the employee to take the excess leave providing a minimum of 60 days' notice to the ~~E~~mployee.

6. COMPLAINTS

Complaints relating to this Policy can be made in writing to the Manager People Culture and Safety. All complaints will be managed in accordance with Council's dispute/conflict resolution procedure contained in the relevant Enterprise Agreement.

7. REVIEW

This ~~P~~olicy will be reviewed every four ~~(4)~~ years, in consultation with ~~E~~mployees and/or their representatives. The ~~P~~olicy will also be reviewed as deemed necessary in consideration to any changes to legislation, relevant standards, codes and guidelines, audit findings, any corrective actions/controls arising from risk assessment and/or hazard/incident reports and stakeholder feedback.

8. TRAINING

Appropriate training will be provided to employees to ensure that they are aware of their role and responsibilities under this Policy during induction.

9. RECORDS

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

10. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS

PO091 Risk Management Policy

SF321 Application for Leave of Absence or online request via elementTIME

SF395 Individual Leave Management Plan

SF396 Long Service and Annual Leave Cash Out Request

YPC Local Government Employees Enterprise Agreement ~~No-5, 2019~~

YPC Municipal Officers Enterprise Agreement ~~No-5, 2019~~

11. REFERENCES AND LEGISLATION

Fairwork Act (SA) 1994 Local Government Act 1999

Local Government Employees Award

Long Service Leave Act 1987

South Australian Municipal Salaried Officers Award

Work Health and Safety Act 2012

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12. COUNCIL DELEGATION

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

13. VERSION HISTORY

Version No	Issue Date	Description of Change
1	14/05/2020	New Policy
<u>2</u>	<u>xx/xx/2024</u>	<u>Minor change and inclusion of complaints process.</u>

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ATTACHMENT 1: DEFINITIONS

Term/Reference	Definition
Enterprise Agreements	Includes: <ul style="list-style-type: none">• Yorke Peninsula Council Municipal Officers Enterprise Agreement; and• Yorke Peninsula Council Local Government Employees Enterprise Agreement.
elementTIME	Council online timesheet system.



COUNCIL POLICY

Leave Management

Policy Number:	PO173		
Strategic Plan Objective:	5. Responsible Governance and Leadership		
Policy Owner:	Chief Executive Officer	Record Number:	20/122/42
Responsible Officer:	Manager People, Culture and Safety	Minute Reference:	
Date Adopted:	xx/xx/xxxx	Next Review Date:	xxx 2028

1. POLICY OBJECTIVES

The purpose of this Policy is to provide a consistent approach to managing leave entitlements within Council including Long Service Leave (LSL), Annual Leave (A/L), Rostered Days Off (RDO) and Time Off In Lieu/Accrued Time (TOIL) to prevent accumulation of unjustifiable levels of accrued leave.

2. SCOPE

This Policy will be applied in conjunction with the LSL Act (SA) and relevant industrial instruments including Council's Enterprise Agreements and is relevant to:

- Employees who are employed on a permanent or fixed term contract; and
- Eligible casual employees for the purposes of LSL only.

3. DEFINITIONS

Refer to Attachment 1.

4. POLICY STATEMENT

Council has a responsibility to closely monitor A/L, LSL, RDO's and TOIL in order to reduce its leave liability and ensure leave credits do not accumulate beyond acceptable levels during the employment lifecycle of an employee.

There is a risk that when Employees do not use their allocated leave on a regular basis, this could result in an increased likelihood of sick leave and work related injuries occurring. Council has a duty of care to its staff to ensure regular breaks from work are taken.

The following general principles will be considered for all applications for leave:

- Council encourage employees to establish a balance between their personal and working lives, and to assist employees achieve this balance, A/L and LSL should be taken when it falls due;

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- Permanent part-time employees are entitled to the same leave and absence entitlements as full-time employees in equivalent positions, except that leave will be paid on a pro rata basis as per relevant Enterprise Agreements;
- Where practicable, all absences must have prior approval;
- Employees should provide enough notice to allow their application (via an online elementTIME application) to be considered appropriately;
- Approvals should be considered fairly and equitably;
- All staff must take leave on a regular basis; and
- Employees' leave liability must be minimised.

5. GUIDELINES**5.1. Annual Leave**

- a) A/L provides employees with the opportunity to take a scheduled break from work to better manage and balance their work and life.
- b) Employees should take their annual allocation of their A/L entitlement regularly each year as required in accordance with the applicable Enterprise Agreement to ensure A/L liability is minimised.
- c) A/L is to be taken at a time that is mutually agreed between the Supervisor and Employee, taking into consideration operational requirements. Where possible, sufficient notice should be provided when applying for A/L i.e. preferably four weeks before the commencement of leave, however, a shorter notice period may be approved in special circumstances.

5.1.1. Cashing Out of Annual Leave

- a) Employees have the ability to cash out in lieu of taking A/L as follows:
 - Employees cannot cash out more than two weeks in each 12 month periods unless more than 2 weeks is otherwise agreed by the Chief Executive Officer, and must have at least four weeks A/L entitlement left over after the cash out;
 - Employees cannot accumulate more than two years entitlement of A/L for the purpose of cashing out;
 - The payment for the cashed out A/L will be the same as what the employee would have been paid if they took the leave; and
 - Council will not force an employee to cash out A/L.
- b) Where an Employee indicates an interest in cashing out their Annual Leave, they should apply in writing by completing the SF396 Long Service and Annual Leave Cash Out Request and forward to the relevant Director.
- c) The SF396 Long Service and Annual Leave Cash Out Request will form a written agreement which is signed by the relevant employee, their Director and the Director Corporate and Community Services which includes:
 - Period of leave in lieu of which the payment has been paid;
 - Payment gross amount;

PO173 – Leave Management Policy

- Acknowledgement that the AL entitlement will be reduced by the number of hours detailed; and
- The new AL balance details which will be reduced in line with the request for cashed out AL being processed.

A copy of the completed SF396 Long Service and Annual Leave Cash Out Request will be forwarded to the Employee for their records and a copy held in the Employee's Personnel Payroll file.

5.2. Long Service Leave

- Employees accrue an entitlement to LSL in accordance with the LSL Act 1987.
- Employees may elect to use their LSL on a pro-rata basis following the completion of seven years' continuous service as per the relevant Enterprise Agreement.
- LSL should be taken as soon as practicable after the Employee becomes entitled to the leave at a mutually agreed time.
- Other than exceptional circumstances and where no other form of paid leave is available or appropriate, the minimum period of LSL that can be taken at any one time is one week.
- An Employee is required to provide a minimum period of one month's notice (unless otherwise approved) prior to taking LSL.
- To ensure that Employees have access to some entitlements for personal emergencies etc., Employees may elect to maintain, at all times, a credit of up to twelve weeks' LSL to a total of 456 hours (adjusted pro-rata for part time employees).
- The LSL Act 1987 specifies that employees cannot undertake paid work with any employer whilst on LSL.

5.2.1. Cashing out of Long Service Leave

- Where an Employee indicates an interest in cashing out their LSL, they should apply in writing by completing the SF396 Long Service and Annual Leave Cash Out Request and forward to the relevant Director. Cashing out LSL is only available once ten years' of continuous service has been completed by the relevant employee.
- Any approval to cash out part or all of an employee's LSL shall be made taking into consideration the reasons for the request and whether the Employee has other leave entitlements at a sufficient level to allow for rest and relaxation. Employees are strongly advised to speak with their financial/taxation advisor when considering cashing out LSL due to possible income taxation implications.
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- The Corporate Management Team (CMT) will be provided with quarterly Leave Balance Reports. Employee leave balances **should not exceed**:
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Hours above will need to be adjusted pro-rata for part time Employees.
- Unless otherwise agreed with the relevant Director and approved by the CEO, in line with Council's Enterprise Agreements, any Employee with an accumulated RDO or TOIL balance in excess of five days are to reduce the balance by taking some, at the minimum rate:
 - 4-10 deferred days within six months; and
 - 11-15 deferred days within twelve months.
- Where an Employee's leave balance exceeds the above allowable thresholds, the Director will require relevant Managers to consult with Supervisors (if applicable) and Employees to discuss future leave arrangements. This discussion will need to be documented on the SF395 Individual Leave Management Plan which will include:
 - A schedule of when the Employee intends to take the excess leave; and
 - Reason for delaying any leave beyond twelve months from start of plan (the CEO will need to approve any delays).
- The SF395 Individual Leave Management Plan once completed will be returned to Human Resources to be saved on the Employee's Personnel Payroll file.
- If Employees have been unable to agree upon a plan or the Employee has not complied with an approved plan, the CEO may direct the employee to take the excess leave providing a minimum of 60 days' notice to the Employee.

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6. COMPLAINTS

Complaints relating to this Policy can be made in writing to the Manager People Culture and Safety. All complaints will be managed in accordance with Council's dispute/conflict resolution procedure contained in the relevant Enterprise Agreement.

7. REVIEW

This Policy will be reviewed every four years, in consultation with Employees and/or their representatives. The Policy will also be reviewed as deemed necessary in consideration to any changes to legislation, relevant standards, codes and guidelines, audit findings, any corrective actions/controls arising from risk assessment and/or hazard/incident reports and stakeholder feedback.

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PO173 – Leave Management Policy

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elementTIME	Council online timesheet system.

23.6 TERMS OF REFERENCE REVIEW - AUDIT AND RISK COMMITTEE**Document #:** 24/17911**Department:** Corporate and Community Services**PURPOSE**

To review and endorse the Audit and Risk Committee's Terms of Reference in response to recent legislative changes to the Local Government Act 1999.

RECOMMENDATION

That Council endorse the proposed updated Terms of Reference for the Audit and Risk Committee as presented.

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

BACKGROUND

Sections of the Local Government Act 1999 (the Local Government Act) relevant to audit and risk committees have been extensively updated as part of the suite of financial and governance accountability changes arising from the passage of the Statutes Amendment (Local Government Review) Act 2021. These changes came into effect on 30 November 2023.

The Audit and Risk Committee (Committee) has recently undertaken an annual review and self-assessment for the 2023 calendar year. A review of the Committee's Terms of Reference (ToR) usually occurs in concert with the self-assessment process. However, considering the timing of legislative changes and due to a lack of specific guidance material being available at the time, it was determined to postpone review of the ToR until the February 2024 meeting.

DISCUSSION

Section 126 of the Local Government Act has, for some time, required that a Council must have an Audit Committee. As part of the reforms, the scope of activity of the Committee as required under section 126 has been expanded to include risk management and functions relating to internal controls and internal audit. The description of the Committee has been changed to 'Audit and Risk Committee' to reflect its broader role. In addition, changes to the committee membership requirements have also been introduced.

Following on from these changes, the Committee's ToR has undergone a complete review to address these new requirements. A proposed draft ToR has been provided (Attachment 1) along with a copy of the current ToR for reference (Attachment 2).

The Audit and Risk Committee endorsed the proposed draft ToR at the meeting on 27 February 2024 and recommend to Council it be endorsed as presented, with a minor amendment under Financial Reporting 2.3.1, changing the word "monitor" to "consider".

COMMUNITY ENGAGEMENT PLAN

Not applicable

CONSULTATION PROCESS

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

- Manager Financial Services

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

- Nil

POLICY IMPLICATIONS

Audit and Risk Committee Terms of Reference

BUDGET AND RESOURCE IMPLICATIONS

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

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Failure to update the ToR to address recent legislative changes would render this governing document non-compliant with several sections of the Local Government Act 1999.

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

ATTACHMENTS

1. **Proposed Draft - Terms of Reference - Audit and Risk Committee** [!\[\]\(3292f5442e3b4027aa0bb60988f9fc82_img.jpg\)](#) 
2. **Current Version - Terms of Reference - Audit and Risk Committee** [!\[\]\(655843b308847eeb6852edac6d504d04_img.jpg\)](#) 



Yorke Peninsula Council Audit and Risk Committee Terms of Reference

1. Establishment and Purpose

- 1.1 The purpose of the Audit and Risk Committee (the Committee) is to provide independent assurance and advice to Council on accounting, financial management, internal controls, risk management and governance matters.
- 1.2 The Committee is established in accordance with the requirements of sections 126 and 41 of the *Local Government Act 1999* (the Local Government Act).

2. Functions

- 2.1 The Local Government Act assigns the following functions to audit and risk committees:
 - (a) Review annual financial statements to ensure that they present fairly the state of affairs of the council.
 - (b) Propose and provide information relevant to, a review of the council's strategic management plans or annual business plan.
 - (c) Monitor the responsiveness of the Council to recommendations for improvement based on previous audits and risk assessments, including those raised by the Council's auditor.
 - (d) Propose and review the exercise of powers under section 130A.
 - (e) Liaise with the Council's auditor in accordance with any requirements prescribed by the regulations.
 - (f) Review the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the Council on a regular basis.
 - (g) If the council has an internal audit function, provide oversight of planning and scoping of the internal audit work plan and review and comment on reports provided by the person primarily responsible for the internal audit function on at least a quarterly basis.
If the council does not have an internal audit function, review and comment on an annual report provided by the chief executive officer in relation to the policies and processes adopted by the Council to evaluate and improve the effectiveness of its internal control practices and procedures.
 - (h) Review and evaluate the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis.
 - (i) Review any prudential report obtained by the council under section 48(1).

- (j) Make recommendations to the Council on the appointment of the Auditor pursuant to section 128 of the Local Government Act.
- (j) Perform any other function referred to it by the Council, another Council Committee or prescribed by the regulations.

2.2 Consistent with the legislative functions assigned to audit and risk committees, the Committee will undertake the following activities:

2.3 Financial Reporting

2.3.1 Monitor the integrity of the financial statements of the Council, reviewing significant financial reporting issues and judgements which they contain.

2.3.2 Review and challenge where necessary:

- The consistency of, and/or any changes to, accounting policies.
- The methods used to account for significant or unusual transactions where different approaches are possible.
- Whether the Council has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account the views of the external auditor.
- The clarity of disclosure in the Council's financial reports and the context in which statements are made.
- All material information presented with the financial statements.

2.3.3 Provide advice to Council relevant to budget reviews undertaken in accordance with the Local Government Act and Regulation 9 of the *Local Government (Financial Management) Regulations 2011*, including in relation to any revisions to the forecast Key Financial Indicators.

2.4 Management plans and business plans

2.4.1 At the time of preparation or scheduled review, provide advice relevant to the scope of the Committees functions on the Council's strategic management plans, which may include:

- Strategic Plan
- Long Term Financial Plan
- Annual Business Plan and Budget
- Infrastructure and Asset Management Plan.

2.5 Internal controls

2.5.1 Review the adequacy of Council's internal controls framework, processes and systems.

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

2.6 Risk management

2.6.1 Review the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis.

- 2.6.2 Monitor responsiveness to recommendations for improvement based on previous audits and risk assessments, including those raised by Council's auditor.

2.7 Internal audit

- 2.7.1 Liaise with the CEO in relation to the appointment of a person, or the assignment of responsibility to an employee of the council, to be primarily responsible for the internal audit function.
- 2.7.2 Receive and comment on reports provided by the person primarily responsible for the internal audit function.
- 2.7.3 Provide oversight of planning and scoping of the internal audit work plan.
- 2.7.4 Review internal audit reports on the council operations.
- 2.7.5 Review and monitor management's responsiveness to internal audit findings and recommendations.

2.8 External audit

- 2.8.1 Make recommendations to the Council in relation to the selection, appointment and removal of the Council's external auditor.
- 2.8.2 Assess the quality and effectiveness of the external audit conducted and evaluate the performance of the auditor, including:
- Review the scope and terms of the audit and the audit fee, including a review on non-audit services provided by the external auditor.
 - Review the audit plan for coverage of material risks and financial reporting requirements.
 - Monitor and review the auditors independence and objectivity.
 - Discuss matters relating to the conduct of the audit, including any difficulties encountered, any restrictions on scope of activities or access to information, significant disagreements with management and the adequacy of management response.
- 2.8.3 Review the findings of the audit with the external auditor, including:
- A discussion of any major issues which arose during the external audit.
 - Any accounting and audit judgements.
 - Levels of errors identified during the external audit.
- 2.8.4 Review any representation letter requested by the external auditor before they are signed by management.
- 2.8.5 Review the subsequent audit management letter from the external auditor and management's proposed response, by the Council, to the external auditor's findings and recommendations in that audit management letter.
- 2.8.6 Meet with the external auditor on at least one occasion each year on a confidential basis, ensuring that a majority of members of the Committee are present for the meeting and that no members or employees of the council are present (other than council members who are members of the Committee).

2.9 Public Interest Disclosure

- 2.9.1 Review the Council's arrangements for making and dealing with appropriate Disclosures of Public Interest, financial reporting and other financial matters.
- 2.9.2 Ensure these arrangements allow independent investigation of such matters and appropriate follow up action.

2.10 Other matters

- 2.10.1 Review any report obtained by Council under section 48(1) of the Act in accordance with Council's Prudential Management Policy.
- 2.10.2 Propose and review the exercise of powers under section 130A of the *Local Government Act 1999* to examine and report on any matter relating to financial management or the efficiency and economy of resource use to achieve council objectives not otherwise addressed as part of an annual audit and of such significance to warrant specific consideration.
- 2.10.3 Make recommendations to Council in relation to development of new, and review of existing, policies within the scope of the Committee's functions.

3. Membership

- 3.1 The Committee shall comprise five members appointed by the Council, with three being independent members and two Council Members.
- 3.2 When considered as a whole, the Committee must have skills, knowledge and experience relevant to the functions of the Committee, including in financial management, risk management, governance and any other prescribed matter.
- 3.3 Independent member(s) of the Committee:
 - Shall be individuals (not corporations or an organisation);
 - Have recent and relevant financial, business, accounting, risk management, corporate governance or internal audit skills and experience;
 - Have no conflicts of interest (as per Chapter 5, Part 4, Division 1 of the Act);
 - Preferably have experience in formal meeting procedures; and
 - Have an understanding of the Act and supporting regulations
- 3.4 A selection panel comprising of four persons shall review and make recommendation for endorsement to Council of the independent member to be appointed. The panel will comprise of two Elected Members (preferably those on the Committee), the Director Corporate and Community Services and the CEO (or Proxy).
- 3.5 The term of appointment for independent members will be up to four years and appointment timing will be managed such that it does not align with council elections, to provide for continuity of Committee membership across terms of Council. Appointees may be reappointed by Council.
- 3.6 Nominations for membership, from the Elected Members, shall be sought by the Council and where the number of nominations is greater than the number of positions available, a vote by secret ballot shall be undertaken using a preferential voting system.

- 3.7 The term of appointment for Council Members will be for the period of the current Council term.
- 3.8 All members of the Committee shall be subject to the Register of Interests provisions of the Act, Chapter 5, Part 4, Subdivision 2.
- 3.9 Independent members of the Committee are Public Officers for the purpose of the Independent Commission Against Corruption Act 2012 and are subject to the provisions of the Criminal Law Consolidation Act 1935, Ombudsman Act 1972 and Public Interest Disclosure Act 2018, including reporting requirements.
- 3.10 All members of the Committee shall act honestly and with reasonable care and diligence, not make improper use of information acquired as a result of being a member of the Committee and must disclose an interest if they have an interest in a matter that is before the Committee (as per Chapter 5, Part 4, Division 1 of the Act).
- 3.11 All members of the Committee must comply with the integrity and behavioural requirements set out in Chapter 5, Part 4, Division 1 of the Act.
- 3.12 Where a member resigns or decides not to continue as a member of the Committee, a new member shall be appointed consistent with this ToR.

4. Presiding Member

- 4.1 The Council shall appoint the Presiding Member from amongst the Independent Members.
- 4.2 The role of the Presiding Member is to:
 - 4.2.1 Oversee the orderly conduct of meetings in accordance with the Local Government Act, the *Local Government (Procedures at Meetings) Regulations 2013* and other procedures relevant to the Committee.
 - 4.2.2 Ensure that the Guiding Principles at Regulation 4 of the *Local Government (Procedures at Meetings) Regulations 2013* are observed and that all Committee members have an opportunity to participate in deliberations of the Committee.
 - 4.2.3 Certify, along with the CEO and in accordance with Regulation 22 of the *Local Government (Financial Management) Regulations 2001*, the 'Independence of External Auditor' as part of the end of financial year audit process.
 - 4.2.4 If the Presiding Member of the Committee is absent from a meeting of the Committee, then a member of the Committee will be appointed by those Committee members who are present to preside until the Presiding Member is present.

5. Meetings

- 5.1 The Committee will meet at least once in each quarter, with meeting dates and times determined by the Committee.
- 5.2 Meetings will be held at times and places determined by Council or, subject to a decision by Council or the Committee.

- 5.3 The Presiding Member shall call a meeting at the written request of the Council's external auditor or any three Members of the Committee.
- 5.4 Notice confirming the venue, time and date, together with an agenda of items to be discussed shall be provided to each member of the Committee no later than three clear days before the meeting. Supporting papers shall be sent to Committee members (and to other attendees as appropriate) at the same time.
- 5.5 Subject to the operation of section 90 of the Local Government Act, and in accordance with the requirements of section 132 of the Local Government Act, the agenda and minutes of the Committee will be published on a website determined by the CEO.
- 5.6 In accordance with section 88 of the Local Government Act, notice of meetings of the committee must be displayed at the principal office of the Council and on a website determined by the CEO, and must continue to be published and kept on display until the completion of the relevant meeting.
- 5.7 The CEO is authorised to adjourn a scheduled meeting, in circumstances where sufficient apologies have been received to indicate a quorum will not be achieved for the scheduled meeting.
- 5.8 The CEO and other employees as directed by the CEO may attend any meeting as observers and/or be responsible for preparing and presenting papers for the Committee.
- 5.9 **Meeting procedures**
- 5.9.1 Meetings of the Committee will be held in accordance with:
- Local Government Act 1999
 - Local Government (Procedures at Meetings) Regulations 2013, specifically Part 1—Preliminary, Part 3—Meetings of other committees and Part 4--Miscellaneous
- 5.10 **Attendance at Committee meetings electronically**
- 5.10.1 Committee members may participate in a Committee meeting by electronic means.
- 5.10.2 A member of the Committee participating in a committee meeting by electronic means is taken to be present at the committee meeting provided that the member:
- (a) can hear all other members present at the committee meeting; and
 - (b) can be heard by all other members present at the committee meeting.
- 5.11 **Form of participation by electronic means**
- 5.11.1 Where:
- (a) a Committee member is to participate in an Committee meeting by electronic means; and

(b) the electronic means has the functionality to allow the member to participate in the Committee meeting by being **both** seen and heard; and

(c) the electronic means of the Council has the functionality to allow the Committee member to be **both** seen and heard,

the member **must** participate by being **both** seen and heard.

5.12 Public access to electronic committee meetings

- 5.12.1 Council will provide public access to electronic Committee meetings by having at least one staff member physically present at the Council chamber to ensure members of the public can hear the discussion between all Committee members.

Definitions

Electronic means includes a telephone, computer or other electronic device used for communication.

5.13 Voting

- 5.13.1 Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each Committee member must vote on every matter that is before the Committee for a decision.
- 5.13.2 The Presiding Member will have a deliberative vote and does not, in the event of an equality of votes, have a casting vote.

5.14 Quorum

- 5.14.1 A quorum for the Committee will be ascertained by dividing the total number of members of the Committee by 2, ignoring any fraction resulting from the division and adding one (in accordance with regulation 26, *Local Government (Procedures at Meetings) Regulations 2013*).

6. Reporting

- 6.1 As required by section 126(8)(a) of the Local Government Act, the Committee will provide a report to the Council after each meeting summarising the work of the Committee during the period preceding the meeting and the outcomes of the meeting.
- 6.2 As required by section 126(8)(b) of the Local Government Act, the Committee will provide an annual report to the Council on the work of the Committee. The Council must include this report in its Annual Report.
- 6.3 As required by section 99(1)(ib) of the Local Government Act, the CEO will provide an annual report to the Committee on the council's internal audit processes.
- 6.4 As part of the preparation of the annual report, the Committee will evaluate its performance, which may include consideration of these ToR, to ensure the Committee is operating at maximum effectiveness with recommendations for any changes presented to the Council for consideration.

7. Administrative support

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

Document reference:	16/27927[v6]
Responsible department:	Corporate and Community Services
Responsible officer:	Manager Financial Services
Date adopted:	TBC
Next review date:	TBC
Applicable legislation:	<i>Local Government Act 1999</i> <i>Local Government (Financial Management) Regulations 2011</i> <i>Local Government (Procedures at Meetings) Regulations 2011</i>



Yorke Peninsula Council

Audit and Risk Committee

Terms of Reference

1. Establishment

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

2. Objective

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

The Committee will:

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

3. Authority

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

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

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

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

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

4. Membership

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

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

4.3. Independent member(s) of the Committee:

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Administration and Resources

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

6. Quorum

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

7. Meetings

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

8. Notice of meetings

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

9. Minutes of Meetings

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

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

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

10.2. Financial reporting

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

- 10.2.2. The Committee shall review and challenge where necessary:

- 10.2.2.1. the consistency of and/or any changes to accounting policies;
- 10.2.2.2. the methods used to account for significant or unusual transactions where different approaches are possible;
- 10.2.2.3. whether the Council has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account the views of the external auditor;
- 10.2.2.4. the clarity of disclosure in the Council's financial reports and the context in which statements are made;
- 10.2.2.5. all material information presented with the financial statements;

10.3. Internal controls and risk management systems

The Committee shall:

- 10.3.1. review the adequacy and effectiveness of the Council's internal controls and risk management systems; and
- 10.3.2. review and consider the approval, where appropriate, of any material to be included in the annual report concerning internal controls and risk management.

10.4. Public Interest Disclosure

The Committee shall:

- 10.4.1. review the Council's arrangements for making and dealing with appropriate Disclosures of Public Interest, financial reporting and other financial matters; and
- 10.4.2. ensure these arrangements allow independent investigation of such matters and appropriate follow-up action.

10.5. Internal audit

The Committee shall:

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

10.6. External audit

The Committee shall:

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

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

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

10.6.5.2. any accounting and audit judgements; and

10.6.5.3. levels of errors identified during the external audit.

10.6.6. review the effectiveness of the external audit.

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

11. Reporting responsibilities

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

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

12. Other matters

The Committee shall:

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

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

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

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

13. Review and Self-Assessment

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

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

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

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

14. Fee

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

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

23.7 FINANCIAL REPORT AS AT 29 FEBRUARY 2024**Document #:** 24/17997**Department:** Corporate and Community Services**PURPOSE**

For Council to consider the financial report and capital projects update report as at 29 February 2024.

RECOMMENDATION

That Council receive the financial report and capital projects update report as at 29 February 2024.

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

5.2 Effective leadership and informed decision making

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

5.4 Seek alternate income streams and ensure financial sustainability

BACKGROUND

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 \$28.5m, 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 \$152,000; dog and cat registration fees of \$97,000, septic tank registration fees of approximately \$49,000 and fines/expiations totalling \$52,000.
 - Note 3 - approximate income of \$4.2m collected for user charges (boat ramps, caravan parks, cemetery fees, hall hire, etc.) of which approximately \$3.2m relates to Caravan Parks and \$415,000 to Bush Camping.

- Note 4 - combined operating and capital grants, subsidies and contributions of approximately \$2.3m received to date (Note: a further \$254,000 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 \$748,000 of investment, reimbursements and miscellaneous income.
 - Note 6 - commitments of approximately \$2.3m with \$1.5m being for waste management services.
 - Note 7 - depreciation estimate for seven months of the financial year has been included in the YTD expenditure being approximately 67% of the 2023/2024 annual revised budget estimate.
 - Notes 8 and 9 - commitments of approximately \$4.1m (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 includes the financial impact of free of charge assets accepted by council for the 2023/2024 year to date. Free of charge assets are not reported in the Capital Projects Update Report.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

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

- Nil

POLICY IMPLICATIONS

PO142 Budget Reporting and Amendment Policy

BUDGET AND RESOURCE IMPLICATIONS

This is the eighth update for the 2023/2024 financial year. After eight months of the year, overall financial performance is forecast to decline against Council's original endorsed Budget. This decline is due to significant increased adjustments to forecast depreciation of approximately \$830,000, made through the September quarter budget based on revaluation results for Council's buildings and structures in 2022/2023. Further significant increases to current year operating expenditure of

approximately \$1.6m, were brought into the budget through the rollover of incomplete and yet to commence operating projects from 2022/2023 which were endorsed in August 2023.

Expenditure on capital projects, including commitments, is increasing as projects advance through procurement, construction and delivery phases. After eight months of the 2023/2024 financial year, 44% of the 2023/2024 proposed revised budget for capital funds remain uncommitted.

All adjustments to reflect the finalisation and endorsement of prior year budget roll over requests, prior year annual Financial Statements, September 2023 and December 2023 quarterly budget adjustment processes are included in the attachments to this Council report.

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 as at 29 February 2024** [!\[\]\(91f916b54a4c6447ad9638d4638be954_img.jpg\)](#) 
2. **Capital Projects Update as at 29 February 2024** [!\[\]\(a79895cf95fd5d796d2cde6fe68d761c_img.jpg\)](#) 

<p style="text-align: center;">YORKE PENINSULA COUNCIL UNIFORM PRESENTATION OF FINANCES AS AT 29 FEBRUARY 2024</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	28,474		28,474	1	28,482	59	28,423
Statutory Charges	383		383	2	411	3	408
User Charges	4,219		4,219	3	5,074	(27)	5,101
Grants, Subsidies and Contributions - Capital	1,452		1,452	4	1,974	224	1,749
Grants, Subsidies and Contributions - Operating	891		891		2,775	290	2,485
Investment Income	337		337		168		168
Reimbursements	237		237	5	178	7	171
Other Income	174		174		151	27	124
	36,166		36,166		39,213	584	38,629
Expenses							
Employee Costs	7,298	4	7,302		11,251	(39)	11,291
Materials, Contracts and Other Expenses	9,291	2,292	11,583	6	16,900	1,807	15,093
Depreciation, Amortisation and Impairment	8,194		8,194	7	12,292	831	11,461
Finance Cost	151		151		275	(04)	279
	(24,934)	(2,296)	(27,230)		(40,718)	(2,595)	(38,123)
Operating Surplus/ (Deficit)	11,232	(2,296)	8,937		(1,505)	(2,011)	506
Timing adjustment for grant revenue							
Adjusted Operating Surplus (Deficit)	11,232	(2,296)	8,937		(1,505)	(2,011)	506
Net Outlays on Existing Assets							
Capital Expenditure on renewal and replacement of Existing Assets	(4,724)	(2,680)	(7,404)	8	(10,600)	(703)	(9,898)
Add back Depreciation, Amortisation and Impairment	8,194		8,194		12,292	831	11,461
Add back Proceeds on Sale of Assets	119		119		174	25	149
	3,590	(2,680)	910		1,866	154	1,712
Net Outlays on New and Upgraded Assets							
Capital Expenditure on New and Upgraded Assets	(3,003)	(1,456)	(4,459)	9	(9,935)	(2,977)	(6,959)
Amounts received specifically for New and Upgraded Assets	1,295		1,295		4,022	1,071	2,952
Add back Proceeds for Sale of Surplus Assets					35	35	
	(1,708)	(1,456)	(3,164)		(5,878)	(1,871)	(4,007)
Annual Net Impact to Financing Activities (surplus/(deficit))	13,114	(6,432)	6,682		(5,518)	(3,728)	(1,789)

Note : Totals may not add due to rounding

Yorke Peninsula Council Monthly Capital Projects Update as at 29 February 2024																
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	\$7,455,547	\$4,136,336	\$11,591,883	\$20,535,493	\$8,943,610	44% 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	Dec-23		N/A	N/A	N/A				\$1,393,152	\$507,728	\$1,900,880	\$2,048,439	\$147,559	7%	[Rolled over from 2022/23] Latent site conditions interrupted civil works schedule. Revised construction schedule now sees practical completion in March 2024.
60205 - Point Turton CP - Upper Level Amenities	CCS	Jun-23								\$17,754	\$13,223	\$30,977	\$320,756	\$289,779	90%	[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%	Awaiting Building Rules Consent.
44656 - Marion Bay Boat Ramp and Carpark	AIS	Jun-26				N/A				\$38,588	\$0	\$38,588	\$3,800,000	\$3,761,412	99%	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 has been granted. Council is working with the state government on a Land Tenure Lease and Native Title. Preliminary works have commenced.
60200 - Point Turton Caravan Park Storage Shed	CCS	Mar-24				N/A				\$19,875	\$0	\$19,875	\$40,000	\$20,125	50%	Development application approved, shed being fabricated.
45794 - Port Rickaby Caravan Park Water Supply Upgrade	CCS	Dec-23			N/A	N/A				\$178,030		\$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				\$1,860	\$0	\$1,860	\$49,420	\$47,560	96%	Wastewater application approved, contractor appointed for supply and install.
Total Buildings & Other Structures										\$1,681,249	\$563,673	\$2,244,922	\$6,854,069	\$4,609,147	67%	
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				\$30,612	\$45,685	\$76,297	\$115,500	\$39,203	34%	Odour control system materials purchased, new aerators ordered, Roofing and shed roller door ordered, Drain replacement works continuing.
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 St. 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.
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				\$15,320	\$94,898	\$110,218	\$118,790	\$8,572	7%	New Aerators purchased awaiting installation, quotations for other works completed. Materials ordered
Total CWMS Infrastructure										\$133,104	\$233,013	\$366,117	\$394,721	\$28,604	7%	
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 and Mono-Manual Control System	AIS	Jan-24		N/A		N/A				\$209,500	\$81,980	\$291,480	\$208,000	-\$83,480	-40%	Vibratory roller purchase completed. Grader attachments on order, budget adjustment to reflect Council decision yet to be processed.
62002 - Major Plant Replacement - Patrol Grader	AIS	Jun-24		N/A		N/A				\$0	\$493,400	\$493,400	\$515,000	\$21,600	4%	Order raised and delivery scheduled for March 2024. Budget adjustment to be requested at March quarter review.
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				\$11,670	\$105,030	\$116,700	\$120,000	\$3,300	3%	Council approval granted and order raised. Estimated delivery in March 2024.
61210 - Fleet Vehicle Replacement	CCS	Nov-23		N/A	N/A	N/A				\$205,478	\$0	\$205,478	\$198,344	-\$7,134	-4%	Completed. (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 at March quarter review.
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										\$669,585	\$730,885	\$1,400,470	\$1,274,432	-\$126,038	-10%	
Transport Infrastructure																
59650 - Yorketown Airstrip - Runway Lighting Upgrade [Support Regional Aviation Program] and Amenities and Fencing Upgrade [Remote Airstrip Upgrade Program]	AIS	Jul-23		N/A	N/A	N/A				\$199,361	\$27,072	\$226,433	\$324,728	\$98,295	30%	[Rolled over from 2022/23] Runway lighting project completed in July 2023. Budget adjustment requested in December quarter to include Amenities and Fencing Upgrade grant project.
54102 - Intersection Upgrades	AIS	Jun-24		N/A	N/A	N/A				\$17,073	\$2,500	\$19,573	\$800,716	\$781,143	98%	[\$193,000 Rolled over from 2022/23]. Council has endorsed tender panel recommendation, awaiting confirmation on timeframes from contractor for works.
45053 - Arthurton Main Street Upgrade [LRCIP Phase 3]	AIS	Jun-23			N/A	N/A				\$104,437	\$0	\$104,437	\$74,437	-\$30,000	-40%	[Rolled over from 2022/23] Completed. Budget adjustment to be requested at March quarter review to include Arthurton Progress Association Contribution.
45046 - Hardwicke Bay Shelter & Boat Ramp Carpark [LRCIP Phase 3]	AIS	Jun-23			N/A	N/A				\$39,587	\$8,618	\$48,205	\$37,737	-\$10,468	-28%	[Rolled over from 2022/23] Footings completed and rest of the work will be completed in March 2024. Budget adjustment to be requested at March quarter review.
57117 - Edith Street Medium Strip Extension - Edithburgh	AIS	Oct-23				N/A				\$39,141	\$6,370	\$45,511	\$46,000	\$489	1%	Completed.
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				\$5,479	\$0	\$5,479	\$293,097	\$287,618	98%	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				\$482,577	\$672	\$483,249	\$454,889	-\$28,360	-6%	Completed. Budget adjustment to be requested at March quarter review.
57119 - Town Rehabilitation South	AIS	Feb-24		N/A		N/A				\$22,348	\$340,850	\$363,198	\$646,522	\$283,324	44%	Completed. Budget adjustment to be requested at March quarter review.
54101 - New Horizon Rd - Troughbridge Hill Rd to Goldsmith Beach Rd	AIS	Feb-24		N/A	N/A	N/A				\$86,802	\$6,368	\$93,170	\$128,850	\$35,680	28%	Completed. Budget adjustment to be requested at March quarter review.
57108 - Corny Point Rd - Brutus Rd to Turton Rd	AIS	Nov-23		N/A	N/A	N/A				\$305,105	\$0	\$305,105	\$305,105	\$0	0%	Completed.

Yorke Peninsula Council Monthly Capital Projects Update as at 29 February 2024																
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
57116 - Dust Suppression	AIS	Apr-24	🟢	N/A	N/A	N/A	🟢	🟢		\$86,579	\$2,318	\$88,897	\$92,001	\$3,104	3%	Works commenced in February 2024 and scheduled for completion in March 2024.
54027 - Nalyappa Rd - Coopers Rd to Barnes Rd	AIS	Dec-23	🟢	N/A	N/A	N/A	🟢	🟢		\$338,008	\$18	\$338,026	\$406,200	\$68,174	17%	Completed. Budget adjustment to be requested at March quarter review.
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	🟢	🟢		\$416,376	\$295	\$416,671	\$501,232	\$84,561	17%	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	🟢	🟢		\$190,181	\$86,657	\$276,838	\$1,045,227	\$768,389	74%	Works commenced.
57112 - Patch Works South - Various Roads	AIS	Jun-24	🟢	N/A	N/A	N/A	🟢	🟢		\$212,105	\$0	\$212,105	\$544,887	\$332,782	61%	Works commenced.
54099 - Dowlingville Slant Rd - Yorke Hwy to Cook Rd	AIS	Jan-24	🟢	N/A	N/A	N/A	🟢	🟢		\$193,743	\$425	\$194,168	\$200,424	\$6,256	3%	Completed. Budget adjustment to be requested at March quarter review.
49500 - Reseal Allocation	AIS	Jun-24	🟢	N/A	N/A	N/A	🟢	🟡		\$735,954	\$832,087	\$1,568,041	\$1,735,902	\$167,861	10%	[Rolled over from 2022/23] Resealing works complete, awaiting line marking.
52490 - Rubble Raising	AIS	Jun-24	🟢	N/A	N/A	N/A	🟢	🟢		\$0	\$387,000	\$387,000	\$500,000	\$113,000	23%	Council has endorsed tender panel recommendation , works to be undertaken in February 2024 and complete by April 2024.
57535 - Sealed Road Rehabilitation Stabilisation Works	AIS	Jun-24	🟢	N/A	🟢	N/A	🟢	🟢		\$0	\$199,670	\$199,670	\$250,000	\$50,330	20%	Works have commenced and scheduled for completion in March 2024.
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	🟢	🟢		\$754,467	\$572,481	\$1,326,948	\$2,300,000	\$973,052	42%	North Coast Road project is nearing completion with some minor stormwater works to be undertaken, anticipate completion in March 2024. Variation to grant lodged to enable additional stage 3 works to be carried out in current year, awaiting outcome of application.
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										\$4,723,464	\$2,571,932	\$7,295,396	\$11,561,804	\$4,266,408	37%	
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 - Conry Point Road	AIS	Jun-23	🟢	🟢	N/A	N/A	🟢	🔴		\$23,448	\$7,698	\$31,146	\$38,100	\$6,954	18%	[Rolled over from 2022/23] Detailed design work to be completed by March 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 at March quarter review.
59433 - Edithburgh - Gillerton terraces Drainage works -Stage 3	AIS	Jan-24	🟢	🟢	N/A	N/A	🟢	🟢		\$67,508	\$0	\$67,508	\$62,000	-\$5,508	-9%	Completed. Budget adjustment to be requested at March quarter review.
59449 - Maitland Western stormwater dam spillway installation stage 2	AIS	Dec-23	🟢	🟢	N/A	N/A	🟢	🟢		\$44,858	\$1,100	\$45,958	\$50,000	\$4,042	8%	Project is near completion.
Total Stormwater Infrastructure										\$209,260	\$8,798	\$218,058	\$256,022	\$37,964	15%	
Water Scheme Infrastructure																
44283 - Hardwicke Bay water scheme increased storage capacity	AIS	Dec-23	🟢	🟢	N/A	N/A	🟢	🟢		\$36,200	\$4,215	\$40,415	\$80,000	\$39,585	49%	New tank installed and operational, general works still to be done.
Total Water Scheme Infrastructure										\$36,200	\$12,185	\$48,385	\$86,150	\$37,765	44%	
Note : Totals may not add due to rounding.																

23.8 INVESTIGATION INTO ADDITIONAL RESOURCING REQUIRED TO PROVIDE ANSWER TO QUESTION ON NOTICE**Document #:** 24/20583**Department:** Corporate and Community Services**PURPOSE**

For Council to endorse a course of action in response to a Question on Notice (Question 2) posed by Cr Tania Stock at the Ordinary Council meeting on 14 February 2024.

RECOMMENDATION A

That Council endorse staff to take no further action in relation to this matter.

Or

RECOMMENDATION B

That Council endorse staff to clarify the project scope, schedule the additional work into Council's annual work program and undertake appropriate procurement activities to engage an external consultant to conduct a review of all direct costs only for the period FY19 – FY24 (including FY24 budgeted expenditure), representing a 5-year period.

Or

RECOMMENDATION C

That Council endorse staff to clarify the project scope, schedule this additional work into Council's annual work program and undertake appropriate procurement activities to engage an external consultant to conduct a Full Activity Cost review for the period FY19 – FY24 (including FY24 budgeted expenditure), representing a 5-year period.

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

Cr Stock posed three Questions on Notice which were included in the agenda for the Ordinary Council meeting on 14 February 2024. Responses provided to each of these questions were also included in the agenda for the 14 February 2024 meeting.

On presentation of the Questions on Notice report to the chamber Cr Stock sought clarification in relation to Question 2 and asked when this question will be answered, which Mayor Darren Braund took on notice.

The contents of this report provide additional contextual information in response to Cr Stock's clarifying question for the consideration of Council.

Question 2, and the original response provided, have been reproduced below to aid the elected body in consideration of this matter:

Question 2

Please provide a summary of expenditure in each ward for the past 5 years (i.e. previous council term and budgeted expenditure for 2023/24) across all major categories (i.e., Roads, Environment, Waste, CWMS, Council Caravan Parks, Footpaths & Stormwater, Community Projects etc.).

Response

Council's finance systems, which include its rating, accounting, budgetary and reporting functions have not been established around electoral ward structures and as such meaningful and accurate information on expenditure by ward is unable to be provided without extraordinary time and effort on behalf of the Financial Services Department. As expenditure by ward is not tracked, transactional data may need to be analysed to be able to provide the response requested, this would prove a significant body of work given the quantum of Council's expenditure and the numerous services which are delivered to our community. Such a task would require time and effort beyond the present resources of Council's Financial Services department and not achievable in the timeframe for the agenda preparation.

DISCUSSION**Council's General Ledger**

Council's General Ledger tracks all transactions recorded within its finance system (Civica) based on the nature of the activity. Council uses an Activity Based Costing (ABC) method to assign costs against each activity and/or service rather than track costs against the physical location of where the service or works were performed (i.e. – within specific Ward districts, townships, regions, etc). Exceptions to this general rule include Council's CWMS, Water Schemes and Caravan Parks which are tracked specifically to the individual physical location (e.g. – Port Vincent Caravan Park, Marion Bay Desalination Plant, etc).

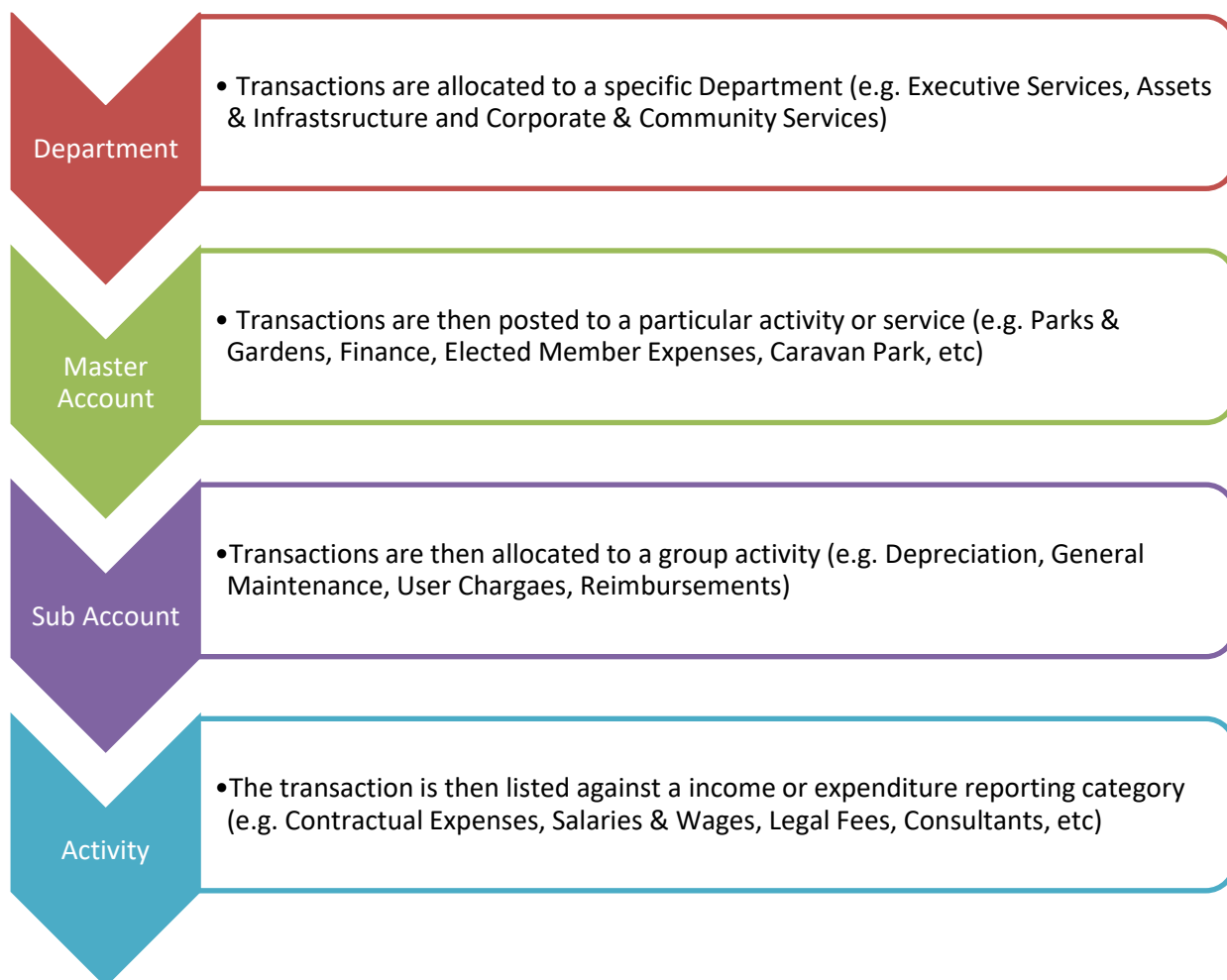
Council generally allocates direct costs within the General Ledger against each activity – that is, those costs which are easily identifiable and which can be traced to a specific service or activity. Council does not apply ABC allocation to the majority of its indirect costs such as corporate overhead expenses given the difficulty associated with reliably allocating these to a direct activity or service. Indirect costs are necessary for the operations of Council but are not directly related to a specific activity or service.

Council does not apply Full Cost Attribution (FCA) accounting across all of its activities and services to assign all direct and indirect costs. Council's in South Australia do not apply FCA accounting across their budgeting and financial reporting given its high complexity and the inability to accurately assign all costs given the diverse services and cost centres.

Council's strategic financial plans (e.g. Long Term Financial Plan), budgets and financial reports all use the same activity based system for allocating all income and expenditure across all operations conducted by the Council.

The General Ledger has been designed primarily to monitor the financial performance of each business department against the adopted budget and to meet external financial reporting requirements such as the annual Financial Statements and South Australian State Government Grants Commission returns.

Council's General Ledger has been structured applying the following account transaction hierarchy:



Based on the above hierarchy system, transactions are not tracked based on their geographical location and/or Ward. To reconstruct information based on an alternate method would require significant work in order to analyse transactions and supporting documentation to enable a split of all expenditure based on a Ward system.

Should a consultant be engaged to assist Council with undertaking this work, Council would need to allocate considerable resources across multiple departments to assist the consultant to gain an adequate understanding of Council's business and where the data/information can be located.

Clarification of Engagement Scope

The initial question raised by Elected Member (Cr Stock) at the February 2024 Council meeting was as follows:

"Please provide a summary of expenditure in each ward for the past 5 years (i.e., previous council term and budgeted expenditure for 2023/24) across all major categories (i.e., Roads, Environment, Waste, CWMS, Council Caravan Parks, Footpaths & Stormwater, Community Projects etc.)."

The request is for the period FY19 – FY24 (including FY24 budgeted expenditure) representing a 5-year period to be reviewed.

Further clarification is required as to the extent of the intended scope of the review. In particular, the following matter need to be clarified as to whether their inclusion/exclusion from the scope:

- Are Indirect Costs to be excluded?

- What services and/or activities are to be excluded (if any) – further clarification of what is meant by ‘major categories’ above?
- Are grant funded programs to be included/excluded?
- Are service charge funded activities to be included/excluded?
- Are user charges funded operations to be included/excluded?
- Is expenditure which is fully or partially reimbursed to be included/excluded?

Challenges with Undertaking a Calculation of Expenditure based on each Ward

As previously noted, Council has limited information available within Civica to enable costs to be reliably and accurately split across each Ward. A significant challenge is the ability for Council to reliably calculate a split in direct costs for services/activities which are delivered across multiple regional areas and indirect costs given the high degree of assumptions that would need to be agreed upon and applied in the calculation.

A key consideration is whether the Council wishes for FCA method to be applied across all services and activities. Secondly, on what basis should costs (both direct and indirect) be allocated where geographic location cannot be readily applied. Depending on the method chosen, this could materially change the outcome of the financial projections. Example of varying methods include:

- Total land area of each ward proportionally allocated.
- Total number of rate payers per ward area proportionally allocated.
- Total estimated value of Infrastructure assets located within each ward area proportionally allocated.

By way of example of the types of costs which may require an alternate methodology applied to split the costs, the following is a list of the types of costs that would potentially need to be considered:

- Corporate administration overhead costs (indirect costs should they be applied).
- Depot operational costs.
- Statutory charges.
- Electricity costs.
- Insurance costs.
- Waste processing and EPA Levy costs (given all waste is consolidated prior to being processed for disposal activities).
- Finance costs.

Other key challenges and considerations as to what is included/excluded from the scope of a potential review have been provided below:

- How are external grant funded programs to be considered and factored into the analysis? Noting that various Federal and State Government programs have been undertaken over the timeframe?
- Council does not have data readily available which document the precise location of expenditure incurred for various activities undertaken. Staff timesheets and Council vehicle plant sheets do not record the specific location as to where work has been performed and therefore there is a lack of reliable information available apply such as the following which would need to be allocated on an agreed method:
 - Street sweeping.
 - Parks and gardens expenditure.
 - Repairs and maintenance.
 - Infrastructure repairs and maintenance.

Incorporating the FY24 budgeted expenditure presents a number of challenges given that a number of projects scheduled for FY24 may not have commenced and/or are partially completed during the

time of the review being conducted. The inclusion of the FY24 budget data may skew results noting that the following key matters may not be accurately reflected:

- Project variation costs as a result of change in contractor costs and/or project scope.
- The impact of carry forward projects both on the FY24 budget and potentially FY25 budget which is currently an unknown factor.

Should Council wish to continue with the review, the above factors will need to be considered as to whether they are included/excluded from the scope and the agree methodology applied to allocate costs where required.

Consideration of Options

Cr Stock's request is for the period FY19 – FY24 (including FY24 budgeted expenditure) representing a 5-year period to be reviewed. Council has the following options available in considering the above matters as outlined below:

Option 1 – Resolve to Not Proceed Any Further

Council may consider that given the lack of readily available, reliable information currently within Civica to efficiently undertake the review, as well as the expected high level of Council resources required to be allocated (both in staff time and consultant costs) to accept the information noted above and to not proceed further with the query.

Option 2 – Conduct a Review of all Direct Costs Only

The scope of the review would only consider activities and projects undertaken by Council over the period requested and ignore any indirect costs such as those noted above. The review would only focus on the following programs/activities:

- Capital works undertaken
- Repairs to Infrastructure network
- Management and operation of community facilities located within each Ward

The review would exclude the following expenditure categories:

- Corporate and administrative overheads
- Community programs and Council services

The engagement will still require significant allocation of staffing resources across all Council departments to provide information and assistance.

The scope of the review would involve a high degree of investigation and manual allocation of costs based on data not currently available within Civica (e.g. customer contracts, purchase orders, supplier delivery dockets, Council staff declarations, Conquest asset management database data, etc.).

Given the review requested is to span over a 5-year period, in some circumstances there may be little to no available evidence available to verify geographical details of the expenditure incurred and therefore may be subject to a number of other assumptions applied.

The services of external consultants would be required to undertake this project. The cost for these services would need to be sought should Council proceed with this option. Given the inherent complexity of the task it is anticipated that such a review would come at a significant cost to Council.

Option 3 – Conduct Full Activity Cost Review

A full review of costs across all activities and services applying a FCA method. This review would involve the highest amount of Council resource allocation and costs to undertake given the highly complex nature and degree of work involved to undertake the review over a 5-year period.

Option 3 would require a full review and recalculation of costs across all activities and functions of Council to enable all overhead costs to be allocated across services and activities.

Council should be aware that given a number of services and activities change each year that the FCA method would need to be recalculated and examined individually for each of the 5 years requested.

Should Council wish to proceed with Option 3, further consideration of the matters raised in 3 above will need to be agreed upon with Elected Members and the eventual consultant engaged. This is to ensure that the desired objectives of the review can be achieved and there is no agreement on the methodology to be applied in the calculation of the Ward costs given it will require a partial reconstruction of the General Ledger data to meet the desired review objectives.

The services of external consultants would be required to undertake this project. The cost for these services would need to be sought should Council proceed with this option. Given the extensive nature of this review it is anticipated that the cost would be over and above that to undertake Option 2.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

- Chief Executive Officer
- Director Corporate and Community Services
- Manager Financial Services

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

- Dean Newbery
- Bentleys

POLICY IMPLICATIONS

PO142 Budget Reporting and Amendment Policy

BUDGET AND RESOURCE IMPLICATIONS

Any decision by Council, other than to take no further action in relation to this matter, will require significant allocation of staffing resources across all Council departments to provide information and assistance to a suitably qualified and experienced external consultant. There is no existing time allocated in the present work schedule of Council staff to undertake such a task nor is there a budget allocation with which to engage the services of a consultant.

Furthermore, any decision to proceed in this matter would require further clarification and agreement in relation to the project scope and desired outcomes of any such investigation by the elected body.

Scheduling a time to undertake such a project would need to be negotiated with the successful consultant to ensure adequate human resources would be available, on the part of Council and the appointed consultant, to undertake the work most efficiently.

In addition to the above, concern exists that the addition of such a project to the work schedule of Council staff may reduce effectiveness in assisting in the implementation of Council's Enterprise

Resource Planning system which is presently being undertaken in addition to regular day to day operations.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

The project, as presently requested, lacks the sufficient clarity in scope required to approach the market to engage a consultant to assist in delivery. Projects with a poorly crafted scope run the risk of failing to deliver on desired outcomes, potential exposing Council to the incurring significant unbudgeted expenditure coupled with significant use of internal resources to provide an undefined and potentially unhelpful outcome. Other scheduled work also runs the risk of delay due to the project applying increased burden on finite resources.

ATTACHMENTS

Nil

24 ASSETS AND INFRASTRUCTURE SERVICES**24.1 CAPE ELIZABETH - CARE, CONTROL AND MANAGEMENT****Document #:** 24/13607**Department:** Assets and Infrastructure Services**PURPOSE**

To seek Council endorsement to proceed with a request to the Minister for Climate, Environment and Water, to seek cancellation of licence and revocation of dedication to land at Cape Elizabeth, which would result in the land parcels no longer placed under the care, control and management of Council.

RECOMMENDATION

That Council:

1. Receive the written submissions in response to the community engagement process for the proposal to request the Minister for Climate, Environment and Water cancel the licence and revoke the dedication to land at Cape Elizabeth.
2. Endorse Council staff continuing discussions with key stakeholders and partners, to advocate for Narungga management/co-management of Cape Elizabeth, with controlled public access.

and

RECOMMENDATION A

That Council endorse proceeding with a request to the Minister for Climate, Environment and Water to seek:

a) cancellation of Licence OL021780 purpose conservation (in the area known as Cape Elizabeth), covering wholly:

- Piece 3 in Deposited Plan 33745, Hundred Tiparra CR 5751/48;
- Piece 4 in Deposited Plan 33745, Hundred Tiparra CR 5751/48; and
- Section 547 in Deposited Plan 211000, Hundred Tiparra CR 5766/11; and

b) revocation of dedication purpose conservation to Section 553 in Deposited Plan 211000, Hundred Tiparra CR 5772/151 (in the area known as Cape Elizabeth).

OR

RECOMMENDATION B

That Council, as per the advice received from the Department for Environment and Water, maintain status quo whilst discussions and collaborations occur between Council, Narungga Nation Aboriginal Corporation, the Department for Environment and Water, and the community, to create a strategy that will allow Council's revocation proposal, whilst also ensuring the environmental and heritage conservation of the area can be maintained.

LINK TO STRATEGIC PLAN

Goal: 3 Valued and Restored Environment

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

BACKGROUND

Cape Elizabeth is a series of eight (8) Crown land parcels found in the far north-west of our Council area. In the early 1990's, four (4) of these parcels were placed under the care, control and management of Council by way of a licence and a dedication, namely:

- Licence OL021780 purpose conservation covering wholly:
 - Piece 3 in Deposited Plan 33745, Hundred Tiparra CR 5751/48;
 - Piece 4 in Deposited Plan 33745, Hundred Tiparra CR 5751/48; and
 - Section 547 in Deposited Plan 211000 Hundred Tiparra CR 5766/11; and
- Dedication purpose conservation to Section 553 in Deposited Plan 211000 Hundred Tiparra CR 5772/151.

Please refer to Attachment 1: Map – Cape Elizabeth Land Tenure.

Council currently has approximately 238 coastal land parcels it has responsibility for, of which:

- 61 are held in Fee Simple to Council; and
- 177 are Crown land parcels under Council's care, control and management.

At its meeting held on 13 December 2023, Council endorsed proceeding with community engagement for the proposed cancellation of licence and revocation of dedication to land at Cape Elizabeth, which would result in the land parcels no longer placed under the care, control and management of Council.

DISCUSSION

The community engagement process commenced 5 January 2024 and concluded 2 February 2024. This provided an extended period of four (4) weeks for responses. The broader community was notified via Facebook, Council's website, and Public Notices in the Yorke Peninsula Country Times. A letter was sent to key stakeholders, and an email distributed to all Progress Associations.

Submissions were received from the following:

- Narungga Nation Aboriginal Corporation;
- Point Pearce Aboriginal Corporation;
- Aboriginal Lands Trust;
- Dhibara Sanctuary Ltd;
- Department for Environment and Water;
- Hooded Plovers Volunteer Regional Coordinator for the Yorke Peninsula; and
- Nine members of the public.

Aboriginal Lands Trust, and the Department for Environment and Water (who provided a combined response from three divisions) requested and received an extension for their submissions.

Submissions received are provided in Attachment 2: Submissions to Consultation on Care, Control and Management of Cape Elizabeth.

The consensus of the submissions (other than that received from the Department for Environment and Water (DEW)), was in support of Council requesting the Minister for Climate, Environment and Water (the Minister) cancel the licence and revoke the dedication. There was strong support that following on, there should be management/co-management by Narungga people, with a Management Plan developed, and that Council still support and work with all stakeholders and partners to realise such an approach.

Key points from the submissions included:

- Cape Elizabeth is culturally and environmentally significant;

- Strong concerns for the continuing degradation to the area and the dangerous behaviour that is occurring;
- Need for resources (State/Federal) to deliver access management and conservation;
- Not all users of the area are destructive, hence public access still required, but be managed;
- Off-road vehicle access should not be permitted (varying support but consensus for restrictions to the dunes); and
- Broader concerns regarding vehicle access to coastal areas across the state;

A proviso indicated by two respondents (for their support of return), was only if it initiates the process of Narungga management/co-management, and addresses camping and vehicle impacts, as there was concern regarding the current Crown Land Act 2009 Regulations, and resourcing of the Crown Lands unit.

Narungga Nation Aboriginal Corporation (NNAC), as the Native Title holders and representatives of all Nharungga dhura (Narungga people) and organisations, stated in their submission that:

“Narungga Nation in collaboration with other Agencies are negotiating a way forward for the return of Cape Elizabeth to Narungga and seeks support from Council. Other Agencies include Dhibara Sanctuary, Point Peace Aboriginal Corporation, and the Aboriginal Lands Trust”.

Additionally, Aboriginal Lands Trust indicated the history of land ownership in the Cape Elizabeth area, where intent was for return to Narungga (over 23 years ago), and the benefits of the Indigenous Protected Area (IPA) expansion that will see Rangers caring for Country.

Please note, the parcels under Council's care, control and management are Crown land, however of the other public lands, some are held in Fee Simple to the Minister; it is believed these are parcels that were discussed for return to Narungga before the 2000's. These parcels were in private ownership, then owned by the Indigenous Land Corporation (Australian Government, now named Indigenous Land and Sea Corporation) before the current land tenure under the Minister.

An additional note; IPA's do not fall under any parks or reserves system, and therefore are not underpinned by legislation or have a compliance component.

The submission from the Chief Executive of DEW, has asked that status quo be maintained, whilst discussions occur between Council, NNAC, DEW, and the community, to create a strategy that will allow revocation, while also ensuring the conservation of the area. There are a number of concerns staff have with this approach, namely:

- Status quo has been maintained for over 20 years, as indicated in the submission by the Aboriginal Land Trust, and there has been no initiation by DEW to discuss a NNAC-led strategy in that time;
- Status quo has seen the substantial degradation to the public lands of Cape Elizabeth;
- Status quo means the public lands continue to have varying applicable land tenure and varying applicable legislation, impacting consistent management;
- Council does not have capacity to manage the State Government land under Council's care, control and management;
- One land tenure will ease the development of a NNAC-led strategy; and
- All submissions received from the community consultation process support Council initiating the revocation process.

Proceeding with a request to the Minister will ensure the Minister views Council's request and the feedback received from the community engagement (DEW advice to date is from staff).

However, Council undertaking the community engagement process has opened up the conversation around the degradation occurring at Cape Elizabeth, the challenges faced by both Council and DEW in regards to capacity, and highlighted the need for Narungga management of the area. If DEW staff prioritise the development of the strategy, as indicated by their Chief Executive, the timeline could

be much quicker, and achieve the desired outcome much sooner, than proceeding with the revocation request.

On the other hand, should the public lands at Cape Elizabeth fall under one land tenure (the Minister), it will allow for NNAC to lead discussions with the State Government regarding a management approach.

Regardless if Council endorses Recommendation A or Recommendation B, it is recommended Council staff continue discussions with key stakeholders and partners, to advocate for Narungga management/co-management of Cape Elizabeth, with controlled public access.

COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

The community engagement process commenced 5 January 2024 and concluded 2 February 2024. This was to exclude the holiday season where it is more challenging for the community to engage with the process. Additionally, an extended period of four (4) weeks was provided for responses. The community was notified via:

- Facebook (four posts, total reach 9,138);
- Council's Website (173 views); and
- Public notices published in the Yorke Peninsula Country Times (three; appeared 9, 16 and 23 January 2024).

The Yorke Peninsula Country Times also chose to write an article on the proposal and consultation process.

Additionally key stakeholders (such as Narungga Nation Aboriginal Corporation, Point Pearce Aboriginal Corporation, Nharangga Aboriginal Progress Association, State Government departments, Member for Narungga etc), were sent a letter. Furthermore, an email was sent to all Progress Associations.

Aboriginal Lands Trust, and the Department for Environment and Water (who provided a combined response from three divisions) requested and received an extension for their submissions.

CONSULTATION PROCESS

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

- Operations Manager
- Environment Officer

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

- Nil

POLICY IMPLICATIONS

PO091 Risk Management

PO057 Community Engagement Policy

BUDGET AND RESOURCE IMPLICATIONS

Should Council decide to retain the licence and dedication, it would need to consider allocating resources to achieving the purpose of the licence and dedication, being conservation. A risk assessment for compliance activity will likely reveal the need for alternative methods of capturing evidence. However, the administrative workload is still beyond Council's current capacity. Additionally, dune restoration works such as install of coir logs and erosion matting; vehicle access restrictions and signage; revegetation; and weed control, are costly and unbudgeted for. Combined, it is a level of resourcing and risk management that Council cannot deliver.

The current annual fee for the licence is \$203.00 (GST exc) per year. This fee increases each year.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Local Government Act 1999

Yorke Peninsula Council's Local Government By-Laws 2020: By- Law No 2 – Local Government Land

Not proceeding with either recommendation will provide no opportunity to develop a management strategy led by the Narungga Nation Aboriginal Corporation to manage/co-manage the public lands of Cape Elizabeth, as the varying land tenures and associated legislative limitations would not allow for it. Additionally, if all the public lands of Cape Elizabeth are not under the land tenure of the Minister, there is no option to seek protection of the land as per the Crown Land Management Act 2009 Clause 55 (1)(b), whereby "provisions of the National Parks and Wildlife Act 1972 specified in the notice apply to the specified land (Crown land), during the specified period, as if it were a reserve constituted under that Act".

As per the Licence, and Crown Land Management Act 2009 (the Act), Council as the licensee for Licence OL021780 may cancel the Licence by providing one month's written notice to the Minister. Council must vacate the Licensed Area and leave the area in good and substantial repair, order and condition in all respects as shall be consistent with the entitlements and obligations in the Licence. The Minister will not cancel a licence at the request of the licensee unless the Minister is satisfied that it is appropriate to do so.

The Dedication to CR 5772/151 section 553 is land dedicated for conservation purposes pursuant to the Crown Lands Act, 1929 by gazette 31/01/1991. As it was dedicated under the previous Act, there are no conditions of dedication, however, any activity including any leases, licences or permits granted by Council must be consistent with the dedication and community land classification. As dedicated land, the parcel is currently classified as community land as per the Local Government Act 1999.

However, as the subject land is Crown land dedicated to Council and if that dedication is removed, then after the dedication is removed, the subject land is considered to no longer be classified as 'community land' for the purposes of the Local Government Act 1999 and as a consequence a community land process under section 194 of the Local Government Act 1999 is not required.

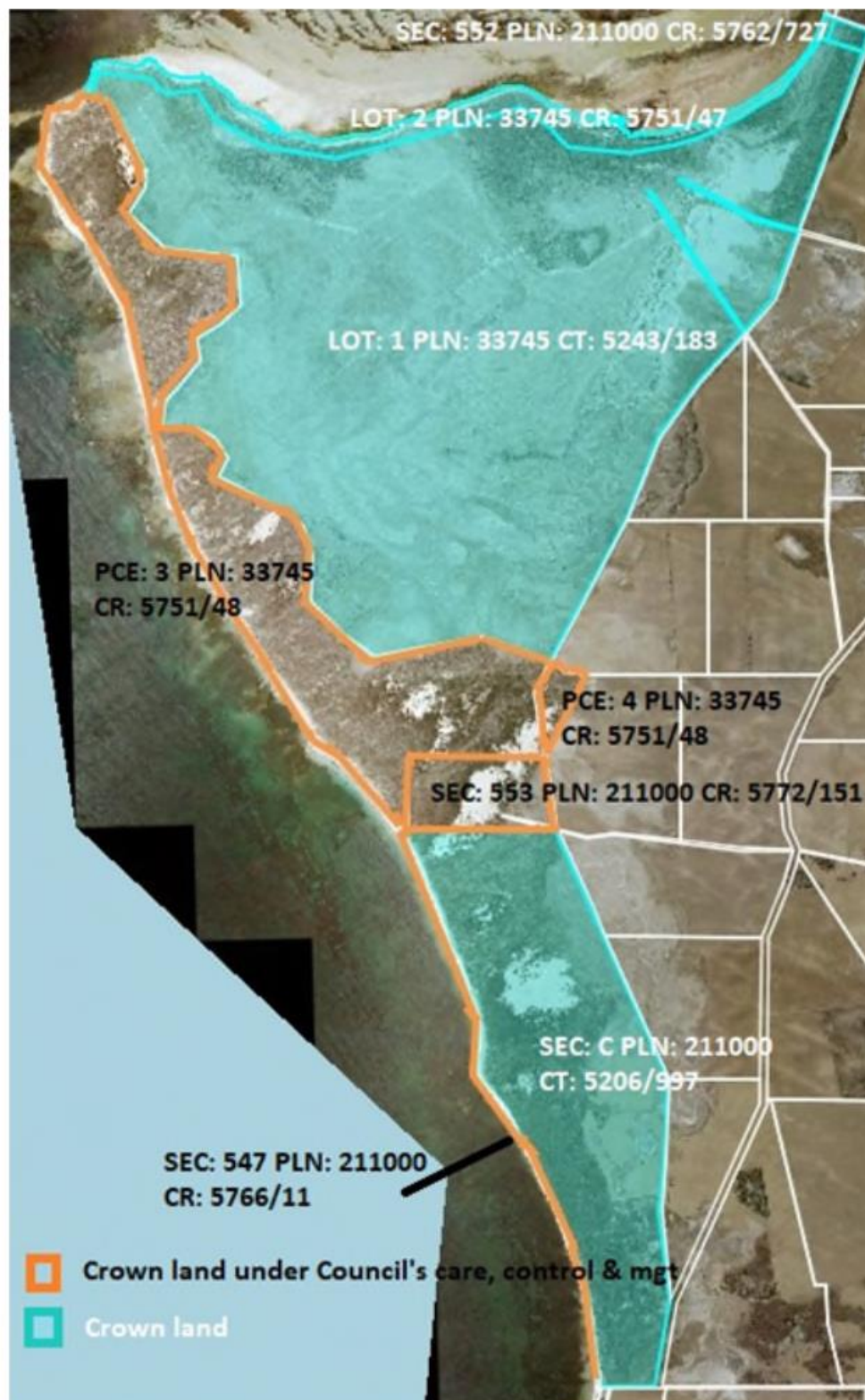
The Minister may, by instrument in writing, revoke (in whole or in part) a dedication of land, whether the land has been dedicated under the Act, or any other Act. If land subject to a dedication under the Act or any other Act has been granted in fee simple, the dedication can only be revoked by proclamation made by the Governor.

The Minister, as indicated in the submission from DEW, may chose not to revoke the dedication.

ATTACHMENTS

1. **Attachment 1: Map – Cape Elizabeth Land Tenure** [!\[\]\(4695f05050b0d393767d0512587d4e50_img.jpg\)](#) 
2. **Attachment 2: Submissions to Consultation on Care, Control and Management of Cape Elizabeth.** [!\[\]\(7528551b00a221bf92619f04e9b6fdc4_img.jpg\)](#) 

Attachment A Map – Cape Elizabeth Land Tenure



Narungga Nation Aboriginal Corporation

Doug Milera CEO

Email: doug.milera@nnac.org.au

Phone: [REDACTED]

Yorke Peninsula Council
PO BOX 57
Maitland SA 5573

Attention: Yorke Peninsula Council

RE: Feedback Submission Cape Elizabeth Conservation Park Nalyappa

Narungga Nation Aboriginal Corporation (NNAC) is a not-for-profit Aboriginal Community Organisation and registered Native Title Holding Body, representing the Narungga Community living both on and off Country.

Narungga people have occupied the Yorke Peninsula for thousands of years and continue to care for country. The Cape Elizabeth area is highly significant to Narungga and is rich in our cultural heritage. Our close cultural connection to the Cape Elizabeth area has always been and will continue for generation to come.

Since our Native Title Determination was handed down last year, we are now in the process of ensuring better measures to protect and safeguard our heritage at Cape Elizabeth and throughout the Yorke Peninsula.

Although this area is classified as an Indigenous Protected Area, we still hold concerns for the continual degradation, to our cultural heritage and overall destruction and irreversible damage to our sites and to the environment.

Narungga Nation in collaboration with other Agencies are negotiating a way forward for the return of Cape Elizabeth to Narungga and seeks support from Council. Other Agencies include Dhibara Sanctuary, Point Pearce Aboriginal Corporation, and the Aboriginal Lands Trust.

With the support of these Agencies, a comprehensive management Plan will be developed to manage and protect the Cape Elizabeth area.

Narungga currently has in place the Buthera Agreement with the State Government and will be seeking support from the State to support Narungga's aspirations to manage the Cape Elizabeth area.

NNAC is currently lodging a submission for the provision of an Aboriginal Ranger Program that will compliment the management of this area.

We look forward to hearing from you soon.

Yours sincerely

Doug Milera

23 February 2024

Klynton Wanganeen
CEO ALT

Dear Letitia

Previous to the land at Cape Elizabeth being transferred to the Yorke Peninsula Council it was owned by Dr Womsley. His intention was to develop it into a wildlife sanctuary but this didn't go ahead. He then put the land up for sale and as I was Chairperson of the Narungga Nation Aboriginal Corporation (NNAC) at the time I got the Indigenous Land Corporation as it was known then to purchase it for NNAC. As we were not in a position to take ownership and utilise the land we agreed for it to be transferred to the Yorke Peninsula Council. This is where it has been held since the early 2000's. With this in mind my suggestion and preference is for that land to be transferred to NNAC.

It was originally intended for NNAC and NNAC now has involvement in the Land and Sea Indigenous Protected Area (IPA) which is an expansion of the existing Wardang Island IPA. The Land and Sea IPA is about to employ more Narungga Ranges and will have the time, equipment and ability to utilise that land for the Narungga people in the first instance for protection of the environment and Narungga Heritage. They can make it an active part of the program and will enhance it for further community use as well as regulate access by the wider community.

This is the best option for all concerned, including the Yorke Peninsula Council. It will build on the already existing excellent relationship Narungga have with the Council. I as CEO of the Aboriginal Lands Trust will continue to support the involvement of the Point Pearce Aboriginal Corporation (PPAC) with their involvement in the expanded IPA program.

If you require any further information please respond via return email or ring me on 

Regards

Klynton Wanganeen

Letitia Dahl-helm

From: Paul Heck <paul.ppac@outlook.com.au>
Sent: Thursday, 1 February 2024 3:56 PM
To: Letitia Dahl-helm; Nixon, Craig (DEW); [REDACTED]
Subject: RE: Meeting re Council consultation Cape Elizabeth

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 Letitia

Thanks for highlighting the opportunity to provide feedback and comment on this important, fragile and culturally significant section of our natural environment

PPACs position is that we would want to see the various sections, as referred to in your email attachment and covering Cape Elizabeth, be brought together as a single tenured parcel of land, with a joined up approach and management strategy and plan, involving all the naturally recognised stakeholders, working towards shared outcomes and using mutually agreed approaches, along the lines of a co-management model.

This would also need to be suitably and appropriately resourced, in addition to any existing or similar models of land care and land management, not just from within existing funding frameworks

We are of the view that this joined up approach would ensure the best outcomes are more likely to be achieved, address any potential duplication, reduce or remove any perceived or actual jurisdictional conflicts or unintended crossed purposes

A cooperative and collaborative approach to a solution is more likely to provide mutually agreed, real, lasting and sustained outcomes

Regards



Paul Heck
General Manager
Point Pearce Aboriginal Corporation

Mobile [REDACTED]
Email paul.ppac@outlook.com.au
65 Parrys Terrace, Point Pearce
SA, 5573

From: Letitia Dahl-helm <Letitia.Dahl-helm@yorke.sa.gov.au>
Sent: Monday, January 29, 2024 12:03 PM
To: Nixon, Craig (DEW) <Craig.Nixon@sa.gov.au>; [REDACTED]@com
Cc: Paul <paul.ppac@outlook.com.au>
Subject: RE: Meeting re Council consultation Cape Elizabeth

Excellent.

Does 2pm suit everyone? At PPAC office? (have cc'd Paul as well)

Letitia Dahl-helm | Environment Officer

Dhibara Sanctuary Ltd
PO BOX 258 Moonta SA 5558
ACN: 105 402 248
Email: dhibarasanctuary@gmail.com Phone: [REDACTED]

Yorke Peninsula Council
PO BOX 57
Maitland SA 5573

1 February 2023

RE: Feedback Submission Cape Elizabeth, Nalyappa

Dear YP Council,

As per your request for feedback submissions regarding the handing back of land parcels to the federal government which are located in the Cape Elizabeth area.

Dhibara Sanctuary

Our organisation Dhibara Sanctuary Ltd is a not for profit Narungga company named after the area of Dhibara (*Tiparra*) which is the Cape Elizabeth area, in the district of Nalyappa. We have been situated in the Cape area for the last 20 years and are part of the farm and environmental restoration community.

Narungga people have inhabited the Yorke Peninsula for thousands of years and its descendants continue to do so. Dhibara inhabits the Cape Elizabeth area and has been concerned for the welfare of this area for both Narungga and the wider public. Narungga has a rich and deep cultural connection to the Cape Elizabeth area. Both the environment and the cultural heritage importance of this area is at risk.

Cape Elizabeth has been added to the area of **Indigenous Protected Area's** on the Yorke Peninsula under the Department for Climate Change, Energy, The Environment and Water as part of the Indigenous Protected Area funding program.

Degradation of the Cape Elizabeth Area

We agree that there is unchecked/unpoliced inappropriate recreational activity in the Cape area. Dhibara Sanctuary's property is situated directly in front of the Cape Sandhills and has knowledge of the degradation and destruction of the Cape area as a result of the inappropriate recreational activity from vehicles.

Suggestion for Narungga Nations to Facilitate a Specialist Management Advisory Group for the Cape Elizabeth area

Narungga Nations (which has been approved a consent determination for Native Title on the Yorke Peninsula) has already been in discussions with local, state and federal

government (including the Indigenous Protected Area – IPA agency) for many years regarding the return and management of the Cape Elizabeth area to Narungga for the preservation of Narungga heritage and the management of the area as a conservation park.

Dhibara Sanctuary submits that the Yorke Peninsula Council support the Narungga Nations Aboriginal Corporation (NNAC) to:

- Start discussions with local, state and federal agencies and bodies who have been involved and hold interest in the Cape Elizabeth area to 'Facilitate' and oversee a Management Advisory Group which will establish management operations of the Cape Elizabeth area's Aboriginal Cultural Heritage and Environmental well being.
- The Management Advisory Group can be a combination of specialist in the fields of Narungga Aboriginal Heritage conservation and management, Environment biodiversity protection, Policing, Conservation Park Expertise, Training and Employment and Tourism.

The Management advisory group can then develop a plan which will:

- Develop appropriate budgets for grant submission for addressing management of current and ongoing Narungga Cultural Heritage significance at the Cape area
- Develop appropriate budgets for grant submission for addressing management of current and ongoing Environmental biodiversity significance at the Cape area
- Develop job descriptions for personnel needed to implement and enforce the Narungga Heritage and environment biodiversity protection of the area. These can include Narungga and members of the wider public
- Develop a controlled public access policy and implementation plan for the Cape Elizabeth area (*we can also learn from the management policies and strategies of the successful Dhibara Guuranda National Park at Innes who work with a Narungga team*)

Benefits of having Narungga Nations facilitate this approach

Dhibara Sanctuary submits that there will be many outcomes to the proposal mentioned in this submission which will benefit:

- The Cultural Significance of the Cape Elizabeth area can be seen as an example of how to protect ancient heritage and culture for the benefit of Narungga and the wider community.
- The Cape Elizabeth area can be accessed by the Public in a controlled structured manner which give them appropriate access to enjoy the area without their being damage to heritage or the environment and wildlife at the Cape
- Provide a huge boost to Yorke Peninsula Tourism and local businesses on the Yorke Peninsula and in South Australia more generally. This approach will put the Cape Elizabeth area on the map for the importance that it deserves

- Provide employment and training to rangers, conservation park managers etc. from both the Narungga and wider community to work together to protect this important area.
- Give safety to the native and migratory bird populations which use the Cape Elizabeth area
- Protect the rich and unique sealife of the Cape Elizabeth seazone and reef
- The **Indigenous Protected Area's** funding program under the Department for Climate Change Energy, The Environment and Water could provide significant support for the area if applied for and successful.
- The Cape Elizabeth management advisory committee can still work with the Yorke Peninsula Council environmental section on the development of this group and plan.

Being local Cape Elizabeth environmentalist, farmers and of Narungga descent Dhibara Sanctuary submits if this approach is supported that it is available for any input into such a plan.

We suggest that the YP Council contacts Cyril Kartinyeri (Chairperson of NNAC), Doug Milera CEO (NNAC) and also contact Klynton Wanganeen (CEO Aboriginal Lands Trust – SA Govt) to progress this position. These Narungga leaders regularly work together on Narungga issues and have been involved in ongoing negotiations of the Cape Elizabeth area in the recent past.

We look forward to hearing from you in the near future.

Yours sincerely

David Wilson

David Wilson
Chairperson
Dhibara Sanctuary Ltd

Facebook: https://www.facebook.com/p/Dhibara-Sanctuary-100068475736346/?paipv=0&eav=AfbdeI5-SC2nY6lrx-WNZ63DiFddZfE6yYXhQDFJg8SHU5AxVHemVQW8vYUZEdRsABw&_rdr

Letitia Dahl-helm

From: [REDACTED]
Sent: Thursday, 1 February 2024 9:44 AM
To: Corporate Email Address
Subject: Feedback on the Cape Elizabeth Management Proposal

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.

My name, [REDACTED] I am the Hooded Plovers Volunteer Regional Coordinator for the Yorke Peninsula.

Last biennial count from the cape Elizabeth area to the ladders, 15 adults and 3 juveniles were counted as well as oyster catchers and red-capped plovers.

Hooded plovers are classified nationally as vulnerable and they nest on the beaches where at this moment it is being wrecked by many vehicles driving in and around the dunes.

This year one Bush Doof was organised in this same spot (as it was previously done in years before) and the behaviour of these participants are reckless and destructive. (As seen on Videos listed below)

it is important we protect this area for its lively fauna and its beautiful raw beauty..

I am not that keen for the land to be passed back to Crown land as it allows for people to camp and I saw the damage it does in camp site like Wauralttee beach. I also find really confusing message for visitors to the Yorke to have different messages when they approached the beaches that on some you can camp and others it is forbidden. The message should be simple "No campings on any beaches at all time", there are enough campings with toilets on the Yorke Peninsula then It is also make it easier to regulate.

I am certainly happy to give back Cape Elizabeth to crown land if it facilitates an easier process to give back the land to the original owners, Nharangga Aboriginals for management.

There are also many areas that have significant cultural significance for them.

They have lives on this land for millions of years without destroying it and looked well after its flora and fauna.

They may need support financially and man power to be able to blocked access, revegetate and fix the damages done.

Vehicles should not be able to access to the dunes and beaches anymore. May be just an access to a define car park and still allow people to walk from there to enjoy the beaches .

[REDACTED]



Volunteer Regional coordinator Friends of Hooded Plovers,
Yorke Peninsula - Nharangga land [REDACTED]

Community Consultation Cape Elizabeth - Care, Control and Management
admin@yorke.sa.gov.au

My Submission regarding Cape Elizabeth

This submission comes from a person who has been privileged to have worked and assisted the Narungga people mostly at Point Pearce over many years. Also through my involvement with the Yorke Regional Development Board now (RDA), Natural Resources Northern & Yorke Department for Environment and Water, (NRM Board), now (Landscapes Board).

As for Cape Elizabeth being handed back to the Minister for the Environment and forming eight parcel back into Crown status. Whilst this is an easy fix of passing control and care off it does not give away forward. Whilst this may be hopefully an opportunity for better management of the area, it would need greater State resources, funding, to assist in facilitating the Narungga people greater control of the cultural significant areas of the Cape.

Many years back we tried to gain the land for a Conservation area but at the time were thwarted by many aspects. This mainly due to Dr Walmsley attempt with the Earth Sanctuaries Project. Once this failed the land after time came under care of Yorke Peninsula Council, then (DCYP). The Indigenous Land Corporation (ILC) now Indigenous Land and Sea Corporation (ILSC) resumed their section back. A provision at the time was to hand it to a local Aboriginal group.

After that time input in assisting the Narungga people came down to the Department for Environment and Water and Natural Resources Northern & Yorke (NRM Board) and some input from Narungga Nations.

At about this time the Aboriginal Committee of the NRM was chaired by Claudia Smith (Narungga Elder) from Port Victoria. We made several attempts to try and protect cultural significant areas with barriers and some signage but people still desecrated the area. The Cape area has not been able to be controlled very well with many people having no regard for the area other their own pleasure. Signs and many, many plants have all been destroyed. The

Cape is an out of the way area to other human habitation and people have not been kind to the area.

From my perspective I would like to see the land handed back to the control of the Aboriginal Lands Trust and Narungga Nations. That way the Land will be protected under the Aboriginal Lands Trust Act of holding the Lands in perpetuity for the Aboriginal people. There already exist an Indigenous Protected Area (IPA) over part of this area to the north and south of the Coastline and out into the sea.

Also the Narungga groups are able to work with relevant Government Minister similarly to the Co-management of Dhillba Guuranda-Innes National Park, but not a Park as such.

Also that it would have dedicated Rangers (though the IPA) who would patrol and be seen in the area. This would come with funding to assist in rehabilitating the area environmentally and restoring the denigrated Cultural sites. This way the general public will see there is some group looking after the area and that you still can visit and enjoy the area, but through designated paths and tracks.

The Dhibara Sanctuary project is adjacent to the Cape and is already being cared for by a Narungga group and rehabilitation of degraded areas has and is taking place. Combining these expertise it shows already that they would be wonderful caretakers of the area.

Again this type of program could enable an economic return overtime with cultural tours and this and other future activities to create better economic funds to maintain the area.

I would like to still see the Yorke Peninsula Council still with some involvement as it is within the Council area along with the Narungga groups and the Department Environment and Water (DEW) and other relevant Government Departments Federally and State.

I would like to speak to my submission if it was deemed helpful to the deliberations.

24/9624



26/1/24

BY:.....

COMMUNITY CONSULTANT
CAPE ELIZABETH
P.O. BOX 57
MAITLAND
SA 5573.

E-mail

DEAR ENVIRONMENT OFFICER,
I HOPE YOU CONSIDER ME ELIGIBLE FOR COMMENT REGARDING
CAPE ELIZABETH AS I AM NOT A RATE PAYER IN YOUR AREA,
BUT HAVE A GREAT DEAL OF INTEREST IN THE PROPOSAL
AFFECTING THE CAPE. I HAVE CAMPED AND FISHED AT
THE CAPE OVER A PERIOD OF MANY YEARS AND ALWAYS
TREATED THE LAND AS IF IT WERE MY OWN BACK YARD.

I AM PLEASSED TO LEARN THAT AT LAST MOVES ARE
A FOOT TO ADDRESS THE ABSOLUTE DEGRADATION BEING
INFLECTED THROUGHOUT THE DUNES AND SANDHIRE FLATS
IT SEEMS A NEW TRACK HAS BEEN OPENED UPON
EVERY VISIT.

I BELIEVE THE DAMAGE STARTED WELL BEFORE COVID, BUT
WAS EXACERBATED BY OTHER COUNCIL AREAS CLOSING
AREAS TO OFF ROAD VEHICLES, QUAD BIKES, TRAIL BIKES
AND THE LIKE, THIS COUPLED WITH COVID, THE ADVENT OF
MOBILE PHONES WITH GPS TRACKING MADE THE CAPE EASY
TO FIND AS A "FREECAMP"

I SHOULD STRESS THAT IT IS ONLY A MINORITY OF
PEOPLE THAT ~~DISREGARD~~ AND HAVE NO RESPECT FOR
THE AREA AND TREAT IT AS A RUBBISH TIP AND
RACETRACK, I HAVE A LOT OF INTERACTION WITH THE
LOCAL USERS OF THE CAPE ^{WHO} LIKE MYSELF HAVE
SPENT MANY HOURS CLEANING UP RUBBISH AND
MAINTAINING THE AREA AS A FIT PLACE TO CAMP & FISH

24/9624

I THINK SOME SIGNAGE AS SUGGESTED IN THE PROPOSAL WOULD BE A GOOD IDEA TO START WITH, AT LEAST SOMETHING TO INDICATE SOMEONE WAS CARING FOR THE AREA, AND COULD BE BROUGHT TO THE ATTENTION OF PEOPLE NOT DOING THE RIGHT THING.

IM VERY DISTRESSED TO THINK THE AREA COULD BE CLOSED TO RECREATIONAL FISHERPEOPLE, WHO HAVE ABIDED BY A SET OF UNWRITTEN RULES FOR YEARS TO KEEP THE AREA PRESERVED FOR OUR GRANDCHILDREN. I HAVE TAUGHT FOUR GRANDSONS TO FISH AT THE CAPE OVER THE YEARS - SOMETHING THEY STILL ENJOY TO THIS DAY.

YOU MAY CONCLUDE FROM THIS LETTER THAT CAPE ELIZABETH HAS PAID A MAJOR PART IN MY HEALTH AND RECREATION OVER THE YEARS. IM VERY PASSIONATE ABOUT HER AND WHILST IM DELIGHTED SHE IS AT LAST GOING TO RECEIVE OUR DUE ATTENTION, IM AT THE SAME TIME DISTRESSED SHE SHOULD BE CLOSED TO BEACH FISHING.

PLEASE KEEP ME INFORMED VIA MY E-MAIL ADDRESS IF POSSIBLE

YOURS PASSIONATELY



Letitia Dahl-helm

From: [REDACTED]
Sent: Sunday, 21 January 2024 11:24 AM
To: Corporate Email Address
Subject: Cape elizabeth

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.

Cape elizabeth should have been shut down years ago. I remember going out there when I was a kid and it was pristine now it's a dump. 4WD 'enthusiasts' have destroyed the sand hills and the environment in general not to mention all the rubbish people leave behind.
I think it should be returned to nature.

Community Consultation – Cape Elizabeth – Care, Control and Management

Submission by [REDACTED]

Background

Born in Maitland and raised on a farm near Weetulta – not far from The Gap. Now living in Gawler, but also a long-term visitor to the Moonta Bay area with a passion for conservation of our wonderful coastline. My father was involved with the previous Central Yorke Council at a time when there was much discussion about the coastal area north of the Gap. I have also walked the area from Cape Elizabeth to the Gap for the Biennial Beach nesting Bird count and have previously lodged a letter last year to council over my findings.

I have viewed the area of concern over many years and have noted the deterioration of the area. I have also discussed the issue with a few of the local farmers in the area.

My conclusions

- The only way forward is for all 4 areas to be combined and turned into a National Park.
- The area is very diverse with fabulous bush, bird life, beach nesting birds, dunes, a fresh water spring, sandy beaches, rocky areas, samphire flats (often wetland in winter)
- The flora and fauna is different to Innes national Park
- The location would really benefit by a fox and cat proof fence (beachfront to beach front) – it's a natural geographical triangle that can be fenced from the Gap to the northern end of the 4 parcels
- Only then can the campers and day trippers be managed
- Aboriginal land management and Rangers could be put in place to manage this amazing area.
- I recognise that it is too difficult for the YP council to manage that area.
- I did contemplate it pass to the Copper Coast Council but I think that won't solve the issues the area faces.
- We need to allow the flora, fauna and birdlife to flourish in the area and the only way is to protect it by turning it into a National Park.
- I don't think that Crown Lands or the Northern and Yorke landscape Board have the resources to manage this large area.

I thank you for giving the public the opportunity to comment on this matter.

Kind regards

[REDACTED]

2/2/2024

Submission for Community Consultation – Cape Elizabeth Care, Control and Management of Land

28 January 2024

Dear Sir, Madam

I would like to make a submission **in favour** of the changes proposed by the Yorke Peninsula Council to return the entirety of the Cape Elizabeth Conservation area to management by the State Government in accordance with the Crown Land Management Act 2009.

My interest in this issue comes from spending Summer holidays over the past 25 years at our family beach house in Balgowan. We have spent many days exploring the coast to the north of Balgowan including Cape Elizabeth. Over this time, our family has observed and increase in the number of off road vehicles in the sand dunes and on the beach. The increase has been particularly apparent since Covid 19 lockdowns over the past 4 years.

With regards Cape Elizabeth in particular, I have witnessed the damage done by 4 WD vehicles, dirt bikes and quad bikes first hand during an overnight hike as part of Walk the Yorke that I undertook with my husband and 12 year old son in May 2022. The reef rambles we did at low tide were marvellous with an abundance of marine life to see, including dolphins, seals and even a cuttlefish. However the beach environment was not nearly as pristine.

Our family walked from The Gap to Cape Elizabeth (about 25km) and were dismayed that that the sand was absolutely gutted with vehicle tracks and we had to be on a constant watch to move away from vehicles, including extremely noisy dirtbikes.



Picture 1. Beach between The Gap and Nalyappa Point showing severe vehicle damage.



Picture 2: Beach between The Gap and Nalyappa Point. Severe damage near dune area.

I understand that this beach is a very important nesting and feeding area for both local and migratory birds. The disturbance to this area is hugely significant from these vehicles.

I believe the problem has arisen due to the increased 4WD and dirt bike and quad bike ownership in the area, as well as the publicity given to the area through social media. Prior to about twenty years ago there was not nearly the large number of vehicles, and a *laissez faire* attitude to the traffic was not a big problem. However now this clearly not the case. We spoke to a local gentleman whose family had a small shack in the dunes. He said that there were so many more vehicles there nowadays and many of whom were not obeying the rules of where they were permitted to drive. He

observed that “they will ban all vehicles soon” if this doesn’t change. He had his own 4 WD, and so was not against some vehicles on the beach, but could see that the current levels were not sustainable.

We witnessed particular destruction when there were 2, 3 or 4 vehicles traveling in convoy, particularly through the dunes and off designated tracks.





Picture 3 and 4 Cape Elizabeth sand dunes showing severe degradation (May 2022)

There were even vehicles hooning about during the night, which was very unnerving as we were camping in small tents. Some other people who had camped with their vehicle the previous night warned us about the danger of camping in areas where we might not be seen by the night vehicles.

I believe that there must be laws in place that stop the destruction of our precious shared beaches and dunes. Are drivers allowed to trample public parks and gardens, farmland and the like for their pleasure? No, the public would never allow it because of the destruction they do. Why are there no such rules for our beaches and dunes? I hope that such rules will be able to be implemented and enforced with a change of management to the Crown and the Nurungga people.

In addition to the environmental improvements that would arise from transferring ownership of the land to the Crown, I am also very much in favour of the management being passed to the Narungga people. I would anticipate benefits to their future and an increase in their connection to the country that they deserve.

As way of background, I live in Fitzroy, Victoria, but am from South Australia where my family still reside. We have a family beach house at Balgowan, SA where we holiday several times a year.

I would be happy to present my Submission to the council via Zoom meeting if required.

Yours sincerely



Dear Madam, Sir

**RE: Yorke Peninsula Council, Community Consultation
Cape Elizabeth Care, Control and Management of Land**

I am making a submission to the Yorke Peninsula Council in favour of the return of Cape Elizabeth council managed lands to the State Government to be managed as Crown land. My reasons are as follows.

We have owned a beach house at Balgowan for 25 years and enjoy the beautiful beach and coast both at Balgowan and the surrounding areas. We frequently visit the beach for walks with our dog and have been close observers of the beach and dunes. We have noticed both natural changes to the dunes over that time, but also noticed changes that have come about from an increase in the number of off road vehicles both at Balgowan and the nearby dunes, including those north at Cape Elizabeth.

There seem to be no rules as to the number of vehicles on beaches and dunes, nor the tracks that they are allowed on. If there are such rules, there is certainly no evidence of any enforcement of rules. I understand that the Yorke Peninsula Council does not have the resources to provide oversight of the coast regions, particularly in remote areas such as Cape Elizabeth.

As I have seen from the regeneration efforts around Balgowan, it takes a lot of time for the local species to grow back. This region is both vitally important for the local birds, animals and biodiversity, as it is for tourism which relies on an image of unspoilt beaches.

If the State Government can provide resources to protect our fragile and beautiful coast then the council should transfer ownership of this region so that they can do so.

Yours sincerely



31.1.24

Cape Elizabeth Care, Control and Management of Land

Yorke Peninsula Council, Community Consultation

I would like to make my submission to the Yorke Peninsula Council for the return of the Cape Elizabeth region to the State Government to be managed by the Narungga Peoples. I am very much in favour of this proposal.

I have close connections to the Yorke Peninsula. My family have had a beach shack at Edithburgh since I was 8 years old, and every school holidays were spent at Edithburgh playing at the beach, on the sand dunes and fishing with my Dad. I am very happy that this tradition continues to this day with my own children.

I have also had an appreciation for the delicate nature of the coastal environment and have observed an increase in the numbers of off-road vehicles (driven predominantly by teenagers and young men based on my observations) that drive on the beach and through sand dunes.

I have also visited Cape Elizabeth with my youngest son to snorkel on the reef at Nalyappa point and to do some beach fishing. I was concerned at the large numbers of vehicles both on the beach and through the dunes. There is a lot of damage to the sand dunes and the beach which is terrible to see. There was no respect from the drivers for the environment or other users of the area. They seemed to treat the region like it is a 4WD fun park.

On a recent visit to Goldsmiths Beach on the eastern side of the Peninsula, a 4WD was speeding along the sand on a joy ride, and there was damage to the beach. I have attached the photograph showing the damage below. This clearly shows that there needs to be regulations in place that can be enforced to stop this damage occurring to protect the coastal environment and the birds and animals that live there.

I strongly support the transfer of the Cape Elizabeth region from the council to the State Government so that regulations can be put in place with the support available to ensure that the coast of Cape Elizabeth can be protected.

Yours sincerely



30 January 2024



Goldsmiths Beach, Yorke Peninsula 19 January 2024 – observed driver making 'circle work' and driving up beach.

Letitia Dahl-helm

From: [REDACTED]
Sent: Sunday, 21 January 2024 9:59 PM
To: Corporate Email Address
Subject: Re: Cape Elizabeth Must Be Closed Down!

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*This conversation should have happened 15+ years ago.

Get [Outlook for Android](#)

From: [REDACTED]
Sent: Sunday, January 21, 2024 9:55:22 PM
To: admin@yorke.sa.gov.au <admin@yorke.sa.gov.au>
Subject: Cape Elizabeth Must Be Closed Down!

This area must be closed off to the public effective immediately due to the rubbish and filth left after every long weekend from all the concrete cowboys with their monster truck wheels ripping up the sand hills like soft bread.
This conversation should have happened

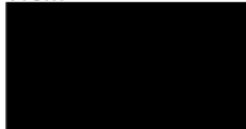
Response to Community Consultation re management Cape Elizabeth document

To

Letitia Dahl-helm

Environment Officer Yorke Peninsula Council

From



Hello Letitia,

I developed concerns about the damage to Cape Elizabeth environment whilst walking on the Walk the Yorke Trail in 2023. I saw destruction of the natural environment, damage to Aboriginal sites and breeding sites for birds especially hooded plover. It was evident destruction was caused by uncontrolled access of 4WD vehicles in samphire flats, along the beaches and in the hind dunes. In fact the whole area is being treated as a 4WD holiday practice area.

Since then I have become aware that many organisations and people have known about this for a long time but so far nothing has been done to protect the area. In fact the management has been one of culpable neglect.

The Yorke Council paper has indicated that it no longer wishes to manage 4 parcels of land on behalf of Crown Lands. The department of Crown Lands is a colonial relic and vastly underfunded and probably more so than the Yorke Peninsula Council. If all that transpires that these 4 parcels are handed back to the Crown then absolutely nothing will be done, as it has been for years under the Crown's management and THEREFORE I do not support the proposal.

I am aware that the Northern and Yorke Landscape Board, the Narungga Aboriginal Corporation plus members of the local farming community are extremely concerned this about this abuse, including the 4 generation farming family [REDACTED] whose property is close by. With the involvement of those organisations and people I am hoping to soon see some on ground action.

If the Council handing back these 4 parcels to Crown Lands Dept marks the beginning of a process of controlling 4WD drivers entering the samphire flats, the beaches, the fore dunes and the hind dunes THEN I support to Council proposal.

However that comes with a caveat. That Council joins with the Northern and Yorke Landscape Board, the Narungga Aboriginal Corporation, and the local community to close off most public road access points, and employ local people to assist with fencing and rehabilitation of the tracks leading into the sand hill blow out areas. The employment of people should also be done in conjunction with TAFE training where employees can gain certificates that could lead to future employment opportunities.

I do understand that some access by campers and tourists to the area needs to be maintained but will need monitoring. Payment for access and camping fees can be done on line, a lower speed limits need to be enforced on beaches. Areas of beach can be left open to some traffic but vehicles can not gain access outside these monitored zones by installing 1 metre cubes of concrete blocks only movable by earth moving equipment across beaches between low and high tide zones.

The Coorong faced the same issues years ago and managed to juggle human activities and environmental needs. I am also aware that many Fleurieu beaches charge \$8 for beach vehicle access

to controlled sections of the beach, they also stipulate a 10km speed limit. They have had many reports from users about cars that flaunt those rules.

It is do able and where there's a will there's a way.

Regards

[REDACTED]

DEW-D0025310



Government of South Australia
Department for Environment
and Water

Letitia Dahl-helm
Environment Officer
Yorke Peninsula Council
PO Box 57
Maitland SA 5573
By email to Letitia.Dahl-helm@yorke.sa.gov.au

Office of the Chief Executive
81-95 Waymouth Street
Adelaide
GPO Box 1047
Adelaide SA 5001
Australia
Ph: +61 8 8204 9000
www.environment.sa.gov.au

Dear Ms Dalh-helm

RE: COMMUNITY ENGAGEMENT PROCESS – CARE, CONTROL AND MANAGEMENT OF CAPE ELIZABETH

Thank you for your email dated 8 January 2024 regarding the Yorke Peninsula Council's (the Council) request to cancel a licence and revoke dedication of land parcels under Council's Care, Control and Management at Cape Elizabeth.

I am advised that your community engagement process involved consultation with the Crown Lands Program, Coast Protection Branch and the National Parks Programs Branch within the Department for Environment and Water (DEW). Your request has been escalated to myself to ensure that one combined response from the department is sent to the Council.

DEW has considered your request and shares your concerns regarding the impact to Narungga heritage as well as the degradation of the dune system and coastal environment due to uncontrolled access. DEW has also held discussions with the Narungga Nation Aboriginal Corporation regarding its vision and capacity to manage the site.

DEW is respectful of Council's desire, however is concerned that additional damage to the area may occur should the site revert to unalienated Crown land.

DEW would like to collaborate with the Council, the Narungga Nation Aboriginal Corporation and the community to create a strategy that will allow the Council's request to be implemented while also ensuring the environmental and heritage conservation of the area can be maintained. Once the strategy is agreed, it is likely that DEW would support the Council's revocation proposal. However, we ask that the status quo be maintained while those discussions are occurring.

For further information regarding this matter, please contact Kathryn Nicolai, Manager National Parks and Protected Area Program within the Department for Environment and Water on Kathryn.nicolai@sa.gov.au or (08) 8463 6923.

Thank you for writing to me and I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to be 'BB' followed by a horizontal line.

Ben Bruce
CHIEF EXECUTIVE
26/02/2024

24.2 SPECIAL LOCAL ROADS PROGRAM 2024/2025 FUNDING APPLICATION**Document #:** 24/18648**Department:** Assets and Infrastructure Services**PURPOSE**

To seek endorsement from Council for an application for funding to be submitted through the Special Local Roads Program 2024/2025 to undertake Stage Three of the North Coast Road upgrade. The Stage Three upgrade will include earthworks, strengthening and binding of the pavement with a cement stabilant to create a better wearing surface, installation of traffic control devices and stormwater management on the remaining unsealed section of road, which is approximately 7.4 km.

RECOMMENDATION

That Council endorse submitting an application for funding through the Special Local Roads Program 2024/2025 for Stage Three of the North Coast Road Upgrade.

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

2 Community Connected through Infrastructure

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

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

2.4 Explore provision of new infrastructure

BACKGROUND

The Special Local Roads Program (SLRP) was established under the joint approvals of the South Australian, Commonwealth and local governments. The program commenced in 1985/1986 and facilitates funding of significant and strategic works throughout the state.

In 2022/2023 and 2023/2024, Council was successful in receiving funding through the SLRP for Stages One and Two of the North Coast Road Upgrade, to seal the first 3.64 km of the unsealed section of the North Coast Road.

Co-funding from the SLRP is needed to complete Stage Three of the upgrade of North Coast Road.

DISCUSSION**Background to Stages One and Two**

North Coast Road straddles the coast at Point Turton for approximately 11km. Part of the road within the 50 km/h zone is sealed over a 3.64 km length. The total distance of the unsealed length is approximately 7.4 km.

The unsealed length of North Coast Road is classified as a High Use Sheeted Unsealed Road in Council's Transport Asset Management Plan. Such classification suggests an indicative level of service/maintenance provision of two to four grades per year, with the gravel pavement lasting 15 years before resheeting/renewal. Over the last six years, Council has undertaken several gravel resheeting campaigns and is habitually going back to the road to deal with corrugations and dust complaints. Council has tried different road sheeting gravels akin to highway road base, neither of which have delivered longevity of surface wear before the onset of corrugations. In addition, in November and December 2021, Council trialled an interim solution of a polymer dust suppression

treatment to varying depths within the then first 4 km of the then unsealed section, this has again been programmed to be undertaken in locations in the remaining 7.4 km unsealed section of road.

The decision to first submit an application for funding through the SLRP was made in 2018, following strong community interest, with Council making a commitment to seek funding to do so at the May 2018 Council meeting (Minute Reference: 126/2018).

Council submitted its first application for funding through the SLRP in 2019/2020. This application was unsuccessful.

In 2020/2021, Council again submitted an application for funding through the SLRP. This application was also unsuccessful.

Following the 2020 appointment of Council's Director Assets and Infrastructure Services and based on the outcomes of the two previous funding applications, the decision was made to focus an application on extending the sealed section of the North Coast Road to cover the 50 km/h zone built up area only. Applications for Stage One and Two, for the sealing of the first 3.64 km of the then unsealed section of the North Coast Road, have been successful.

Way Forward – Stage Three

The first 3.64 km of section of the North Coast Road closest to the Point Turton township, within the 50 km/h zone (otherwise known as Stage One and Two), have now been constructed and sealed.

As previous reports to Council have reported, it has been the intent to apply a seal only to the 50 km/h zones of Stages One and Two. The balance of North Coast Road (i.e. Stage Three) will, at some point in the future, subject to SLRP grant funding and Council endorsement, be given a harder wearing binding treatment.

In terms of property use, Stages One and Two together service 77 properties, which represent the majority of lived on landholdings along the North Coast Road. Not all of these properties are holiday homes. The balance of the North Coast Road, in the 100 km/h zone, services some housing well away from the road, but its main purpose is as a pathway to camping areas and as a tourist route.

SLRP funding is normally provided on a two thirds/one third basis; however, in view of the entire Legatus Group of 15 councils collectively only receiving a little over \$3,000,000 per annum, Council should be seeking a 60% SLRP contribution. The projected Stage Three project budget, subject to further review is \$3,250,000, with the expectation of the funding split being \$1,950,000 in SLRP funding and Council's contribution being \$1,300,000.

As there is still strong community interest in this project, it is recommended that Council once again endorse submitting an application for funding through the SLRP to complete Stage Three (i.e. by strengthening and binding of the pavement with a cement stabilant to create a better wearing surface, installation of traffic control devices and stormwater management on the remaining unsealed section of road, which is approximately 7.4 km).

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Chief Executive Officer
- Asset Manager
- Manager Financial Services

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

- Nil

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

Stage Three of the North Coast Road Upgrade is included in Council's current and revised Long Term Financial Plan. Please note the draft Long Term Financial Plan has included external funding at \$1,720,000 with Council contribution at \$1,530,000, however as detailed in this report officers will be applying for a SLRP contribution of 60% in an attempt to ease the burden on general revenue.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Council's initial commitment to seek funding to seal the North Coast Road through the SLRP 2019/2020 has created an expectation from the community that Council will continue to seek funding to upgrade the North Coast Road through this program.

ATTACHMENTS

Nil

25 DEVELOPMENT SERVICES**25.1 PROPOSED NEW LEASE - SYP HISTORIC VEHICLE CLUB INC.****Document #:** 24/13249**Department:** Development Services**PURPOSE**

To seek Council endorsement to proceed with the community engagement process for a proposed new lease to the SYP Historic Vehicle Club Inc.

RECOMMENDATION

That Council:

1. Give permission to commence the community engagement process for a proposed new lease to the SYP Historic Vehicle Club Inc. for a term of twenty one (21) years with a further right of renewal for twenty one (21) years with an overall lease term of forty two (42) years.
2. Endorse the Community Engagement Report attached, which constitutes the information that is required to be made available to the public as part of the community engagement phase in accordance with Section 202 of the Local Government Act 1999.

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

4 Community Engaged and Supported

Strategy: 1.8 Efficient delivery of permits, leases and licences

4.6 Continuous improvement in communicating with and engaging the community

BACKGROUND

The current lease agreement with the SYP Historic Vehicle Club Inc. (the Club) for their clubrooms is located at Section 744 Stansbury Road, Yorketown in the area known as "Weaners Flat". A Leased Area Map is shown within Attachment 3.

The current lease expired on 1 August 2023, however pursuant to Clause 34 Holding Over of the current lease agreement, the lease will continue as a monthly tenancy until such time as a new lease is formalised. It is anticipated that the new lease will commence on 13 May 2024, pending the outcome of the community consultation.

In 1984 a small group formed the SYP Veteran, Vintage and Classic Motorcycle Club. In 1988 the Club secured a lease for the old Yorketown School toilet block and converted them into clubrooms.

The Club began as a motorcycle club, however as times changed and the Club membership grew, the Club changed its name to SYP Historic Vehicle Club to incorporate all types of vehicles, such as cars, bikes, trucks and tractors.

Today, the Club is a member of the Federation of Historic Motoring Clubs SA Inc and has around 110 members with some 300 vehicles on club registration.

The Club holds monthly meetings and supports community events with historic vehicle displays. The Club is very proud of their facilities and wish to enter into a long term tenure to secure their facilities as the Club continues to grow.

DISCUSSION

The Club has been in discussions with Council for some time to find a suitable building to lease for storage. In July 2022, the Northern Yorke Pony Club relinquished their lease with Council for the use of the grounds located in the southern portion of Section 744 Stansbury Road, Yorketown and officially surrendered the storage shed labelled "B" to Council on 30 November 2023. Correspondence dated 16 July 2023 from Southern Yorke Peninsula Pony Club (Attachment 1).

The shed has remained empty for some time and is considered an ideal option for the Club to takeover.

The Club has requested a new lease agreement for the areas marked "A" & "B" on the Leased Area Map within Attachment 3, for a term of twenty one (21) years with a further right of renewal of twenty one (21) years with an overall lease term of forty two (42) years, correspondence from SYP Historic Vehicle Club requesting a new lease is provided in Attachment 2.

A lease term for a term of twenty one (21) years with a further right of renewal of twenty one (21) years with an overall lease term of forty two (42) years is considered an appropriate tenure for a growing organisation.

To ensure Council meets its legislative obligations in regard to public consultation, a public notice will be advertised in the Yorke Peninsula Country Times on Tuesday 19 March 2024 and placed on Council's website and social media sites to promote the community consultation process. The Community Engagement Report (Attachment 3) will be made available to view at Council's offices and on Council's website as per the Community Engagement Plan. The community consultation period will run for 21 days and is anticipated to conclude at 5pm on Wednesday, 10 April 2024.

Following the public consultation period, all submissions received will be provided to Council for consideration, and a determination will be made on the lease proposal.

COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

Pursuant to Section 202 of the Local Government Act 1999, a lease or licence for a term greater than five (5) years, Council must follow the relevant steps set out in its community engagement policy.

CONSULTATION PROCESS

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

- Corporate Management Team
- Property Tenure Officer
- Asset Manager
- Manager Building & Compliance

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

- SYP Historic Vehicle Club Inc representatives

POLICY IMPLICATIONS

PO057 Community Engagement Policy

BUDGET AND RESOURCE IMPLICATIONS





Public Notice – Yorke Peninsula Country Times approximately \$320 GST inclusive, to be on charged to the SYP Historic Vehicle Club.

Annual Lease fees \$50 GST exclusive

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Section 202 of the Local Government Act 1999

ATTACHMENTS

1. Correspondence from Southern Yorke Peninsula Pony Club [↓](#) 
2. Correspondence dated 16/7/2023 SYP Historic Vehicle Club, Request for New Lease [↓](#) 
3. Community Engagement Report [↓](#) 
4. Community Engagement Plan [↓](#) 

Sue Beech

From: [REDACTED]
Sent: Thursday, 30 November 2023 6:25 PM
To: Sue Beech
Subject: Re: Pony Club Shed - Yorketown

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 Sue,

I had previously sent an email informing Council of the SYP Pony Club relinquishing the Yorketown grounds on 26/07/2022. Unfortunately we did not mention the shed in this email. I know we spoke about the shed when you contacted me. My apologies for not including the shed in the email.

The SYP Pony Club executive committee would like to advise Council that the club wishes to relinquish the shed situated at the Yorketown grounds to them.

Thank you.

Kind regards

[REDACTED]

Sue Beech

From: SYP Historic Vehicle Club [REDACTED]
Sent: Sunday, 16 July 2023 8:04 PM
To: Sue Beech
Subject: Fwd: SYP Historic Vehicle Club Inc
Attachments: 20230716 SYP HVC Minutes - Jul.pdf

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

Hi Sue,

Please see attached copy of our minutes from our meeting today. I have highlighted the area we voted that the Club is willing to pay the Public Consultation advertising fee. Will the Council send us an invoice for the advertising?

Many thanks,
Kali Germein
Secretary
SYP HVC

On Tue, 11 July 2023, 14:34 Sue Beech, <Sue.Beech@yorke.sa.gov.au> wrote:

Hi Kali,

Just following up on lease arrangements for the historic vehicle club.

The current lease is due to expire on 31/7/2023. We will put that into what is called "monthly holdover" until we sort the lease out.

Basically, that means that the lease will run on a month to month basis, under the same terms and conditions until a new lease is sorted.

I need to know if you want the other shed that we looked at together included in this lease?

We also need to know what term of lease you are looking for? Pursuant to the Local Government Act 1999, any lease over 5 years must go out to public consultation, which requires a report to Council along with advertising in the Country Times. The cost for advertising would be paid by the historic vehicle club, approximate \$370.

Can you discuss with the club and respond to me in writing so we can get a new agreement in place.

Kind regards, Sue

Sue Beech | Property Tenure Officer

Yorke Peninsula Council | Maitland Branch Office

Ph: 08-8832 0000

E: sue.beech@yorke.sa.gov.au | W: www.yorke.sa.gov.au

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S.Y.P. HISTORIC VEHICLE CLUB Inc
Sunday 16th July 2023

Meeting Opened 11.30am

PRESENT: As per Club Register

APOLOGIES: Darren Hart, Stephen Fooks, Hamish Ross, Ant Hart, Garry Hart, Ken Schmidt, Tim Short, Peter Warren, Chris Burton, Jane Abernethy, Charlie Longbottom, Tom Bilney, Bob Rawolle, Gary Rawolle, Noel Parsons, Todd Anderson, Brenton Steer.

VISITORS: Carl Berriman, Neil Cripp, Steve Wallas, Alan Saint, Ken Algate

NEW MEMBERS:

Moved: Jim Davies nominated Darrin Thom **Seconded:** Stephen Twigg **ALL IN FAVOUR**

Moved: Jim Davies nominated Alan Saint **Seconded:** Stephen Anderson **ALL IN FAVOUR**

MINUTES:

Moved: Jenny Oldland moved that the minutes of June meeting are true and correct.

Seconded: Daryl Oldland **ALL IN FAVOUR**

BUSINESS ARISING:

- **Club Name Badges**

Badge price increased to \$13. Need minimum order of 20 badges. First order has been well received with good feedback. Have a second order waiting for more names.

- **Adding the PC Shed to our lease**

Sue Beech (YP Council Tenure Officer) contacted the club in regards to adding the old 'Pony Club' shed to our lease. Our current lease of the clubhouse is due to expire on 31/7/2023. Council will place this lease onto a 'monthly handover' (paid month by month) until the entire lease is sorted out.

The YPC need to know what term of lease the club is looking at for the PC shed. Pursuant to the Local Government Act 1999, any lease over 5 years must go out to public consultation, which requires a report to Council along with advertising in the Country Times. The cost for advertising would be paid by the Club, approximately \$370.

Moved: Jim Davies moved that the club pay \$370 to advertise (public consultation) and to ask for a lease similar to that of the clubhouse (99 years).

Seconded: Daryl Oldland **ALL IN FAVOUR**

- **Old Motorcycle Magazines**

Kali and Jenny sorted through the back room of the clubhouse. Lots of old motorcycle magazine, handbooks, memorabilia is available to anyone who would like it. First in, best dressed.

TREASURER'S REPORT:**Main Account**

June 2023

Opening Balance			\$4411.78
Income			0.00
Expenses			\$859.00
	Davie Digital - Badges	\$258.00	
	WFI – Building Insurance	\$551.00	
	Auto Transfer	\$50.00	
Closing Balance			\$3552.78

Incentive Saver Account: \$21,671.36**Term Deposit Account: \$14,308.31****Moved:** Kev L moved the report be accepted. **Seconded:** Daryl Oldland **CARRIED**.**CORRESPONDENCE:****Incoming**

WFI Insurance Policy

Alan Knitsch – Federation Meeting Summary

Federation Tour & Motorfest forms

Country Time Invoice

'Old Crocks Run'

Change of Public Officer Confirmation

Barossa Valley Classic Motorcycle Club – Annual Rally

Survey SA - Economic Value of the Heritage Vehicle Sector

Strathalbyn Auto Swap Flyer

Outgoing

June Minutes

Various Emails – Membership price

Various Emails – New Logbook enquiry

YP Country Times – AGM & Sympathy Note

SYP HVC Update Email

SA Precision Badges – Metal Car Badge Quote

New Member Email – Tony Claudio

Bonney's Embroidery – Cap Order

Motoring Federation SA – Stat Dec Query

Email to Alan Knitsch re continuing on as our Fed Rep

Moved: Kali Germein moved the correspondence be accepted. **Seconded:** Jenny Oldland**CARRIED**.**CAPTAINS' REPORTS:**

- **Peppertree Markets Show n' Shine:** Daryl noted it was a worthwhile day. Luke said there was a good variety of vehicles at the event.

GENERAL BUSINESS

- **Logbook Officer** – We currently have most parts of SYP covered in regards to Logbook Officers however the Warooka area was lacking. Richard approached Stephen Fooks who is willing to become a Logbook Officer (complete MR334 forms for new logbooks) **Moved:** Darryl Oldland **Seconded:** John Francis
- **Logbook Day & Working Bee** – We need to hold a 'Logbook Day' within a fortnight of the AGM. It was suggested we hold it next Sunday 23rd July at the Yorketown Clubrooms. We will format it so memberships (new price) can be paid, old logbooks can be stamped and new logbooks can be issued. We will also need some utes or trailers to take away some old rubbish from the back room (old BBQs, metal shelving etc.)
- **Clubroom guttering** – Stephen Anderson suggested also finishing the last of the guttering at our working bee.

Meeting closed at 11.30

NEXT MEETING: Thursday 10th Aug 2023 7.30pm



Community Engagement Report

SYP Historic Vehicle Club Inc.

Lease Proposal



The Yorke Peninsula Council is seeking public feedback on a proposal to renew the lease for the SYP Historic Vehicle Club Inc. (Club) clubrooms located at Section 744 Stansbury Road, Yorketown, known as Weaners Flat. In addition to the Clubrooms a storage shed (marked as B in the Leased Area Map) is to be included in the new lease.

Under the Local Government Act 1999, Council is required to formally undertake community consultation for a lease or licence over community land when the term is greater than five (5) years.



Leased Area Map



Lease Proposal

- Term twenty one (21) years with a further right of renewal for twenty one (21) years with an overall lease term of forty two (42) years.

Section 202 (4) of the Local Government Act 1999 outlines that if a lease or licence is to be granted for a term not exceeding 42 years and the term of the lease or licence may be extended but not so that the term extends beyond a total of 42 years.

- The current lease expired on 1 August 2023, however pursuant to Clause 34 Holding Over of the current lease agreement, the lease will continue as a monthly tenancy until a new lease is formalised. It is anticipated that the new lease will commence on 13 May 2024, pending the outcome of the community consultation.
- Leased area (refer to Leased Area Map)
Area A – Clubrooms (land only)
Area B – Storage Shed (including 3 metres of land surrounding shed)
- The annual rent being a peppercorn rental, consistent with that currently being paid by other community groups.
- The permitted use – clubrooms and storage

Background

In 1984 a small group formed the SYP Veteran, Vintage and Classic Motorcycle Club. In 1988 the Club secured a lease for the old Yorketown School toilet block and converted them into clubrooms.

The Club began as a motorcycle club, but as times changed and the Club membership grew, and the Club changed its name to SYP Historic Vehicle Club to incorporate all types of vehicles, like cars, bikes, trucks and tractors.

Today the Club is a member of the Federation of Historic Motoring Clubs SA Inc and has around 110 members with some 300 vehicles on club registration.

Along with monthly meetings the Club supports community events with historic vehicle displays.

The Club has been in discussions with Council staff for some time to find a suitable building to lease for storage. In July 2022, the Southern Yorke Pony Club relinquished their lease with Council for the use of the grounds located in the northern section of Section 744 Stansbury Road, Yorketown and officially surrendered the storage shed labelled B in the Leased Area map to Council on 30 November 2023. The shed has remained empty for some time and is the perfect option for the Club to takeover. The shed is proposed to be included in the new lease arrangement.

The Club is proud of their facilities and wish to enter into a long term tenure to secure the use of the facilities as they continue to grow.

HAVE YOUR SAY

The Yorke Peninsula Council welcomes your feedback on the proposed SYP Historic Vehicle Club Inc. lease.

To provide your feedback:

- By email – admin@yorke.sa.gov.au
- By Post – PO Box 57, Maitland SA 5573

All feedback must be returned by 5pm on Wednesday 10 April 2024.

Please indicate in your submission if you wish to appear before Council in this matter.

Please note your submission including your name (excluding any personal contact and address details) will be provided in a Council Agenda for Council's consideration in determining this matter.

Next Step

Following the public consultation period, all submissions received will be provided to Council for consideration, and a determination will be made on the lease proposal.

More Information

Got a question about the lease proposal?

Contact Council's Property Tenure Officer, Sue Beech on admin@yorke.sa.gov.au or Ph: 8832 0000.



Refer: Proposed New Lease - SYP Historic Vehicle Club Inc.	SF215
	Responsible Officer: Community Development & Engagement Officer
	Issue Date: 31/01/2024
	Next Review Date: December 2027

Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status	Evaluation Method
Entire community	Public Notice	Property Tenure Officer	19/03/2024	10/04/2024	NS	Report back to Council on outcome of the public consultation. Elected members to make a decision based on any submissions received from the public consultation process.
Entire community	Website	Property Tenure Officer	19/03/2024	10/04/2024	NS	
Entire community	Social Media	Property Tenure Officer	19/03/2024	10/04/2024	NS	
Entire community	Ability to appear before Council	Property Tenure Officer	19/03/2024	10/04/2024	NS	

25.2 LEASE PROPOSAL - AMPLITEL PTY LIMITED**Document #:** 24/19119**Department:** Development Services**PURPOSE**

To seek Council endorsement to lift the matter – Lease Proposal – Amplitel Pty Limited from the table and resume proceedings at the point preceding the resolution from the 9 August 2023 Ordinary Council meeting. Further, for Council to consider a new lease to Amplitel Pty Limited (part of the Telstra Group) for the telecommunication tower located at Lot 95 Oval Avenue, Warooka for a period of twenty (20) years.

RECOMMENDATION

That Council endorse to lift the matter Lease Proposal – Amplitel Pty Limited from the table for further consideration and resume the proceedings at the point preceding the following resolution:

Moved: Cr Adam Meyer

Seconded: Cr Kristin Murdock

That the matter lie on the table.

CARRIED 190/2023 (9/08/2023)

and

RECOMMENDATION

That Council:

1. Endorse a lease for a period of twenty (20) years to Amplitel Pty Limited (part of the Telstra Group) for the telecommunications tower located at Lot 95 Oval Avenue, Warooka at an annual rent fee of \$6,321.29 increasing at 3% at each anniversary of the commencement date during the lease term.
2. Authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal in order to execute the lease documents.

LINK TO STRATEGIC PLAN

Goal: 1 Economically Prosperous Peninsula

Strategy: 1.8 Efficient delivery of permits, leases and licences

BACKGROUND

At the Ordinary Council meeting held on 28 June 2023, Council gave permission to proceed with the community engagement process for a proposed new lease to Amplitel Pty Limited (part of the Telstra Group) for the telecommunication tower located at Lot 95 Oval Avenue, Warooka for a period of twenty (20) years.

At the completion of the community engagement process a further report was presented to the elected body at the Ordinary Council meeting held 9 August 2023. Council considered granting a new lease to Amplitel Pty Limited (Amplitel) for the telecommunication tower located at Lot 95 Oval Avenue, Warooka for a period of twenty (20) years. Elected Members expressed concerns with the

proposed rent fee and annual rent increases. The report was laid on the table (Attachment 1), pending further information and clarification.

Lease Proposal (as per original report)

Land Only Lease.

Lessee	Amplitel Pty Limited as trustee for the Towers Business Operating Trust
Premises	Part of the land situated at Lot 95 Oval Avenue, Warooka SA. Certificate of Title Volume 6148 Folio 398
Commencement Date	1 October 2024
Term	Twenty (20) years, commencing on 1 October 2024 and terminating on 30 September 2044
Rent	\$6,321.39 per annum (exclusive of GST)
Payment of Rent	Yearly in advance by way of electronic funds transfer commencing on the Rent Commencement Date and thereafter on each anniversary of the Commencement Date
Review of Rent	The rent is to be increase by 3% on each anniversary of the Commencement Date during the Term

DISCUSSION

Further to the matter being laid on the table, at the 9 August 2023, Ordinary Council meeting, correspondence dated 18 August 2023 was sent to Amplitel expressing concerns with the proposed rent and continuing a 3% annual rent increase, as opposed to an annual rent increase in line with the current price index (CPI).

Staff have reviewed a number of current telecommunication tower leases on the Yorke Peninsula, these are tabled in the attached Telecommunication Tower Comparisons (Attachment 2).

Further commentary on a number of these leases is detailed below;

- Items 1-3

Mount Gore is considered a valuable site due to the elevation of the land which allows for greater coverage. Hence Mt Gore is utilized by a number of telecommunication carriers.

- Item 4

Receives rent of \$75,000 in a once only payment, however it is noted that this is a 99 year lease, which equates to \$757.58 per annum.

- Items 6 & 7

The Maitland Show Society telecommunication tower has two separate leases, one with Vodaphone and the other with Crown Castle, hence the higher income received from lease fees.

- Item 11

Axicom terms of lease allows Council to use Axicom's infrastructure for their own network requirements.

Council's role as outlined in Council's Strategic Management Plan 2021-2025 is to build partnerships and collaborative relationships with the community, businesses, developers and other tiers of government to achieve a more sustainable future for our community. Partnerships with telecommunication carriers to provide reliable telecommunication services for our community like Police, Country Fire Service, Medstar and Ambulance are critical to public safety and how businesses can operate. A lack of adequate telecommunication services can be detrimental to the operation of many businesses, including Council operations.

As detailed in attachment 3, Amplitel have advised that the proposed fixed percentage annual increase to the rent is overwhelmingly adopted by tenants and property owners including government, corporate and private owners alike as fair market based review mechanism. It was further advised the rent proposed for the new lease falls within Amplitel rent guidelines for such facilities in rural South Australia.

COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

Pursuant to Section 202 of the Local Government Act 19999, a lease or licence for a term greater than five (5) years, Council must follow the relevant steps set out in its community engagement policy.

CONSULTATION PROCESS

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

- Corporate Management Team
- Property Tenure Officer

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

- LG Legal & Technology
- Amplitel Pty Limited

POLICY IMPLICATIONS

PO057 Community Engagement Policy

BUDGET AND RESOURCE IMPLICATIONS

Land Titles Searches to obtain copies of leases \$355 (including GST)





Public Notice \$252 (including GST)

Annual Lease fees: \$6,321.29 per annum (exclusive of GST). Rent increased by 3% on each anniversary of the commencement date during the term.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

If Council chooses not to endorse a new lease, Amplitel Pty Limited may need to seek an alternative arrangement. Telecommunication services for the Warooka area and surrounds may be compromised, potentially causing disruption to emergency services and businesses.

ATTACHMENTS

1. Council Report (Laid on the Table) - 9 August 2023 - Lease Proposal - Amplitel Pty Limited [↓](#) 
2. Telecommunication Tower Comparison [↓](#) 
3. Correspondence received from Amplitel Pty Limited 20/2/2024 [↓](#) 
4. Draft Lease [↓](#) 

ORDINARY COUNCIL MEETING AGENDA

9 AUGUST 2023

25.3 LEASE PROPOSAL - AMPLITEL PTY LIMITED**Document #:** 23/66695**Department:** Development Services**PURPOSE**

To consider granting a new lease to Amplitel Pty Limited (part of the Telstra Group) for the telecommunication tower located at Lot 95 Oval Avenue, Warooka for a period of twenty (20) years.

RECOMMENDATION

That Council:

1. Endorse a lease for a period of twenty (20) years to Amplitel Pty Limited (part of the Telstra Group) for the telecommunication tower located at Lot 95 Oval Avenue, Warooka.
2. Authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal in order to execute the lease documents.

LINK TO STRATEGIC PLAN**Goal:** 1 Economically Prosperous Peninsula**Strategy:** 1.8 Efficient delivery of permits, leases and licences**BACKGROUND**

At the Council meeting held 28 June 2023, Council resolved to commence with a community engagement process for the proposed new lease to Amplitel Pty Limited (part of the Telstra Group) for the telecommunication tower located at Lot 95 Oval Avenue, Warooka for a period of twenty (20) years.

DISCUSSION

A public notice was advertised in the Yorke Peninsula Country Times on 4 July 2023, and on Council's website and Facebook site. At the close of the consultation period on 26 July 2023 no submissions were received.

Council's website received 25 views and Facebook achieved a reach of 575.

COMMUNITY ENGAGEMENT PLAN

Level 2 - Consult

Pursuant to Section 202 of the Local Government Act 1999, a lease or licence for a term greater than five (5) years, Council must follow the relevant steps set out in its community engagement policy.

CONSULTATION PROCESS

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

- Corporate Management Team
- Property Tenure Officer

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

- LG Legal & Technology
- Amplitel Pty Limited

ORDINARY COUNCIL MEETING AGENDA**9 AUGUST 2023**

POLICY IMPLICATIONS

PO057 Community Engagement Policy

BUDGET AND RESOURCE IMPLICATIONS

Public Notice: \$252

Annual Lease fees: \$6,321.29 per annum (exclusive of GST)

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Pursuant to Section 202 of the Local Government Act 1999, a lease or licence for a term greater than five (5) years, Council must follow the relevant steps set out in its community engagement policy

ATTACHMENTS

1. Community Engagement Plan



						SF215
						Issue Date: 09/12/2021
						Next Review Date: December 2025
Project Name: Proposed Lease - Amplitel Pty Limited						
Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status	Evaluation Method
ntire community	Public Notice	Property Tenure Officer	4/07/2023	26/07/2023	C	Report back to Council on outcome of public consultation. Elected members to make decision based on any submissions received from the public consultation process.
ntire community	Website	Property Tenure Officer	4/07/2023	26/07/2023	C	
ntire community	Ability to appear before Council	Property Tenure Officer	4/07/2023	26/07/2023	C	

	Carrier	Land Description	Commenced Date – Current Lease	Annual commencement rent	Increases	Term	Tower Description
1	Optus	Mount Gore, White Hut Road Hd ParaWurlie Elevation 103m above sea level	29/10/2019	\$7,789	Increase 3% compounding interest annually	5 years	100m tower
2	Telstra	Mount Gore	1/12/2019	\$11,000	Increase 2% per annum	10 years	50m tower
3	NBN	Mount Gore	21/7/2019	Unknown	Calculated by increasing the rent payable in the last year of the consecutive lease (unable to obtain previous lease)	5 years	100m tower
4	Crown Castle	Edithburgh, Park Terrace, North	1/11/2007	\$75,000	Payable by a once only payment (\$757.58 per annum)	99 years	Unknown
5	Vodafone	Edithburgh Water Tower	12/10/2015	\$9,148	Increase 5% annually	5 years	Mounted to water tower
6	Vodafone	Maitland Show Society, S365 Rogers Terrace, Maitland	01/04/2019	\$7,000	Annual CPI	20 years	Unknown
7	Crown Castle	Maitland Show Society	02/04/2019	\$10,600	Increased by 5% compounding annually	20 years	Unknown
8	Telstra & Council	Minlaton Golf Course, Western Corner of Section 1.	19/11/2018	\$2,106	Which ever greater 2.5% per annum or movement in CPI over the previous 12 months	10 years plus 2 x 5 years	25m tower
9	Telstra & Council	Port Victoria, western side of oval	19/11/2018	\$1,915	As above	10 years plus 2 x 5 years	40m tower
10	Optus & Council	Port Victoria, western side of oval	28/5/2010	\$8,478	3% compounding annually	4x5 years	45m tower
11	Axicom & Council	Various road reserve sites. Brentwood Port Vincent Yaruga Stansbury Ardrossan Pine Point Port Victoria Maitland Mount Rat Minlaton Arthurton Port Clinton Edithburgh Mt Pleasant North Marion Bay	20/2/2008	\$800	Then 20/2/2011 – 19/2/2012 \$930.48 adjust annually by CPI		Small towers located on road reserves. Lease terms allows Council to use towers for their own network requirements.

Sue Beech

From: [REDACTED]
Sent: Monday, 19 February 2024 5:04 PM
To: Sue Beech
Subject: Lease Renewal Communications Tower, 95 Plan 206510 Fifth Street Warooka SA 5577 - AMS Ref SA003203

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 Sue

With reference to the lease renewal and Council approval process we make the following comments regarding the financial terms proposed

Noting the proposed commencing rent is \$6,321 plus GST, a 3% increase over final year rent of the current lease.

Annual increases of between 2 and 3% are industry standard for these facility leases as well as more broadly applied to other commercial leases and revenue contracts. This rate of fixed increase is overwhelmingly adopted by tenants and property owners including government, corporate and private owners alike as fair market based review mechanism. 3% is Amplitel corporate maximum it will approve.

Whilst last year's inflation is above rate of the 2-3% it is trending downwards now towards the preferred Federal Reserve Bank mandated level. The 3% annual rent increases under the current lease and proposed for the renewal lease has benefited the lessor when assessed against trailing CPI rates. September 2011 was the last time that CPI was more than 3.00%. CPI is showing encouraging signs of returning to target range by mid 2025



Sources: ABS; RBA

CPI, Year-ended percentage change

Total CPI – all groups (% p.a.)



Source: ABS, JLL Research
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We comment that the rent proposed for the new lease falls within Amplitel rent guidelines for such facilities Rural SA \$6,000 - \$8,000

We further provide details and notes on below comparables which also support level of rent proposed for the lease renewal.

- Kuhn Terrace, Port Victoria SA 5573
Lessee: Amplitel
Lessor: Yorke Peninsula Council
Commencement: 19/11/18
Rent: \$1,915
Reviews: Annual >CPI or 2.5%
- Mount Gore, White Hut Rd Warooka SA 5577
Lessee: Amplitel
Lessor: SA Water
Commencement: 1/11/24
Rent: \$5,000
Reviews: Annual 3%

- Maitland Showgrounds, Rogers Terrace Maitland SA 5573
Lessee: Vodafone
Lessor: Maitland Agricultural Horticultural and Floricultural Society Inc
Commencement 1/4/19
Rent: \$7,000
Reviews annual CPI
- Maitland Showgrounds Rogers Terrace, Maitland SA 5573
Lessee: Crown Castle (Axicom)
Lessor: Maitland Agricultural Horticultural and Floricultural Society Inc
Commencement: 2/4/19
Rent: \$10,600
Reviews Annual 5%
Comment: we consider the rent inflated due to the compounding effect of 5% increases.
NB: the lessor at this property is receiving revenue for two separate leases on the facility at this property, accounting for the circa \$20k total
- Warooka Works Depot, Fifth Street Warooka SA 5577
Licensee: Axicom (assigned from Agile)
Licensor: District Council of Yorke Peninsula
Fee: \$1,050 approx
Reviews: annual CPI
Comment: Warooka is one of a collection of towers accommodating Council equipment and a master licence agreement applies
- 102 Urania Road, Port Victoria SA 5573
Lessee: NBN
Lessor: Pegoraro and Edman
Commencement: 15/7/19
Rent: \$6,780
Reviews: annual 2.5%

We request Council give consideration to the above and ratify the original agreement on the terms conditionally approved by the corporate management team and Amplitel financial delegate.

Thank you for the opportunity to present to you and please let me know if I may provide anything further for your consideration.

Regards,

Jeffrey Madgwick
Transaction Manager
JLL as managing agent for Amplitel

[REDACTED]



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If I've sent it to you by accident, please delete it immediately

General

FORM L1 (Version 3)
GUIDANCE NOTES AVAILABLE

LANDS TITLES REGISTRATION OFFICE

SOUTH AUSTRALIA

LEASE

FORM APPROVED BY THE REGISTRAR-GENERAL

PRIORITY NOTICE ID

SERIES NO	PREFIX
	L

AGENT CODE
TGLEG

LODGED BY:

TG Legal + Technology Lawyers
19 Gouger Street Adelaide 5000
CR:MJL: 5339848

CORRECTION TO:

TG Legal + Technology

SUPPORTING DOCUMENTATION LODGED WITH INSTRUMENT
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1

2

3

4

5

CORRECTION

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REGISTERED

REGISTRAR-GENERAL

sf: Legal/82320286_1

LEASE

PRIVACY COLLECTION STATEMENT: The information in this form is collected under statutory authority and is used for maintaining publicly searchable registers and indexes. It may also be used for authorised purposes in accordance with Government legislation and policy requirements.

LAND DESCRIPTION

Portion of the land comprised in Certificate of Title Volume 5883 Folio 759 being the portion marked 'T' in GP 325/2004.

ESTATE & INTEREST

Fee Simple

LESSOR (Full name and address)

Yorke Peninsula Council ABN 82 179 825 615 of PO Box 57, Maitland South Australia 5573.

LESSEE (Full name, address and mode of holding)

Amplitel Pty Limited ACN 648 133 073 of c/- JLL, 242 Exhibition Street, Melbourne Victoria 3000

TERM

COMMENCING ON 1 October 2024

AND

EXPIRING AT MIDNIGHT ON 30 September 2044

RENT AND MANNER OF PAYMENT (or other consideration)

The Rent is set out in Item 8 of the Reference Schedule and shall be paid yearly in advance on each anniversary of the Commencement Date

IT IS COVENANTED BY AND BETWEEN THE LESSOR AND THE LESSEE as listed herein:

(Covenants, where not deposited, to be set forth on insert sheet(s) and securely attached)



LAND LEASE

(South Australia)

**Property: Lot 95 Oval Avenue
(Warooka (SA))**

Yorke Peninsula Council
ABN 82 179 825 615

Amplitel Pty Limited
ACN 648 133 073

Reference Schedule

Item 1	Lessor:	<p>Name: Yorke Peninsula Council ABN 82 179 825 615</p> <p>Address: PO Box 57 MAITLAND SA 5573</p> <p>Tel: 08 8832 0000</p> <p>Email: admin@yorke.sa.gov.au</p>
Item 2	Lessee:	<p>Name: Amplitel Pty Limited as trustee for the Towers Business Operating Trust</p> <p>ACN: 648 133 073</p> <p>ABN: 75 357 171 746</p> <p>Address: c/- JLL 242 Exhibition Street MELBOURNE VIC 3000</p> <p>Email: leaseadmin@amplitel.com</p>
Item 3	Premises:	<p>That part of the Land marked T in GP 325 of 2004 (a copy of which appears in 0) and situated at Lot 95 Oval Avenue, Warroka SA 5577.</p> <p>For Lessee reference purposes only: JDE: 31747300 Tenure ID: 62865 Node Manager Address ID: 212999 RFNSA Number: 5577002 AMS Ref: SA003203</p>
Item 4	Land:	Certificate of Title Volume 6148Folio 398
Item 5	Term:	Twenty (20) years, commencing on the Commencement Date
Item 6	Commencement Date:	1 October 2024
Item 7	Terminating Date:	30 September 2044
Item 8	Rent:	\$6,321.39 per annum (exclusive of GST), subject to clause 3.1
Item 9	Payment of Rent:	Yearly in advance by way of electronic funds transfer commencing on the Rent Commencement Date and thereafter on each anniversary of the Commencement Date
Item 10	Permitted Use:	Use, inspection, construction, installation, replacement, operation, maintenance, alteration, repair, upgrade, access to and from and removal of the Facility for telecommunications, communications and any other lawful purposes on the Premises and the Land in accordance with this Lease
Item 11	Review of Rent:	The Rent is to be increased on each Review Date by 3% per annum during the Term
Item 12	Break Dates:	<p>Each of the following dates:</p> <p>(a) the date that is 15 years before the Terminating Date;</p> <p>(b) the date that is 10 years before the Terminating Date; and</p> <p>(c) the date that is 5 years before the Terminating Date.</p>
Item 13	Further Terms:	Not Applicable.

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Operative provisions**1 Interpretation**

1.1 Definitions

The following words have these meaning in this Lease unless the contrary intention is shown:

Act means the *Telecommunications Act 1997* (Cth).

Break Dates means the date or dates set out at Item 12.

Business Day means a day that is not a Saturday, Sunday or public holiday in the State.

Carrier has the same meaning as is contained in the Act and includes a party acting in reliance upon a nominated carrier declaration made under Part 3 of the Act.

Commencement Date means the date specified in Item 6.

Consumer Price Index means the All Groups CPI: Australia Consumer Price Index as currently published by the Australian Bureau of Statistics.

Current CPI means the Consumer Price Index number for the quarter ending immediately before the relevant Review Date.

Emergency means circumstances where access must be provided without delay to protect the Facility, the health or safety of persons, the environment, property or maintenance of an adequate level of service.

Facility means any equipment, equipment housing, tower/pole/mast (or similar), antennas, associated ancillary equipment and/or any other fixtures, fittings, structures and cabling as altered or upgraded in accordance with the terms of this Lease belonging to or brought onto the Premises by the Lessee, any Related Body Corporate of the Lessee and any subtenant or licensee of the Lessee (as the case may be).

Financial Year means the 12 months period ending on 30 June in each year.

Item means an item in the Reference Schedule.

Land means the Land described in Item 4.

Lease means this lease and any equitable lease or common law tenancy evidenced by this lease.

Lessee means the party named in Item 2.

Lessor means the party named in Item 1.

Liability Cap means:

- (a) for the Financial Year ending 30 June 2022, \$20 million; and
- (b) for each subsequent Financial Year in the Term, the amount of the Liability Cap for the previous Financial Year multiplied by the Current CPI and divided by the Previous CPI.

Network means the passive infrastructure of the Lessee (or any Related Body Corporate of the Lessee) for use in connection with a communications network.

Permitted Mortgage means a mortgage of the Land granted to an authorised deposit-taking institution within the meaning of the *Banking Act 1959* (Cth).

Permitted Mortgagee means the mortgagee from time to time under a Permitted Mortgage.

Permitted Use means the use specified in Item 10.

Premises means the premises leased to the Lessee as described in Item 3.

Previous CPI means the Consumer Price Index number for the quarter ending immediately before the last Review Date (or, if there has not been one, the Commencement Date).

PPS Security Interest means a security interest that is subject to the *Personal Property Securities Act 2009* (Cth).

Reference Schedule means the Reference Schedule to this Lease.

Related Body Corporate means a related body corporate or a body corporate of which the Lessee is either an associated entity or a related body corporate of an associated entity, as each of those terms are defined in the *Corporations Act 2001* (Cth).

Rent means the amount specified in Item 8, as varied on any Review Date under this Lease.

Rent Commencement Date means the earlier of:

- (a) the date the Lessee substantially commences initial installation of the Facility on the Premises;
- (b) the date the Lessee identifies in a notice to the Lessor of the Lessee's intention to commence initial installation of the Facility on the Premises; or
- (c) the fifth anniversary of the Commencement Date.

Requirements means applicable legislation, by-laws, policies, industry standards or codes, community obligations and technical requirements.

Review Date means each anniversary of the Commencement Date during the Term

Security Interest means:

- (a) a PPS Security Interest;
- (b) any other mortgage, pledge, lien or charge; or
- (c) any other interest or arrangement of any kind that in substance secures the payment of money or the performance of an obligation or that gives a creditor priority over unsecured creditors in relation to any property.

State means the State or Territory of Australia in which the Premises is situated.

Term means the term of this Lease as specified in Item 5 which begins on the Commencement Date and ends on the Terminating Date.

Terminating Date means the date specified in Item 7, except where this Lease is terminated early in which case the date of earlier termination is the Terminating Date.

1.2 Rules for interpreting this Lease

Unless the context otherwise requires:

- (a) A singular word includes the plural, and vice versa.
- (b) If a word is defined, another part of speech using contextual variations of that word has a corresponding meaning.
- (c) Words of inclusion or example are not words of limitation.
- (d) Headings are for convenience only, and do not affect interpretation.
- (e) No rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of this Lease.
- (f) If anything in this Lease is unenforceable, illegal or void then it is severed and the rest of this Lease remains in force.
- (g) A reference to:
 - (i) legislation (including subordinate legislation) is to that legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;

- (ii) a document or agreement, or a provision of a document or agreement, is to that document, agreement or provision as amended, supplemented, replaced or novated;
- (iii) a party to this document or to any other document or agreement includes an executor, an administrator, a permitted substitute or a permitted assign of that party and where the party is a corporation, includes the corporation, its successors and assigns;
- (iv) a person includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity, and any executor, administrator or successor in law of the person; and
- (v) anything (including a right, obligation or concept) includes each part of it.
- (h) Unless the context otherwise requires, the terms installation and maintenance where they are used in this Lease have the same meanings and include the same activities as are provided under the Act.
- (i) Where a party consists of two or more persons or a term is used in this Lease to refer to more than one party an obligation of those persons is joint and several and a right of those persons is held by each of them severally.
- (j) Any right given to the Lessor or the Lessee (as the case may be) may where the context so permits be exercised by that party's employees, agents, contractors, subtenants, licensees or others authorised (expressly or implicitly) by that party.
- (k) Any obligation on the Lessor or the Lessee (as the case may be) will where the context so permits extend to the actions of that party or that party's authorised employees, agents, contractors, subtenants, licensees, invitees or others claiming under or through that party.
- (l) Unless this Lease expressly states otherwise, any party responding to a request for consent or approval must not unreasonably withhold or delay its response or impose any conditions inconsistent with the terms of this Lease. If withholding consent or approval, the responding party must give written reasons with its response.
- (m) Sections 124 and 125 of the *Real Property Act 1886* (SA) do not apply to this Lease.

2 Term of Lease

2.1 Term

The Lessor leases the Premises to the Lessee for the Term and for the Permitted Use.

2.2 Holding over

If the Lessee occupies the Premises after the Terminating Date without demand for possession by the Lessor, then the Lessee occupies the Premises under a yearly tenancy on the same terms as this Lease, so far as they can be applied to a yearly tenancy. Either party may terminate the yearly tenancy by giving no less than 1 year's notice to the other party.

2.3 Break Rights

The Lessee may terminate this Lease on any of the Break Dates by giving the Lessor no less than 3 months' notice in advance.

3 Payments

3.1 Rent and Rent review

- (a) The Lessee must pay the Rent in accordance with Item 9 to an account in Australia nominated by the Lessor. The Lessor may nominate another account in Australia into which the Rent must be paid upon giving at least 20 Business Days' notice to the Lessee.
- (b) The Rent is to be reviewed on each Review Date in accordance with Item 11.

3.2 Rates and taxes

The Rent is a gross amount and the Lessee is not required to pay any rates, taxes or outgoings which are charged to, assessed against or relate to the Land (including the Premises), subject to charges (if any) which this Lease expressly requires the Lessee to pay. The Lessor must pay all rates, taxes and outgoings on or before the payment date which are charged to, assessed against or relate to the Land (including the Premises).

3.3 Costs of Lease

The Lessee will contribute up to \$1,500.00 (plus any GST) towards the Lessor's reasonable legal fees for the preparation, negotiation and execution of this Lease. If stamp duty or registration fees are payable on this Lease, the Lessee will pay the applicable stamp duty or registration fees.

4 Equipment

- (a) The Lessor grants a licence to the Lessee, its subtenants and licensees to install, maintain, repair, renew and use cabling on the Land to and from the Facility as is necessary for the Permitted Use.
- (b) Subject to the express terms of this Lease, the Facility remains at all times the property of the Lessee, its subtenants and licensees (as the case may be), even if it becomes attached to the Land.

5 Use**5.1 Use of Premises and Land**

- (a) The Lessee may only use the Premises for the Permitted Use.
- (b) The Lessor grants a licence to the Lessee, its subtenants and licensees to use so much of the Land adjacent to or adjoining the Facility as is reasonably required for the Permitted Use. After using the adjacent or adjoining Land, the Lessee must restore the surface to that part of the Land used to as near as practicably possible its state prior to use by the Lessee, its subtenants and licensees.
- (c) The Lessee is not required to carry out any capital or structural works to the Land unless such works are required by the Lessee for the installation or maintenance of the Facility or the works are as a result of the Lessee's negligence or a breach of this Lease.
- (d) The Lessee, its subtenants and licensees may install signage around the Premises and the Facility for the purposes of complying with applicable laws.
- (e) The Lessor grants to the Lessee, its subtenants and licensees the right to use so much of the adjoining or adjacent land as is reasonably required for the purpose of installing and maintaining guy anchors (if needed) to support the Lessee's structure on the Premises and running guy wires from those guy anchors on the adjoining or adjacent land to the Lessee's structure on the Premises. The Lessor must not use or interfere with the Lessee's guy anchors or guy wires. The provisions of clause 9.3 apply to the exercise by the Lessee of its rights under this clause.

5.2 Condition of Premises

Subject to clause 5.1(c), the Lessee will keep the Premises in good repair and condition (having regard to the condition of the Premises as at the Commencement Date) excluding fair wear and tear and any damage caused by fire, flood, lightning, storm, war or act of God.

5.3 Permits and approvals

The Lessor:

- (a) authorises the Lessee, at the Lessee's cost, to make applications to any relevant government authority or agency for any necessary permits, consents and approvals for the development, construction and use of the Facility and to exercise and procure (in the Lessee's discretion) every right of appeal arising from a determination or failure to determine such application; and

- (b) must sign all documentation and provide all assistance reasonably required by the Lessee or any person nominated by the Lessee to obtain the permits, consents and approvals referred to in clause 5.3(a).

6 Electricity and other services

- (a) The Lessor must permit the Lessee, at the Lessee's cost, to install electricity and other services on the Land to and from the Facility. The Lessee may use, install, repair, maintain, replace and remove any services to the Facility at any time.
- (b) The supply of electricity must be made through a dedicated usage meter (either by separate meter or check meter), installed by the Lessee at its own cost, so that the Lessee is directly accountable for any electricity that it uses on the Premises.
- (c) Where the Lessee installs separate electricity metering, the Lessee must pay to the supplier all charges for the separately metered electricity used by the Lessee. Where the Lessee installs a check meter, the Lessee will reimburse the Lessor the actual cost of the electricity it uses on the Premises as recorded by the check meter within 30 Business Days of receipt of a tax invoice from the Lessor.
- (d) The Lessor agrees that the Lessee may transfer ownership of some or all of the electricity cables to a third party electricity supplier for the supply of electricity to the Facility.
- (e) Where reasonably requested by the Lessee, the Lessor must grant an easement for electricity purposes over part of the Land on the easement terms that may be required by the electricity supplier.
- (f) The Lessor agrees that the electricity supplier may enter the Land from the Commencement Date for the purposes of installing, repairing, maintaining, upgrading, replacing and removing any electricity infrastructure.

7 Access

7.1 Access

The Lessor grants a licence to the Lessee, its subtenants and licensees over the Land to have access to and from the Premises (including the Facility) at all times.

7.2 Security

- (a) Subject to clause 7.2(b), the Lessee will comply with reasonable security arrangements and access protocols as previously notified to it by the Lessor. The Lessor will notify the Lessee of the Lessor's contact person for security purposes (including name, postal address, email address and phone number).
- (b) Where the Lessee does not have direct access to the Land, Premises and the Facility and there is an Emergency, the Lessor must arrange for the Lessee, its subtenants and licensees to have access to the Land, Premises and the Facility within 2 hours of notification by the Lessee to the Lessor or the Lessor's contact person nominated under clause 7.2(a). The Lessee may give this notice in person or by telephone.
- (c) The Lessee will reimburse to the Lessor the reasonable security expenses incurred by the Lessor in providing access during an Emergency within 20 Business Days of receipt of a tax invoice from the Lessor.

7.3 Access track and/or power connection

If the Lessee installs at its cost any access track or power connection, then any other person (except the Lessor) who wishes to utilise the access track or power connection must share in the cost of any upgrade and maintenance of the access track or power connection as apportioned by the Lessee (and in consultation with the Lessor acting reasonably), taking into account the extent of the use of the access track or the power connection by other users.

8 Assignment and subletting

- (a) The Lessee must not assign this Lease or sublet the whole of the Premises without the consent of the Lessor, except to:
 - (i) a Related Body Corporate of the Lessee;
 - (ii) a Carrier; or
 - (iii) any entity (or a Related Body Corporate of that entity) that is acquiring the Network, in which case the consent of the Lessor is not required to the assignment or sublease.
- (b) The Lessee may grant a sublease of part of the Premises or a licence of the whole Premises or any part of the Premises to any person at any time.
- (c) In the event of an assignment of this Lease by the Lessee, the Lessee and the Lessor release each other from all obligations and liabilities under this Lease from the date of assignment of this Lease, but without prejudice to any prior claim or remedy which either party may have against the other party.
- (d) For the avoidance of doubt, and for the purposes of this clause 8, a reference to:
 - (i) this 'Lease' includes any licence rights granted to the Lessee in this Lease and any rights which are appurtenant or ancillary to this Lease; and
 - (ii) the 'Premises' includes any areas over which the Lessee holds licence, appurtenant or ancillary rights.

9 Insurance and indemnity

9.1 Property Insurance

The Lessee agrees to maintain all risks property insurance with a reputable insurer at all times in relation to the Premises.

9.2 Public Liability Insurance

- (a) The Lessee agrees to maintain public liability insurance with a reputable insurer for at least \$20 million at all times in relation to the Premises and the Lessee will include the Lessor as an insured to the extent of the Lessee's liability under this Lease.
- (b) If requested in writing by the Lessor (no more than once in a 12 month period), the Lessee will provide the Lessor with a letter confirming the Lessee's insurance as specified in this clause 9.2.

9.3 Indemnity and liability

- (a) The Lessee will indemnify the Lessor for any liability, loss, damage, cost or expense incurred or suffered by the Lessor which is caused or contributed (to the extent of the contribution) by the Lessee's negligence or breach of this Lease.
- (b) The liability of the Lessee under this Lease (including under the indemnity provided by the Lessee under clause 9.3(a)) will not exceed the Liability Cap in any Financial Year.
- (c) The liability of the Lessee under this clause 9.3 must be reduced proportionately to the extent that the Lessor's negligence or breach of this Lease caused or contributed to the liability.
- (d) In defending or responding to any claim under this clause 9.3, the Lessor must act reasonably and consult in good faith with the Lessee.
- (e) The Lessor must not settle any claim under this clause 9.3 without obtaining the prior consent of the Lessee. The Lessor must take reasonable steps to mitigate any liability, loss, damage, cost or expense including taking reasonable court action to defend any claim, action or demand made against the Lessor.

10 Lessor's covenants

10.1 Quiet enjoyment

The Lessee is entitled to quiet enjoyment of the Premises and to undertake the Permitted Use on the Land without any interruption by the Lessor or any person lawfully claiming through the Lessor or in any other manner.

10.2 Condition of Land

The Lessor must repair, maintain and keep in good and substantial repair the Land (including all fixtures and fittings of the Lessor, if any), subject always to the obligations of the Lessee under this Lease.

10.3 No damage

The Lessor must not damage, tamper with or interfere with the Facility or its operation.

10.4 Safety and security procedures

The Lessor must comply with the Lessee's safety and security procedures and signage in respect of the Premises and the Facility.

10.5 Other occupiers

- (a) Where the Lessor proposes to grant rights of occupancy on the Land to other occupiers and those rights include the right to operate radio communications and/or telecommunications equipment on the Land, then the Lessor must first promptly give notice and obtain the Lessee's consent to the proposal (such consent not to be unreasonably withheld).
- (b) If the Lessee establishes that changes to other occupiers' facilities after the initial installation of the facility by the other occupier has caused interference with the Facility, the Lessor must, immediately upon receipt of notice from the Lessee, arrange for the other occupier to modify its facility so that it no longer interferes with the Facility.

10.6 Consents

If the Land is subject to a mortgage, the Lessor must obtain consent to this Lease from the mortgagee and the Lessee must pay the mortgagee's reasonable consent costs.

10.7 Contamination

The Lessor warrants to the best of its knowledge that, as at the Commencement Date, the Premises do not contain contamination or substances hazardous to health or safety.

10.8 Events affecting Land

- (a) The Lessor must promptly notify the Lessee if:
 - (i) the Lessor sells or otherwise disposes of its interest in the Land;
 - (ii) the Lessor is aware of a proposal for development occurring on adjoining land;
 - (iii) the Lessor changes its address for notices;
 - (iv) a Permitted Mortgage becomes enforceable; or
 - (v) a Permitted Mortgagee becomes:
 - (A) entitled to the receipt of Rent and other payments under this Lease;
 - (B) entitled to exercise any of the rights of the Lessor under this Lease; or
 - (C) obliged to perform any of the obligations of the Lessor under this Lease.
- (b) The Lessor must not:

- (i) grant a lease over the whole or any part of the Premises which is intended to run concurrently with this Lease;
 - (ii) issue a direction to the Lessee to pay the whole or any part of the Rent or other payments under this Lease (other than for charges which this Lease expressly requires the Lessee to pay or for electricity under clause 6) to a person other than the Lessor;
 - (iii) assign, transfer or grant any interest in this Lease or the Lessor's rights under this Lease, other than by way of a Permitted Mortgage;
 - (iv) appoint a person:
 - (A) other than an employee or officer of the Lessor, under power of attorney, as an authorised representative or attorney (other than pursuant to a Permitted Mortgage);
 - (B) other than a licensed real estate agent, as agent of the Lessor; or
 - (C) other than a professional adviser, such as an accountant or legal adviser,
 to exercise any rights of the Lessor under this Lease or to negotiate on behalf of the Lessor the terms of any lease, licence or other occupancy arrangement of the Premises to the Lessee to commence after the Terminating Date; or
 - (v) create or allow a Security Interest, other than a Permitted Mortgage, in the Land, this Lease or the Lessor's rights under this Lease,
- without the prior written consent of the Lessee (which may be granted or refused by the Lessee in its absolute discretion).
- (c) If the Lessor breaches clause 10.8(b), then:
- (i) the Lessee will be entitled to a reduction in the Rent of 50% from the date of the Lessor's breach until the Terminating Date and the parties agree to promptly execute a variation of this Lease to reflect the reduced Rent which, if required, must be in registrable form. The Lessee must at the Lessor's cost attend to the preparation and, if required, registration of the variation of this Lease and the Lessor must immediately produce the certificate of title for the Land to enable the variation of this Lease to be registered (if applicable);
 - (ii) the Lessor must compensate the Lessee for any loss, damage or disadvantage which the Lessee may suffer or incur as a result of the Lessor's failure or delay in seeking the consent of the Lessee; and/or
 - (iii) at any time within 2 years after becoming aware of the breach, the Lessee may terminate this Lease by giving to the Lessor not less than 6 months' notice to the Lessor at any time.
- (d) The Lessor acknowledges and agrees that:
- (i) the Lessee will suffer loss and damages if the Lessor fails to obtain the Lessee's prior consent under clause 10.8(b); and
 - (ii) the reduction in the Rent under clause 10.8(c)(i) represents the amount reasonably required to protect the Lessee's legitimate business interests should the Lessor fail to obtain the Lessee's prior consent under clause 10.8(b).

10.9 Lessor requirements to effect registration

The Lessor must do all things reasonably necessary for the registration of this Lease, including (without limitation), executing this document in accordance with the requirements of the *Real Property Act 1886* (SA) and the *Real Property (Electronic Conveyancing) Amendment Act 2016* (SA) (**SA Legislation**) and where relevant:

- (a) provide to the Lessee:
 - (i) an original copy of the Authorised Person Certification as defined in and required by the Registrar-General's Verification of Identity Requirements issued by the Department of Planning Transport and Infrastructure (Department); and

- (ii) sufficient evidence of the Lessor's authority to enter into the Lease which complies with the Registrar-General's Verification of Authority Guidelines issued by the Department;
- prior to or at the time of execution of the Lease by the Lessor; and
- (b) engage a legal practitioner or registered conveyancer.

11 Default and termination

11.1 Default and re-entry

- (a) If the Lessee fails to perform its obligations under this Lease and the Lessee does not, within 20 Business Days in the case of non-payment of Rent and 40 Business Days in the case of all other breaches from the date of receipt of notice from the Lessor, either remedy the default or if the default cannot be remedied, pay reasonable compensation to the Lessor for the loss or damage suffered by the Lessor as a consequence of the default, then the Lessor may re-enter upon the Premises.
- (b) This Lease determines on the Lessor's re-entry but without prejudice to any prior claim or remedy which either party may have against the other party.

11.2 Early surrender

- (a) Before the Facility is initially installed, the Lessee may surrender this Lease by giving the Lessor no less than 20 Business Days' notice where the Lessee or its subtenants or licensees are unable to comply with or satisfy any Requirements.
- (b) Despite any other provision of this Lease, if the Permitted Use is compromised (including physical or radio interference), the Premises are no longer required, the communications network of any of the Lessee's subtenants or licensees ceases to operate or the Lessee's subtenants or licensees vacate then the Lessee may surrender this Lease on giving to the Lessor no less than 6 months' notice at any time.
- (c) If the Lessee exercises its right to surrender this Lease under clauses 11.2(a) or 11.2(b), the Lessee must, at its cost, reinstate the Premises in accordance with clause 11.3 and the surrender of this Lease is without prejudice to any prior claim or remedy which either party may have against the other.
- (d) If this Lease is surrendered by the Lessee prior to the Terminating Date pursuant to this clause 11.2, the Lessor must, within 20 Business Days of the date of surrender, refund to the Lessee any Rent paid in advance for that portion of the Term after the date of surrender.

11.3 Reinstatement and Make Good

Within 4 months after the Terminating Date, the Lessee will remove that part of the Facility located above ground level and make good at its cost any damage to the Land or Premises caused by that removal. The Lessee will continue to pay Rent to the Lessor during this 4 month period (or any lesser period of time as the Lessee requires to meet its obligations under this clause 11.3) at the same rate of Rent (on a pro-rata basis) payable immediately before the Terminating Date.

12 GST

12.1 Recovery of GST

If one party (**supplying party**) makes a taxable supply and the consideration for that supply does not expressly include GST, the party that is liable to provide the GST-exclusive consideration (**receiving party**) must also pay an amount (**GST amount**) equal to the GST payable in respect of that supply.

12.2 Time for payment of GST amount

Subject to first receiving a tax invoice or adjustment note as appropriate, the receiving party must pay the GST amount when it is liable to provide the GST-exclusive consideration or the first part of the GST-exclusive consideration for the supply (as the case may be).

12.3 Indemnity and reimbursement payments

If one party must indemnify or reimburse another party (**payee**) for any loss or expense incurred by the payee, the required payment does not include any amount which the payee (or an entity that is in the same GST group as the payee) is entitled to claim as an input tax credit or would have been entitled to claim as an input tax credit had the other party registered for GST in the event that it was required or entitled to do so, but will be increased under clause 12.2 if the payment is consideration for a taxable supply.

12.4 Adjustment events

If an adjustment event arises in respect of a taxable supply made by a supplying party, the GST amount payable by the receiving party under clause 12.2 will be recalculated to reflect the adjustment event and a payment will be made by the receiving party to the supplying party, or by the supplying party to the receiving party, as the case requires.

12.5 Lease to be a tax invoice

The parties agree that this Lease is intended to be a tax invoice which satisfies the requirements of section 29-70(1) of the GST Act.

12.6 Change in the GST law

If the GST law changes (including without limitation as a result of a change in the GST rate) after the date of this Lease, any consideration that expressly includes GST must be adjusted to reflect the change in the GST law.

12.7 When RCTI clauses apply

Clause 12.8 shall only become effective upon notice being provided by the Lessee, in its absolute discretion, to the Lessor.

12.8 RCTI

For the purpose of satisfying the requirements of the GST legislation and any additional requirements as determined by the Commissioner of Taxation from time to time, the Lessor and the Lessee agree that:

- (a) the Lessee can issue recipient created tax invoices (and adjustment notes) in respect of the supply by the Lessor of the Lease of the Premises to the Lessee;
- (b) the Lessor must not issue a tax invoice (or adjustment notes) in respect of any supply by the Lessor to the Lessee under this Lease unless the Lessee notifies the Lessor that the Lessee will not be issuing a recipient created tax invoice for that supply;
- (c) the Lessee is registered for GST purposes. The Lessee must notify the Lessor if the Lessee ceases to be registered for GST purposes or ceases to satisfy the requirements for issuing recipient created tax invoices as set out in the GST legislation or as determined by the Commissioner of Taxation from time to time;
- (d) the Lessor is registered for GST purposes and has notified the Lessee of its ABN. The Lessor must notify the Lessee if the Lessor ceases to be registered for GST purposes or if it intends selling its business or otherwise ceases to be entitled to enter into a recipient created tax invoice arrangement; and
- (e) the Lessee must issue the recipient created tax invoice to the Lessor and must retain a copy. The Lessee must issue the recipient created tax invoice within 28 days from the date the value of the relevant supply is determined.

12.9 When RCTI clauses cease to apply

Clause 12.8 shall be effective from the date on which the Lessee issues a notice to the Lessor under clause 12.7 and continues until terminated by either party at any time by giving not less than 30 days' prior written notice to the other party.

12.10 GST definitions

In this Lease:

- (a) terms used that are defined in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (**GST Act**) have the meaning given in that Act, unless the context makes it clear that a different meaning is intended;
- (b) consideration includes non monetary consideration, in respect of which the parties must agree on a market value, acting reasonably;
- (c) in addition to the meaning given in the GST Act, the term 'GST' includes a notional liability for GST; and
- (d) each periodic or progressive component of a supply to which section 156-5(1) of the GST Act applies will be treated as if it were a separate supply.

13 Warranties

13.1 Lessee as trustee

- (a) The parties acknowledge and agree that:
 - (i) where the Lessee is a responsible entity or trustee of a trust, the Lessee enters into this Lease in that capacity and is bound by this Lease only in that capacity and in no other capacity;
 - (ii) the recourse of the Lessor to the Lessee in respect of any obligations and liabilities of the Lessee under or in connection with this Lease (whether that liability arises under a specific provision of this Lease, for breach of contract, tort (including negligence) or otherwise) is limited to the extent to which the liability can be satisfied out of the assets of the trust out of which the Lessee is actually indemnified in respect of such obligations and liabilities;
 - (iii) the parties may not sue the Lessee in any capacity other than as responsible entity or trustee of the trust, including seeking the appointment of a receiver (except in relation to property of the Lessee), a liquidator, an administrator or any similar person to the Lessee or prove in any liquidation, administration or arrangement of or affecting the Lessee (except in relation to property of the Lessee); and
 - (iv) the provisions of this clause 13.1(a) do not apply to any obligation or liability of the Lessee in its capacity as trustee of the trust to the extent that it is not satisfied because under the trust deed of the trust or by operation of law there is a reduction in the extent of the Lessee's indemnification out of the assets of the trust as a result of fraud, negligence or breach of trust on the part of the Lessee.
- (b) As at the Commencement Date, the Lessee warrants to the Lessor that:
 - (i) it has power under terms of the relevant trust deed to execute this Lease and enter into every transaction contemplated by this Lease;
 - (ii) it is the only responsible entity or trustee of the relevant trust;
 - (iii) no action has been taken to remove it as trustee of the relevant trust or to appoint an additional responsible entity or trustee of the relevant trust;
 - (iv) it has a right to be indemnified out of all the property of the relevant trust in relation to money and any liabilities of any nature owing under, or the payment of which is contemplated by or may arise under, this Lease; and
 - (v) no action has been taken to terminate the relevant trust or to determine a vesting date under the relevant trust deed.

13.2 Lessor as trustee

If the Lessor enters into this Lease as a responsible entity or trustee of a trust, as at the Commencement Date, the Lessor warrants to the Lessee that:

- (a) it has power under terms of the relevant trust deed to execute this Lease and enter into every transaction contemplated by this Lease;

- (b) it is the only responsible entity or trustee of the relevant trust;
- (c) no action has been taken to remove it as trustee of the relevant trust or to appoint an additional responsible entity or trustee of the relevant trust;
- (d) it has a right to be indemnified out of all the property of the relevant trust in relation to money and any liabilities of any nature owing under, or the payment of which is contemplated by or may arise under, this Lease; and
- (e) no action has been taken to terminate the relevant trust or to determine a vesting date under the relevant trust deed.

14 Miscellaneous

14.1 Application of Laws

- (a) Nothing in this Lease affects, restricts, limits or derogates from the rights, powers and immunities under and by virtue of the Act or any other applicable legislation and/or regulations of the Commonwealth.
- (b) The Lessor agrees that it does not require written notice under clause 17(1) Division 5 Part 1 of Schedule 3 of the Act from the Lessee or any subtenant or licensee of the Lessee for access to the Facility and any activities related to the Permitted Use.
- (c) The Lessee must comply with all applicable laws in respect of the Lessee's use of the Premises and any requirements, notices or orders of a government authority or agency having jurisdiction in respect of the Lessee's use of the Premises.
- (d) The Lessor must comply with all applicable laws in relation to the Land and the Lessor's property on the Land.

14.2 Notices

- (a) Subject to clause 14.2(b), a notice, consent or other communication (**Notice**) under this Lease is only valid if it is in writing and addressed to the recipient (as per the address in the Reference Schedule, or as notified to the other party in writing from time to time) and either delivered by hand or sent by pre paid mail (by airmail, if the recipient is overseas) to the recipient's address or sent by email to the recipient's email address or email addresses. Where more than one email address is specified, the Notice must be sent to all specified email addresses.
- (b) Notice may be given orally where expressly permitted by this Lease. A Notice given orally is deemed to be received at the time it is given.
- (c) A Notice is deemed received by email if delivered:
 - (i) by 5.00pm on a Business Day – at the time (local time in the place of receipt) specified in the delivery confirmation or receipt generated by the sender's email; or
 - (ii) after 5.00pm on a Business Day or on a day that is not a Business Day – on the next Business Day after the time (local time in the place of receipt) specified in the delivery confirmation or receipt generated by the sender's email.
- (d) Any Notice sent by mail is deemed to have been received within 7 Business Days after posting to a location within Australia or 10 Business Days after posting to a location outside Australia.
- (e) Any Notice delivered by hand is deemed to have been received at the time it is given.

15 [^]Electronic execution

- (a) The parties agree that a party may sign this document electronically. For clarity, all parties may sign this document electronically.
- (b) If one or more parties electronically sign this document, by doing so they will:

- (i) bind themselves to this document; and
 - (ii) such electronic signing will satisfy requirements under the *Corporations Act 2001* (Cth) and *Real Property Act 1886* (SA) and *Electronic Transactions Act 2000* (SA) (if applicable); and
 - (iii) satisfy any other requirements for this document to be in writing and signed by those parties.
- (c) If one or more parties intend to sign this document physically, they may do so at any time, so long as the final copy contains the signatures (which may be electronic signatures) of all parties to the document.
- (d) A fully executed original of this document must include the signatures of all parties to this document in accordance with clause 15(e).
- (e) For this clause 15, a **signature** means the execution of this document by a party that complies with all applicable Laws where:
 - (i) if electronic, a document containing such signatures may be printed for subsequent wet-ink execution by another party; or
 - (ii) if wet-ink, it may be signed in any number of sets of copies for subsequent electronic or wet-ink execution by another party.

Executed as a deed

Executed by Lessee

Signed, sealed and delivered by

as attorney for **Amplitel Pty Limited** under power of attorney registered no. **13600321** in the presence of an independent adult witness who either knows the attorney personally or who has been given satisfactory proof as to their identity:

By executing this deed the attorney states that the attorney has received no notice of revocation of the power of attorney

Signature of witness

Full name of witness (block letters)

Postal address of witness

Business hours telephone number of witness

Executed by Lessor

The common seal of Yorke Peninsula Council ABN 82 179 825 615 was affixed in accordance with its Constitution in the presence of:

Authorised signatory

Authorised signatory

Print name

Print name

Office

Office

Schedule 1– Premises Plan

TG Drafting note: JLL to provide registered surveyed plan

OPERATIVE CLAUSE **Delete the inapplicable*

The Lessor LEASES TO THE LESSEE the land described and the LESSEE ACCEPTS THIS LEASE of the land for the term and at the rent stipulated, subject to the covenants and conditions expressed *herein / ~~*in Standard Terms and Conditions~~ No. _____ and to the powers and covenants implied by the *Real Property Act 1886* (except to the extent that the same are modified or negated).

DEFINE THE LAND BEING LEASED INCORPORATING THE REQUIRED EASEMENT(S) ETC.

Not applicable

CONSENTS OF MORTGAGEES

[Insert]

DATED

CERTIFICATION **Delete the inapplicable*

Lessor(s)

*The Certifier has taken reasonable steps to verify the identity of the lessor or his, her or its administrator or attorney.

*The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.

*The Certifier has retained the evidence to support this Registry Instrument or Document.

*The Certifier has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Signed By:

for:

on behalf of the **Lessor**

Lessee(s)

*The Certifier has taken reasonable steps to verify the identity of the lessee or his, her or its administrator or attorney.

*The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.

*The Certifier has retained the evidence to support this Registry Instrument or Document.

*The Certifier has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Signed By:

.....
Name of Certifying Party

Solicitor

for: TG Legal + Technology

on behalf of the **Lessee**

25.3 DEDICATION OF CROWN LAND - MARION BAY BOAT RAMP**Document #:** 24/22566**Department:** Development Services**PURPOSE**

To seek approval from Council to accept the dedication of Crown Land Allotment 1 in Deposited Plan 27970 identified as Crown Record Volume 5750 Folio 497, known as the "Marion Bay Boat Ramp".

RECOMMENDATION

That Council:

1. Resolve to accept the dedication of Crown Land for Allotment 1 in Deposited Plan 27970 identified as Crown Record Volume 5750 Folio 497, known as the "Marion Bay Boat Ramp".
2. Authorise the Mayor and the Chief Executive Officer to sign and affix Council's Common Seal in order to execute the draft copy of the instrument of dedication.

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

Council has SA Government support for the proposed new Marion Bay Boat Ramp facility and 80% funding through South Australia Boating Facilities Advisory Committee (SABFAC).

As part of the SABFAC funding requirements, Council must have appropriate land tenures in place.

DISCUSSION

A new boat ramp facility for Marion Bay has been designed and development approvals sought from the State Planning Commission.

Allotment 1 in Deposited Plan 27970 identified as Crown Record Volume 5750 Folio 497, known as the "Marion Bay Boat Ramp" is currently under the care, control and management of Council by way of an annual Crown Licence for Community Purposes.

Correspondence was forwarded to the Department of Environment and Water (DEW) on 26 October 2023, seeking DEW's in principle support of the proposed Marion Bay Boat Ramp New Facility as requested by Department for Infrastructure and Transport (DIT). Correspondence to DEW dated 26 October 2023 is provided in Attachment 1.

DEW responded to Council on 22 November 2023 advising Council that it was unlikely that the Minister for Climate, Environment and Water's delegate would approve construction of the boat ramp and associated parking under the current tenure of a Crown licence and advised that Council should apply to dedicate Crown land and approval to develop under Section 18 of the Crown Land Management Act 2009. Correspondence received from DIT dated 22 November 2023 is provided in Attachment 2.

An application to Dedicate Crown Land for Allotment 1 in Deposited Plan 27970 identified as Crown Record Volume 5750 Folio 497 was submitted to Crown Lands for assessment on 29 November 2023. A copy of the Application to Dedicate Crown Land is provided in Attachment 3.

Further correspondence was received from DEW on 4 March 2024 advising that the land has been assessed as appropriate to be dedicated and a recommendation will be made to the delegate for the Minister for Climate, Environment and Water to dedicate the land. Correspondence from DEW dated 29 February 2024 is provided in Attachment 4.

To finalise the dedication for Allotment 1 in Deposited Plan 27970 identified as Crown Record Volume 5750 Folio 497, Council must resolve to accept the draft instrument of dedication. Noting that this is only a recommendation and should the recommendation be approved by the Minister's delegate, the dedication will take effect from the date the Minister executes the instrument of dedication.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

[Type here](#)

CONSULTATION PROCESS

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

- Corporate Management Team
- Manager Assets

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

- Department for Environment and Water, Crown Lands
- Department for Infrastructure and Transport, Marine Property
- Department for Infrastructure and Transport, Road and Marine Services Division

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

Application to Dedicate of Crown Land \$495 GST inclusive

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS





Should Council decline to accept the dedication of Crown land for Allotment 1 in Deposited Plan 27970 identified as Crown Record Volume 5750 Folio 497, Crown lands will not approve the construction of the new boat ramp facility on Crown land.

Crown Land Management Act 2009

Planning, Development and Infrastructure Act 2016

Local Government Act 1999

ATTACHMENTS

1. Correspondence to DEW - Request In Principle Support dated 26 October 2023 [↓](#) 
2. Correspondence received from DEW - Request to apply to Dedicate Crown land dated 22 November 2023 [↓](#) 
3. Application to Dedicate Crown Land [↓](#) 
4. Correspondence received from DEW dated 29 February 2024 - Application to Dedicate Crown Land at Marion Bay [↓](#) 

From: Sue Beech [REDACTED]
Sent: Thursday, 16 November 2023 9:08 AM
To: Thompson, Renee (DEW [REDACTED])
Cc: Andrew Cameron [REDACTED]; Andre Kompe [REDACTED]
Subject: RE: Marion Bay Boat Ramp New Facility

Good morning Renee,

I am in follow up mode on a number of things today and note that we have yet to receive a response from your department in regard to the Marion Bay Boat Ramp New Facility.

We would appreciate it if you could provide us with a response so we can finalise the tenure issues with DIT.

Kind regards, Sue

Sue Beech | Property Tenure Officer
Yorke Peninsula Council | Maitland Branch Office
Ph: 08-8832 0000
E: sue.beech@yorke.sa.gov.au | W: www.yorke.sa.gov.au



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From: Sue Beech
Sent: Thursday, October 26, 2023 9:58 AM
To: Thompson, Renee (DEW [REDACTED])
Cc: Andrew Cameron [REDACTED]; Andre Kompe [REDACTED]
Subject: Marion Bay Boat Ramp New Facility

Good morning Renee,

I have been asked to seek DEW's in principle support and comment on the proposed Marion Bay Boat Ramp New Facility on behalf of Council's CEO, Andrew Cameron.

We provide the following information as an overview of the project and its status.

Background

The existing Marion Bay boat ramp does not serve the boat launch and retrieval needs of; emergency services, the local community, or increasing tourism.

A new facility has been advocated for and worked towards over the last 20 years by community, Council and State Government.

There has been multiple years of environmental modelling and design development which has been the subject of multiple opportunities for community engagement.

The design and location settled upon is approximately 50m to the north of the existing boat ramp. The scope of the new facility is to provide;

- a new boat ramp with walkway;
- a degree of wave attenuation through adjustable wave attenuation screens;
- extending and upgrading the existing carpark with a new sealed carpark;
- carpark lighting;
- new boundary fencing.

The foot print of the carpark is entirely on unalienated Crown land, Crown Record Volume 5750 Folio 497 over which Council holds a Crown licence for community purposes. The footprint of the boat ramp occupies part of the existing licence and a portion of sea space past the mean high water mark where currently Council does not hold a land tenure.

The section of land out into the ocean past the mean high water mark needs appropriate Crown land tenure and Native Title approvals of the same portion of sea occupation needs to be resolved.

Council had a meeting with DIT in August 2023 regarding land tenure and Native Title. It is understood DIT (Simon Muecke, Simon.Muecke@sa.gov.au) was going to organise land tenure leases through DEW and lodgement of notices with the State Native Titles Office.

At present the status of the project is:

- Council has SA Government support and 80% funding through SABFAC;
- Council is currently assessing tenders;
- Council has just received Planning approval from the State Planning Commission (Decision Notification attached);
- Council is pursuing land Tenure and Native Title resolution through Simon Muecke (DIT).
- If we cannot resolve land tenure and native title in the next 2 months, the project will be delayed another year which will be very badly received by all stakeholders.

DIT on 23 October 2023 questioned "Are DEW aware of the pending upgrades/improvements to their land".

Whilst Council are not 100% sure of the dialogue with DEW over time, we are taking this opportunity now to provide this briefing and to seek in principle DEW support for the project.

To avoid further delays, Council would be grateful to receive DEW's in principle support confirmation and comment at your earliest.

Please contact me should you require any further information.

Kind regards, Sue

Sue Beech | Property Tenure Officer

Yorke Peninsula Council | Maitland Branch Office
Ph: 08-8832 0000
E: sue.beech@yorke.sa.gov.au | W: www.yorke.sa.gov.au



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Sue Beech

From: Thompson, Renee (DEW) [REDACTED]
Sent: Wednesday, 22 November 2023 8:19 AM
To: Sue Beech; Andrew Cameron; Andre Kompler
Cc: Carson, Melanie (DEW); Horsell, Stephen (DEW); Muecke, Simon (DIT)
Subject: RE: Marion Bay Boat Ramp New Facility CR 5750/497

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

OFFICIAL

Hello Sue,

Thank you for your email query requesting DEW's in principle support and comment from the Crown Lands Program for the new Marion Bay Boat Ramp which is located on Crown Record Volume 5750 Folio 497 over which Council holds a Crown licence for community purposes. The Crown lands Program has confirmed that native title has been extinguished over CR 5750/497.

All development on Crown land requires approvals both under the *Crown Land Management Act 2009* and the *Planning, Development and Infrastructure Act 2016*. I note that planning approval has been granted for this development with conditions including those specified by the Coast Protection Board which covers design, coastal processes and maintenance, coastal hazards and coastal biodiversity associated with the development. I also note that DIT are working with Council to resolve any native title issues and tenure of land on the seaward side of CR5750/497 where the boat ramp is likely to extend.

In regard to CR 5750/497, it is unlikely that the Minister's delegate would approve construction of the boat ramp and associated parking under the current tenure of a Crown land license. Rather, Yorke Peninsula Council would be required to apply for dedication of the land and approval to develop under Section 18 of the *Crown Land Management Act 2009*. An application form to request dedication of the land can be found [here](#).

Dedicated Crown land is land which has been reserved for a specific public purposes, including recreation, conservation, emergency services, community facilities, water reserves, schools and hospitals. The upgrade of infrastructure and Council's commitment to the project indicate that this facility is of significance to the community and is worthy of a dedication. Should the dedication be requested and approved, there is unlikely to be further issues restricting the development of the land from the perspective of the Crown Lands Program.

Kind regards,

Renee Thompson

Team Leader, Central and Kangaroo Island

[Chat with me in Teams \(only available for internal staff\)](#)

National Parks and Crown Land Programs | National Parks and Wildlife Service

Department for Environment and Water

81-95 Waymouth Street

Adelaide SA 5001

P (08) 8429 7656



Government of South Australia
Department for Environment
and Water

APPLICATION TO DEDICATE CROWN LAND
Pursuant to Section 18 of the Crown Land Management Act (2009)

For Office Use Only

APPLICATION NO.
RECEIPT NO.

AMOUNT DUE **\$495.00**

DATE RECEIVED / /

GENERAL INFORMATION

1. This form is to be used to apply for dedicating Crown land for a specific purpose. For further information refer to: www.environment.sa.gov.au/topics/crown-lands/crown-land-tenure/dedication
2. Custodian will be required to consult prior to development as per the *Crown Land Management Act* (2009). Native Title rights continue to exist on many parcels of dedicated land and consent may also be required under the *Native Title Act* (1993).
3. Please use 'BLOCK' letters if you are filling this form in by hand.
4. This form must be signed personally by the applicant(s).
5. For information about how to obtain land details see: <http://www.sa.gov.au/topics/housing-property-and-land/property-and-place-information/researching-a-property>
6. Additional fees may apply for the preparation and lodgement of a concept management plan.
7. Payment – Cheques should be made payable to Department for Environment and Water and marked 'Not Negotiable'. You will be contacted by phone for credit card payments by MasterCard or Visa.

LAND DETAILS

SECTION/ALLOTMENT 1	PLAN 27970	HUNDRED WARRENBEN
TITLE REFERENCE CR	VOLUME NO. 5740	FOLIO NO. 497

APPLICANT DETAILS

If there are further applicants please complete and submit Annexure A with this form.

CONTACT NAME (FIRST & SURNAME IN FULL) ANDREW CAMERON		
LEGAL/BUSINESS NAME (IF APPLICABLE) YORKE PENINSULA COUNCIL		
ABN 82179825615	ACN	
POSTAL ADDRESS PO BOX 57		
STREET ADDRESS 8 ELIZABETH STREET		
TOWN/SUBURB MAITLAND	STATE SA	POSTCODE 5573
PHONE AND/OR MOBILE 88320000	EMAIL admin@yorke.sa.gov.au	

APPLICATION DETAILS

PROPOSED PURPOSE (I.E. RECREATION)	Public boat ramp, carpark, community facilities
Is a concept management plan attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>(as per stamped plans)</i>	
<i>Note: a concept management plan should be attached to your application. For further information on management plans please contact your local Crown Land Program Office.</i>	
If you are wishing to develop the land, is a copy of your development application attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<i>If no, please attach any detail in support of your application i.e. evidence that a development application is not required by local council, plans of the proposal and the land area affected.</i>	

ACKNOWLEDGEMENT

I/We have the authority to complete this application on behalf of:

LEGAL/BUSINESS/COUNCIL NAME (IF APPLICABLE) **YORKE PENINSULA COUNCIL**

I/We declare the particulars supplied on this application form to be true and correct.

SIGNATURE OF APPLICANT



DATE

7/12/23

APPLICANT NAME (PRINT)

ANDREW CAMERON

LODGEMENT INFORMATION

Please return the completed form to the Crown Lands Program Office:

GPO Box 1047

Adelaide SA 5001

Phone: (08) 8429 7680

DEW.CrownLands@sa.gov.au

APPLICATION TO DEDICATE CROWN LAND 01/07/2023

24/21038



Government of South Australia

Department for Environment
and Water

BY: _____

DEWNR: DL/4352/1986

Date: 29 February 2024

The Chief Executive
Yorke Peninsula Council
PO Box 57
Maitland SA 5573

Crown Lands

35 Frances Terrace
Kadina SA 5554
PO Box 195
Kadina SA 5554

Ph: +61 8 88212588

www.environment.sa.gov.au

Attention: Sue Beech

Dear Sue

Application for Dedication of Crown Land at Marion Bay for Boat Ramp and Car Parking Purposes

I refer to your application to have Allotment 1 in Deposited Plan 27970 identified as Crown Record Volume 5750 Folio 497 dedicated for Boat Ramp and Car Park purposes and placed under your care, control and management pursuant to the *Crown Land Management Act 2009* (the Act).

The land has been assessed as appropriate to be dedicated. A recommendation will be made to the delegate for the Minister for Climate, Environment and Water to dedicate the land.

Please find enclosed a draft copy of the instrument of dedication to be signed by the delegate, which includes the terms and conditions of the dedication. Also attached is a copy of the relevant sections of the Act. Before dedicating the land it is a requirement that we consult with the proposed custodian.

To acknowledge that you have received and understood the terms and conditions, please return the attached form of acknowledgement the address above, or email it to margaret.rooney@sa.gov.au. Please also indicate any fixtures or improvements on the subject land which you own. These fixtures will be severed from the land and are your responsibility. In the event that you wish to forfeit the land, you will be asked to remove any fixtures and no compensation will be payable. Once this form has been returned, the Department can make the recommendation to the delegate that the land be dedicated as described.

You are reminded that this is a recommendation only, and that the Minister has not yet consented to this transaction proceeding. Once the delegate has considered the proposal you will be informed of the outcome as soon as practicable. If the recommendation is approved, the dedication will take effect from the date the Minister executes the instrument of dedication.

For further information on this matter please contact Margaret Rooney on 08 88212588 or margaret.rooney@sa.gov.au

24/21038

Yours sincerely



Margaret Rooney

Property Officer, Crown Lands

24/21038

DEWNR: DL/4352/1986

FORM OF ACKNOWLEDGEMENT

I/We

.....
(full name(s))

of

.....
(address)

HEREBY ACKNOWLEDGE the terms and conditions by which the Minister for Climate, Environment and Water has proposed to dedicate Allotment 1 in Deposited Plan 27970 for Boat Ramp and Car Park purposes and place under our care, control and management as set out in the instrument of dedication enclosed with the letter from the Department to us, dated 29 February 2024.

Executed by the Above Named on the DAY OF

.....
(Applicant(s) Signature/Seal)

In the presence of

.....
(Witness Signature).....
(Witness Name)**Fixtures/Improvements**

Please list below any fixtures/improvements on the land which are the property of the custodian (you):

1.
2.
3.
4.

Please list any other fixtures or improvements currently on the land and ownership:

1.
2.
3.
4.

24/21038

CONDITIONS OF DEDICATION*CROWN LAND MANAGEMENT ACT 2009: SECTION 20*

TAKE NOTICE that pursuant to the *CROWN LAND MANAGEMENT ACT 2009*, I, Melanie Carson, being a delegate for the Minister for Climate, Environment and Water, Minister of the Crown to whom the administration of the *Crown Land Management Act 2009* is committed to have placed the Crown land under the care control and management of the [name of Custodian], subject to all the Conditions as set out and described in this instrument:

Purpose	Boat Ramp and Car Park
Conditions	<p>1. Purpose The Custodian must only use the Land for the Purpose.</p> <p>2. Stop Work</p> <p>2.1. The Minister may order, by written notice, the Custodian or any other party having an interest in the Land, to stop work forthwith on the Land.</p> <p>2.2. The Custodian or other party may only resume work upon receiving written approval to do so by the Minister.</p> <p>3. Minister's power of entry The Minister or representative may enter the Land at any time.</p> <p>4. Fixtures/Improvements</p> <p>4.1. Unless otherwise specified in writing, any buildings or improvements already erected on the Land being determined to be fixtures by the Minister, are and remain property of the Crown.</p> <p>4.2. No new development or work may be commenced on the Land unless the Minister has first consented to the same in writing.</p> <p>4.3. If the dedication of land is revoked or withdrawn from the care, control and management of the Custodian, the Minister may direct the Custodian to remove from the land all fixtures and improvements that are the property of the Custodian at the Custodian's cost.</p> <p>5. Rates and Taxes etc The Custodian is responsible for the payment of all rates, taxes, charges and levies on or attributable to the Land.</p> <p>6. Indemnity The Custodian must indemnify the Minister and the Crown in right of the State of South Australia and keep the Minister and the Crown in right of the State of South Australia forever indemnified in respect to the whole of the Minister's costs and expenses (including without limitation legal costs and expenses) of and incidental to the implementation of this dedication including the enforcement of the Purpose or Conditions.</p> <p>7. Breach of Conditions Subject to the Custodian being given a reasonable opportunity to make good the breach (if capable of remedy), the Minister may withdraw the Land from the care, control and management of the Custodian if a breach of a condition subsists or has occurred.</p>

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	<p>8. Waiver of Conditions</p> <p>8.1. The Minister may waive a condition or breach of condition by notice in writing.</p> <p>8.2. No waiver of condition or breach of a condition shall operate as a waiver of any other condition or any other breach of condition.</p> <p>9. Special Requirements</p> <p>None.</p>
Fixtures/ Improvements	All buildings and improvements erected on the land as at the date of this instrument are hereby severed from the land for the purposes of clause 4.
Definitions/ Guidance	<p>a) the reference to "the Act" means the <i>Crown Land Management Act 2009</i>;</p> <p>b) the term "Land" is a reference to the Crown Land that this instrument is noted against;</p> <p>c) the term "Minister" means the Minister to whom the administration of the Act has been committed, and includes a reference to a person delegated or authorised by the Minister to perform a function or power under the Act and may include an a representative of the Minister;</p> <p>d) a reference to a condition in the Conditions means a condition listed in this instrument or as varied under the Act; and</p> <p>THESE CONDITIONS AS SET OUT ABOVE ARE IN ADDITION TO THE PROVISIONS OF THE <i>CROWN LAND MANAGEMENT ACT 2009</i> AND DO NOT LIMIT THE MINISTER FOR CLIMATE, ENVIRONMENT AND WATER IN THE EXERCISE OF HER RIGHTS OR DISCRETIONS SHE MAY ENJOY UNDER THE ACT.</p>

Dated..... day of..... 2024

MELANIE CARSON
MANAGER, CROWN LAND OPERATIONS (P11434)
DELEGATE FOR CLIMATE, ENVIRONMENT AND WATER

24/21038

Provisions of the *Crown Land Management Act 2009*

Including but not limited to, the following provisions of the *Crown Land Management Act 2009* will apply to the proposed dedication.

Part 3—Dealing with Crown land**Division 2—Dedication****18—Dedicated land**

- (1) The Minister may, by instrument in writing, dedicate unalienated Crown land for a purpose specified in the instrument.

(1a) The purposes for which land may be dedicated under this section include (without limitation) the management of land in accordance with a specified management plan.

- (2) The Minister must not dedicate land subject to a licence unless the Minister is satisfied that the dedication will not substantially detract from the licensee's use or occupation of the land.

- (3) If dedicated land is to be placed under the care, control and management of a person or body other than the Minister, the Minister must consult with that person or body before effecting the dedication.

- (4) The Minister may, by instrument in writing, alter the purpose for which land has been dedicated under this section.

- (5) The Minister must, before altering the purpose for which land has been dedicated under this section, consult with any person who has an interest in, or rights in relation to, the land.

- (6) The Minister must not grant an interest or rights in relation to dedicated land if the grant of the interest or rights would have the effect of preventing the land being used for the purpose for which it is dedicated.

19—Revocation of dedication

- (1) Subject to this section, the Minister may, by instrument in writing, revoke (in whole or in part) a dedication of land, whether the land has been dedicated under this or any other Act.

(1a) If a Minister who is the custodian of dedicated land grants a lease in relation to the land, the Minister must not revoke the dedication under this section during the term of the lease without obtaining the consent, in writing, of the Minister who is the custodian.

- (2) If land subject to a dedication under this or any other Act has been granted in fee simple, the dedication can only be revoked by proclamation made by the Governor.

- (3) If land has been dedicated under another Act, the dedication must not be revoked under this section unless there is no other legislative power providing for revocation.

- (4) If, under this section, a dedication of land is revoked in whole or in part, the land, or that part of the land, reverts to the status of unalienated Crown land.

20—Care, control and management of dedicated land

- (1) The Minister may, by instrument in writing, place dedicated land under the care, control and management of a person or body specified in the instrument subject to such conditions as the Minister specifies in the instrument.

- (2) The Minister may, by instrument in writing—

(a) vary or revoke the conditions on which dedicated land was placed under the care, control and management of a person or body; or

(b) withdraw the land from the care, control and management of that person or body.

- (3) The Minister must not exercise powers under this section in relation to land that is under the care, control and management of a person or body except after consultation (where practicable) with the person or body.

21—Operation of instruments

An instrument under this Division takes effect on the day specified in the instrument.

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22—Lease of dedicated land

- (1) Subject to this section, a lease granted by a person other than the Minister in relation to dedicated land is of no effect unless the Minister has consented, in writing, to the grant of the lease.
- (2) The consent of the Minister under this section may be subject to such conditions as the Minister thinks fit and specifies in the written consent.
- (3) The Minister may refuse consent to the grant of a lease if the grant of the lease—
 - (a) would detract from any existing public use and enjoyment of the land; or
 - (b) would prevent the land being used for the purpose for which it was dedicated; or
 - (c) would otherwise, in the opinion of the Minister, be improper or undesirable.
- (4) A Minister who is the custodian of dedicated land may grant a lease in relation to the land without obtaining the consent of the Minister under this section if the Minister who is the custodian of the dedicated land is satisfied that the grant of the lease—
 - (a) would not detract from any existing public use and enjoyment of the land; and
 - (b) would not prevent the land being used for the purpose for which it was dedicated; and
 - (c) would not otherwise, in the opinion of that Minister, be improper or undesirable.
- (5) If a council is granting a lease in relation to dedicated land in accordance with section 202 of the *Local Government Act 1999*, this section does not apply to the grant of that lease if—
 - (a) native title in the land has been extinguished or the council is satisfied that the grant of the lease will not affect native title; and
 - (b) the lease will not cause any development (within the meaning of the *Planning, Development and Infrastructure Act 2016*); and
 - (c) the council is satisfied that the grant of the lease—
 - (i) would not detract from any existing public use and enjoyment of the land; and
 - (ii) would not prevent the land being used for the purpose for which it was dedicated; and
 - (iii) would not otherwise, in the opinion of the council, be improper or undesirable.

74—Disposal of property etc on vacated land

- (1) If a person granted an interest in, or right in relation to, Crown land under this Act vacates the land leaving behind property or fixtures that were not on the land at the time the interest or right was so granted, the Minister may—
 - (a) take possession of the property or fixtures; or
 - (b) by written notice, require the person to remove the property or fixtures within a specified period.
- (2) If a notice under subsection (1)(b) is not complied with within the specified period, the Minister may remove and dispose of the property or fixtures.
- (3) Any costs incurred by the Minister under subsection (2) that are not covered by the proceeds (if any) of the sale of the property or fixtures may be recovered as a debt from the person to whom the notice under subsection (1)(b) was given.

79—Recovery of native title compensation

Without limiting any other civil right of action of the Crown, if the Crown is liable to pay compensation in respect of acts extinguishing or affecting native title by a custodian or other person granted a right in respect of, or interest in, land under this Act, the Crown is entitled to recover the amount of the compensation from the custodian or person (as the case may be).

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 QUESTIONS ON NOTICE RECEIVED FROM CR ADAM MEYER****RECOMMENDATION****Section 90 Order**

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.1 Questions on Notice Received from Cr Adam Meyer, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- Director Corporate and Community Services
- Director Assets and Infrastructure Services
- Director Development Services

The Council is satisfied that, pursuant to Section 90(2) and (3)(a) of the Act, the information to be received, discussed or considered in relation to report Item 27.1 Questions on Notice Received from Cr Adam Meyer, is confidential information relating to:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

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 10 April 2024

29 CLOSURE