



Agriculturally rich~Naturally beautiful

Yorke Peninsula Council

NOTICE OF MEETING

Notice is hereby given that the next ordinary meeting of Council
will be held on Wednesday 9th September 2015,
in the Council Chambers,
57 Main Street, Minlaton commencing at 5.30pm

Andrew Cameron
CHIEF EXECUTIVE OFFICER

A G E N D A

- | | |
|--------|---|
| ITEM 1 | <u>YORKE PENINSULA COUNCIL</u> |
| 1.1 | <u>Welcome by Chairperson</u> – meeting declared opened |
| 1.2 | <u>Opening Prayer</u> |
| 1.3 | <u>Present</u> |
| 1.4 | <u>Leave of absence</u>
Nil |
| 1.5 | <u>Apologies</u>
Cr Darren Braund, Cr David Langford |

1.6 Conflict of Interest

CONFLICT OF INTEREST

Elected Members are reminded of the requirements for disclosure by Members of direct or indirect pecuniary benefit or detriment and non-pecuniary benefit or detriment in accordance with Section 73 of the Local Government Act in items listed for consideration on the Agenda. Section 74 of the Local Government Act 1999 requires that Elected Members declare any interest and provide full and accurate details of the relevant interest to the Council prior to consideration of that item on the Agenda.

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.

- 1.7 Minutes of previous meeting – for confirmation
1.7.1 Council meeting held on Wednesday 12th August 2015 at 5.31pm
1.7.2 Confidential Council meeting held on Wednesday 12th August 2015 at 6.33pm
- 1.8 Motions on Notice
1.8.1 Formal Motion on Notice – Deputy Mayor Davey Page 4
- 1.9 Questions on Notice
Nil
- 1.10 Questions without Notice
- 1.11 Petitions
Nil
- ITEM 2 MAYOR
Nil
- ITEM 3 COUNCILLORS' REPORT
3.1 Cr Tania Stock – Clean Beaches Awards 5 - 7
- ITEM 4 **INFORMATION AGENDA** Page 8
- 4.1 Items for exclusion
- 4.2 Receipt of Information Reports
- 4.3 Chief Executive Officer Pages
- | | |
|---|---------|
| 1. CEO Activities | 9 |
| 2. Action List | 10 - 14 |
| 3. Hillside Community Voice Minutes | 15 - 20 |
| 4. Withdrawal of Miscellaneous Purposes Licence | 21 - 22 |

4.4	<u>Corporate and Community Services</u> Nil	
4.5	<u>Assets and Infrastructure Services</u> 1. Construction and Maintenance Works	Pages 23 - 25
4.6	<u>Development Services</u> 1. Environmental Health Activity Report 2. Inspectorial Activity Report 3. Development Application Decisions 4. Wastewater System Application Decisions	Pages 26 - 27 28 - 29 30 - 37 38 - 40
ITEM 5	<u>VISITORS TO THE MEETING</u> Su Bell Chairperson YP Community Transport and staff member Julie Mason	
ITEM 6	<u>DEBATE AGENDA</u>	Page 41
6.1	<u>CHIEF EXECUTIVE OFFICER</u> 1. Expression of Interest PLEC – Minlaton 2. Yorke Peninsula Community Transport Inc 3. Strategic Management Plan Development 4. Delegations Report	Pages 42 - 48 49 - 71 72 - 77 78 - 79
6.2	<u>CORPORATE AND COMMUNITY SERVICES</u> 1. Financial Report 2. Community Grants 2015/16 3. Management and Recovery of Outstanding Debts Policy 4. ESCOSA Reporting Requirements and Policies	Pages 80 - 84 85 - 88 89 - 95 96 - 108
6.3	<u>ASSETS AND INFRASTRUCTURE SERVICES</u> 1. Revised Transfer Station Gate Fees	Pages 109 - 112
6.4	<u>DEVELOPMENT SERVICES</u> 1. Authorisation to Sign LMA 2. Port Victoria Hotel-Motel Public Consultation 3. PO132 Cemetery Management Policy Review	Pages 113 - 134 135 - 137 138 - 150
ITEM 7	<u>GENERAL BUSINESS</u> Council has resolved that an Agenda Item “General Business” be included on the Council Agenda to enable members to raise matters of a minor nature for action by the Administration, or to call for reports.	
ITEM 8	<u>CONFIDENTIAL AGENDA</u> 1. Bitumen Emulsion Supply 2015-18 2. Material Supply 2015-16	Pages 151 152 - 153 154 - 155
ITEM 9	<u>NEXT MEETING</u> Wednesday 14 th October 2015	
ITEM 10	<u>CLOSURE</u>	

31st August 2015

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

Dear Andrew

Motion on Notice for September meeting

I wish to advise you that I intend to raise the following Motion on Notice for consideration by Councillors at the 9th September 2015 Council meeting.

That Council allocate \$1 million for roadside vegetation management from the \$3 million budgeted this financial year for road renewal acceleration.

Background

Council has received many positive comments in relation to the current roadside vegetation management programme over recent months. It is with this in mind that I have put forward the motion on notice for Elected Members consideration.

As many would be aware I am a passionate advocate for improved road safety, particularly in relation to primary producers who are required to transport large machinery over the road network safely.

A key strategy of the transport asset management plan is our ongoing roadside vegetation management programme. This significant component of the plan has been included in order to delineate clearer zones for vehicles, ultimately improving safety, by providing a clear travel path for vehicles to maintain sight distances for users.

Council has been extremely fortunate to receive a significant injection of capital this year through Roads to Recovery double payments and the re-introduction of biannual fuel excise indexation. Now is the opportune time to continue the work commenced last year to further accelerate roadside vegetation management as part of our long term transport asset management plan of our unsealed road network.



Deputy Mayor Trevor Davey
Kalkabury Ward

CR TANIA STOCK

IA/ITEM 3

1. CLEAN BEACHES AWARDS (File Ref: 9.24.1.1)

PURPOSE

To provide Elected Members with a report on the National Keep Australia Beautiful Clean Beaches Awards held in Darwin.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Key Theme/s:	Community Engagement 1. Vitality and Connection
Strategic Goal/s:	1.1 Develop and facilitate ongoing partnerships and relationships with Progress Associations, Tidy Towns and other key community groups.

BACKGROUND

On 24th October 2014 our township and holiday settlement of Port Julia was awarded the South Australian Clean Beaches Award. Along with other State and Territory Winners, they were invited to attend the National Awards in Darwin in August.

DISCUSSION

On 13th August I was privileged to travel on behalf of Mayor Ray Agnew to Darwin to attend the National Keep Australia Beautiful Clean Beaches Awards. Also attending the awards on behalf of Yorke Peninsula Council were Andrew Cameron, CEO and Stephen Goldsworthy, Operations Manager. The Port Julia Community was well represented by outgoing Progress Association Chair Kevin Ising, current Chair Roger Underwood and Progress Association Secretary Perry Woodward.

After a 4.30am rise and arriving in Darwin on Thursday afternoon, we made our way to the Mindil Beach Markets. The Keep Australia Beautiful staff had organised an informal function to enable the national finalists an opportunity to meet one another and to find out more about each other's special beaches throughout Australia. We enjoyed the relaxed atmosphere and we were able to sample some of the delicious market food and look around the market stalls, as well as witness the amazing sunset over Mindil Beach.

On Friday, we reconvened at the Trailer Boat Club in Fannie Bay where all the finalists were asked to share a presentation about their beaches. Last year's National Winner, Nhulunbuy NT, provided the first presentation and they provided an amazing insight into the conservation programs in place, particularly with regard to problematic "ghost nets" –

thousands of stray fishing nets that entangle turtles, seals and many other fish and marine species.

Along with Port Julia the other finalists were Garig Gunak Barlu – NT, Burleigh Beach – Qld, Bondi Beach - NSW, Richardson's Beach – Tas and Guilderton – WA.

Prior to the presentations, it was quite overwhelming to consider that Port Julia would be pitched against world renowned locations including Burleigh and Bondi beaches. However, the presentations highlighted the strengths of each individual beach and community. The significant differences for each location meant that each beach had its own challenges and strengths, and it became evident that Burleigh and Bondi did not necessarily have the overall strength in a number of sub-categories. The finalists' approach to engage the community, achieve environmentally sustainable practises, consider heritage and culture and ensure litter prevention and waste management were wide and varied.

Kevin Ising provided an informative and comprehensive overview of Port Julia's beach, township and community activities. Both Kevin and Roger commended Yorke Peninsula Council on the wonderful partnership that has been formed between the Port Julia community and Council.

Richardson's Beach in Western Australia, situated approximately 100 kilometres north of Perth, was closest in similarity to Port Julia. Their population is around 100 and at peak times their population increases to around 4000, compared to Port Julia with a population of 30 permanent residents and peaking to around 300 in peak times.

In the afternoon it was time to change into our "Territory Rig" (NT lingo for semi-formal attire) to attend Parliament House for the Award Presentations.

Deb Richardson Bull from Keep Australia Beautiful NSW welcomed us at Parliament House and the national judge, Ms Averil Bones, provided a comprehensive overview of her visits to all of the Clean Beach finalists and highlighted the strengths she observed at each location. Averil was joined by the Honourable Bess Price MLA, Minister for Parks and Wildlife to present the awards.

The sub-categories were awarded first and among those awards Port Julia was announced as the national winner of the Community Action and Wellbeing Award, which was well deserved and a great honour.

Based on the information presented by the finalists earlier in the day, in my opinion the sub-category awards accurately reflected the strengths highlighted by each location. The other categories were awarded as follows; Heritage and Culture Award - Garig Gunak Barlu (NT); Environmental Sustainability – Bondi Beach (NSW); Young Legends Award – Burleigh Beach (Qld); Litter Prevention, Waste Management & Resource Recovery Award – Richardson's Beach (Tas); Environmental Education Award - Guilderton (WA).

The overall winner of the Clean Beaches Award was Guilderton WA, and runner-up was Burleigh Beach Qld.

Following the awards, we made our way to Government House where the Patron of KAB NT, His Honour the Administrator, the Honourable John Hardy and his wife Mrs Marie

Hardy hosted the Awards reception. A short address was given by Mr Hardy and a response was given by the KAB Chair Robert Thomas.

This was another great opportunity to network with the other finalists, KAB staff and NT Parks and Wildlife staff. We discovered that Mr & Mrs Hardy originate from Broken Hill, so there was a talking point for our CEO Andrew Cameron and also Roger Underwood who both have Broken Hill connections.

I particularly enjoyed talking to the indigenous Parks and Wildlife staff from Nhulunbuy to find out more about the challenges they face from an environmental and social perspective.

Overall we all were extremely proud of Port Julia's achievements. Kevin, Roger and Perry took a number of opportunities to publicly commend the work that Council has done to assist them and in particular praised the dedication and effort demonstrated by Stephen Goldsworthy.

The Port Julia community are very excited about their achievements which have now been recognised at a national level. I was certainly very proud and honoured to attend the awards on behalf of Council. This award also reflects the progressive collaboration between our council and the community which we should also be proud of.

INFORMATION

AGENDA

CHIEF EXECUTIVE OFFICER

IA/ITEM 4.3

1. CEO ACTIVITIES (File Ref: 9.24.1.1)

PURPOSE

To keep Elected Members informed of other meetings and activities during the month of August 2015.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Key Theme/s:	Corporate Governance and Leadership
	2. Organisational Efficiency and Resource Management
Strategic Goal/s:	2.2 Efficient, effective and professional organisation

DISCUSSION

3 rd August	Regional CEO's Group meeting with Angela Hazebroek re CLGR Review.
4 th August	Executive Services Team Meeting.
5 th August	Along with Deputy Mayor Davey we attended the Official Opening of the new Community Transport Offices opened by Steven Griffiths.
7 th August	Local Government Professionals Executive Meeting in Adelaide.
11 th August	Corporate Management Team meeting.
12 th August	Monthly Council Meeting.
13 th – 14 th August	Australian Clean Beaches Awards in Darwin
17 th August	Special teleconference meeting with CEO's in relation to the CLGR review. Meeting with CEO's DCCC & DCBW re: YPCT.
18 th August	YP Community Transport Board Meeting
19 th August	Final PCG Meeting in Adelaide DEWNR Recreational Fishing Artificial Reef and Habitat
Restoration	Project.
21 st August	CLGR Board AGM held in Peterborough.
25 th August	Meeting with Grantley Dodd in relation to NRM Services. Monthly Council Workshop.
31 st August	Walk the Yorke marketing and promotion meeting with Jo Barrie Regional Marketing Manager YP Tourism.

CHIEF EXECUTIVE OFFICER

IA/ITEM 4.3

2. ACTION LISTING REPORT (File Ref: 9.24.1.1)

PURPOSE

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

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Key Theme: Corporate Governance and Leadership
2. Organisational Efficiency and Resource Management
Strategic Goal: 2.4 Effective Risk Management

DISCUSSION

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

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999
Yorke Peninsula Council's Risk Management Framework

ATTACHMENTS

Attachment 1: Action Listing

COUNCIL MEETING 9th September 2015

Action List

Responsible Officer	Agenda Item Number	Task	Due Date	Status
Director Development Services	10 th Aug 10 Item 20.4	Advise the Dept of Environment and Natural Resources that Council wish to Relinquish Care and Control of Crown Land Lot 88 Main Street Curramulka CR 5856/772	As soon as DEWNR responds	Underway - DEWNR advised, no response to date
22 nd January 2014				
Director Development Services	DA/CCS/R4	Organise Land Only lease for Balgowan Camping Ground	As soon as Ministerial approval is granted	Waiting on consent
14 th May 2014				
Director Assets & Infrastructure Services	DA/AIS/R3	Organise to have the following documents signed and sealed for the Walk the Yorke Leisure Trail with the State Government and private landholders	July 2014 – ongoing for duration of project	All Crown Leases executed. Private landowners under consideration and some require further information. Ongoing
13 th August, 2014				
Director Development Services	DA/CCS/R6	Seek Ministerial approval for the revocation of the Community Land classification to accommodate the necessary requirements for the Minister for Emergency Services to build a new Country Fire Service station at Pt Victoria	December 2015	Still with the Minister's office Waiting for finalisation of negotiations between the Minister and CFS
11 th February 2015				
Director Development Services	DA/CCS/R3	Commence public consultation process to grant a lease over a portion of the road reserve adjacent to the Port Victoria Hotel/Motel	September 2015	Underway out for public consultation until 10/8 then back to September meeting
8 th April 2015				
Director Development Services	DA/DS/R2	Prepare a plan to implement the Bush Camping recommendations	October 2015	Commenced

13th May 2015

Director Development Services	DA/DS/R2	Council agreed to accept care, control and management of Lot 10 Moorowie Terrace Port Moorowie CR5323/554	As soon as Ministerial approval is granted	Underway awaiting response from Minister
Director Corporate and Community Services	DA/CCS/R8	Organise for the Caravan Parks Capital Projects to be implemented and debenture loans to be organised to cover the funds	August 2015	Completed

10th June 2015

Director Development Services	DA/CCS/R4	Undertake public consultation to grant a five year lease to the Royal Volunteer Coastal Patrol SA Inc at Point Turton	Associated with Port Victoria CFS issue RVCP likely to be transferred to the Crown	Underway
Director Development Services	DA/CCS/R5	Undertake public consultation to grant a five year lease to the SYP Community Shop for relocation of the Op Shop	September 2015	Underway Going to August Council
Director Assets and Infrastructure Services	DA/AIS/R3	Organise to work with DPTI to undertake a review of the speed limit buffer zones at Wool Bay	July/August 2015	DPTI Notified Unsure of timeframes for DPTI to undertake assessment and advise back to Council
Director Development Services	DA/DS/R1	Organise for the Mayor and CEO to sign and seal LMA for Foul Bay	November 2015	Waiting on Developer information

8th July 2015

Director Corporate and Community Services	DA/CCS/R4	Organise for Policy PO018 Hardship and PO147 Complaints to be included in the Policy Manual and on the website	July 2015	Underway Refer to September Council meeting Complaints Policy completed
Director Development Services	DA/CCS/R8	Organise for the Policy PO132 Cemetery Management to undergo public consultation	September 2015	Report back to September Council meeting completed
Director Assets and Infrastructure	DA/AIS/R1	Incorporate adopted changes into PO125 Waste and Recycling Service Policy	August 2015	Completed

Services				
12 th August 2015				
Director Assets and Infrastructure Services	Motion on Notice	Rescission motion and new Motion on Notice for PO125 Waste and Recycling Service to correct administrative error update of policy	August 2015	Completed
CEO	DA/CEO/R1	Organise for Elected Members Training and Development Policy to be included in the Policy Manual and on the website	August 2015	Completed
Director Corporate and Community Services	DA/CCS/R2	Advise YP Community Transport that Council have prepared and endorsed a draft service agreement	August 2015	Completed
Director Corporate and Community Services	DA/CCS/R3	Write off remaining debts from the sale of land for non-payment of rates	August 2015	Completed
Director Corporate and Community Services	DA/CCS/R4	Advise the Harry Butler Statue Committee of the outcome of ownership question	August 2015	Completed
Director Development Services	DA/CCS/R5	Finalise the proposed lease for the Royal Volunteer Coastal Patrol at Point Turton	September 2015	Negotiations underway for driveway access point
Director Development Services	DA/CCS/R6	Finalise the proposed lease for the SYP Community Shop Inc at Yorketown	September 2015	Underway
Director Corporate and Community Services	DA/CCS/R7	Advise McQueen Funeral Services of the outcome of his request	August 2015	Underway
Director Corporate and Community Services	DA/CCS/R8	Advise the Merv Hughes Fishing show that Council has agreed to the funding request	August 2015	Completed
Director Corporate and Community Services	DA/CCS/R9	Organise for the three scenic tourism frames to be organised in the approved locations	September 2015	Underway - letters to be written to Progress Associations

Director Assets and Infrastructure Services	DA/AIS/R2	Organise the requirements for public consultation in relation to the Draft Transport Asset Management Plan	August 2015	Process commenced
Director Development Services	DA/DS/R1	Organise for the Mayor and CEO to sign and seal the LMA for Allotment 3003 DP41615.	September 2015	Waiting on Developer information
Director Development Services	DA/DS/R2	Organise for the removal of the LMA from Allotment 102 DP34305	September 2015	Underway
Director Development Services	DA/DS/R4	Organise the application for the New Year's Eve Stansbury Dry Zone	August/September 2015	Underway
Director Development Services	DA/DS/R5	Organise for the Mayor and CEO to sign and seal the supplementary LMA for Allotment 9 CT 5383/893	August 2015	Underway
Director Development Services	DA/DS/R6	Advise the LGA of the outcome of the Local Nuisance and Litter Control Bill report	August 2015	Completed
Director Assets and Infrastructure Services	CA/AIS/R1	Advise the outcome of the tender for the Walk the Yorke Bitumen Services Tender	August 2015	All tenderers notified of the outcome

CHIEF EXECUTIVE OFFICER

IA/ITEM 4.3

3. HILLSIDE COMMUNITY VOICE MINUTES

(File Ref:9.24.1.1)

PURPOSE

To provide Elected Members with the latest minutes and information from the Hillside Community Voice group.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Key Theme: Community Engagement

1. Vitality and Connection

Strategic Goal: 1.1 Develop and facilitate ongoing partnerships and relationships with Progress Associations, Tidy Towns and other key community groups.

DISCUSSION

The minutes from the July meeting are attached for member's information.

Council staff have established a page on the website for this information to be included and allow access for the wider community.

Hillside Community Voice Minutes

13 July 2015

Facilitator	K Van Schaik
HCV Attendees	J Sandercock (Ardrossan PA), P Maguire (James Well/Rogues Point PA), J Buchanan (YP Tourism & RDA), P Klopp (Ag Bureau, South Kilkerran), D Kluske (Local Trader), B Sleath (Pine Point PA), Petersville), D Hosking (Community Member), E Dearlove (Rex Minerals), Stewart Lodge (Ag Bureau, Petersville), L Kakoschke (Ag Bureau, South Kilkerran), G Mattchoss (Black Point PA), L Easter (Port Vincent), C Clift (Pine Point PA),
Guests	Perry Woodward (Port Julia Progress Association)
Apologies	T Stock (YPC), P Koulizos (Community Member), Stephen Lodge (Ag Bureau), J Wundersitz (YPLOG), C Redding (Community Member), M Redding (Community Member), S Kennedy (Local Trader), M Young (Ag Bureau, Petersville), I Haywood (Community Member)
Minute taker	K Van Arend (Rex Minerals)

AGENDA ITEM	Notes	ASSIGNED TO/DATE DUE
1. Welcome & Introductions	<p>Meeting opened at 6.30 pm</p> <p>K. Van Schaik welcomed everyone to tonight's meeting</p> <p>Record keeper for this meeting /recording – K Van Arend</p> <p>Apologies – noted above</p> <p>Safety statement</p> <p>Reminder that as we will be debating a number of different topics this evening that we need to respect each other as members who represent all of our community with sometimes contrasting views. Even if discussion becomes heated we manage our behaviour with consideration for everyone in the room.</p> <p>Confirmation of meeting notes:</p> <p><u>June minutes:</u></p> <p>K Van Schaik thanked K Van Arend for collating the June minutes.</p> <p>No amendments to be made.</p> <p>Moved – J Sandercock Seconded – D Kluske</p> <p><u>YPC website:</u></p> <p>June minutes were endorsed for distribution and can now be made available on the YPC website and through the community networks.</p>	
2.	<p>Actions from Meeting May 4th 2015</p> <ol style="list-style-type: none"> 1. J Wundersitz will circulate information about the DSD MLP/PEPR guidelines to the HCV. 2. Request from HCV to Rex for Chair/Leadership position. Agenda item (to be discussed below). 3. E Dearlove to confirm dates with R Laufmann. (to be discussed below) <p>Actions from Meeting June 1st 2015</p> <ol style="list-style-type: none"> 4. K Van Schaik to send out minutes as a separate email to ensure that members see it. Sent by Kylie on behalf of Kate on Thurs 18th June 2015. 5. E Dearlove to check the transport costs and tonnage and email to HCV. Sent by email Wed 3rd June 2015. 6. Draft 'Hillside Community Voice Terms of Reference and Operational Guideline' (ToR) document collated and circulated to HCV members ("commitment table from Rex" not yet completed by Erica) Sent by email Thurs 25th June 2015. 7. E Dearlove to forward a copy of the CEP to all HCV members. Sent by Kylie on Thurs 18th June 2015. 	<p>To be followed up at next meeting</p> <p>COMPLETE</p> <p>COMPLETE</p> <p>DRAFT COMPLETED</p> <p>COMPLETE</p>

3. Update from Rex	<p>Steve Olsen Resignation</p> <p>E Dearlove confirmed that although S Olsen has resigned he will still have very much an active role in Rex going forward.</p> <p><i>Has the advisory board been wound up and why?</i></p> <p>E Dearlove confirmed that the advisory board that was put into place for the EFS has now been dissolved as the bulk of the EFS work (option studies) have been completed.</p> <p>K Van Schaik noted that the advisory board and Steve's roles were to determine if it was going to be financially viable to take out the iron ore and to determine what volume and capacity will be mined in order to generate a return for potential investors. These are the broad based decisions on what the overall size of the project will be and the financial modelling. The finer details and information are what Rex is currently pulling together now to complete the EFS which is written for financial purposes.</p> <p>EFS Update</p> <p><i>If the EFS work has been completed why is there so little detail?</i></p> <p>E Dearlove acknowledged that the community needs further details including maps, plans where everything will be situated and what impacts there will be, etc. E Dearlove is waiting until it is known whether Rex need to submit a new MLP or can begin working on a PEPR document for the small scale start up before releasing these details. The issue is there are no guidelines for this "in between" period. Rex is currently in discussions with the government (DSS) regarding what information they require and how they would like that information presented.</p> <p><i>Where does the delay lie – with DSD or Rex?</i></p> <p>E Dearlove confirmed that Rex is awaiting information from the government and the government is also waiting on information from Rex.</p> <p>The HCV is very frustrated as this is the same response that they have been receiving for a number of months. Nothing is happening and they are none the wiser than they were six months ago. Noted by E Dearlove.</p> <p><i>At what point of time will Rex apply for a PEPR extension if they haven't already?</i></p> <p>E Dearlove confirmed that the company has not requested an extension to the PEPR. The due date for the PEPR is currently the 16th September. If Rex are required to submit a new MLP then they won't be required to submit a PEPR on this date. If Rex does need to complete a PEPR then they would need to request an extension. It all hinges on having a clear assessment of the information and a negotiated position between DSD and the company.</p> <p><i>Does Rex have a current mine plan footprint of how the mine will look?</i></p> <p>Summarised response from E Dearlove was that Rex have broad rough ideas on how the footprint will look but in terms of things like where all the soils and haul roads are going to go these details are yet to be finalised.</p> <p><i>What timeframe are we talking before we find something out, it's been very frustrating going to the last two meetings with no information at all from Rex?</i></p> <p>E Dearlove advised that Rex currently do not have any time frames, as Rex want to ensure that they have good information before releasing timeframes.</p> <p><i>Will the EFS have all the environmental impacts included as per the MLP?</i></p> <p>The MLP is an approvals document and the feasibility studies are for a different audience – these are completely separate. The feasibility studies are for financial purposes, they don't set out things like how Rex will meet the lease conditions.</p>	
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	<p><i>Do the HCV get a say in the mine plan?</i></p> <p>K Van Schaik stated that is one of the reasons for R Laufmann to come to the HCV meeting is to talk about what is actually involved in the plan and the HCV can have the opportunity to look at it. Have also asked the government to be present at this meeting to enable any questions about interpretation to be answered.</p> <p>Meeting with R Laufmann</p> <p>There was a group discussion regarding arranging a meeting with R Laufmann. The main concern for the meeting is that R Laufmann will not provide any new details and only present the same information from ASX releases. As stated previously this would be a complete waste of the HCV time. It was noted that it this is obviously not a priority for R Laufmann as a meeting has been requested a number of times over the last few months with no results.</p> <p>It was agreed by the members that there would be no point having a meeting unless Rex can provide more details. K Van Schaik to contact R Laufmann both by email and follow up with a phone call regarding a person to person meeting to provide some of the details of the plan on which the EFS decisions have been based and what the footprint looks like. The HCV expressed that they want to know what are the differences between the new plan and the old (MLP mine plan), are there any new issues/reduced level of impact? Rex needs to bring the required personnel to answer questions. The meeting to be at his earliest convenience but preferably before the 16th September. This will provide R Laufmann the opportunity to show the community how important it is to him.</p> <p>There was discussion around the HCV continuing to meet and do work when the exact plan is still unknown and the timeframes involved. There are a number of things that can be worked on and won't change e.g. HCV ToR, complaints register and other components of the Social Management Plans. There won't be any urgency and engagement with the working groups until such time as the plans are known for what they are to work on.</p> <p><i>Is investment one of the biggest parameters preventing the progress of the project? Is Rex delaying the project until funding is obtained?</i></p> <p>E Dearlove stated that funding is a huge hurdle for any development. Rex has been very upfront with seeking approvals and funding. Projects generally need approval before seeking finance as it is a risk for companies investing in a project that is not approved.</p>	<p>K Van Schaik to contact R Laufmann both by email and phone call regarding a person to person meeting</p>
<p>4. HCV Leadership position. Response from Rex</p>	<p>Feedback from HCV members re Rex's response to HCV Facilitator support.</p> <p>There was a discussion around employment for the new facilitator's position. K Van Schaik clarified that Rex from an industrial employment point of view would not be prepared to fund the position through the YP Council (YPC) as Rex would ultimately still have the industrial responsibility.</p> <p>It was stated by a number of HCV members that they, in their own businesses would not be prepared to employ someone with all the industrial responsibilities but have no control. The only way it would work through council was if it Rex provided a grant to YPC who would then go and employ someone and accept all the industrial responsibility. K Van Schaik advised the response received from YPC was they would be happy for someone to utilise their office space and pay them but ultimately they would not be responsible for the person or making the appointment.</p> <p>It was noted that ultimately Rex will be paying for the position so there is a concern that it will appear we are trying to hide who is paying for them which defeats the purpose of being open and transparent. It was confirmed by E Dearlove that the new Facilitator would be accountable to the HCV.</p>	

	<p>K Van Schaik formally put to the table that based on Rex's letter and the discussion this evening that they are happy to accept the appointment of the facilitator is under direct employment to Rex.</p> <p>Moved – K Van Schaik Seconded – D Kluske</p> <p><u>Vote:</u> For 9 Against 3</p> <p>A working group was established to work out the details surrounding the Job Description, terms of employment and the recruitment strategy. This group to begin working after the school holidays and provide a summary progress report at the next meeting. Working towards advertising the position before the 16th September 2015 with a view to appoint someone after this time.</p> <p>Working group: T Stock, L Kakoschke and E Dearlove</p> <p>J Sandercock to review documentation and provide advice as required</p> <p>HCV Leadership position nominations from HCV members.</p> <p>D Kluske put forward information about Bob Goreing with view that he might be a suitable candidate for the facilitator's position. D Kluske spoke to members of the Kanmantoo committee for feedback on Bob which was very positive. They would be happy for members of the HCV to contact them. K Van Schaik talked about the option of talking to Alan Ferguson (former Senator) to see if he would be interested. It was noted that all members have to accept the nominated facilitator and be comfortable with that person.</p> <p>K Van Schaik asked the HCV members if they were happy for her to continue in the role of acting facilitator or would like to nominate for the role for the period of the next meeting onwards. K Van Schaik is prepared to stay in this role. It was moved for the sake of continuity that K Van Schaik remain in the role of facilitator until someone is appointed.</p> <p>Moved - J Sandercock Seconded - L Kakoschke</p>	<p>Summary to be provided at next meeting</p>
<p>5. Activity - Review of Rex's Community Engagement Plan (CEP)</p>	<p>There have been two CEP plans submitted for approval. To meet the lease conditions the first draft was sent to DSD in December 2014. Feedback was then sought early this year. Comprehensive feedback was provided by Cathy Redding and more general information from the HCV. This feedback was attempted to be incorporated in the version that was submitted in May 2015 and approved in June 2015 after the last HCV meeting.</p> <p>There were concerns that the HCV were being asked to provide feedback on a document that has already been approved. E Dearlove explained that the CEP is a 'live working' document that will continue to be amended and updated. Rex did not want to release this on their website until the HCV had had the opportunity to review and provide feedback and any amendments made along with a decision by the HCV on how to circulate the CEP to the wider community.</p> <p>K Van Schaik shared that CEP feedback was received from J Wundersitz on behalf of YP Landowners group today Monday 13th July 2015. Table 1 and 4 were discussed as a whole group as this was the area where there were a number of questions raised also by HCV members. The remaining feedback will be included as part of the discussions about the CEP which will be continuing at the next meeting due to time constraints.</p> <p>K Van Schaik clarified that Rex's intent behind Table 4 (of the CEP) is not to determine the level of interest/influence demonstrated by each of the different stakeholder members about their views towards the mine. Rather Table 4 is about the impact and primary influence on decisions that each stakeholder group has in regards to the implementation of Hillside. It was suggested that some of the language in Table 4 and broader CEP needs</p>	

	<p>to be changed e.g. 'the word interest' to make it easier for the wider community to understand.</p> <p>The government guidelines for the CEP are still in draft form and are written very much in 'government speak' and not necessarily in 'user friendly' language. E Dearlove stated to the group that this is Rex's best attempt to try and gauge what we should be doing and how we should be talking to the community. The purpose of the CEP is to set out who the stakeholders are, what are the engagement tools to obtain information from the stakeholder and how Rex are to seek feedback/input on Hillside. The HCV, as the community experts, have been asked to review the CEP to make sure that Rex get it right. It was agreed that the stakeholder list is acceptable but some of the descriptions need to be reworded. Table 4 needs further discussion as it was noted that each different stakeholder group would have greater influence and priority for engagement, subject to the nature of particular aspects of the project and would also vary with each of the different management plans that sit under the CEP. Suggestion from the HCV that with each milestone an action plan showing the objectives and the target stakeholders could be drawn up.</p>	
6. Any other business	Update on the R Clift bore; DSD are working directly with the landowner, they are engaging an independent person to assess the bore. DSD have made a commitment to advise the HCV on the outcome, however this will be at the landowners discretion.	
7. Confirm key actions and dates <ol style="list-style-type: none"> 1. J Wundersitz will circulate information about the DSD MLP/PEPR guidelines to the HCV. 2. K Van Schaik to contact R Laufmann both by email and follow up with a phone call regarding a person to person meeting. The meeting to be at his earliest convenience but by no later than the 16th September 3. Facilitator working group to meeting and provide a summary report at the next meeting. <p>Items for website June's minutes approved for the YPC website by K Van Arend.</p> <p>Information for communication network distribution June's minutes approved for distribution.</p>		10 th August 24 th July 10 th August
8. Meeting Close Meeting was closed at 9.06pm Next meeting date When: Monday 10 th August 2015 Where: Ardrossan Bowling Club Time: 6.15pm for a 6.30pm start Items for agenda <ol style="list-style-type: none"> 1. Continue work on the CEP <ul style="list-style-type: none"> • Key Stakeholders • Table 6 • Table 10 Action Plan 2. HCV Terms of Reference 3. Report from the Facilitator working group 		

CHIEF EXECUTIVE OFFICER

IA/ITEM 4.3

4. WITHDRAWAL OF MISCELLANEOUS PURPOSES LICENCE APPLICATION

(File Ref: 9.24.1.1)

PURPOSE

To update Elected Members correspondence received in relation to the withdrawal of Miscellaneous Purposes Licence for Rex Minerals Hillside Mine for the upgrade of the port at Ardrossan (copy attached).

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Key Theme/s:	Sustainable Communities
Strategic Goal/s:	4. Economical Growth through Sustainable Industrial Development 4.3 Realise the benefits for our Community created through major industry and business growth

BACKGROUND

Elected Members will be familiar with the Rex Minerals Hillside Project.

DISCUSSION

On the 22 July 2015 Rex Minerals notified the Department of State Development via the Mineral Recourses Division that they wish to withdraw the application for a Miscellaneous Purposes Licence in relation to the Rex Minerals Hillside Project. Elected Members will recall that Rex Minerals has been undertaking an Extended Feasibility Study for some time in relation to the Hillside project. As a result of that study it was decided that the proposed mine project would be on a smaller scale and as a result the Ardrossan port upgrade and slurry pipe work from the mine site to the port of Ardrossan is no longer required.

CONSULTATION PROCESS

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

- Chief Executive Officer
- Acting Director Development Services

In preparing this report, the following External Parties were consulted:

- Nil

ATTACHMENTS

Attachment 1: Correspondence received from the Mining Registrar – Mineral Resources Division

- 2 SEP

Our Ref: T02955
Contact: Junesse Martin
Telephone: 08 8463 3097

28 August 2015

Mr Andrew Cameron
Chief Executive Officer
District Council of Yorke Peninsula
8 Elizabeth Street
MAITLAND SA 5573

Item Number
6597-2015-4
GDS Number
4.85.1.5
Distribution
Copy to CEO



Government
of South Australia

Department of
State Development

Withdrawal of Miscellaneous Purposes Licence application

I refer to my previous letters of 3 and 10 September 2013, regarding the application for a Miscellaneous Purposes Licence (MPL) in the name of Rex Minerals (SA) Pty Ltd (Rex Minerals) to provide infrastructure at and around the Port of Ardrossan for their Hillside Project.

The application is located in Allotment 96 Filed Plan 215377, Allotment 100 Filed Plan 215381, Allotment Pieces 5 and 6 Filed Plan 34313, Allotments 50 and 100 and Allotment Piece 101 Deposited Plan 58918, Hundred of Cunningham.

The Department received a letter from Rex Minerals on 22 July 2015 withdrawing this MPL application. I therefore advise that Departmental records have been updated to reflect the withdrawal.

Up to date details regarding the Hillside Project can be found via the Department's website at:

http://minerals.statedevelopment.sa.gov.au/mining/mines_and_quarries/hillside_copper_gold_and_iron_ore_project

If you have any queries please contact Junesse Martin, Mining Registrar on telephone 08 8463 3097 or email junesse.martin@sa.gov.au.

Yours sincerely


Junesse Martin
GENERAL MANAGER MINERAL TENEMENTS
MINING REGISTRAR

Mineral Tenements Program | Mineral Resources Division

Level 5, 101 Grenfell Street Adelaide 5000 | GPO Box 320 Adelaide SA 5001 | DX452

Tel (+61) 08 8463 3103 | Fax (+61) 08 8463 3101 | www.statedevelopment.sa.gov.au | ABN 83 524 915 929

DIRECTOR ASSETS & INFRASTRUCTURE SERVICES

IA/ITEM 4.5

1. CONSTRUCTION AND MAINTENANCE WORKS

(File Ref: 9.24.1.1)

PURPOSE

To provide a summary of capital and maintenance works undertaken within Assets and Infrastructure Services throughout the month preceding the September 2015 meeting of Council.

RECOMMENDATION

That the Report be received.

LINK TO STRATEGIC PLAN

Key Theme/s: Sustainable Communities

1. Sustainable Infrastructure

Strategic Goal/s: 1.1 Provide infrastructure assets that are sustainable and safe

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

- Attention to parks, gardens and reserves is ongoing throughout the district within available resources.
- Road construction and / or maintenance requirements have been applied to the following roads aligned with the 2015-16 budget allocations:
 - South Coast Road – construction ongoing
 - Hundred Line Road – rework
 - McFarlane Road – construction commenced
 - Polkinghorne Road – construction commenced
 - Thomas Road – patching
- Patrol Grading is ongoing throughout the district in line with current schedules and techniques.
- The following works / upgrades have been undertaken upon Community Waste Management Systems (CWMS) and Water Schemes:

CWMS

- WWTP upgrade to electrical system – **Maitland**
- New rainwater tank installed at WWTP – **Ardrossan**
- Maintenance to filtration system – **Port Vincent**

Water Schemes

- Stage Two solar panel installation – **Marion Bay Desalination Plant**

- Valving upgrade – storage tanks one and two – **Marion Bay Desalination Plant**

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

- Roadside vegetation clearance activities have been undertaken within the Hundred of Cunningham (Gillis Road and Thomas Road).
- The Walk the Yorke Project is progressing well and in the final stages of completion, with the following activities undertaken:
 - Shared use road signs have been installed.
 - The construction of the 20th and final shelter on Kelly Hill Road has commenced.
 - Fencing has been installed at James Well and Rogues Point, and completed at the Edithburgh Golf Course.
 - Another section of fencing has been commissioned at Port Moorowie.
 - The Trail route through Innes National Park has been determined and is being prepared in conjunction with Park staff. The route is directed from the historic township of Inneson inland around a salt lake to Pondalowie Bay. Walkers follow the beach to Surfers Beach where they return inland and follow a short section of road to the existing Brown Beach to Gym Beach walk. This road section will be revised in the future to take walkers off the road and instead follow the coast, however, the Department of Environment, Water and Natural Resources are investigating infrastructure for this section to manage erosion.
 - Negotiations are continuing with the District Council of the Copper Coast and Wakefield Regional Council, who support the Trail through their Council areas to link both Moonta and Port Wakefield at each end of the Trail. Information signs will be installed in both Council areas.
 - 90 podium signs have been manufactured and await installation. The remainder are in the final stages of design or are in the process of being manufactured.
 - The 17 large information signs are currently in the draft designing stage.
- Approximately 45 Customer Service Requests (CSR's) have been addressed throughout August with activities including:
 - response to vandalism;
 - public building maintenance;
 - street tree pruning and street scaping;
 - sealed road maintenance;
 - stormwater infrastructure maintenance; and
 - driveway installations.
- Installation of access ramps to footpaths have been undertaken within Elizabeth Street, Maitland and Fowler Street, Price.
- Footpath maintenance has been undertaken on areas within Minlaton, Port Vincent, Price and Yorketown.
- Remedial maintenance works have been undertaken on the Minlaton Airport strip after impacts from crop dusting operations.
- Perma-pine sleeper retainer walls have been installed at the memorial site in Point Turton.

- Stormwater culvert flushing has been completed to relevant infrastructure throughout the district, concentrated mainly within the northern area.

COMMUNITY ENGAGEMENT PLAN

Not applicable

CONSULTATION PROCESS

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

- Infrastructure Manager
- Operations Manager
- Works Manager
- Operations Coordinator
- Leading Worker Central
- Leading Worker North
- Leading Worker South
- Works Supervisor North
- Works Supervisor South

In preparing this report, the following External Parties were consulted:

- Nil

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

Within capital and operations budgets

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Not applicable

ATTACHMENTS

Not applicable

DIRECTOR DEVELOPMENT SERVICES

IA/ITEM 4.6

1. ENVIRONMENTAL HEALTH ACTIVITY REPORT

(File Ref: 9.24.1.1)

PURPOSE

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

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Key Theme/s: Corporate Governance and Leadership
2. Organisational Efficiency and Resource Management
Strategic Goal/s: 2.3 Meet all legislative and compliance responsibilities

BACKGROUND

This report provides Elected Members with information on matters relating to public health and food safety.

DISCUSSION

A major portion of the EHO role is the ongoing assessment of waste control applications and the inspection of work done by trade's people in installing such systems.

Routine and follow up inspections of food businesses are undertaken throughout the year. Inspections are unannounced (as far as practical) and their frequency is determined by a state-wide risk classification tool.

On Tuesday 18 August the EHO, Director Development Services, a Planning Officer and Compliance Officers took part in a Webinar presentation by KelliedyJones Lawyers on the proposed Nuisance and Litter Control Bill 2015. The lawyers explained various sections of the Bill, some shortcomings and the implications the Bill would have on Council resources. Councils were encouraged to make a submission in regard to this draft Bill due to the scope of the Bill being extraordinarily wide and, if passed into law, would have significant impact upon council compliance activities. The range of powers proposed will effect both regulatory and development compliance activities.

It was also noted that insanitary conditions, which existed in the definitions of the repealed Public and Environmental Health Act 1987 and were not included in the new South Australian Public Health Act 2011 due to their ability to be used to cover a multitude of sins, have been resurrected into the Nuisance and Litter Control Bill 2015. The re-emergence of insanitary conditions will have implications for the number and type of complaint Council receives and also the time and resources required to resolve such complaints.

On Thursday 20 August the EHO attended the Zone Emergency Management Committee Meeting in Kadina. A presentation by Nancy Bombardieri of PIRSA was made at this meeting on the type of emergency that could be posed by a plant or animal disease. PIRSA have undertaken a risk assessment focussing on diseases that affect:

- Terrestrial animals
- Aquatic animals
- Plants

PIRSA is mainly focused on new and emerging diseases that could impact the economic value of livestock and crops. They are still considering how Local Government could assist in such an emergency, but it may include the possibility of providing the items listed below:

- a response centre
- a secure site for PIRSA officers to leave equipment
- plant and machinery
- staff to assist in traffic management
- landfill locations for the disposal of diseased material and slaughtered animals.

COMMUNITY ENGAGEMENT PLAN

Not applicable

CONSULTATION PROCESS

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

- Nil

In preparing this report, the following External Parties were consulted:

- Nil

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

Council has mandatory legislative responsibilities as identified in the 2015/2016 Annual Plan.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

South Australian Public Health Act 2011

Food Act 2001

South Australian Public Health (Wastewater) Regulations 2013

On-site Wastewater Systems Code

Safe Drinking Water Act 2011

Mitigation of Council's risk by ensuring legislative compliance, consistency and appropriate, suitably qualified personnel are undertaking business and regulatory functions.

ATTACHMENTS

Nil

DIRECTOR DEVELOPMENT SERVICES

IA/ITEM 4.6

2. INSPECTORIAL ACTIVITY REPORT

(File Ref: 9.24.1.1)

PURPOSE

To inform Council of the activities of the Inspectorial Team.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Key Theme/s: Corporate Governance and Leadership
2. Organisational Efficiency and Resource Management
Strategic Goal/s: 2.3 Meet all legislative and compliance responsibilities

BACKGROUND

Not applicable

DISCUSSION

Council's Officers have dealt with many routine matters during the past month, including illegal campers, abandoned vehicles, wandering and nuisance dogs, noisy dogs and nuisance cats. One dog was impounded during the past month which was claimed by its owner.

Door knocking has continued to ensure dog owners are complying with the registration of their dogs.

Two dogs escaped from their home in Curramulka and entered another property and fatally attacked a pet cat. The owners of the dogs have been formally advised of Council's intention to place a Control (Menacing Dog) Order on the dogs pursuant to the Dog and Cat Management Act. The owner will also be given an expiation notice for dog attack.

Routine patrols of boat ramps have been performed to ensure that users are paying to use the facilities.

Regular patrols have taken place at the bush camping reserves to ensure users are paying for the facilities.

The annual inspection in relation to the issuing of Section 105 notices pursuant to the Fire and Emergency Services Act for property owners to reduce the fuel loads on their land is about to commence to ensure that the notices can be posted out by 22 September 2015. Property owners are then given 21 days to comply with the notice. A further inspection takes place in mid-October to determine if the notices have been complied with.

Several loads of rubbish have been dumped randomly in the area, Council Officers are following leads in relation to rubbish dumped at Nalyappa.

COMMUNITY ENGAGEMENT PLAN

Not applicable

CONSULTATION PROCESS

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

- Inspectorial Staff

In preparing this report, the following External Parties were consulted:

- Nil

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

Routine inspectorial activities are contained within the 2015/16 Annual Business Plan

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Fire and Emergency Services Act 2005

Dog and Cat Management Act 1995

Local Government Act 1999

The activities undertaken by Council Rangers are based on reducing the risk of nuisance, injury, public damage and disaster to the community.

ATTACHMENTS

Nil

DIRECTOR DEVELOPMENT SERVICES

IA/ITEM 4.6

3. DEVELOPMENT APPLICATION DECISIONS

(File Ref: 9.24.1.1)

PURPOSE

To inform the Elected Members of Development Application decisions for the period 3 August 2015 to 28 August 2015.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Key Theme: Sustainable Communities
2. Progressive and Sustainable Development
Strategic Goal: 2.2 Streamlined Development Assessment Process

BACKGROUND

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

DISCUSSION

The following is a list of all Development Applications processed for the period 3 August 2015 to 28 August 2015.

Yorketown

544/1068/2013	544/1073/2013	544/1197/2014
544/1240/2014	544/1045/2015	544/1052/2015
544/1068/2015	544/1071/2015	544/1084/2015
544/1105/2015	544/1113/2015	544/1126/2015
544/1128/2015	544/1129/2015	544/1131/2015
544/1132/2015	544/1133/2015	544/1134/2015
544/1136/2015	544/1137/2015	544/1138/2015
544/1141/2015	544/1145/2015	544/1147/2015
544/1149/2015	544/1153/2015	544/1160/2015

Maitland

544/2034/2013	544/2030/2015	544/2052/2015
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544/2058/2015	544/2062/2015	544/2063/2015
544/2075/2015	544/2081/2015	544/2093/2015
544/2097/2015	544/2105/2015	544/2107/2015
544/2112/2015	544/2115/2015	544/2120/2015
544/2128/2015	544/2129/2015	544/2130/2015
544/2131/2015	544/2134/2015	544/2137/2015
544/2139/2015	544/2142/2015	544/2143/2015
544/2144/2015	544/2150/2015	544/2154/2015
544/2155/2015		

Land Division

544/D008/2015	544/D0013/2015
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COMMUNITY ENGAGEMENT PLAN

Not Applicable

CONSULTATION PROCESS

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

- Planning & Building Officers

In preparing this report, the following External Parties were consulted:

- Nil

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

Development Assessment functions involve critical risk management considerations which include meeting legislative responsibilities, environmental issues, impact upon community and safety.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999

Development Act 1993

Council's Development Plan

ATTACHMENTS

Attachment 1: Development Application Decisions Register

**LIST OF DEVELOPMENT APPLICATIONS & DECISIONS ISSUED BY THE ASSISTANT BUILDING SURVEYOR UNDER DELEGATION
FOR THE PERIOD 3 AUGUST 2015 – 28 AUGUST 2015**

YORKETOWN

Dev. App. No.	Name & Address	Location	Proposal	Class	Area m ²	Cost \$	Conditions Planning Building	Assessment / Valuation No	Decision Date	Builder & Licence No
544/1068/2013	S McLay 15 Myrtle Grove CLOVELLY PARK	(Lot 25) Hundred Line Road THE PINES	New Dwelling, Carport & Deck/Pavillion	1a 10a 10a	125.6 27 134	180,000	Planning 9 Building 3 Private Certifier	401034 5400667069	4 August 2015	TBA
544/1079/2013	T & P Franke 16 Stansbury Road YORKETOWN	(Lot 2) 16 Stansbury Road YORKETOWN	Dwelling Extension	1a	107	75,000	WITHDRAWN	201343 5403424003	10 August 2015	Owner Builder
544/1197/2014	C & D Pilkington 35 Harrow Terrace KINGSWOOD	(Sec 383) 94 North Coast Road POINT TURTON	Demolish Dwelling; New Dwelling & Alfresco	1a 1a 10a	80 149.69 36.83	234,500	Planning 9 Building 5 Private Certifier	115394 5400871801	10 August 2015	Coast to Coast Homes BLD225824
544/1240/2014	R Borg 22 Pioneer Street SEATON	(Sec 273) 238 North Coast Road POINT TURTON	Dwelling Extension & Veranadah	1a 10a	34.6 11.24	10,000	Planning 4 Building 5 Private Certifier	115717 5400872353	5 August 2015	G Borg BLD52765
544/1045/2015	W Matters PO Box 61 WASLEYS	(Lot 190) 14 Bayview Road HARDWICKE BAY	Garage	10a	82.81	9,700	Planning 5 Building 2	325811 5409039966	3 August 2015	Herman Wyten
544/1052/2015	J Francis 7 Glengyle Terrace GLANDORE	(Lot 152) 12a Parrington Street STANSBURY	Dwelling Alteration, Outdoor Room Garage & Verandah	1a 1a 10a 10a	7 39.6 95.8 36	40,000	Planning 6 Building 3 Private Certifier	404046 5404605551	11 August 2015	TBA
544/1068/2015	M & A Saint 8 Shipton Street ELIZABETH	Lot 29 Doreen Street PARSONS BEACH	New Dwelling & Garage UMR	1a 10a	155.03 36.16	205,000	WITHDRAWN	321224 5408971911	14 August 2015	Distinctive Homes Pty Ltd
544/1071/2015	S Sapid 1/113 Crown Tce ROYAL PARK	(Lot 7) 12 Clan Ranald Avenue EDITHBURGH	Swimming Pool, Verandah & Garage	10b 10a 10a	24 22 54	15,000	Planning 6 Building 2 Private Certifier	425389 5405119651	4 August 2015	Adelaide Fencing & Steel BLD240803
544/1084/2015	T & J East 112 Beach Road COOBOWIE	(Lot 58) 10 Bowden Street COOBOWIE	New Dwelling & Verandahs	1a 10a	144.44 49.69	165,579	Planning 6 Building 1 Private Certifier	427757 5405728810	5 August 2015	Rivergum Homes GL113681
544/1105/2015	T & J East 112 Beach Road COOBOWIE	(Lot 58) 10 Bowden Street COOBOWIE	Garage	10a	55	6,870	Planning 5 Building 2	427757 5405728810	5 August 2015	Alpha Industries BLD255973
544/1113/2015	A Rowe & E Barham PO Box 12 POINT TURTON	(Lot 100) 3-7 Neptune Court POINT TURTON	Garage & 220,000L Water Tank	10a	135	14,440	Planning 5 Building 3	433748 5401033800	26 August 2015	TBA 32

544/1126/2015	D Lofthouse 15 Kempson Court WYNN VALE	(Lot 65) 19 Moores Drive HARDWICKE BAY	Verandah	10a	37	2,754	Planning N/A Building 2	423814 5408970855	11 August 2015	Owner Builder
544/1128/2015	C Morony PO Box 63 STANSBURY	(Lot 10) 3 Annie Watt Street STANSBURY	Carport	10a	37.39	5,739	Planning N/A Building 2	206425 5404674506	5 August 2015	Goody's Home Maintenance BLD181416
544/1129/2015	W Bartley PO Box 346 EDITHBURGH	(Lot 69) 3 Henry Street EDITHBURGH	Carport	10a	42	5,000	Planning 4 Building 2 Private Certifier	209973 5405014307	10 August 2015	TBA
544/1131/2015	R Cook PO Box 369 MINLATON	(Lot 50) 20467 Spencer Highway MINLATON	Garage	10a	108	10,000	Planning 3 Building 2	316067 5408671450	3 August 2015	Owner Builder
544/1132/2015	D & C Evans 357 McDonald Grove WEST LAKES	(Sec 428) 1058 North Coast Road POINT SOUTTAR	New Transportable Dwelling	1a	82.8	92,935	Planning 1 Building 2	116392 5400874551	27 August 2015	Selecta Homes & Building GL56332
544/1133/2015	J Welsby 5a St Michaels Rd MITCHAM	(Lot 74) 13 Marion Bay Road CORNLY POINT	Demolish Garage; New Garage	10a 10a	43.2 43.2	5,000	Planning 5 Building 2	105643 5400672175	10 August 2015	Owner Builder
544/1134/2015	W Ryles & J Schulze C/- Post Office POINT TURTON	(Lot 23) 18 Magazine Bay Road POINT TURTON	Verandah & Deck	10a 10a	59.13 65.7	4,990	Planning 3 Building 2	407304 5400786551	11 August 2015	J & S Pergola Installations BLD53156
544/1136/2015	P & S Petterson PO Box 38 HARDWICKE BAY	(Lot 94) 16 Daly Terrace HARDWICKE BAY	2 x Verandahs	10a	77	10,000	Planning 3 Building 2 Private Certifier	321877 5408974805	5 August 2015	Owner Builder
544/1137/2015	RT Farrow Nominees Pty Ltd PO Box 6 WOOL BAY	(Lot 304) 178 Esplanade WOOL BAY	Machinery Shed	7b	800	67,110	Planning 1 Building 3 Private Certifier	223230 5406317203 A0010	21 August 2015	Owner Builder
544/1138/2015	C & J Thyer PO Box 17 WAROOKA	(Lot 859) 30 Main Street WAROOKA	Carport	10a	31.5	6,000	Planning N/A Building 2	100933 5400294004	10 August 2015	A & VK Golja GL56065
544/1141/2015	K Mann PO Box 131 WOODCROFT	(Sec 1003) 22 Willyama Drive MARION BAY	Replace Existing Deck	10a	22	9,800	Planning 3 Building 2	118984 5400935756	26 August 2015	Dorf Construction GL102727
544/1145/2015	G & S Gutsche C/- Post Office YORKETOWN	(Lot 19) 249 North Coast Road POINT TURTON	Verandah	10a	34.8	7,929	Planning 2 Building 2	111823 5400792636	14 August 2015	Haywood Home Improvements BLD58028
544/1147/2015	T & P Franke 16 Stansbury Road YORKETOWN	(Lot 2) 16 Stansbury Road YORKETOWN	Verandah – Variation to 544/1079/2013	10a	86.77	5,000	Planning 2 Building 2	201343 5403424003	11 August 2015	Haywood Home Improvements BLD58028

544/1149/2015	W Priest 38 Victoria Street YORKETOWN	(Lot 10) 38 Victoria Street YORKETOWN	Garage	10a	21	2,500	Planning N/a Building 2	413419 5403671557	11 August 2015	Owner Builder
544/1153/2015	R & J Rowe PO Box 33 POINT TURTON	(Lot 249) 5 Seascope Court POINT TURTON	Verandah, Deck & Enclose Carport	10a 10a 10a	74.95 60.36 45.67	4,990	Planning 3 Building 2 Private Certifier	411629 5401015759	21 August 2015	J & S Pergola Installations BLD53156
544/1160/2015	C & K Delsar PO Box 133 STANSBURY	(Lot 584) 21 St Vincent Street STANSBURY	Dwelling Alteration – Verandah to Garage	10a	47.5	8,000	Planning 3 Building 1	205062 5404565908	26 August 2015	Owner Builder
TOTAL						\$923,836				

MAITLAND

Dev. App. No.	Name & Addresses	Location	Proposal	Class	Area m ²	Cost \$	Conditions Planning Building	Assessment / Valuation No	Decision Date	Builder & Licence No
544/2034/2013	J Gillespie 59 Henley Beach Road HENLEY BEACH SOUTH	(Lot 4) 14 Buttfield Avenue PORT VINCENT	Balcony	10a	91.4	10,000	LAPSED	311597 5408454500	18 August 2015	TBA
544/2030/2015	JN Richardson 13 Jennifer Street ROSEWATER	(Lot 2) 8 Osprey Street PORT JULIA	Single Storey Dwelling & Garage	1a 10a	120.75 56.42	96,661	Planning 8 Building Nil Private Certifier	313726 5408635256	28 August 2015	Longridge Group BLD175837
544/2052/2015	HA & C Mannak 33 Oxford Terrace BLAKEVIEW	(Lot 122) 25 Hosking Road TIDDY WIDDY BCH	Two storey dwelling & Verandah	1a 10a	755/ 29.67	148,038	Planning 9 Building 2 Private Certifier	8078 4600621693	17 August 2015	Country Living Homes BLD194214
544/2058/2015	DR Germein PO Box 40 PINE POINT	(Lot 12) 5 Tickera Court PORT JULIA	Two storey dwelling, Garage UMR, Decking & Garage	1a 10a	137.9/ 114.3/ 67.5	180,000	Planning 8 Building 1 Private Certifier	432427 5408647425	3 August 2015	TBA
544/2062/2015	AJ & AJ Brokenshire 39 Elizabeth Street MAITLAND	(Lot 38) 4 Nagle Court PORT VICTORIA	Deck, Verandah & Garage (Remove Swimming Pool)	10a 10a 10a	14 89 39	40,000	Planning 7 Building 2 Private Certifier	18424 4603275423	19 August 2015	TBA
544/2063/2015	M R Stennett 39 West Terrace ARDROSSAN	(Lot 1) 8 Rogues Point Road ROGUES POINT	Garage	10a	44	11,000	Planning 6 Building 2 Private Certifier	33506 4604912674	20 August 2015	TBA 34

544/2075/2015	Port Vincent Foreshore Caravan Park PO Box 862 PORT VINCENT	(Lot 4) 12 Marine Parade PORT VINCENT	3 x Oz Shacks	1a	18/17	67,500	Planning 1 Building 5	306324 5408150056	26 August 2015	TBA
544/2081/2015	PJ Grant 2/46 Barbara Ave DANDENONG NTH	(Lot 8) 16 Blue Crab Court ARDROSSAN	Single Storey Dwelling, Garage UMR, Alfresco & Verandah	1a 10a	128.55 63.85	201,773	Planning 2 Building 2 Private Certifier	429449 4600339604	10 August 2015	G Wahlstedt Pty Ltd GL148938
544/2093/2015	TP & BA Thomas 3 McPharlin Ave PORT VINCENT	(Lot 34) 3 McPharlin Avenue PORT VINCENT	Dwelling Addition	1a	7	20,000	Planning 2 Building 2 Private Certifier	307033 5408203007	19 August 2015	Owner Builder
544/2097/2015	NG & FE Davy PO Box 8 ARDROSSAN	(Lot 142) 16 Hosking Road TIDDY WIDDY BCH	Carport	10a	42	10,000	Planning 5 Building 2 Private Certifier	8292 4600622952	3 August 2015	TBA
544/2105/2015	DG & AJ Abbott 37 Samuel Street MAITLAND	Lot 15 Chinaman Wells CHINAMAN WELLS	Garage	10a	54	6,900	Planning 5 Building 2	24539 4604318341	04 August 2015	TBA
544/2107/2015	J Robertson PO Box 221 ARDROSSAN	(PTL 2) 10 Third Street ARTHURTON	Container	10b	14.77	2,000	Planning 7 Building 2	402107 4606034051 A0010	3 August 2015	Owner Builder
544/2112/2015	MR Stennett 39 West Terrace ARDROSSAN	(Lot 1) 8 Rogues Point Road ROGUES POINT	Dwelling Extension & Verandah	1a 10a	60 12	30,000	Planning 6 Building 4 Private Certifier	33506 4604912674	19 August 2015	Owner Builder
544/2115/2015	Cruising Yacht Club of SA PO Box 1020 NORTH HAVEN	(PTL 203) 7 Breakwater Road PORT VINCENT	Shade Sail	10b	20	7,948	Planning 1 Building 3	419655 5408497762 A0750	20 August 2015	J Snoad BLD178428
544/2120/2015	P Galantomos PO Box 35 UNLEY BC	Lot 128 Black Point Drive BLACK POINT	Garage	10a	54	8,150	Planning 6 Building 2	49924 4604909387	06 August 2015	TBA
544/2128/2015	N McCauley PO Box 90 MAITLAND	(Sec 96) 211B McCauley Rd MAITLAND	Garage	10a	84	10,290	Planning 4 Building 2	25239 4604355003	3 August 2015	TM Keast BLD22575
544/2129/2015	TJ Crowell PO Box 75 PRICE	(Lot 265) 4081 Old Boundary Road PRICE	Machinery Shed	7b	139	11,000	Planning 4 Building 4	43174 4607051101	04 August 2015	Owner Builder
544/2130/2015	SL & BJ Chapman PO Box 210 ARDROSSAN	(Lot 10) 462 Willing Road ARTHURTON	Swimming Pool & Fence	10b	34.65	9,000	Planning Nil Building 4	402834 4607303305	06 August 2015	Owner Builder

544/2131/2015	Anna Binna Farming Pty Ltd PO Box 83 MAITLAND	(Lot 2) 697 Clinton Road MAITLAND	Hay / Grain Shed	7b	1769	400,000	Planning 2 Building 3	25759 4604401700	04 August 2015	AR Conley GL41868
544/2134/2015	Port Julia Progress RSD 20 PORT JULIA	(Lot 350) 2-4 Osprey Street PORT JULIA	Toilet Block	10a	7	5,000	Planning 3 Building 2	313700 5408635002	06 August 2015	TBA
544/2137/2015	GP & BJ Sparrow Email correspondence only	(Lot 2) 2 Davey Road ROGUES POINT	Carport	10a	40	2,000	Planning 2 Building 2 Private Certifier	33522 4604912770	05 August 2015	TBA
544/2139/2015	Port Julia Progress RSD 20 PORT JULIA	PCE 61-63 Jetty Road PORT JULIA	Beach Shelter	10a	21.4	9,900	Planning 1 Building 3	314476 5408660603	11 August 2015	Neil Dutschke GL/SGL47602
544/2142/2015	IR Wood 4 Bullock Street ARDROSSAN	(Lot 28) 4 Bullock Street ARDROSSAN	Verandah	10a	24	1,600	Planning Nil Building 2	429647 4600338708	20 August 2015	Owner Builder
544/2143/2015	TW Correll Private Bag 17 KADINA	(Sec 170) 406 Crowell Road WINULTA	Farm Building	7b	470	60,000	Planning 4 Building 2	21972 4604103244	04 August 2015	Owner Builder
544/2144/2015	N Jarrett Site 54 Ardrossan Caravan Park ARDROSSAN	(Site 54) 1 Park Terrace ARDROSSAN	Roof Structure for Insulation Panels	10a	8.64	1,500	Planning 2 Building 4	59 4600103247	12 August 2015	C Brasche
544/2150/2015	Maitland Music & Arts Club C/- 8 Eldon Street MAITLAND	(PTL 756) 7-11 Robert Street MAITLAND	Modify Projection Room Wall	9B		1,500	Planning Nil Building 1	11064 4601892508 A0010	12 August 2015	J Rawlings
544/2154/2015	Yorke Peninsula Council PO Box 57 MAITLAND	(Lot 22) 6-8 Elizabeth Street MAITLAND	Stage One: Front Verandah	10a	153	55,000	Planning Nil Building 2	10355 4601819159	26 August 2015	N Dutschke
544/2155/2015	JR Quinlivan C/- Post Office PORT CLINTON	(Lot 250) 1-3 Yararoo Drive PORT CLINTON	Pergola	10a	37.2	3,100	Planning Nil Building 2	412718 4607002588	18 August 2015	Owner Builder
TOTAL						\$1,399,860				

LAND DIVISIONS

Dev. App. No.	Name & Address	Location	Proposal	Conditions Planning Building	Assessment / Valuation No	Decision Date
544/D008/2015	Mundutha Pty Ltd C/- Mosel Steed 6 Graves Street KADINA	Lot 136, HD Muloowurtie, (Lot 137) 22 Main Coast Road, (Lot 4) 20 Main Coast Road, (Lot 1) 418 St Vincent Highway PINE POINT	Land Division	Planning 1 Land Division 2	27169 4604524006	3 August 2015
544/D013/2015	Tostine Pty Ltd C/- Andrew Butcher Project Management PO Box 548 MODBURY	(Lot 13 & 14) 38 Esplanade POINT TURTON	Land Division	Planning 1 Land Division 7	102517 5400457459	14 August 2015

DIRECTOR DEVELOPMENT SERVICES

IA/ITEM 4.6

4. WASTEWATER SYSTEM APPLICATION DECISIONS

(File Ref: 9.24.1.1)

PURPOSE

To inform the Elected Members of Wastewater Application decisions for the period 3 August 2015 to 28 August 2015.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Key Theme: Sustainable Communities
2. Progressive and Sustainable Development
Strategic Goal: 2.2 Streamlined Development Assessment Process

BACKGROUND

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

DISCUSSION

The following is a list of all Wastewater System applications processed for the period 3 August 2015 to 28 August 2015.

Maitland

050/030/2015	050/033/2015	050/039/2015
050/041/2015	050/051/2015	050/082/2015

Yorke Peninsula

050/023/2015	050/074/2015	050/086/2015
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COMMUNITY ENGAGEMENT PLAN

Not Applicable

CONSULTATION PROCESS

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

- Environmental Health Officer

In preparing this report, the following External Parties were consulted:

- Nil

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

Wastewater System approval functions involve critical risk management considerations which include meeting legislative responsibilities, environmental issues and public health.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999

Development Act 1993

Environmental Protection Act 1993

Council's Development Plan

ATTACHMENTS

Attachment 1: Wastewater Application Decision Register

**LIST OF WASTE CONTROL APPLICATIONS & DECISIONS ISSUED BY THE ENVIRONMENTAL HEALTH OFFICERS UNDER DELEGATION
FOR THE PERIOD 3 AUGUST 2015 –28 AUGUST 2015**

Maitland

Septic App. No.	Owner	Location	Proposal	Conditions	Assess. No	Decision Date	Plumber & Licence No
050/030/2015	HA & C Mannak	(Lot 122) 25 Hosking Road TIDDY WIDDY BEACH	STED Connection	11	8078	17 August 2015	Country Living Homes
050/033/2015	D R Germein PO Box 40 PINE POINT	(Lot 12) 5 Tickera Court PORT JULIA	Septic & Soakage	11	432427	03 August 2015	Owner Applicant
050/039/2015	J & T East 112 Beach Road COOBOWIE	(Lot 58) 10 Bowden Street COOBOWIE	Septic & Soakage	11	427757	5 August 2015	Rivergum Homes Pty Ltd
050/041/2015	P J Grant 2/46 Barbara Avenue DANDENONG NORTH	(Lot 8) 16 Blue Crab Court ARDROSSAN	STED Connection	11	429449	10 August 2015	G Wahlstedt Pty Ltd
050/051/2015	D Pilkington 35 Harrow Terrace KINGSWOOD	(Sec 383) 94 North Coast Road POINT TURTON	Holding Tank	11	115394	10 August 2015	Moonta Plumbing & Gas
050/082/2015	JN Richardson 13 Jennifer Street ROSEWATER	(Lot 2) 8 Osprey Street PORT JULIA	Septic & Soakage	11	313726	28 August 2015	SC Edwards

Yorke town

Septic App. No.	Owner	Location	Proposal	Conditions	Assess. No	Decision Date	Plumber & Licence No
050/023/2015	J Francis 7 Glengyle Terrace GLANDORE	(Lot 152) 12a Parrington Street STANSBURY	Aerobic System	11	404046	11 August 2015	Owner Applicant
050/074/2015	S McLay 15 Myrtle Grove CLOVELLY PARK	(Lot 25) Hundred Line Road THE PINES	Septic & Soakage	11	401034	4 August 2015	Owner Applicant
050/086/2015	D & C Evans 57 McDonald Grove WEST LAKES	(Sec 428) 1058 North Coast Road POINT SOUTTAR	Septic & Soakage	11	116392	27 August 2015	Owner Applicant

DEBATE

AGENDA

CHIEF EXECUTIVE OFFICER

DA/ITEM 6.1

1. EXPRESSION OF INTEREST FOR PLEC 2ND STAGE MINLATON

(File Ref: 9.24.1.1)

PURPOSE

To seek approval from Elected Members for the Chief Executive Officer to lodge an expression of interest for the 2nd Stage of Minlaton's Power Line undergrounding project in 2017/18.

RECOMMENDATION

That Council authorise the Chief Executive Officer to lodge an expression of interest for implementation of the 2nd Stage of the Minlaton Power Line Undergrounding to commence in 2017/2018.

LINK TO STRATEGIC PLAN

Key Theme/s: Sustainable Communities
1. Sustainable Infrastructure
Strategic Goal/s: 1.2 Effective Expansion of water and power supplies

BACKGROUND

Correspondence was received from the Power Line Environment Committee (PLEC) and a report was presented to the 13th May 2015 Council meeting for information (copy attached).

DISCUSSION

Following the May meeting, the CEO enquired with the PLEC about the possibility of funding to complete the 2nd Stage of the Minlaton Main Street underground power project. The 1st stage being approximately half of the Main Street precinct was completed in 2003.

A meeting was convened with the Executive Officer Stuart McPherson, with positive discussions in relation to the PLEC Committee considering a proposal to complete the Minlaton project with the Committee currently reviewing forward budget estimates.

Early stage indications of costs associated with this project is approximately \$1.5 million with funding being provided on a 2/3 PLEC and 1/3 Council basis with Council responsible for reinstating footpaths in addition to this funding model.

Should Council consider this project has merit, we would need to formally express an interest to the PLEC and work with the Executive Officer and SA Power Networks to "sure up" project cost estimates, prior to bringing a detailed plan back to Council to consider a formal application.

Current Council capital works programmes and current commitments of the PLEC indicate a construction period in 2017/18 would be favourable to both parties.

COMMUNITY ENGAGEMENT PLAN

Not applicable at this point in the process. Should Council consider a formal application a comprehensive Community Engagement Plan would be developed as a Level 3 – participate.

CONSULTATION PROCESS

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

- Corporate Management Team

In preparing this report, the following External Parties were consulted:

- Executive Officer PLEC

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

Initial Project estimates of \$1.5 million with a 2/3 PLEC and 1/3 Council funding partnership to commence in 2017/18 financial year.

The Capital Works Construction Budget and Project timelines would be further developed in detail should Council formally submit an expression of interest.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Risk, legal and legislative frameworks would be developed and actioned if and whether the project proceeded.

ATTACHMENTS

Attachment 1: Report presented to May 2015 meeting

Attachment 2: Original correspondence received from PLEC

CHIEF EXECUTIVE OFFICER**IA/ITEM 4.3****5. CORRESPONDENCE POWER LINE ENVIRONMENT COMMITTEE**

(File Ref:9.24.1.1)

INTRODUCTION

To provide Elected Members with information in relation to the availability of Power Line Undergrounding programmes.

RECOMMENDATION

That the report be received.

COMMENT

Correspondence has been received (copy attached) from the Power Line Environment Committee (PLEC) in relation to the Power Line Undergrounding Programme and the availability of funding for projects across South Australia.

The PLEC is the body who makes recommendations on power line undergrounding projects to the Minister for Mineral Resources and Energy in accordance with the requirements of the Electricity Act.

The funding is provided on a 1/3 contribution by Council and 2/3 contribution by SA Power Networks however Council is responsible for Streetscaping costs which is over and above any new kerbing, guttering or restructuring of the road surface.

Streetscaping associated with undergrounding projects will enhance the projects overall benefit to the wider community and should be considered as part of the project scope.

These projects are something that Council may wish to consider incorporating as part of the Strategic Planning process to be undertaken later in the year.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Strategic Plan

Key Theme: Sustainable Communities

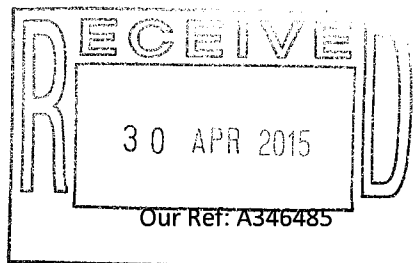
1. Sustainable Infrastructure

Strategic Goals: 1.1 Provide infrastructure assets that are sustainable and safe

1.2 Effective expansion of water and power supplies

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Not applicable.



Item Number
2964-2015-2
GDS Number
14.3.2.3
Distribution
copy to CEO

Attachment 2



**POWER LINE
ENVIRONMENT
COMMITTEE**

GPO Box 2605
ADELAIDE SA 5001
☎ (08) 8463 4352
plec@escosa.sa.gov.au

25 April 2015

Mayor Ray Agnew, OAM
District Council of Yorke Peninsula
PO Box 88
Minlaton SA 5575

Dear Mayor Agnew

POWER LINE UNDERGROUNDING PROGRAMS

Following the recent elections, and your success as Mayor of District Council of Yorke Peninsula, I am writing to you as Chairperson of the Power Line Environment Committee (PLEC) to inform you and Council's elected members of the operations of the Committee.

PLEC recommends power line undergrounding programs to the Minister for Mineral Resources and Energy in accordance with the requirements of the Electricity Act. The Committee, through its Executive Officer, undertakes consultations and seeks proposals and submissions from Councils.

Members of the Committee represent a broad range of interests including the Local Government Association (currently represented by Mayor Clyne from the City of Unley), Department for Water, Environment and Natural Resources (DEWNR), the Department of Planning, Transport and Infrastructure (DPTI), the Conservation Council, SA Power Networks, Tourism and two community representatives.

In 2015, PLEC celebrates 25 years of operation and, in conjunction with Councils, SA Power Networks (SAPN) and DPTI, has implemented projects valued at over \$175 million.

Funding of undergrounding projects is based a one-third contribution by Council and a two-thirds contribution by SA Power Networks. Details of the processes in embarking on a PLEC project can be found in the '*PLEC Project Guidelines*' available on the website of the Essential Services Commission of South Australia www.escosa.sa.gov.au.

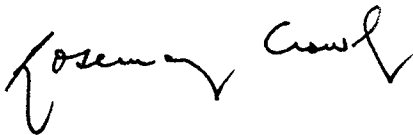
Your Council may never have undertaken a PLEC project or may not have done so for many years and PLEC is keen to engage with Council if there are undergrounding projects you may wish to consider.

A brochure on streetscaping associated with undergrounding projects is enclosed. It highlights the impact of streetscaping, associated with Councils' plans to improve its public space for the benefit of the community and visitors following the removal of power lines.

So I encourage you to consider how one of your most prominent streets or high traffic areas could benefit from the undergrounding of power lines and to discuss such ideas with your CEO, Councillors and staff highlighting the merits of such a project in your Council area.

If you would like any further information, please do not hesitate to call our Executive Officer, Stuart McPherson on (08) 8463 4352 or mobile 0409 005 691. Mr McPherson would be pleased to meet with you if you wish to discuss possible PLEC proposals.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rosemary Crowley', with a stylized flourish at the end.

Hon. Rosemary Crowley AO
CHAIRPERSON
POWER LINE ENVIRONMENT COMMITTEE



Hutt Street, Adelaide

PLEC and streetscaping

PLEC considers streetscaping as an integral component in undergrounding proposals and not merely an 'add-on'. The streetscaping plan should aim to maximise the return from a Council's investment in undergrounding.

PLEC will give priority to submissions that include streetscaping plans with their undergrounding proposals. It is not assumed that these would necessarily be implemented in the same year as the undergrounding but would normally be completed within 2 to 3 years. PLEC expects Councils to provide a firm undertaking to carry out the streetscaping plan and to indicate its time line in its funding submission.

PLEC does not authorise streetscaping plans, as this is beyond its mandate and expertise. However, PLEC will want to satisfy itself that the streetscape proposals are of benefit to the area and provide a reasonable return for the undergrounding expenditure.



What streetscaping covers

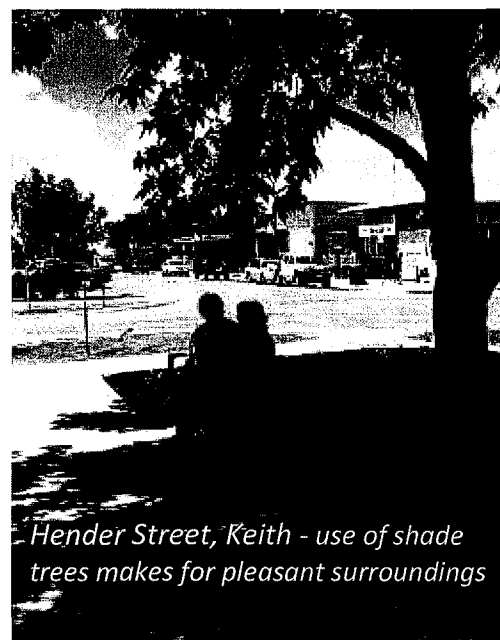
Streetscaping plans can include planting of trees and garden beds (including adding to existing plantings), upgrading of pedestrian areas through the paving of footpaths and the installation of coordinated street furniture such as seating, signage (directional and commercial), bicycle racks, rubbish bins, decorative lighting and street art.

Paving of pedestrian areas and intersections of streets provides a distinct comparison between old and new. The variety of paving blocks available allows designers to incorporate coloured patterns in the paving that, in itself, can be a major focus of the streetscape. Councils may encourage upgrading facias and coordination of signage of commercial properties especially in heritage and/or historic areas.

Most streetscape concepts are based around a theme – such as a nautical theme at a foreshore location or a heritage theme in an older location. Apart from the capital work that a council may do, shop owners can be encouraged to renovate facades, verandas and shop fronts in a manner sympathetic to the theme.

The inclusion of additional plantings is encouraged. There may be space restrictions caused by verandas and narrow footpaths, but this can be overcome with the use of planter boxes or landscaped protuberances within parking areas.

A design can include the installation of attractive shaded seating areas or bus shelters for convenience and to encourage the community to stop and appreciate the surroundings. It is also an opportunity to introduce soft engineering practices such as reduction, cleaning and re-use of stormwater run-off.



Hender Street, Keith - use of shade trees makes for pleasant surroundings

The Power Line Environment Committee (PLEC)

As our name indicates, our focus is to improve the environment of locations by undergrounding unsightly power lines by assisting local government in achieving such initiatives.

To achieve maximum benefit from the undergrounding of power lines, it is desirable to undertake improvements to other elements of the streetscape at the same time. This can include stormwater drainage, paving, trees or other plantings, road resurfacing and possibly kerb re-alignment. Harmonisation of signage, fascia upgrades of commercial properties and enhancement of heritage elements are also important contributions to the desired outcome.

This pamphlet aims to assist Councils in considering options and the wider benefits of streetscaping when submitting proposals for power line undergrounding projects to PLEC.

The Charter of PLEC defines the purpose of undergrounding as “....to improve the aesthetics of an area for the benefit of the general community.....” and PLEC will give priority to Councils who include streetscaping in their proposals. PLEC projects to date have focussed on tourist areas, historical areas, arterial roads and areas of commercial activity.

The economic case for streetscaping

On average, the overall cost of undergrounding power lines is in the order of \$1,750 per metre of common service trench. The cost of streetscaping varies considerably and is estimated to be in the order of \$100-200 per metre. The average total cost of a PLEC projects is about \$800,000

of which the cost to councils is around \$270,000 per project.

Streetscaping may add a further \$70-150,000 to this cost over and above any new kerbing, guttering and reconstruction of the road surface etc. Thus, streetscaping may add up to around 20% to the total project cost.

Businesses in streets that have had both their power lines undergrounded and streetscaping provided will benefit from the commercial and community revitalisation resulting from the amenity upgrade. Examples in urban areas of Adelaide include Hutt Street, Jetty Road, Brighton and Sir Donald Bradman Drive; while in the country, the commercial hearts of towns in popular tourist areas such as the Barossa Valley, the Copper Triangle, Eyre Peninsula and South Coast have been revitalised.

It is difficult to place an economic value on the commercial benefits gained through undergrounding and streetscaping, but businesses that have experienced such initiatives are enthusiastic about the benefits. It may be safely assumed that the on-going benefit greatly exceeds the cost of streetscaping.



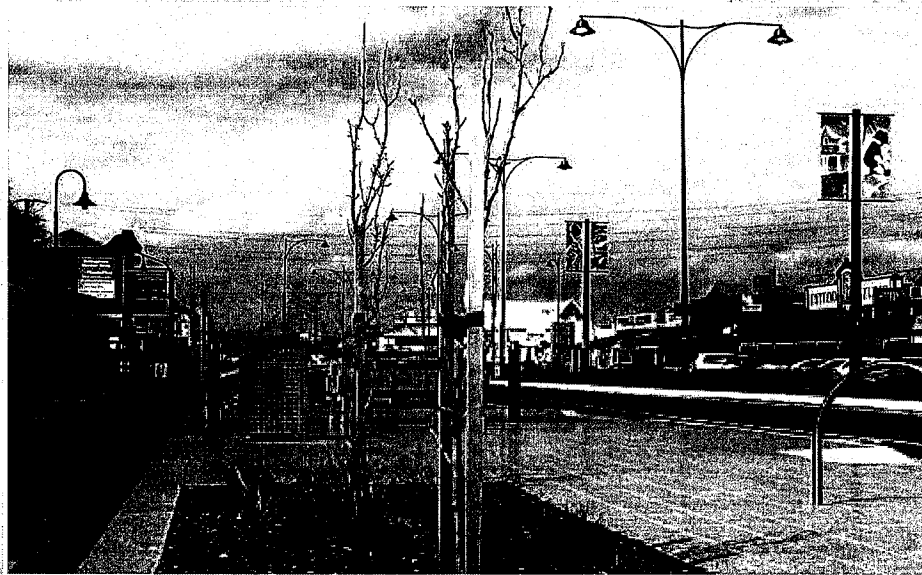
Jetty Road, Brighton

Streetscaping – it makes a difference

Victor Harbor has benefited greatly from power line undergrounding and streetscaping and is one of the most attractive tourist destinations in South Australia.



Semaphore Road is a popular commercial hub that has undergone a significant upgrade involving streetscaping and road reconstruction. Its appearance has changed dramatically from a view dominated by untidy rows of power lines to an open and functional layout.



The removal of power lines in **Murray Street, Tanunda** permits the existing trees to flourish and provides for the planting of additional trees without encumbrance.

Streetscaping

Gaining the full benefit of
undergrounding power lines



CHIEF EXECUTIVE OFFICER

DA/ITEM 6.1

2. YORKE PENINSULA COMMUNITY TRANSPORT PROPOSED INTERIM AGREEMENT

(File Ref: 9.24.1.1)

PURPOSE

For Council to consider approval of the interim service agreement between three funding partner Councils and YP Community Transport Inc.

RECOMMENDATION

That Council:

1. approve the attached interim service agreement from 1st July 2015 to 30th June 2016 between the three funding partner Councils and YP Community Transport Inc.
2. authorise the Mayor and Chief Executive Officer to sign and seal the agreement to give effect to this resolution.
3. require as a condition to Council signing this agreement that the YP Community Transport Inc change their constitution as a matter of priority, to enable the three funding partner Councils to appoint their chosen Council representative to the Board.

LINK TO STRATEGIC PLAN

Key Theme/s:	Corporate Governance and Leadership 1. Progressive Communities through Strategic Planning
Strategic Goal:	1.1 Strong, proactive leadership
Key Theme/s:	Corporate Governance and Leadership 2. Organisational Efficiency and Resource Management
Strategic Goal:	2.1 Financially sustainable organisation

BACKGROUND

Council considered this matter at 12th August 2015 meeting of Council with a report being prepared by the Director Corporate and Community Services (copy attached) outlining negotiations between the three funding partner Councils and YP Community Transport Inc.

The report fully outlined the reasons and necessity behind the proposed changes occurring between the partner Councils and YP Community Transport.

The current service agreement for provision of services expired on 30th June 2015.

DISCUSSION

Following the ongoing negotiations by Council staff in order to achieve resolution on this matter, a report and proposed service agreement were presented to Council at the August meeting for consideration. Council endorsed the proposed service agreement prepared by the Director Corporate and Community Services.

A meeting between Chief Executive Officers of the two Council funding (DC Copper Coast was an apology) partners and the YP Community Transport (YPCT) Board was subsequently held on Tuesday 18th August 2015 to discuss that service agreement endorsed by Council at the August meeting.

The CEO's that were at this meeting were reasonably comfortable with the interim service agreement changes proposed by the board of YPCT, which are now incorporated in the proposed interim service agreement for consideration. The document reflects the general consensus around the table at that time.

I do not see a need to rescind the motion from the August meeting as the modifications made are minor in nature and has been reflected as an interim agreement for this financial year.

Council had previously adopted a draft Service agreement in August, and in my opinion this may be altered/amended/changed by a later decision of the Council without the need to undertake a rescission motion process as long as the changes are of a minor nature and clearly explained.

The logic (in addition to the lawfulness) of this position is further reinforced when it is considered that any Council has for example a myriad of policies and other documents which, properly, must be periodically reviewed from time to time. Where a review (or otherwise for good reason) results in a need to amend a policy or agreement, this must be able to be achieved without undertaking the rescission motion process which would result in an unreasonable and unnecessary burden upon both Elected Members and the Administration. All that is required in such circumstances is compliance with section 6(a) of the Act which imposes the duty of informed and responsible decision making – which, in turn, means that the members must understand the nature and consequences of any motion to amend a policy agreement before voting on the proposal. The amendments as described are minor in nature and clearly set out in this report as follows:

- Administration contribution to be made if funds fall below \$125,000 (up from \$100,000)
- Reconciliation reports will be provided to Council on a quarterly basis

The exception is Clause 3.2 in relation to Council's representation on the Board and I am recommending that Council endorse the interim agreement on the proviso that the constitution and a future service agreement is amended to allow Council to nominate its own representation.

The final YPCT constitution lodged with the Office of Consumer and Business Affairs by the YPCT board was changed from drafts shown to the funding Councils to ensure Councils must only nominate board representatives who are Elected Members of that Council. This change was made without consultation with the funding councils.

At the August meeting of Council, the intent of the Elected Body in endorsing the draft agreement presented was that the Council should be in a position to appoint their chosen representative without restriction.

COMMUNITY ENGAGEMENT PLAN

Not applicable.

CONSULTATION PROCESS

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

- Corporate Management Team

In preparing this report, the following External Parties were consulted:

- YP Community Transport Board
- CEO District Council of the Copper Coast
- CEO District Council of Barunga West

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

Refer Attachment 2

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Refer Attachment 2

Effective risk mitigation in relation to vehicles has been achieved within the Interim Service Agreement requiring the transfer of ownership of all vehicles to YP Community Transport.

ATTACHMENTS

Attachment 1: Revised interim service agreement

Attachment 2: Report from Director Corporate and Community Services August Meeting

SERVICE AGREEMENT

Yorke Peninsula Community Transport Inc

and

District Council of Barunga West

District Council of the Copper Coast &

Yorke Peninsula Council

For the period of: 1 July 2015 to 30 June 2016

Contents

1. INTRODUCTION	3
2. INTERPRETATION	3
3. THE BOARD	4
4. MARKETING AND ADMINISTRATION SUPPORT	4
5. COUNCIL ANNUAL CONTRIBUTIONS.....	5
6. FLEET VEHICLES	5
8. OPERATING COSTS	6
9. DISPUTE RESOLUTION	6
SCHEDULE 1 – ANNUAL PAYMENT SCHEDULE 2015/2016	7
APPENDIX 1 DISTRICT COUNCIL OF BARUNGA WEST FLEET VEHICLES.....	8
APPENDIX 2 DISTRICT COUNCIL OF THE COPPER COAST FLEET VEHICLES	10
APPENDIX 3 YORKE PENINSULA COUNCIL FLEET VEHICLES	14

1. INTRODUCTION

This Interim Service Agreement has been developed as a transitional document to reflect the commitment between, and the responsibilities of, the Councils (District Council of Barunga West, District Council of the Copper Coast and Yorke Peninsula Council) to the provision of this critical community service within the three Council areas.

1.1. The Interim Service Agreement shall operate for a one (1) year period beginning 1st July 2015.

1.2. A five (5) year Service Agreement will be determined from the 1st July 2016.

2. INTERPRETATION

2.1. The name of the Association is “Yorke Peninsula Community Transport Inc” herein after called “the Association”.

2.2. “The Board” means the Board of Management of the Association as provided within the Constitution of the Association.

2.3. The “Councils” means the participating Constituent Councils that form the capture area for the target group of the Association and incorporates the District Council of Barunga West, District Council of the Copper Coast and Yorke Peninsula Council.

2.4. The “fleet vehicles” incorporates the vehicles used by the Association to provide the Service to the target group of the capture area whether “owned” or “used” by the Association under the terms set out in APPENDICES 1-3 of this Service Agreement.

2.5. The “capture area” incorporates the Council boundaries of the funding Councils unless agreed otherwise between the Board and the Councils.

2.6. The “Target Group” as defined by funding contracts and the associations strategic plan

3. THE BOARD

3.1. It is important to the Board to have representation from each Council region to build collaboration across the regions and to support future development of the service

3.1.1. The Board will govern the operation of the Association and the allocation of all funding including the funding and financial support of “Councils”.

3.2. Each Council is required under the Constitution of the Association to appoint an Elected Member as a Council representative to the Board.

3.2.1. Should a proxy be nominated then this proxy must at all times be an Elected Member of the nominating Council and be formally nominated by the Council in a scheduled Council meeting.

3.2.2. All representatives so appointed will be bound by the Association’s constitution in regard to all matters of the Service.

3.2.3. The term of office is for one (1) year, at which time the member may seek Council’s reappointment to the position.

3.2.4. Should the position of representative for any Council become vacant for any reason, that Council must nominate a replacement representative in accordance with the conditions of 3.2 above.

4. MARKETING AND ADMINISTRATION SUPPORT

4.1. To broaden consumer contact, information flow, raise awareness to increase client and volunteer participation Councils undertake to provide Marketing support by:

4.1.1. Developing and maintaining links from Councils web sites to the Association’s web site.

4.1.2. Displaying brochures within Councils offices and make these brochures available to the community.

4.2. Councils agree to advocate on behalf of and in conjunction with the Association should services be threatened in the future.

4.3. Councils will collaborate with the Association’s staff as reasonably required to provide consultation and information beneficial to the Association.

5. COUNCIL ANNUAL CONTRIBUTIONS

- 5.1. The Councils financial contributions to the Association will be defined within the attached Annual Payment Schedule (Schedule 1).
- 5.2. The Association will meet with the Councils in February of each year in which a Service Agreement exists to review the Association's financial position and financial requirements and:
 - 5.2.1. Review the financial position of the service and discuss the administration and vehicle contributions for the upcoming period.
- 5.3. The annual contribution labelled as "Administration Contribution" in Schedule 1 will be determined for the next financial year by the percentage of "active" clients within each Council region as held in the Association's data base or electronic system at the time of each review or upon an agreed division of the total allocation by the Councils at that review.
- 5.4. In any event, the annual contribution labelled "Administration Contribution" will not be paid by Councils unless the balance of unallocated funds held by the Association at any time of the year falls below \$125,000 and the Association can demonstrate that these contributions are required to ensure solvency of the Association.
- 5.5. The Association shall forward a compliant tax invoice to the individual Councils for any contribution defined by this Service Agreement or otherwise determined by the Councils prior to receiving payment.
- 5.6. The Association shall provide a quarterly reconciliation of Council's investment to support Council's needs to verify and acquit external investments.

6. FLEET VEHICLES

- 6.1. A fleet vehicle agreement is included within an appendix for each Council
 - 6.1.1. District Council of Barunga West Appendix 1
 - 6.1.2. District Council of the Copper Coast Appendix 2
 - 6.1.3. Yorke Peninsula Council Appendix 3

7. VOLUNTEERS

7.1. The Association will assume all responsibilities for its volunteers.

8. OPERATING COSTS

8.1. All administrative operating costs of the Association will be the responsibility of the Association with Councils liability limited to the contribution amounts specified in the attached Annual Payment Schedule (Schedule 1).

8.2. Councils do not accept liability for any costs incurred by the Association at any time for any reason unless approved by the Chief Executive Officer of each Council in writing.

8.3. If state/commonwealth funding were to cease or be reduced for the Association, the Councils will seek to ensure the service continues.

9. DISPUTE RESOLUTION

9.1. Should any dispute arise between Councils and the Association in connection with the affairs of Association the following dispute resolution process shall apply:

9.1.1. The Chair of the Board shall call a meeting of the Board representatives and invite, from each Council, the Mayor, the CEO and Council representatives (if other than the CEO). These parties will attempt to resolve the dispute through good faith negotiation.

9.1.2. Failing resolution of the dispute via the process in 8.1.1 above the Chair of the Board shall appoint a suitably qualified person to investigate, reconvene the meeting, report to the meeting and conciliate the dispute.

9.1.3. Any Council may initiate this dispute resolution process by resolution of the Council and subsequent written notification to the Board.

SCHEDULE 1 – ANNUAL PAYMENT SCHEDULE 2015/2016

All amounts included are GST Exclusive

Item	Total Cost	BW	CC	YP
Administration Contribution (refer 5.3 & 5.4 above)	100% \$28,180	5% \$1,410	50% \$14,090	45% \$12,680
Vehicle Replacement Contribution	\$48,000	\$8,000	N/A	\$40,000
Vehicle Running Costs Contribution (\$2,400 per Vehicle)	\$21,600	\$2,400	\$7,200	\$12,000

Contributions listed above are to be reviewed by the Board and Councils in February each year.

SIGNED by District Council of Barunga West

..... in the presence of.....

Chief Executive Officer

(Signature of Witness)

.....
(Print name here)

SIGNED by District Council of Copper Coast

..... in the presence of.....

Chief Executive Officer

(Signature of Witness)

.....
(Print name here)

SIGNED by Yorke Peninsula Council

..... in the presence of.....

Chief Executive Officer

(Signature of Witness)

.....
(Print name here)

SIGNED by Yorke Peninsula Community Transport Inc

..... in the presence of.....

Chair

(Signature of Witness)

.....
(Print name here)

APPENDIX 1 DISTRICT COUNCIL OF BARUNGA WEST FLEET VEHICLES

1. One (1) vehicle (Ford Mondeo S396-AOY) be gifted to the Association at no cost.
 - 1.1. To reduce risk to the Association the vehicle will be safety checked prior to gifting to ensure road safety compliance
2. The District Council of Barunga West Council agree to pay an upfront payment of \$16,000 to assist with the first changeover which is expected within the 2015-16 year with ongoing investment as determined in Schedule 1 in 2016-17 and beyond
3. Any changes to vehicle numbers will be the subject of a separate agreement between the Association and the Councils during the year and will be incorporated in any extension of the Service Agreement at financial year end.
4. All costs for vehicle changeovers and all running costs will be the responsibility of the Association with Council contributions in this regard specified in the attached Annual Payment Schedule (Schedule 1).
5. The Association to roll vehicle funds from one financial year to the next will occur with transparency through acquittal reports as stated in clause 5.6
6. Should the Association, currently known as YP Community Transport Inc cease, the vehicle/s that have continued to be financially supported by District Council of Barunga West will be gifted at no charge to the supportive Council.

AGREEMENT

SIGNED as an Agreement on

SIGNED by District Council of Barunga West

..... Chief Executive Officer

in the presence of

.....
(Signature of Witness)

.....
(Print name here)

SIGNED by Yorke Peninsula Community Transport

.....
(Signature of Officer Bearer)

.....
(Print name here)

in the presence of

.....
(Signature of Witness)

.....
(Print name here)

APPENDIX 2 DISTRICT COUNCIL OF THE COPPER COAST

USE OF COUNCIL VEHICLE AGREEMENT

1. District Council of the Copper Coast A.B.N. 36 670 364 373 provides the goods to you on the terms and conditions of this agreement. When you sign this agreement applicable to the goods and it has been accepted by us, the agreement comes into existence in relation to those goods on the terms set out in this "Use of Council Vehicle Agreement" document.

2. GOODS

	Make	Model	Registration
Vehicle A -	Holden	Omega	S304-AOK
Vehicle B -	Toyota	HIACE	S125 BBU
Vehicle C -	Toyota	Aurion	S129 ANZ

The vehicles listed above may be changed, traded or replaced in agreement with Yorke Peninsula Community Transport and any new vehicles will be covered by the terms set out in this "Use of Council Vehicle Agreement" document.

Any changes to the types of vehicle provided by Councils will be subject to agreement between Councils and the Board to ensure client access and comfort levels are maintained at least at current levels.

3. REPAIR, MAINTENANCE AND USE

- 3.1. You must at all times at your own cost and expense keep the goods in good order and repair and properly operated and maintained in accordance with the manufacturer's specifications and recommendations so that the goods will at all times be in first class condition (reasonable wear and tear only accepted).
- 3.2. You must keep detailed maintenance records and you must maintain and produce to us whenever we require a copy of a maintenance agreement for the goods with the vendor or a maintenance provider approved in writing by us (which approval shall not be

unreasonably withheld) which will maintain the goods to the specifications of the manufacturer of the goods.

3.3. You must not make any alterations or additions to the goods without our consent. Any addition becomes our property (unless otherwise agreed in writing).

3.4. You are responsible for obtaining and maintaining at all times all licences or registrations required by law in connection with the goods or their use.

3.5. We cannot interfere with your use of the goods unless this agreement allows us to do so.

4. INSURANCE

You must insure and keep the goods insured against loss, fire, accident, theft, damage or such other risk as we may specify to you , for an amount equal to the full insurable value of the goods and to insure and keep us insured against all liability however arising in respect thereof (including public liability for injury or damage occasioned by the use of the goods up to the amount approved by us) with a reputable insurer in our name as the owner and your name as the user for our respective interests and you must provide to us a certificate of currency signed by the insurer in respect to the insurance.

You must notify the Council of any loss, fire, accident, theft or damage as soon as practicable after the incident occurs.

5. TERM

The term will be ongoing until reviewed and agreed by both parties or until the agreement to supply the vehicles is terminated.

6. INDEMNITIES

6.1. You indemnify us against, and must therefore pay us for, any liability, loss (including loss of profit), costs, charges or expenses (including legal fees and expenses) arising from or incurred in connection with:

- a) any item of the goods after you request them for any reason;
- b) the loss, theft, destruction, compulsory acquisition (including lawful confiscation) of or damage to the goods (herein called "Loss or Damage");

- c) the goods or their use causing directly or indirectly any damage, pollution, injury or death;
- d) you breaching any term of the agreement;
- e) us exercising or attempting to exercise any right or remedy under the agreement (including all legal costs);
- f) us having to seize or store the goods;
- g) us owning the goods (including registering our interest as owner);
- h) a claim for patent, trademark or copyright infringement, for strict liability or for any other reason being made against us in connection with the goods or their use;

6.2. Each indemnity is a continuing obligation, separate and independent from your other obligations under the agreement and continues after the agreement ends or is terminated. It is not necessary for us to incur expense or make payment before we enforce a right of indemnity.

6.3. No Loss or Damage as referred to in Clause 6.1(b) shall (unless so determined by us) terminate the agreement and/ or of any other obligation under the lease agreement. In addition to and not in limitation of our rights under clause 6.1 you shall immediately notify us of such Loss or Damage and you shall, at our option: (a) repair and renovate the goods to the condition which they are expected to be maintained; or (b) replace the goods with other goods of such a nature and condition that are acceptable to us.

7. SIGNING

AGREEMENT

SIGNED as an Agreement on

SIGNED by District Council of the Copper Coast

..... Chief Executive Officer

in the presence of

.....
(Signature of Witness) (Print name here)

SIGNED by Yorke Peninsula Community Transport

.....
(Signature of Officer Bearer) (Print name here)

in the presence of

.....
(Signature of Witness) (Print name here)

APPENDIX 3 YORKE PENINSULA COUNCIL FLEET VEHICLES

1. Five (5) vehicles to be provided from 1 July 2015 with the title of these vehicles to be vested in the Association via transfer of ownership from Yorke Peninsula Council at no cost.
2. Vehicles being:
 - 2.1. Ardrossan Toyota Camry S247-AXV
 - 2.2. Maitland Toyota Camry S244-AXV
 - 2.3. Minlaton Ford Mondeo S286-BBT
 - 2.4. Stansbury Toyota Aurion S756-AXU
 - 2.5. Yorketown Ford Mondeo S287-BBT
3. To reduce risk to the Association all vehicles will be safety checked prior to gifting to ensure road safety compliance
4. Any changes to vehicle numbers will be the subject of a separate agreement between the Association and the Councils during the year and will be incorporated in any extension of the Service Agreement at financial year end.
5. All costs for vehicle changeovers and all running costs will be the responsibility of the Association with Council contributions in this regard specified in the attached Annual Payment Schedule (Schedule 1).
6. The Association to roll vehicle funds from one financial year to the next will occur with transparency through acquittal reports as stated in clause 5.6
7. Should the Association, currently known as YP Community Transport Inc cease, the vehicle/s that have continued to be financially supported by Yorke Peninsula Council will be gifted at no charge to the supportive Council.

AGREEMENT

SIGNED as an Agreement on

SIGNED by Yorke Peninsula Council

..... Chief Executive Officer

in the presence of

.....
(Signature of Witness)

.....
(Print name here)

SIGNED by Yorke Peninsula Community Transport

.....
(Signature of Officer Bearer)

.....
(Print name here)

in the presence of

.....
(Signature of Witness)

.....
(Print name here)

DIRECTOR CORPORATE AND COMMUNITY SERVICES

DA/ITEM 6.2

2. YORKE PENINSULA COMMUNITY TRANSPORT SERVICE AGREEMENT

(File Ref: 9.24.1.1)

PURPOSE

For Council to endorse the draft Service Agreement for funding of Yorke Peninsula Community Transport Inc. in 2015/2016 by Yorke Peninsula Council in conjunction with the District Council of Copper Coast, and the District Council of Barunga West which will allow presentation of this Service Agreement to Yorke Peninsula Community Transport Inc. board of management before the meeting scheduled with them on 18 August 2015.

RECOMMENDATION

That Council endorse the Yorke Peninsula Council proposed draft Service Agreement for funding of Yorke Peninsula Community Transport Inc. for the period 1 July 2015 to 30 June 2016 as attached.

LINK TO STRATEGIC PLAN

Key Theme/s:	Corporate Governance and Leadership
	1. Progressive Communities through Strategic Planning
Strategic Goal/s:	1.1 Strong, proactive leadership
Key Theme/s:	Corporate Governance and Leadership
	2. Organisational Efficiency and Resource Management
Strategic Goal/s:	2.1 Financially sustainable organisation

BACKGROUND

The current service agreement between District Council of Barunga West (DCBW), District Council of the Copper Coast (DCCC), Yorke Peninsula Council (YPC) and Yorke Peninsula Community Transport Inc. is overdue for renewal for the period of 1 July 2015 to 30 June 2016.

As Yorke Peninsula Community Transport Inc. has recently met statutory provisions deeming it a Prescribed Association and, in light of the board of management's decision to break auspice service ties with Yorke Peninsula Council, a complete review of the Service Agreement which operated up until 30 June 2015 is required.

Suggested drafts presented to Yorke Peninsula Council (YPC) to date by Yorke Peninsula Community Transport Inc. have not been acceptable to YPC in regard to risk exposure and representation of Councils to the board of management.

A meeting with the Yorke Peninsula Community Transport Inc. Board is scheduled for 10am on 18 August 2015 at which staff wish to formalise YPC's endorsed version of this Service Agreement.

DISCUSSION

Advice received from YPC's auditors confirms that risk exposure to YPC is a very real issue under the proposals put forward by Yorke Peninsula Community Transport Inc. following their decision to no longer be associated with YPC under an auspice arrangement.

To ensure the best protection for YPC in that regard YPC's auditors have confirmed advice that YPC should transfer title of the 5 vehicles currently provided to Yorke Peninsula Community Transport Inc. and for YPC to continue to make annual contributions towards vehicle changeover costs and running costs.

This advice is based on the fact that volunteer drivers of vehicles used by Yorke Peninsula Community Transport Inc. are engaged directly by, and are now under the control of, Yorke Peninsula Community Transport Inc. and YPC will have no way going forward to ensure these volunteers are correctly inducted and managed on a day to day basis.

Similar advice has been received from YPC's insurer, Local Government Association Mutual Liability Scheme, with concerns that volunteers, not under the guidance and control of YPC, but driving vehicles owned and insured by YPC, will not be fully covered for all essential insurance.

YPC staff are also concerned regarding the possible impact on YPC's long term risk profile should these vehicles continue to be owned and insured by YPC. In all other areas Yorke Peninsula Community Transport Inc. has now been set up as independent of the contributing Councils and the expectation that the Councils will continue to accept all risk in regard to vehicles is not viable in the opinion of Council staff and fraught with risk issues on the advice of both YPC's auditors and insurers.

As YPC makes a substantial investment of up to \$85,000 p.a. in this critical community service and the service is now operating for the first time without auspice services from YPC, it is also considered of paramount importance that ratepayer's funds are correctly managed and that sound governance is assured. To this end it is proposed that the Chief Executive Officer (CEO) of each Council is the preferred representative of Councils to the Yorke Peninsula Community Transport Inc. board of management.

Major changes to the draft Service Agreement suggested by Yorke Peninsula Community Transport Inc.:

Yorke Peninsula Council Draft	Yorke Peninsula Community Transport Draft	Why?
YPC vehicles (5) to be transferred to Yorke Peninsula Community Transport Inc. free of charge.	YPC vehicles (5) to remain under ownership of YPC with all risk to YPC.	Risk to Council without care and control of volunteers not considered viable or manageable.

		Advice insurance will not be adequate.
Contributions to be made annually by YPC towards replacement of vehicles (\$40,000 p.a.) and running costs of vehicles (\$2,400 per vehicle p.a.).	All ownership costs to be borne by YPC including replacement, registration, insurance, tyres, services and repairs – uncapped.	Finite contribution defined. "Extra" funding at discretion of Councils. Facilitates full independence of Yorke Peninsula Community Transport Inc.
All insurance and related risk to be managed by Yorke Peninsula Community Transport.	All insurance and related risk to be managed by YPC.	Risk to Council without care and control of volunteers not viable or manageable.
Review meetings in February to consider "extra" funding required AND consider refunds to Councils if excess funds accumulated.	Review meetings in February to consider "extra" funding required if any.	Full, transparent accountability in relation to Community funds.
CEO (or proxy who must be an Elected Member of relevant Council) to be Council representative to Board	Elected Member to be Council representative on Board (or another Council Rep)* * Note: Clashes with Constitution which requires Council representative be "an Elected Member at all times."	Essential governance and facilitation of smooth transition to fully independent status. Risk management.
Administration contribution (YPC - \$12,680 p.a.) to be made if funds at bank fall below \$100,000.	Administration contribution (YPC - \$12,680 p.a.) to be made if funds at bank fall below \$50,000.	Full accountability in relation to Community funds. Liquidity of Yorke Peninsula Community Transport.
All Operating Costs responsibility of YP Community Transport.	Yorke Peninsula Community Transport responsible for "selected" operating costs only.	Finite contribution defined. "Extra" funding at discretion of Councils. Facilitates full independence of Yorke Peninsula Community Transport Inc.

Please note that the draft agreement still requires input from District Council of the Copper Coast (DCCC) and the District Council of Barunga West (DCBW) in relation to fleet vehicle provision by them and corresponding figures within Schedule 1. Both DCCC and DCBW CEO's have been made aware of and agree with all changes made to the agreement but are still to decide on a method of making vehicles available to Yorke Peninsula Community Transport Inc. in their council areas. The most likely methods to be adopted include novated leasing or direct title transfer as recommended for YPC.

As all risk considerations currently exist in the absence of an established Service Agreement between Councils and Yorke Peninsula Community Transport Inc. it is recommended the draft Service Agreement be presented to the Yorke Peninsula Community Transport Inc. board of management as soon as possible and as YPC's only offer in regard to what is a substantial funding commitment for the 2015/2016 financial year.

COMMUNITY ENGAGEMENT PLAN

Not Applicable

CONSULTATION PROCESS

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

- Chief Executive Officer
- Elected Members of YPC

In preparing this report, the following External Parties were consulted:

- YPC Auditors
- Local Government Association Mutual Liability Scheme

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

Council has in the past made a financial contribution to operations of YPCTS, providing both \$40,000 for replacement vehicle costs and a financial contribution of \$10,000 annually for running costs of those vehicles (\$2,000 per vehicle p.a.) together with a negotiated contribution towards administration costs of approximately \$13,000 per annum.

Prior to the board of management's decision to become fully independent, free of charge auspice services were provided by YPC in the areas of governance, financial management, human resource management, payroll, volunteer management, records, information technology, risk administration and general administration together with office space, most recently at the Minlaton Town Hall. These services were provided by YPC for a period approaching 15 years at an estimated annual cost to council of between \$90,000 and \$150,000 per annum.

Significant contributions are also made annually by both the District Council of Copper Coast (3 vehicles) and the District Council of Barunga West (1 vehicle) via the funding of vehicles. The remainder of funding for the service comes in the form of HACC's grants and fees collected from clients utilising the service.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Given the critical nature of the community service provided by YPCTS and the large funding contribution made by Council to YPCTS, it is important that the Council's involved and Yorke Peninsula Community Transport Inc. have a Service Agreement in place.

ATTACHMENTS

Attachment 1: Yorke Peninsula Council proposed draft Service Agreement

Attachment 2: Yorke Peninsula Community Transport proposed draft Service Agreement with areas subject to changes highlighted in yellow.

CHIEF EXECUTIVE OFFICER

ITEM 6.1

3. STRATEGIC MANAGEMENT PLAN DEVELOPMENT (File Ref: 9.24.1.1)

PURPOSE

To provide Council with a summary of the feedback received from the Stage 1 consultation on the 2016-2020 Yorke Peninsula Council Strategic Management Plan.

Therefore, based on the feedback received, seek Council endorsement of the draft vision and goals.

RECOMMENDATION

That Council endorse the proposed draft Strategic Management Plan vision:-

“We will foster opportunities to support and enhance Yorke Peninsula which is valued for its natural beauty, rich agriculture, spectacular coastline and unique blend of seaside and rural lifestyles”

and goals:-

- * Economically prosperous Peninsula
- * Accessible and connected community
- * Protected and respected environment
- * Supported and engaged community
- * Responsible governance

for consultation.

LINK TO STRATEGIC PLAN

Key Theme/s:	Corporate Governance and Leadership
	1. Progressive Communities through Strategic Planning
Strategic Goal/s:	1.1 Strong, proactive leadership

BACKGROUND

The Local Government Act (the Act) requires Councils, within 2 years of a general election, to have a Strategic Management Plan in place. The Act also states that “A Council must adopt a process or processes to ensure that members of the public are given reasonable opportunity to be involved in the development and review of its Strategic Management Plan”.

Council previously endorsed the framework (including timelines) for the development of the 2016-2020 Yorke Peninsula Council Strategic Management Plan (refer Council Decision 160/2015).

The framework detailed four stages of development thereby allowing multiple opportunities for the community to be involved. The first stage involved asking the community two questions:-

- 3 words to describe what is unique about Yorke Peninsula and should be preserved for the future;
- 3 most important areas that Council should focus over the long term (e.g. the environment, new infrastructure, economic development etc.).

The consultation period was open for 4 weeks. A total of 215 flyers were mailed directly to Progress Associations, sporting clubs, schools and community organisations. Flyers were inserted into the 21st July edition of the YP Country Times. On-line surveys were available on Council's website.

As a result, a total of 102 submissions were received. A summary of the feedback is provided as Attachment 1.

DISCUSSION

The feedback received has been collated and organised into key themes. From this, the following draft vision statement and goals have been developed as shown below.

Vision

We will foster opportunities to support and enhance Yorke Peninsula which is valued for its natural beauty, rich agriculture, spectacular coastline and unique blend of seaside and rural lifestyles.

Goals

- Economically prosperous Peninsula
- Accessible and connected community
- Protected and respected environment
- Supported and engaged community
- Responsible governance

Pending Council endorsement of the draft vision and goals, it is planned that a 1-page summary (provided as Attachment 2) is put back out for community consultation. The purpose of this consultation is to:-

- a) Ensure the community are satisfied with the draft vision and goals;
- b) Make any necessary adjustments to the draft vision and goals; and
- c) Start to develop outcomes and strategies.

During this Stage 2 consultation period, focus groups will be held with the community to discuss the draft Plan in further detail.

Given the geographical span of the community members who have already expressed an interest in being part of a focus group, it is envisaged that forums will be held at Maitland, Minlaton and Yorketown. These particular members will be contacted directly and given tentative dates, locations and times (e.g. during or after business hours). This strategy will ensure maximum attendance.

Once the specific locations, dates and times are confirmed (targeting between 14th Sept and 2nd Oct), an invitation will be re-extended to the broader community.

In conjunction with community forums, sessions will be held for Council staff.

COMMUNITY ENGAGEMENT PLAN

This is a Level 3 – Participate consultation. The consultation plan was previously endorsed by Council on 8 July 2015.

For information, the specific Stage 2 Plan is provided again as Attachment 3.

CONSULTATION PROCESS

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

- Corporate Management Team

In preparing this report, the following External Parties were consulted:

- All Progress Associations
- All schools within the Council area
- Community groups within the Council area
- All sporting groups within the Council area
- General community

POLICY IMPLICATIONS

PO057 Community Engagement Policy

Community Engagement Strategy

BUDGET AND RESOURCE IMPLICATIONS

This approach requires no additional budget, only staff time to deliver this project which can be achieved through existing budgets.

At a later stage Council may wish to consider allocating funds for professional printing of the endorsed 2016-2020 Strategic Management Plan.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Section 122 Local Government Act 1999

ATTACHMENTS

Attachment 1: Summary of Stage 1 feedback

Attachment 2: Draft Vision and Goals for Consultation

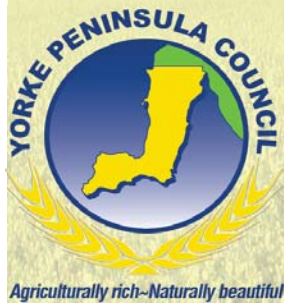
Attachment 3: Stage 2 Consultation Plan

VISION – Top Responses

1. Coastal / Coastline (38)
2. Agriculture (33)
3. Fishing & Jetties (28)
4. Natural beauty /clean environment (22)
5. Tourism choices (19)
6. Safe beaches & clean seas (19)
7. Lifestyle / standard of living (14)

GOALS – Top Responses

1. Roads & footpaths (54)
2. Economic Development – Land use, planning, business support (new and existing) and job creation (53)
3. Environment – coastline protection, remnant vegetation, revegetation/regeneration, pest and weed control (41)
4. Maintain current infrastructure – asset management (31)
5. Tourism – attraction, facilities and infrastructure (27)
6. Governance and Financial responsibility (19)



2016-2020 Draft Strategic Plan

The first stage of community consultation on Council's new Strategic Plan revealed the community's aspirations and priorities.

With over a 100 submissions, the following draft vision and goals have been developed based on the community input.

Vision

We will foster opportunities to support and enhance Yorke Peninsula which is valued for its natural beauty, rich agriculture, spectacular coastline and unique blend of seaside and rural lifestyles.

Goals

- **Economically prosperous Peninsula**
- **Accessible and connected community**
- **Protected and respected environment**
- **Supported and engaged community**
- **Responsible governance**

Feedback

If you have any feedback or comments in relation to the draft Vision and Goals, please send to admin@yorke.sa.gov.au or PO Box 57 Maitland SA 5573 before 9 October 2015.

If you would like to part of a focus group to discuss this further, please phone 8853 3825.



	Stakeholders	Level 3 PARTICIPATE	Detail	Start Date	End Date	Status	Evaluation Method
Stage 2	Entire community	Website	Notice of Stage 2 consultation period on front page of website with link to 1-pager	10/09/2015	09/10/2015	NS	Number of website hits
		Social Media	Notice of Stage 2 consultation period advertised via social media sites	10/09/2015	09/10/2015	NS	Number of likes, reposts or retweets
		Special Publication	Have copies of Stage 2, 1-pager available at all Council offices	10/09/2015	09/10/2015	NS	Number of 1-pagers picked up
		Media Release	Send to YP Country Times	10/09/2015	15/09/2015	NS	Media release 'picked up'
	Progress Associations	Personalised Letter & Workshop	Send 1 pager with covering letter inviting comment &/or opportunity to attend a workshop	11/09/2015	18/09/2015	NS	Number of submissions received
	Boards/Advisory Groups						
	NGOs					NS	
	Schools			14/09/2015	02/10/2015		Number of attendees at workshop/s
	Sporting Clubs						
	Other	Personalised Letter	Send invitation to be part of focus group (to anyone who indicated an interest in Stage 1)	14/09/2015	02/10/2015	NS	Number of participants in focus group
			Send 1 pager with covering letter (to anyone who indicated an interest in Stage 1)	11/09/2015	15/09/2015	NS	Number of submissions received

CHIEF EXECUTIVE OFFICER

DA/ITEM 6.1

4. UPDATE TO DELEGATIONS REGISTER

(File Ref: 9.24.1.1)

PURPOSE

To seek Council's endorsement for an update to the Delegations Register, as a result of legislative change based on advice received from the LGA via the quarterly delegations update circular.

RECOMMENDATION

Delegations made under the Local Government Act 1999

1. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in the Annexures to this report are hereby delegated this 9th day of September 2015 to the person occupying the office of Chief Executive Officer, or any person acting in the position of Chief Executive Officer, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instruments of Delegation.
2. South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, the South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013.
3. Real Property Act 1886

Delegations made under the Supported Residential Facilities Act 1992

4. In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in the proposed Instrument of Delegation annexed to the Report dated 9th September 2015 and entitled Delegations Register are hereby delegated this 9th day of September 2015 to the person occupying the office of Chief Executive Officer or any person acting in the position of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

In accordance with Division 5 Section 44 Council appoints the following Council Officers as Local Authorised Officers under the SA Public Health Act 2011:

Mr Roger Brooks, Mr Michael Cartwright, Mr Allan Cotton, Ms Alison Creaser

LINK TO STRATEGIC PLAN

Applicable to various objectives contained in the Strategic and Corporate Plan 2012 – 2015

BACKGROUND

Council has been using the LGA Delegations templates for several years and bases its delegations to the CEO on those templates. This same information is used by the CEO to prepare the sub delegations to staff to enable them to undertake their duties effectively.

DISCUSSION

The LGA provides a quarterly update in relation to the delegation templates based on changes to legislation or regulations.

Notification has been received in relation to changes to the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health Act 2011, the Supported Residential Facilities Act 1992, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations and the Real Property Act 1886 which requires the Council to update their delegations at the first available opportunity.

COMMUNITY ENGAGEMENT PLAN

Not applicable

CONSULTATION PROCESS

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

- Chief Executive Officer
- Executive Assistant to the Chief Executive Officer and Mayor
- HR Officer

In preparing this report, the following External Parties were consulted:

- Local Government Association

POLICY IMPLICATIONS

PO091 Risk Management Policy

BUDGET AND RESOURCE IMPLICATIONS

Not applicable

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

It is essential that Council has updated and appropriate delegations in place to ensure Council's risk is mitigated by ensuring legislative compliance, consistency and appropriate, suitably qualified personnel are undertaking these business and regulatory functions.

ATTACHMENTS

Copies of the relevant legislative templates will be available for review at the meeting.

DIRECTOR CORPORATE AND COMMUNITY SERVICES

DA/ITEM 6.2

1. FINANCIAL REPORT 31 AUGUST 2015

(File Ref: 9.24.1.1)

PURPOSE

For Council to receive the financial report and review of capital projects dated 31 August 2015.

RECOMMENDATION

That Council receive the financial reports as at 31 August 2015.

LINK TO STRATEGIC PLAN

Key Theme/s: Corporate Governance and Leadership
2. Organisational Efficiency and Resource Management
Strategic Goal/s: 2.1 Financially sustainable organisation

BACKGROUND

Finance staff have undertaken to present a Financial Report and a Capital Projects Report for Projects over \$50,000 to Council encompassing results to the end of each calendar month preceding each scheduled Council meeting.

DISCUSSION

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

- Actuals included in the reports are as incurred at close of business on the last day of the month being reported and may be subject to balance day adjustments – any such adjustments will be incorporated in the following monthly report.
- The reports do not include year-end income and expense accruals.

COMMUNITY ENGAGEMENT PLAN

Not Applicable

CONSULTATION PROCESS

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

- Manager Financial Services
- Director Assets and Infrastructure
- Operations Manager
- Manager of Works
- Manager Information Services

- Corporate Services Officer
- Acting Director Development Services

In preparing this report, the following External Parties were consulted:

- Nil

POLICY IMPLICATIONS

PO 142 Budget Reporting and Amendment Policy

BUDGET AND RESOURCE IMPLICATIONS

In conjunction with the adoption and enforcement of the Budget Reporting and Amendment Policy the Financial Report presented to Council monthly will assist in formal assessment of Council's financial position and contribute significantly to both Financial and Risk Management procedures.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

Council's Strategic Plan includes clear plans to ensure better and timely reporting and improved formal control of Council's Adopted Budget and the Budget Review process.

ATTACHMENTS

Attachment 1: Uniform Presentation of Finances 31 August 2015

Attachment 2: Capital Projects Report for Council 31 August 2015 (Projects over \$50,000)

Yorke Peninsula Council

Budgeted Uniform Presentation of Finances as at 31st August 2015

	2015/16 Actuals	YTD \$'000
Income		-\$20,582
Less Expenses		\$3,565
Operating Deficit before Capital Amounts		-\$17,017
Less Net Outlays on Existing Assets		
Capital Expenditure on renewal and replacement of Existing Assets		\$200
Less Depreciation, Amortisation and Impairment		
Less Proceeds on Sale of Assets		-\$18
		\$182
Less Net Outlays on New and Upgraded Assets		
Capital Expenditure on New and Upgraded Assets		\$335
Less Amounts received specifically for New and Upgraded Assets		-\$463
		-\$128
NET(LENDING) / BORROWING FOR FINANCIAL YEAR		-\$16,963

2015/16 Full Year Adopted Budget \$'000	2015/16 Full Year Budget Revisions \$'000	2015/16 Full Year Revised Budget \$'000
-\$26,690	\$0	-\$26,690
\$29,450	\$0	\$29,450
\$2,760	\$0	\$2,760
\$7,707	\$0	\$7,707
-\$8,700	\$0	-\$8,700
-\$377	\$0	-\$377
-\$1,370	\$0	-\$1,370
\$3,475	\$0	\$3,475
-\$2,315	\$0	-\$2,315
\$1,160	\$0	\$1,160
\$2,550	\$0	\$2,550

2015/2016 Capital Budget

Projects Over \$50,000

		New	Renewal	Scheduled Start		Spent To Date		% Physically	Reviewed
						New	Renewal	Complete	Y/N
Buildings	TOTAL BUILDINGS BUDGET	\$100,000	\$356,000			\$0	\$0		
	Maitland Hall - Concrete Cancer		\$270,000	Nov-15	Jun-15		\$0	20.00%	N
CWMS	TOTAL CWMS BUDGET	\$117,000	\$153,000			\$860	\$1,030		
Water	TOTAL WATER BUDGET	\$27,000	\$0			\$0	\$0		
Transportation	TOTAL TRANSPORTATION BUDGET	\$1,571,072	\$5,335,542			\$17,610	\$151,633		
	S2 Rubble Raising	\$200,000		Jul-15	Jun-16	\$0		0.00%	N
	S3 Reseals		\$130,000	Jul-15	Jun-16		\$0	0.00%	N
	S6 McCauley Road		\$116,752	Dec-15	Feb-16		\$0	0.00%	N
	S8 Nalyappa Road		\$123,880	Aug-15	Oct-15		\$4,927	25.00%	N
	S9 North South Road		\$111,398	Apr-16	Jun-16		\$0	0.00%	N
	S11 Saint Road		\$101,002	Sep-15	Oct-15		\$0	0.00%	N
	S14 McFarlane Road		\$76,800	Aug-15	Sep-15		\$11,021	60.00%	N
	S16 Brutus Road		\$184,430	Sep-15	Oct-15		\$0	0.00%	N
	S18 Daly Head Road		\$219,206	Oct-15	Dec-15		\$0	0.00%	N
	S19 Dump Road		\$137,017	Apr-16	May-16		\$0	0.00%	N
	S20 Old Coast Road		\$156,316	May-16	Jun-16		\$0	0.00%	N
	S21 Old Port Vincent Road		\$175,749	May-16	Jun-16		\$0	0.00%	N
	S22 Recluse Road		\$95,375	Mar-16	Apr-16		\$0	0.00%	N
	S23 South Coast Road		\$189,949	Jul-15	Sep-15		\$126,395	80.00%	N
	S24 Waterloo Bay Road		\$50,129	Jan-16	Feb-16		\$0	0.00%	N
	S25 Wattle Point Road		\$84,564	Mar-16	Apr-16		\$0	0.00%	N
	S27 Clinton Road (subject to funding approval)	\$1,124,000		Oct-15	Apr-16	\$0		0.00%	N
	S30 Transport acceleration		\$3,000,000	TBA			\$0	0.00%	N
	E1 Harmer Road		\$88,996	Apr-16	Jun-16		\$0	0.00%	N
	E3 Weavers Road North		\$111,660	Feb-16	Apr-16		\$0	0.00%	N
	E5 Fourth Street, Arthurton	\$80,003		Oct-15	Dec-15	\$0		0.00%	N
	E8 Bramley Road, Edithburgh	\$79,069		Oct-15	Dec-15	\$0		0.00%	N
	E10 Cutline Road		\$67,322	Jun-16	Jun-16		\$0	0.00%	N
	E13 Footpath - Elizabeth Street, Maitland	\$50,000		Aug-15	Oct-15	\$13,636		25.00%	N
	E18 Polkinghorne Road		\$89,997	Jul-15	Apr-16		\$9,265	10.00%	N

2015/2016 Capital Budget
Projects Over \$50,000

		New	Renewal	Scheduled Start		Spent To Date		% Physically Complete	Reviewed
						New	Renewal		Y/N
Plant		\$175,000	\$1,484,000			\$0	\$24,788		
DH DH	Construction Grader		\$385,000	Aug-15	Oct-15		\$0	25.00%	N
	Front End Loader - Northern Construction		\$298,000	Aug-15	Oct-15		\$0	25.00%	N
	Front End Loader - Southern Construction		\$247,000	Aug-15	Oct-15		\$0	25.00%	N
	Works Vehicles		\$128,000	Jul-15	Jun-16		\$0	0.00%	N
	Admin Vehicles		\$396,000	Jul-15	Jun-16		\$24,788	6.00%	N
	12 Tonne Vibrating Roller	\$175,000		Aug-15	Oct-15	\$0		25.00%	N
Trade Ins			\$377,000						
Stormwater		\$67,500	\$0			\$3,060	\$0		
Other Assets		\$1,421,000	\$377,500			\$240,571	\$28,438		
E29	Walk the Yorke - as per Funding Agreement (400k Grant Funding)	\$800,000		Jul-15	Dec-15	\$209,638		96.50%	N
	Point Turton CP Cabin Furnishings Rejuvenation (10 Cabins) - High		\$65,000	Aug-15	Oct-15		\$0	0.00%	N
	Marion Bay CP Fire Hose Reel System - High	\$60,000		Apr-16	Jun-16	\$0		0.00%	N
	EDRMS System Installation	\$175,000		Aug-15	Feb-16	\$0		5.00%	N
	Council Phone System	\$27,000	\$50,000	Aug-15	Oct-15	\$0	\$0	12.00%	N
	32 Replacement Computers (Renewal Programme)		\$64,000	Jan-16	Apr-16		\$0	0.00%	N
	Marion Bay Boat Ramp Feasibility Study (50% SABFAC - \$50k)	\$100,000		Feb-16	Jun-16	\$0		0.00%	N
	Formby Bay Action Group - Remedial Work (\$92k less Grants etc of \$62k)	\$80,000		TBA		\$0		0.00%	N

DIRECTOR CORPORATE AND COMMUNITY SERVICES

DA/ITEM 6.2

2. COMMUNITY GRANTS 2015/2016

(File Ref: 9.24.1.1)

PURPOSE

The Grants Working Party submits to Council their recommendation for the distribution of Community Grants for 2015/2016.

RECOMMENDATION

That Council endorse the allocation of the following Community Grants for 2015/2016.

	Recipient	Amount
1	Maitland Pistol and Shooting Club	\$4,576
2	Ardrossan RSL	\$2,313
3	Edithburgh Golf Club	\$5,000
4	Edithburgh Institute Committee	\$5,000
5	Friends of Wauraltee	\$3,500
6	Rotary Club of Maitland	\$3,952
7	Warooka Bowling Club	\$3,000
8	Marion Bay Township	\$3,000
9	Port Victoria Progress Association	\$5,000
10	SA Sea Rescue Squadron	\$3,540
11	Point Turton Sailing Club	\$5,000
12	Maitland Bowling Club	\$4,770
13	Southern Yorke Peninsula Telecentre	\$2,200
14	Curramulka Cultural Heritage Group	\$4,950
15	Mission to Seafarers, Pt Giles	\$3,090
16	Yorke town Cricket Club	\$5,000
17	Ardrossan Hockey Club	\$2,929
18	Edithburgh Tourism & Town Planning Com.	\$5,000
19	Scouts Australia	\$5,000
20	Royal Volunteer Coastal Patrol	\$2,420
21	Artherton Bowling Club	\$2,977
22	Curramulka Community Club	\$5,000
23	Southern Yorke Peninsula Target Shooting Asso.	\$1,500
24	Yorke town Progress Association	\$5,000
25	Minlaton Tennis Club	\$990
26	Stansbury Golf Club	\$5,000
27	Pine Point Progress Association	\$965
28	Minlaton Bowling Club	\$5,000
29	Port Julia Progress Association	\$5,000
30	Warooka Progress Association	\$5,000
31	Minlaton Cricket Club	\$4,500
32	Port Clinton Progress Association	\$3,000
33	Clems Community Shed	\$5,000
34	Maitland APEX Club	\$5,000
35	Ardrossan & Districts Community Kindergarten	\$3,488
36	National Trust SA Minlaton Branch	\$5,000
37	Ardrossan Tidy Towns	\$4,000
38	CMS Football and Netball Club	\$3,500

39	Port Vincent Sailing Club	\$5,000
	TOTAL	\$154,160

LINK TO STRATEGIC PLAN

Key Theme: Corporate Governance & Leadership
2. Organisational Efficiency and Resource Management
Objective: 2.1 Financial Sustainable Organisation

BACKGROUND

Each year Council allocates 1% of its rates income to fund the Community Grants programme.

DISCUSSION

The Community Grants Scheme was advertised in the Yorke Peninsula Country Times issues dated 30th June and 7th July 2015 and on Council's website.

At the closing date, on 13th August 2015, 47 applications had been received seeking a total of \$184,066.75 in funding for projects involving a total spend of \$381,572.75.

12 applications were received from the Kalkabury Ward (12 successful for \$47,005 awarded).
19 applications were received from the Gum Flat Ward (14 successful for \$52,325 awarded).
16 applications were received from the Innes Penton Vale Ward (13 successful for a total of \$54,830 awarded).

The Grants Working Party considered all applications individually and, as a group, determined its recommendation for the distribution of the total funds available (\$154,160) at its meeting on the 25th of August 2015.

COMMUNITY ENGAGEMENT PLAN

A Level 1 – Inform, consultation process has been completed as outlined above.

CONSULTATION PROCESS

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

- Director Corporate and Community Services
- Executive Assistant to Director Corporate and Community Services
- Grants Working Party

In preparing this report, the following External Parties were consulted:

- Nil

POLICY IMPLICATIONS

PO149 Community Grants Policy

BUDGET AND RESOURCE IMPLICATIONS

A budget allocation consisting of 1% of the rates income is provided for the Community Grants programme each financial year. For 2015/16 the allocation is \$154,160 and 100% of the available funds have been allocated to community grant projects this year.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999

ATTACHMENTS

Attachment 1: Community Engagement Plan



COMMUNITY ENGAGEMENT PLAN

SF215

Responsible Officer: Business Improvement Officer

Issue Date: 10th June 2015

Next Review Date: June 2019

COMMUNITY GRANTS 2015/2016

Stakeholders	Level 1 INFORM	Responsibility	Start Date	End Date	Status	Evaluation Method
Community Groups	Website Public Notice	Director Corporate & Community Services	1/07/2015	13/08/2015	C	Applications received

DIRECTOR CORPORATE AND COMMUNITY SERVICES

DA/ITEM 6.2

3. MANAGEMENT & RECOVERY OF OUTSTANDING DEBTS POLICY

(File Ref: 9.24.1.1)

PURPOSE

For Council to endorse and adopt amendments to the Management & Recovery of Outstanding Debts Policy.

RECOMMENDATION

That Council endorse and adopt the updated Management & Recovery of Bad Debts Policy as presented in the Agenda for inclusion in Council's policy manual and on the website.

LINK TO STRATEGIC PLAN

Key Theme/s:	Corporate Governance and Leadership 2. Organisational Efficiency and Resource Management
Strategic Goal/s:	2.1 Financially sustainable organisation 2.4 Effective Risk Management

BACKGROUND

Council administration staff are reviewing how they undertake debt collection with the aim to achieve a more consistent approach to the management & recovery of outstanding debts.

DISCUSSION

Council administration staff are reviewing a more consistent and proactive approach to the management & recovery of outstanding debts whilst ensuring this service meets the guidelines of the Australian Competition & Consumer Commission (ACCC).

The aim of Council administration staff is a flexible approach, recognising debtors who are vulnerable and experiencing financial hardship and achieving results through meaningful and sustainable payment arrangements. It also addresses those debtors that may have the ability to pay, but choose not to and therefore may become recalcitrant towards paying their outstanding debts.

The guidelines developed by the ACCC are based on the fact that the need for debt collection activity will be greatly reduced when debtors act promptly and responsibly and our debt collection services are flexible, fair and realistic.

The Management & Recovery of Bad Debts Policy has been amended to reflect results of this review.

COMMUNITY ENGAGEMENT PLAN

Level 1, Inform

Decisions made in relation debt collection are made for legislative and financial reasons, and there is no opportunity for the public to influence these decisions and possibly impacting on compliance with legislation and guidelines.

CONSULTATION PROCESS

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

- Corporate Management Team
- Manager Financial Services

In preparing this report, the following External Parties were consulted:

- Nil

POLICY IMPLICATIONS

PO048 – Management & Recovery of Outstanding Debts

PO008 – Bad Debts – Delegation of Authority Policy

PO060 – Rates Relief Policy

PO018 – Hardship Policy for Residential Customers of Minor and Intermediate Water Retailers

BUDGET AND RESOURCE IMPLICATIONS

Having more effective and consistent debt collection processes should reduce the need to invoke costly last measure legal action to recover outstanding amounts.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999.

Australian Competition & Consumer Commission – Debt Collection Guideline: for Collectors and Creditors

Without appropriate policies, procedures and delegations in place, Council is placed at risk of non-compliance with legislation and guidelines.

ATTACHMENTS

Attachment 1: Draft Updated Council Policy – Management & Recovery of Outstanding Debts Policy



COUNCIL POLICY

Management & Recovery of Outstanding Debts Policy

Policy Number:	PO048		
Strategic Plan Objective	Financially Sustainable Organisation		
Policy Owner:	Director Corporate & Community Services	File Number:	9.63.1
Responsible Officer:	Manager Financial Services	Minute Reference:	092/2013 (08/05/2013)
Date Adopted:	08/05/2013	Next Review Date:	April 2018

1. POLICY OBJECTIVES

~~To assist in the process of management and recovery of outstanding debts to Council.~~

This Policy addresses both rates and general debts, and is designed to provide a consistent approach to debt management and recovery. The policy allows for "natural justice" for the person owing the debt, in that there are adequate steps in both processes for persons to approach Council and arrange for time payment plans and/or make payment prior to appropriate legal proceedings to recover overdue debts being taken.

The objective of this Policy is to:

- Ensure a fair, consistent and accountable approach to Council's debt management and collection decisions and practices.
- Assist in the efficient management of Council assets through the timely collection of outstanding monies.
- Ensure compliance with relevant legislation and guidelines.

2. SCOPE

This policy applies to all ratepayers of the Yorke Peninsula Council and debts recorded in Council's Accounts Receivable (Debtors) system.

3. DEFINITIONS

<u>Council</u>	<u>Yorke Peninsula Council</u>
<u>Debt</u>	<u>The amount of money owed by a debtor as a result of being levied rates and/or charges or undertaking a transaction with Council</u>
<u>Debtor</u>	<u>An individual, company, organisation or other party that owes a debt to Council</u>
<u>Financial Hardship</u>	<u>Means a circumstance of experiencing a lack of financial means, that may be either ongoing or temporary, but does not include circumstances where a person chooses not to meet a liability for an unpaid debt.</u>
<u>Rates & Charges</u>	<u>Rates, Services Charges and other charges as levied by Council.</u>

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2.4. POLICY STATEMENT

4.1 Debt management and recovery principles

The management and recovery of outstanding revenue is an important aspect of Council's financial management function. The principles that will apply in the management and recovery of debt are as follows: ~~Outstanding debts owing to the Council shall be managed and recovered as follows:-~~

- Council has a responsibility to recover monies owing to it in a timely and efficient manner to finance its operations and ensure effective cash flow management;
- Council will operate effective billing and debt collection processes;
- Council aims to minimise the amount of outstanding monies that it is owed;
- Debtors are expected to take responsibility for their Council debt obligations and to organise their affairs in such a way as to be able to discharge these obligations when required;
- If a debtor cannot meet their obligations on the due dates, it is in the interest of the debtor, and Council, for the debtor to contact Council at the earliest opportunity to make appropriate arrangements to address the debt;
- Council will explain the debtor's rights and obligations in relation to any action that Council might take to recover debt, prior to the commencement of formal debt collection action, including that all costs associated with the collection process shall be borne by the debtor;
- Council will not issue a letter of demand to a debtor without taking all reasonable steps to establish a payment arrangement or negotiate settlement of the outstanding debt;
- Once a letter of demand has been issued legal action will proceed and any settlement negotiations will be made on a 'without prejudice' basis so that the legal right to collect the debt is not compromised.

4.2 Hardship Customers

- Council will suspend debt recovery processes while negotiating a suitable payment arrangement with customers identified through the hardship provisions of Councils Hardship Policy for Residential Customers of Minor and Intermediate Water Retailers.
- Council will not engage in legal action or commence proceedings for the recovery of a debt relating to a **retail service** for a **hardship customer** if the customer has agreed to an acceptable payment arrangement and continues to adhere to the terms of that arrangement.

4.3 Debt Management

The following debt collection practices will be applied to all debts (rates and sundry debtors) over \$50 that are not subject to dispute which have been outstanding for 30 days past the due date for payment;

- First reminder letter will be forwarded, requesting payment within 14 days or to contact Council to enter into an arrangement.
- Where no response is received to the first reminder letter, a second reminder letter will be forwarded requesting payment within 14 days or to contact Council to enter into an arrangement.
- Where no response has been received to the second reminder letter a letter of demand for payment within 7 days will be forwarded. The letter will state that failure to make payment in full or to enter into an arrangement will result in the commencement of legal action.

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- Where no response has been received to the letter of demand, Council will proceed to recover the debt(s) through debt recovery processes, including legal proceedings.
- In the event that a default on a payment arrangement occurs, a first and final reminder letter will be forwarded for all amounts over \$200. The letter will state that failure to recommence the agreed arrangement within 7 days can result in the commencement of legal proceedings.

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General Debts (excluding Expiration Fees)

- ~~1) All debtors are to be issued an invoice detailing the service or charge levied by the Council as soon as practical after the debt has been incurred.~~
- ~~2) All debtors are to be issued monthly Statements itemising each and every invoice owed and outstanding by that debtor, together with the length of time each debt has been outstanding.~~
- ~~3) All debtors with invoices sixty (60) days (2 months) in arrears and exceeding an amount of twenty dollars (\$20) will be forwarded a letter under Council letterhead advising that those invoices are outstanding, and will be referred to Council's debt collection agency if payment is not received prior to the last day of the third month outstanding, or suitable arrangements for periodical payments of the debt is not agreed by Council.~~
- ~~4) Upon the expiration of the time detailed in 3. above, those debts of fifty dollars (\$50) or greater remaining outstanding shall be forwarded to Council's debt collection agency, where a letter under the letterhead of the collection agency shall be forwarded, advising that unless full payment is received within seven (7) days of the date of the letter, Council may proceed to instigate legal action to recover the debt.~~
- ~~5) Upon expiration of the prescribed time detailed in 4 above Council's Debt Collection Agency shall be authorised to proceed to recover those debts by the issuing of the required claims and, if required, to recover those debts by the issuing of the required claims and, if required, to recover the debt in the appropriate Court.~~
- ~~6) All costs associated with the collection process shall be borne by the debtor concerned, who shall be advised of this fact prior to the debt being forwarded to the Collection Agency.~~

Rates (less than three years)

~~Council shall take a fair and reasonable approach in collecting outstanding rates. Rate debtors shall be encouraged to make prompt payments of outstanding rates, but in cases where considered to be fair and reasonable, arrangements (preferably in writing) to effect payment of the rate debt will be pursued.~~

~~Collection procedures shall be as follows:~~

- ~~1) Rate debtors with an outstanding rate debt of twenty dollars (\$20) or greater shall be issued with a Notice of Overdue Rates as soon as practicable following the raising of fines and/or interest in accordance with Section 184(8) of the Local Government Act, 1999, as amended.~~
- ~~2) Rate debtors with rates in arrears of twenty dollars (\$20) or greater for ninety (90) days (3 months), or greater, will be forwarded a letter, under Council letterhead, advising that rates are outstanding and may be referred to Council's debt collection agency if payment of the total overdue amount is not received prior to the last day of~~

~~the fourth month outstanding, or suitable arrangements for periodical payment of the debt is not agreed by Council within that timeframe.~~

- ~~3) Upon the expiration of the time detailed in 2. above, those debts of eighty dollars (\$80) or greater remaining outstanding shall be forwarded to Council's debt collection agency, where a letter under the letterhead of the collection agency shall be forwarded advising, that unless payment in full is received within seven (7) days of the date of the letter, Council may proceed to instigate legal action to recover the debt.~~
- ~~4) Upon the expiration of the prescribed time detailed in 3. above, Council's debt collection agency shall be authorised to proceed to recover these debts by the issuing of the required claims and, if required, to recover the debt in the appropriate Court.~~
- ~~5) All costs associated with the collection process shall be borne by the debtor concerned, who shall be advised of this fact prior to the debt being forwarded to the Collection Agency.~~

4.4 Rates Outstanding – three (3) years or greater

In accordance with Section 184 of the Local Government Act 1999, Council may sell land for the non-payment of rates.

The Director Corporate & Community Services will report to Council in regard to any rate debtors that have remained unpaid following implementation of recovery action as detailed above, and are in arrears for three years or more. Council will give the Director Corporate & Community Services direction on recovery action pursuant to Section 184 of the Local Government Act 1999 on presentation of such a report.

~~Where rates are outstanding for a period of three (3) years or greater the following process of debt recovery shall apply:~~

- ~~1) All such debts outstanding shall be notified to Council advising that the debt collection process in this policy is recommended to be implemented.~~
- ~~2) Upon direction of Council as referred to in 1. above, written notice under the Council's letterhead shall be forwarded to each debtor advising Council's ability to recover rates via sale of land (no threat to proceed) and requesting their co-operation by making full payment of the debt within one (1) month of the date of the letter.~~
- ~~3) Any proposal by the debtor (in writing) to make periodical payments of the outstanding amount shall be considered by Council on its merits.~~
- ~~4) If payment is not received in full upon the expiration of the time detailed above, the required information shall be forwarded to Council's legal advisers for processing pursuant to Section 184 of the Local Government Act 1999, as amended.~~
- ~~5) Where arrangements for periodic payments, refer 2. above, is allowed by Council, and the rate debtor does not make any payments as agreed, the Debt Collection Policy outlined above for debts outstanding for three (3) year or greater, shall be implemented.~~
- ~~6) Where arrangements for periodic payments, refer 2. above, is allowed by Council and the rate debtor makes some payments but does not pay the account in full in the time agreed, the Debt Collection Policy outlined above for debts outstanding for less than three (3) years shall be implemented.~~

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35. COMPLAINTS

Refer to PO147 Complaints

46. REVIEW

This policy will be reviewed every 5 years~~Every 5 years~~ and as deemed necessary in consideration of any changes to legislation, relevant standards, codes and guidelines.

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57. TRAINING

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

68. RELATED COUNCIL POLICIES AND DOCUMENTS

Delegations Register

PO018 Hardship Policy of Residential Customers of Minor and Intermediate Water Retailers

79. REFERENCES AND LEGISLATION

Local Government Act 1999

810. COUNCIL DELEGATION

Delegate:	Chief Executive Officer
Sub Delegate:	Director Corporate & Community Services

911. VERSION HISTORY

Archived Policy Name	Policy Number	Date Adopted	Last Reviewed
<u>Management & Recovery of Outstanding Debts Policy</u>	<u>PO048</u>	<u>8/5/2013</u>	<u>8/5/2013</u>

DIRECTOR CORPORATE AND COMMUNITY SERVICES

DA/ITEM 6.2

4. ESCOSA REPORTING REQUIREMENTS AND POLICIES

(File Ref: 9.24.1.1)

PURPOSE

To seek approval from Council for endorsement and adoption of the amended Policy required under the Water industry Act 2012 as requested by the Essential Services Commission of South Australia (ESCOSA).

RECOMMENDATION

That Council endorse and adopt PO018 Hardship Policy for Residential Customers of Minor and Intermediate Water Retailers amendment as amended and presented for inclusion in Council's policy manual and on Council's website.

LINK TO STRATEGIC PLAN

Key Theme: Corporate Governance and Leadership
2. Organisational Efficiency and Resource Management
Strategic Goal: 2.1 Financially Sustainable Organisation

BACKGROUND

The Essential Services Commission of South Australia (ESCOSA) was established as the reporting body for water retailers under the Water Industry Act 2012. Regulatory reporting requirements were introduced and Council conducted its first round of reporting in November 2014.

The original Policy was submitted to the July 2015 meeting of Council and subsequently endorsed. ESCOSA has since requested further changes requiring review of the endorsed policy.

DISCUSSION

The Annual Compliance Report provided to Council following the first regulatory reporting period advised it was a requirement under the Water Industry Act 2012 and associated regulations that Council formally endorse and adopt the Minister for Communities and Social Inclusion's Hardship Policy for Residential Customers of Minor and Intermediate Water Retailers (attachment 1).

The policy, PO 018 Hardship Policy for Residential Customers of Minor and Intermediate Water Retailers, was presented and adopted at the 8th of July 2015 Council meeting at item DA/CCSR4.

Following endorsement of that policy, ESCOSA determined that a further section needed to be included in Council's endorsed policy.

This information is now included in the policy at sections 4.1 and 4.2 on pages 5-7 of the amended policy and highlighted in yellow.

COMMUNITY ENGAGEMENT PLAN

Level 1 – Inform

CONSULTATION PROCESS

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

- Manager Financial Services
- Financial Accountant
- Infrastructure Coordinator
- Governance Officer

In preparing this report, the following External Parties were consulted:

- Essential Services Commission of South Australia

POLICY IMPLICATIONS

Update PO147 Complaints Policy

BUDGET AND RESOURCE IMPLICATIONS

Application of PO018 Hardship Policy may impact on collection of debtor accounts relating to Council Water Schemes however it is anticipated that this will be minor in nature.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Ensuring compliance with legislation under the Water Industry Act 2012

ATTACHMENTS

Attachment 1: PO018 Hardship Policy for Residential Customers of Minor and Intermediate Water Retailers with amendments

Attachment 2: Community Engagement Plan



COUNCIL POLICY

Hardship Policy for Residential Customers of Minor and Intermediate Water Retailers

Policy Number:	PO018		
Strategic Plan Objective	Corporate Governance and Leadership 2. Organisational Efficiency and Resource Management 2.1 Financially Sustainable Organisation		
Policy Owner:	Director Corporate & Community Services	File Number:	7.63.1
Responsible Officer:	Manager Financial Services	Minute Reference:	173/2015(8/7/15)
Date Adopted:	8 th July 2015	Next Review Date:	July 2020

1. POLICY OBJECTIVES

- 1.1 Yorke Peninsula Council is committed to assisting **residential customers** of **water** and **sewerage services**, who are experiencing **financial hardship**, to manage their payments in a manner that best suits the **customer**, and ensuring they remain connected to a **retail service**.
- 1.2 The purpose of this **policy** is to identify **residential customers** who are experiencing payment difficulties due to **hardship**, and assist those **customers** to better manage their bills on an ongoing basis.
- 1.3 This **policy** sets out:
 - processes to identify **residential customers** experiencing payment difficulties due to **hardship**, including identification by us, self-identification by a **residential customer**, identification by an **accredited financial counsellor**, or welfare agency, and
 - an outline of a range of processes or programs that **we** will use, or apply, to assist **our customers** who have been identified as experiencing payment difficulties.
- 1.4 This policy is based on the customer hardship policy for minor and intermediate retailers, made by the Minister for Communities and Social Inclusion, pursuant to section 37 of the Water Industry Act 2012, under a delegation by the Minister for Water and the River Murray, without modification.

2. SCOPE

This Policy applies to all residential customers of water and sewerage services seeking deferment of payment for reasons of hardship.

3. DEFINITIONS

Accredited Financial Counsellor	in South Australia, accredited financial counsellor means a person who holds a Diploma of Community Services (Financial Counselling), and who has worked at least 12 months as a financial counsellor under the supervision of the South Australian Financial Counsellors Association
Connection	means an agreed point of supply at which a customer receives a retail service from a supplier
Consumer	means a person supplied with retail services as a consumer or user of those services (as defined in the <i>Water Industry Act 2012</i>) (<i>Note: you may be a consumer by virtue of being a council ratepayer</i>)
Customer	<p>means a person who owns land in relation to which a retail service is provided and includes:</p> <ul style="list-style-type: none"> - where the context requires, a person seeking the provision of a retail service, and - in prescribed circumstances, a person supplied with retail services as a consumer or user of those services (without limiting the application of this definition to owners of land), and - a person of a class declared by the regulations to be customers <p>(as defined in the <i>Water Industry Act 2012</i>) (<i>Note: you may be a customer by virtue of being a council ratepayer</i>)</p>
Customer Hardship Policy	means this policy for minor and intermediate retailers , that has been adopted by Yorke Peninsula Council, in accordance with section 37 of the <i>Water Industry Act 2012</i>
Financial Counsellor	means accredited financial counsellor

Financial Hardship	means a circumstance of experiencing a lack of financial means, that may be either ongoing or temporary, but does not include circumstances where a person chooses not to meet a liability for an unpaid debt
Hardship	means financial hardship
Hardship Customer	means a residential customer who has been identified under, accepted into, or is eligible for assistance under our hardship program
Hardship Program	means an agreement between us and a hardship customer for payment of outstanding sums due for retail services
Intermediate Retailer	means a retailer that provides retail services to more than 500 but less than 50000 connections
Minor Retailer	means a retailer that provides retail services to less than 500 connections
Our, Us, We	means Yorke Peninsula Council
Regulations	means regulations under the <i>Water Industry Act 2012</i>
Residential Customer	means a customer or consumer who is supplied with retail services for use at residential premises (as defined in the <i>Water Industry Act 2012</i>) (<i>Note: you may be a residential customer by virtue of being a council ratepayer</i>)
Retail Service	<p>means a service constituted by:</p> <p>the sale and supply of water to a person for use (and not for resale other than in prescribed circumstances (if any)) where the water is to be conveyed by a reticulated system, or</p> <p>the sale and supply of sewerage services for the removal of sewage (<i>including but not limited to community wastewater management systems</i>)</p> <p>(even if the service is not actually used) but does not include any service, or any service of a class, excluded from the ambit</p>

	of this definition by the regulations (as defined in the <i>Water Industry Act 2012</i>).
Retailer	means the holder of a licence issued by the Essential Services Commission of South Australia under the <i>Water Industry Act 2012</i>
Sewage	includes any form of waste that may be appropriately removed or dealt with through the use of a sewerage service (as defined in the <i>Water Industry Act 2012</i>)
Sewerage service	<p>means:</p> <p>a service constituted by the collection, storage, treatment or conveyance of sewage through the use of a reticulated system, or</p> <p>any other service, or any service of a class, brought within the ambit of this definition by the regulations</p> <p>(as defined in the <i>Water Industry Act 2012</i>)</p> <p>(Note: sewerage service includes but not limited to community wastewater management systems)</p>
Water	includes rainwater, stormwater, desalinated water, recycled water and water that may include any material or impurities, but does not include sewage (as defined in the <i>Water Industry Act 2012</i>)
Water Service	<p>means:</p> <p>a service constituted by the collection, storage, production, treatment, conveyance, reticulation or supply of water, or</p> <p>any other service, or any service of a class, brought within the ambit of this definition by the regulations.</p> <p>(as defined in the <i>Water Industry Act 2012</i>)</p>

4. POLICY STATEMENT

4.1 Identifying residential customers experiencing financial hardship

- 4.1.1 A **residential customer** experiencing **financial hardship** is someone who is identified by themselves, by **us**, by an **accredited financial counsellor**, or by a welfare agency as having the intention, but not the financial capacity, to make required payments in accordance with **our** payment terms.
- 4.1.2 There are two types of **financial hardship**: ongoing and temporary. Depending on the type of **hardship** being experienced, **hardship customers** will have different needs and will require different solutions.
- 4.1.3 **Residential customers** who are identified as experiencing ongoing **hardship** are generally those on low or fixed incomes. These **customers** may require ongoing assistance.
- 4.1.4 **Residential customers** who may be identified as experiencing temporary **hardship** are those who have experienced a short-term change in circumstances, such as serious illness, disability or death in the family, loss or change in income, separation, divorce or other family crisis, a loss arising from an accident, or some other temporary financial difficulty. These **customers** generally require flexibility and temporary assistance, such as an extension of time to pay or an alternative payment arrangement.
- 4.1.5 The extent of **hardship** will be determined by either **our** assessment process or by an external body, such as an **accredited financial counsellor**.
- 4.1.6 Where we assess a **residential customer's** eligibility for **hardship** assistance, we **will** consider indicators including (but not limited to) whether:
- the **customer** is on a Centrelink income and holds a Pensioner Concession Card or holds a Centrelink Low Income Health Care Card
 - the **customer** is eligible for a South Australian Government concession
 - the **customer** has been referred by an **accredited financial counsellor** or welfare agency
 - the **customer** advises they have previously applied for emergency relief (irrespective of whether or not their application was successful)
 - the **customer's** payment history indicates that they have had difficulty meeting their **retail services** bills in the past
 - the **customer**, through self assessment, has identified their position regarding their ability to pay.

4.2 Assisting residential customers who are experiencing financial hardship

- 4.2.1 We will inform a **residential customer** of this **customer hardship policy** where:
- it appears to **us** that non-payment of a bill for **retail services** is due to the **customer** experiencing payment difficulties due to **hardship**, or
 - we are proposing to install a flow restriction device.
- 4.2.2 Where a **residential customer** has been identified as experiencing **financial hardship**, we will offer the **customer**, as soon as is reasonably practicable, flexible and frequent payment options that have regard to the **hardship customer's** usage, capacity to pay and current financial situation. These options will include the following:
- an interest and fee free payment plan that complies with clauses 28 to 32,

- Centrelink's Centrepay service (only where available), or
 - other arrangement, under which the **customer** is given more time to pay a bill or to pay in arrears (including any disconnection or restriction charges),
- recognising that some **residential customers** have a short-term **financial hardship** issue that may be resolved in the near to medium-term, where others may require a different type of assistance for ongoing financial issues.
- 4.2.3 **We** will not charge a **residential customer** a reconnection charge where that **customer** is experiencing **financial hardship** and should have been identified as eligible for this **customer hardship policy**, so long as the **customer** agrees to participate in **our hardship program**, upon reconnection.
- 4.2.4 **We** will engage in discussion with the **hardship customer** to determine a realistic payment option in line with the **customer's** capacity to pay.
- 4.2.5 **We** will work with a **hardship customer's financial counsellor** to determine the payment arrangement and instalment amount that best suits the **customer** and their individual circumstances.
- 4.2.6 Where a **hardship customer's** circumstances change, **we** will work with the **customer**, and their **financial counsellor**, to re-negotiate their payment arrangement.
- 4.2.7 **We** will not require a **hardship customer** to provide a security deposit.
- 4.2.8 **We** will not restrict a **hardship customer's retail services** if:
- the **customer** has agreed to a payment arrangement and continues to adhere to the terms of that arrangement, or
 - **we** have failed to comply with the requirements of this **customer hardship policy**, or
 - the **customer's retail service** is a community wastewater management system or other sewerage service.
- 4.2.9 **We** will also offer the **hardship customer**:
- where appropriate, information about the right to have a bill redirected to a third person, as long as that third person consents in writing to that redirection
 - information about, and referral to, Commonwealth and South Australian Government concessions, rebates, grants and assistance programs
 - information about, and referral to, accredited financial and other relevant counselling and support services, particularly where a **customer** is experiencing ongoing **financial hardship**.
- 4.2.10 Where a **hardship customer** requests information or a redirection of their bills, **we** will provide that information or redirection free of charge.
- 4.2.11 **We** will provide information to the **hardship customer** on how to reduce usage and improve **water** efficiency, which may include referral to relevant government **water** efficiency programs. This will be provided at no charge to the **customer**.
- 4.2.12 **We** will explain to the **hardship customer** how and when the **customer** will be returned to regular billing cycles (and collection), after they have successfully completed the **hardship program**.
- 4.2.13 **We** will also explain to the **hardship customer** that they will be removed from **our hardship program**, and be returned to **our** standard collection cycles, including debt recovery, should they cease to make payments according to the agreed payment arrangement or fail to contact **us** for a period of greater than 90 days.

4.2.14 **We** will not take any action to remove a **customer** from our **hardship program** until **we** have sent the **customer** a written notice, allowing them 10 working days from the date of the notice to contact **us** to re-negotiate their re-entry into the program.

4.3 Retail services provided by Councils

4.3.1 Council rates are made up of **retail services** (as defined in this policy) and non-retail services, for example refuse collection.

4.3.2 If you are a **residential customer** in receipt of a **retail service** provided by a council and you are experiencing **financial hardship**, then only the **retail service** element of the council rates will be subject to the terms of this **hardship** policy. All or any other sums that are due to the council for non-retail services may be dealt with under the council's existing **hardship** policies. The council may exercise its discretion to apply this hardship policy to other sums due.

4.4 Payment plans

4.4.1 Our payment plan for a **hardship customer** will be established having regard to:

- the **customer's** capacity to pay and current financial situation
- any arrears owing by the **customer**, and
- the **customer's** expected usage needs over the following 12 month period.

4.4.2 The payment plan will also include an offer for the **hardship customer** to pay for their **retail services** in advance or in arrears by instalment payments at a frequency agreed with the **customer** (e.g. weekly, fortnightly, monthly or as otherwise agreed with the **customer**).

4.4.3 Where a payment plan is offered to a **hardship customer**, **we** will inform the **customer** in writing, within 10 business days of an agreement being reached, of:

- the duration of the plan
- the amount of each instalment payable under the plan, the frequency of instalments and the date by which each instalment must be paid
- if the **customer** is in arrears – the number of instalments to pay the arrears, and
- if the **customer** is to pay in advance – the basis on which instalments are calculated.

4.4.4 **We** will waive any fees for late payment of a bill for a **hardship customer**.

4.4.5 Where a **hardship customer** is seeking assistance in accordance with this **policy**, but has failed to fulfil their obligations under an existing hardship arrangement, **we** will require them to sign up for direct debit deductions or Centrepay (where available).

4.5 Debt recovery

4.5.1 **We** will suspend debt recovery processes while negotiating a suitable payment arrangement with a **hardship customer**.

4.5.2 **We** will not engage in legal action or commence proceedings for the recovery of a debt relating to a **retail service** for a **hardship customer** if:

- the **customer** has agreed to a payment arrangement and continues to adhere to the terms of that arrangement, or
- **we** have failed to comply with the requirements of this **customer hardship policy**.

4.6 Rights of residential customers experiencing financial hardship

4.6.1 Every **residential customer** experiencing **financial hardship** has the right to:

- Be treated respectfully on a case-by-case basis, and have their circumstances kept confidential.
- Receive information about alternative payment arrangements, this **customer hardship policy**, and government concessions, rebates, grants and assistance programs.
- Negotiate an amount they can afford to pay on a payment plan or other payment arrangement.
- Consider various payment methods, and receive written confirmation of the agreed payment arrangement within 10 business days.
- Renegotiate their payment arrangement if there is a change in their circumstances.
- Receive information about free and independent, **accredited financial counselling services**.
- Receive a language interpreter service at no cost to the customer.
- Be shielded from legal action and additional debt recovery costs, whilst they continue to make payments according to an agreed payment arrangement.
- Not have **retail services** restricted or disconnected as long as they have agreed to a payment arrangement and continue to make payments according to an agreed plan.

4.7 General provisions

- 4.7.1 **We** will ensure **residential customers** have equitable access to this **customer hardship policy**, and that this **policy** is applied consistently.
- 4.7.2 **We** will ensure appropriate training of staff dealing with **residential customers in hardship** to enable them to treat **customers** with respect and without making value judgements. Training will also assist staff in the early identification of **hardship customers**, with establishing payment plans based on a **hardship customer's** capacity to pay, and include processes for referral to an **accredited financial counsellor** or welfare agency for assistance.
- 4.7.3 This **customer hardship policy** is available on **our** website: www.yorke.sa.gov.au.
- 4.7.4 **We** will also make a copy of this **policy** available to a **customer**, upon request, and at no charge to the **customer**, as soon as practicable following a request to do so.
- 4.7.5 This **customer hardship policy** does not limit or prevent **us** from waiving any fee, charge or amount of arrears for the provision of **retail services** to **customers** who are experiencing **financial hardship**.

4.8 Confidentiality

- 4.8.1 Any information disclosed by a **customer** is confidential and will not be used for any purpose other than the assessment of an application for assistance.

5. COMPLAINTS

Details of **our** customer complaints and dispute resolution process are available at **our** website: www.yorke.sa.gov.au. **We** will also make a copy of this process available to a **residential customer**, upon request, and at no charge to the **customer**.

A **residential customer** experiencing **hardship** has a right to have any complaint heard and addressed by **us**, and in the event that their complaint cannot be resolved, the right to escalate their complaint to the external dispute resolution body approved by the Essential Services Commission of South Australia.

6. REVIEW

This policy will be reviewed every five (5) years or as required by the Essential Services Commission of South Australia under the Water Regulations Act 2012.

7. TRAINING

Relevant employees with delegated authority to consider requests will be trained to manage requests efficiently and effectively.

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

8. RELATED COUNCIL POLICIES AND DOCUMENTS

Water Services Customer Charter IS126
Water Services Customer Contract
Complaints Policy PO147

9. REFERENCES AND LEGISLATION

Local Government Act 1999
Water Industry Act 2012
Water Industry Regulations 2012
Water Retail Code – Minor and Intermediate Retailers
Water Industry Guideline No. 2 (WG2/01)

10. COUNCIL DELEGATION

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

11. VERSION HISTORY

Archived Policy Name	Policy Number	Date Adopted	Last Reviewed

DRAFT



COMMUNITY ENGAGEMENT PLAN

SF215

Responsible Officer: Business Improvement Officer

Issue Date: 10th June 2015

Next Review Date: June 2019

ESCOSA Hardship Policy Amendments

Stakeholders	Level 1 INFORM	Responsibility	Start Date	End Date	Status	Evaluation Method
Affected residents	Website	Manager Financial Services	17/08/2015	30/09/2015	NS	Information Published on web.

DIRECTOR ASSETS & INFRASTRUCTURE SERVICES

DA/ITEM 6.3

1. REVISED TRANSFER STATION GATE FEES (File Ref: 9.24.1.1)

PURPOSE

The purpose of this report is to seek consideration by Council to endorse the revised gate fees for the three (3) Transfer Stations.

RECOMMENDATION

That Council:

1. endorse the revised gate fees as proposed by Transpacific.
2. approve the updating of these fees within the Fees and Charges Register.

LINK TO STRATEGIC PLAN

Key Theme/s: Sustainable Communities
1. Sustainable Infrastructure
Strategic Goal/s: 1.3 Provide waste and recycling services to our community in order to reduce waste to landfill.

BACKGROUND

Gate fees associated with Transfer Station operations are generally reviewed on an annual basis by the contractor (Transpacific) and provided to Council for endorsement.

At the Wednesday 12th of August 2015 Council meeting a motion to endorse the revised gate fees as proposed by Transpacific and approve the updating of these fees within the Fees and Charges Register was lost (DA/AIS/R1).

Following this meeting I contacted Transpacific to advise them of the outcome, in particular the debate surrounding the proposed fees for e-waste.

Transpacific have subsequently removed some of the additional fees associated with e-waste.

Transpacific have also advised that they will work on developing a campaign-based e-waste disposal model, for future consideration.

DISCUSSION

Transpacific are exercising their rights pursuant to the Service Rates Schedule of the contract for the Management and Operation of Resource Recovery Centres to adjust gate fees annually at the three Transfer Station sites being CYP (near Artherton), Ramsay (near Port Vincent) and Warooka.

The proposed adjustments are set out in IS043 Transfer Stations (Resource Recovery Centres) (Attachment 1). I have taken the liberty to highlight the existing (old), previously proposed and current revised (new) fees for consideration.

COMMUNITY ENGAGEMENT PLAN

Level 1 Inform – website

The community will be informed of the changes to the gate fees by the updating of IS043 Transfer Stations (Resource Recovery Centres) and the Fees and Charges Register on Council's website.

CONSULTATION PROCESS

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

- Nil

In preparing this report, the following External Parties were consulted:

- Nil

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

Not applicable

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

There may be an increased risk of illegal dumping as a result of increases to the gate fees.

ATTACHMENTS

Attachment 1: IS043 Transfer Stations (Resource Recovery Centres)

PRINCIPAL OFFICE:
8 Elizabeth Street, Maitland
Telephone (08) 8832 0000
ALL CORRESPONDENCE TO:
P.O. Box 88, MINLATON, SA 5575
Fax (08) 8853 2494
Email: admin@yorke.sa.gov.au
Website: www.yorke.sa.gov.au



TRANSFER STATIONS (RESOURCE RECOVERY CENTRES)

IS043

Responsible Officer: Operations Manager

Issue Date:

Next Review Date: June 2016

OPENING TIMES

CYP (near Arthurton)		Ramsay		Warooka	
Tuesday	1.00pm – 4.00pm	Tuesday	7.30am – 12.00pm	Wednesday	12.00pm – 4.00pm
Thursday	7.30am – 11.00am	Thursday	12.00pm – 4.00pm	Saturday	2.00pm – 4.00pm
Saturday	8.30am – 10.00am	Saturday	11.00am – 1.00pm	Sunday	8.30am – 10.00am
Sunday	2.00pm – 4.00pm	Sunday	11.00am – 1.00pm		

FEE SCHEDULE

Description	Clean Green		Domestic and General		Inert Construction and Demolition		Asbestos	
	2014-15 Fee	2015-16 Fee	2014-15 Fee	2015-16 Fee	2014-15 Fee	2015-16 Fee	2014-15 Fee	2015-16 Fee
Cars (Sedans)	\$18	\$20	\$24	\$25	N/A		\$121	\$125
Utilities and trailers up to 6X4 not exceeding water level	\$23	\$25	\$31	\$35	\$34	\$35	\$121	\$125
Utilities and trailers up to 6X4 raised over water level	\$40	\$40	\$61	\$65	\$53	\$55	\$182	\$190
Utilities and trailers up to 8X5 not exceeding water level	\$36	\$35	\$53	\$55	\$48	\$50	\$182	\$190
Utilities and trailers up to 8X5 raised over water level	\$54	\$55	\$76	\$80	\$72	\$75	\$182	\$190
Utilities and trailers larger than 8X5 not exceeding water level	\$71	\$75	\$106	\$110	\$86	\$90	POA	
Utilities and trailers larger than 8X5 raised over water level	\$89	\$90	\$136	\$145	\$105	\$115	POA	
Trucks 10 m3 and under (e.g. Single rear Axle trucks)	\$176	\$180	\$301	\$320	\$190	\$205	POA	
Trucks 15 m3 and under (e.g. Single rear Axle trucks)	\$353	\$360	\$602	\$635	\$380	\$410	N/A	
Trucks 15 m3 to 22m3 (e.g. Single rear Axle trucks)	\$618	\$635	\$1054	\$1110	\$665	\$715	N/A	
Trucks 22m3 to 29m3 (e.g. Single rear Axle trucks)	\$883	\$905	\$1507	\$1590	\$951	\$1020	N/A	
Trucks larger than 29m3 (e.g. Single rear Axle trucks)	\$1060	\$1085	\$1808	\$1910	\$1141	\$1225	N/A	

ADDITIONAL CHARGE PER ITEM	
Mattresses	\$20
Gas Cylinders	\$20
Car Tyre	\$15
4WD Tyre	\$25
Light Truck Tyre	\$25
Truck Tyre	\$45
RECYCLING	
Metals and batteries	FREE
E-WASTE	
Batteries and calculators etc	FREE
Computers, keyboards, mice and televisions	FREE
Small Items – iPods, blenders etc	\$5
Medium Items – vacuum cleaners, scanners	\$12
Extra Large Items – photocopiers, large printer etc	\$50
OTHER INFORMATION	
<ul style="list-style-type: none"> ▪ All sites are managed and operated by Transpacific Industries Group Ltd – Telephone 8867 1355 ▪ Special loads: POA – Contact Transpacific on telephone 8867 1355 ▪ Prices include EPA Levy (if applicable) and GST. ▪ Clean Green: Tree or lawn clippings and clean timbers. Treated timber not permitted. ▪ Domestic and General: General household and mixed wastes. ▪ Inert Construction and Demolition: Loads containing soil, concrete or other inert materials. ▪ Asbestos: Delivered as per regulations (Ramsay site only). Material must be man-handleable and is the driver's responsibility to unload. ▪ No prescribed waste. ▪ E-Waste: Domestic quantities only. Maximum of two televisions per load per customer. ▪ EFTPOS preferred. 	
PLEASE COVER YOUR LOAD	

DIRECTOR DEVELOPMENT SERVICES

DA/ITEM 6.4

1. AUTHORISATION TO SIGN LAND MANAGEMENT AGREEMENT

(File Ref: 9.24.1.1)

PURPOSE

To seek authorisation from Council for the Mayor and Chief Executive Officer to execute a Land Management Agreement relating to development at Section 232 Hundred of Minlacowie, commonly known as 28 Foreshore Road, Hardwicke Bay.

RECOMMENDATION

That Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal on the relevant documents relating to the Land Management Agreement over land described as Section 232 Hundred of Minlacowie in the area named Hardwicke Bay.

LINK TO STRATEGIC PLAN

Key Theme/s:	Sustainable Communities 2. Progressive & Sustainable Development
Strategic Goal/s:	2.3 Continue to guide sustainable and integrated land use and development through the Development Plan and assessing and monitoring development applications.

BACKGROUND

David Leslie Sheldon and Tania Narelle Sheldon ("the Owner") have requested Council to execute documents to permit a Land Management Agreement (LMA) to be registered on the Title of the land subject to development application 544/1074/2015.

The Subject Land is Section 232 Hundred of Minlacowie in the area named Hardwicke Bay ("the Land"), commonly known as 28 Foreshore Road, Hardwicke Bay.

The LMA was offered as part of development application 544/1074/2015 which is for the demolition of an existing dwelling, carport and sheds; and the construction of a new two storey dwelling.

DISCUSSION

The Land is within the Settlement Zone in the Yorke Peninsula Council Development Plan and within 100 metres of the high water mark of the coast. Due to the proximity of the Land to the coast, the allotment is considered not suitable for on-site wastewater disposal.

The current Hardwicke Bay Community Wastewater Management Scheme (CWMS) does not extend to the locality, nor does it have sufficient capacity to permit further connections to the system.

The Owner proposes to enter into the LMA committing to the installation of an on-site holding tank with future connection to the CWMS when there is sufficient capacity to accept additional connections.

The LMA also provides for the Owner to contribute twelve thousand dollars (\$12,000) to a Council Reserve Fund for the future expansion of the CWMS in the locality.

The LMA will be registered on the Certificate of Title of the Land and will be binding on the current and future owner of the Land.

COMMUNITY ENGAGEMENT PLAN

Level 1: Providing information to assist understanding of how decisions were made

CONSULTATION PROCESS

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

- Nil

In preparing this report, the following External Parties were consulted:

- Nil

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

Costs associated with the registration of the LMA on the land Title are borne by the land owner. There are no immediate or ongoing costs to Council other than the administration issues associated with signing the relevant documentations.

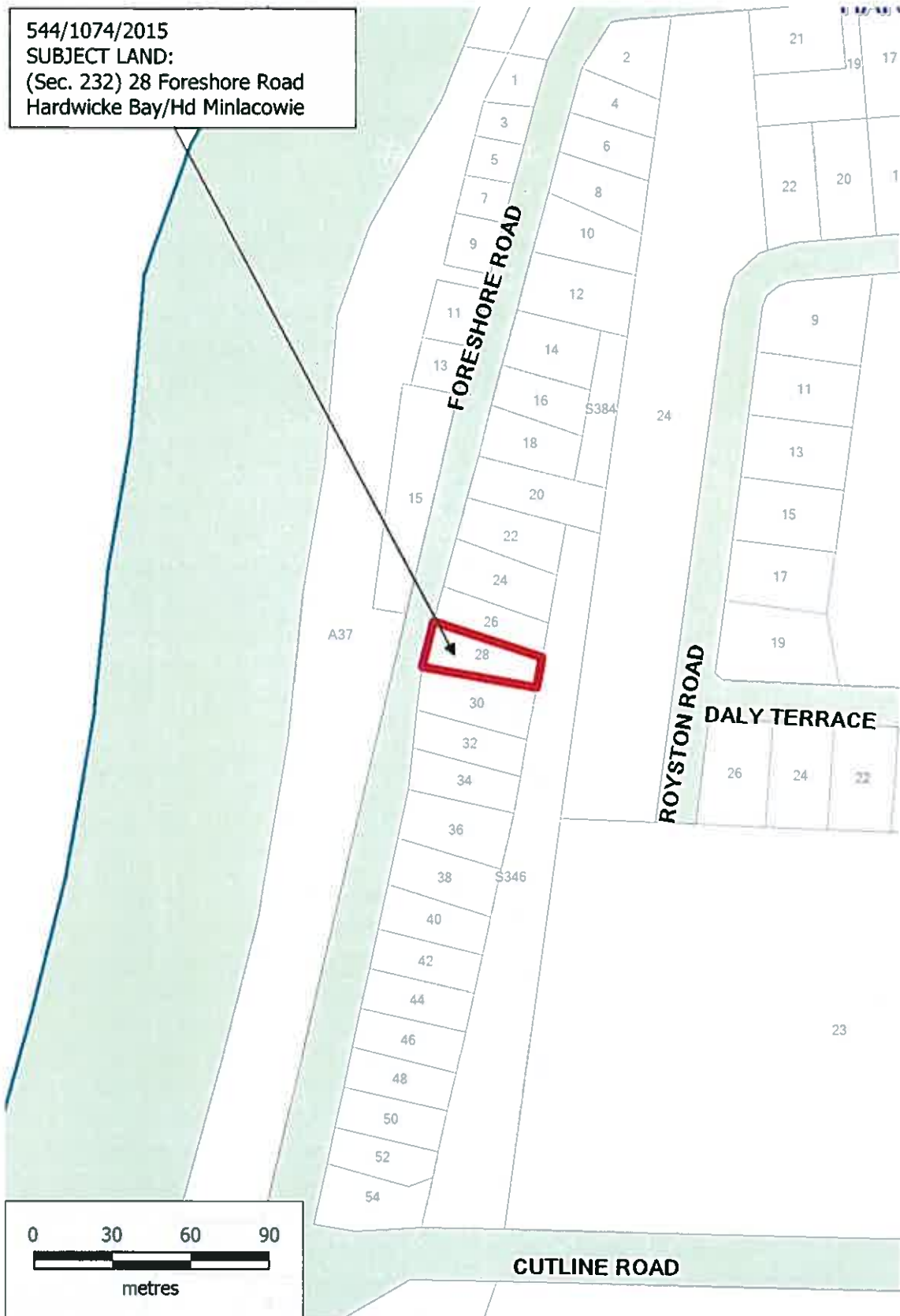
RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Development Act, Section 57
Local Government Act, Section 38(1)

ATTACHMENTS

Attachment 1: Locality Plan

Attachment 2: Land Management Agreement



**LAND MANAGEMENT AGREEMENT
BY DEED**

BETWEEN:

YORKE PENINSULA COUNCIL
("the Council")

AND

DAVID LESLIE SHELDON and TANIA NARELLE SHELDON
("the Owner")

THIS DEED is made the

day of

2015

BETWEEN:

YORKE PENINSULA COUNCIL of 8 Elizabeth Street MAITLAND SA 5573 ("the Council") of the one part

And

THE PERSON NAMED IN ITEM 1 OF THE SCHEDULE of the address specified in Item 1 of the Schedule (hereinafter with its successors and assigns, as the case may be, referred to as "the Owner") of the other part

RECITALS:

- A. The Owner is the registered proprietor of an estate in fee simple in the whole of the land specified in Item 2 of the Schedule ("the Land").
- B. Save and except the Owner and the person(s) specified in Item 3 of the Schedule, if any, as at the date of this Deed no other person has any legal interest in the Land.
- C. The Owner has sought Development Plan Consent from the Council pursuant to the provisions of the Development Act 1993 ("the Act") to construct a dwelling on the Land in accordance with the plans described in Item 4 of the Schedule ("the Dwelling").
- D. The Council is prepared to grant Development Plan Consent to the Dwelling provided the Owner agrees to provide for the installation of a temporary containment (holding tank) with a future connection to a Community Wastewater Management Scheme ("the CWMS") and which is to be constructed by the Council at some appropriate future time.
- E. The Owner has obtained independent legal advice as to the content and effect of

this Deed.

- F. Pursuant to the provisions of section 57(2) of the Act the Owner has agreed with the Council to enter into this Deed relating to the future development, management, preservation and conservation of the Land subject to the terms and conditions that follow.

NOW THIS DEED WITNESSES and IT IS AGREED by and between the parties:

1. RECITALS

- 1.1** The parties acknowledge and declare both that the matters referred to in the recitals to this Deed are true and correct in every particular and that the recitals shall form part of this Deed.

2. DEFINITIONS AND INTERPRETATION

2.1 Definitions

In this Deed, unless the context otherwise requires, the following words and expressions shall have the following meanings:

- 2.1.1 “the Council”** means the Yorke Peninsula Council and includes any lawful successor to it;
- 2.1.2 “the Land”** means the land specified in Item 2 of the Schedule and includes any improvements situated thereon;
- 2.1.3 “the Owner”** means the person named in Item 1 of the Schedule as the Owner and includes all persons who at any time during the Term are registered as the proprietor of an estate in fee simple in the Land;
- 2.1.4 “the Schedule”** means the Schedule attached to this Deed;
- 2.1.5 “the Term”** means the period commencing on the date of execution of this Deed and continuing until this Deed is mutually surrendered by an agreement between the Owner and the Council;
- 2.1.6 “the Code”** means the South Australian Health On-site Wastewater Systems Code April 2013;
- 2.1.7 “the Reserve Fund”** means the fund entitled HARDWICKE BAY EFFLUENT AUGMENTATION RESERVE established by the Council

into which money is paid and held by the Council until it is required to be applied by the Council towards the cost of construction of the CWMS;

2.2 Interpretation

Subject to any inconsistency of subject or context the following rules of construction shall be used in the interpretation of this Deed:

- 2.2.1 Words and phrases used in this Deed which are defined in the South Australian Public Health Act 2011 or in the Regulations made under that Act shall have the meanings ascribed to them by the Act or the Regulations as the case may be;
- 2.2.2 Reference in any statute or subordinate legislation shall include all statutes and sub-ordinate legislation amending, consolidation or replacing the statute or sub-ordinate legislation referred to;
- 2.2.3 The term "person" includes a corporate body;
- 2.2.4 The term "the Dwelling" shall mean the dwelling proposed to be constructed on the Land described in the plans on Item 4 of the Schedule and which has or will be an approved development under the Act;
- 2.2.5 Words importing the singular number or plural number are to be taken to include the plural number and the singular number respectively;
- 2.2.6 Words importing any gender include both genders;
- 2.2.7 Where two or more persons are bound hereunder to observe or perform any obligation or Deed whether express or implied they are bound jointly and each of them severally;
- 2.2.8 Clause headings are provided for reference purposes only and are not to be resorted to in the interpretation of the Deed;
- 2.2.9 The requirements of the Deed are at all times to be construed as additional to the requirements of the Act and any other legislation affecting the Land;
- 2.2.10 Nothing contained in this Deed shall fetter the Council in the exercise of its discretion as the Relevant Authority under the Act.

3. ACKNOWLEDGMENTS OF THE OWNER

- 3.1. The Owner acknowledges that prior to entering into this Deed it has received independent legal advice as to the content and effect of this Deed.

4. UNDERTAKINGS OF THE OWNER

- 4.1. The Owner shall notify the Council in writing of any change of ownership of the Land.
- 4.2. The Owner shall give to any intending purchaser of the Land written notice of this Deed.
- 4.3. The Owner shall lodge a separate application under the South Australian Public Health Act 2011 and the South Australian Public Health (Wastewater) Regulations 2013 ("the Wastewater Application") for the installation of a septic tank and temporary containment (holding tank).
- 4.4. The Wastewater Application must be approved by the Council in writing prior to the grant of development approval in relation to the application to construct a dwelling on the Land.
- 4.5. The Wastewater Application shall provide for the installation of a three thousand (3,000) litre septic tank and a three thousand (3,000) litre holding tank and alarm system and shall comply with the Code.
- 4.6. The Owner shall pay to the Council a contribution to the Reserve Fund in the sum of TWELVE THOUSAND DOLLARS (\$12,000.00) for a future connection to the common pressure line of the CWMS which will transport effluent to the treatment plant ("the Connection Contribution") which amount is acknowledged by the parties to be a genuine pre-estimate of the cost to be incurred by the Council to establish the connection to the CWMS, as follows:
- 4.6.1 an amount of ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00) at the time the Wastewater Application is lodged; and
- 4.6.2 NINE (9) further amounts each of ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00) annually thereafter unless the Council constructs the CWMS before the last such payment is due to be paid by the Owner in which case the Owner must pay the balance of the said sum of TWELVE THOUSAND DOLLARS (\$12,000.00) then outstanding in full.

- 4.7 The Connection Contribution amount will be identified in the Council's fees and charges register.
- 4.8 Any approval granted by the Council in respect to a Wastewater Application may be subject to condition(s) as the Council deems fit to impose.
- 4.9 The Owner shall ensure the temporary containment (holding tank) is emptied and its contents disposed of in accordance with the provisions of the Code.
- 4.10 The Owner agrees to take full responsibility for the disposal of accumulated waste from the temporary containment (holding tank).
- 4.11 Within six (6) months of the completion of the CWMS and the establishment of the Connection Point to the Land by the Council, the Owner must make an application to connect to the CWMS.
- 4.12 Following the establishment of the Connection Point the Owner agrees to pay a yearly service charge to the Council in an amount determined by the Council pursuant to its then current rates and charges policy to maintain the connection.
- 4.13 All costs associated with the installation of the temporary containment (holding tank) including the costs of construction, installation and operation shall be the responsibility of the Owner.

5. COUNCIL'S OBLIGATIONS

- 5.1 The Council shall use its best endeavours but shall be under no legal obligation to provide a connection point to the Owners Land for a connection to the CWMS ("the Connection Point") within ten (10) years from the date hereof.
- 5.2 The Connection Point will be established when sufficient funds in the opinion of the Council have been accumulated in the Reserve Fund to enable an upgrade of the existing sewerage treatment plant and the supply and installation of the CWMS rising main to service the Land.

6. ADJUSTMENT OF THE CONNECTION CONTRIBUTION

- 6.1 If the actual cost incurred by the Council to establish the connection to the CWMS is either greater or less than the sum specified in Clause 4.6 then the Owner must pay to the Council an amount equivalent to any additional

cost or the Council must refund to the Owner equivalent to the reduction of the cost (as the case may be) PROVIDED THAT if the cost incurred by Council is greater than the sum of TWELVE THOUSAND DOLLARS (\$12,000.00) then the additional cost payable to the Council by the Owner is to be capped to the sum of TWELVE THOUSAND DOLLARS (\$12,000.00) adjusted by reference to the relevant Consumer Price Index for all groups (Adelaide) in respect of the period between the date hereof and the date of the completion of the CWMS.

7. OPERATION OF THIS DEED

7.1. The parties expressly declare and agree that the provisions of the Deed shall not be binding or impose any obligation upon them unless and until the Deed is registered and a memorial thereof entered on the Certificate of Title for the Land pursuant to the provisions of section 57(5) of the Act in priority to any other registrable interest in the land save and except for the estate and interest of the Owner therein.

8. RESCISSION

8.1. If any development authorisation obtained for the Development is not granted, or if granted, lapses or expires by virtue of the provisions of the Act without being implemented by the Owner, the Council agrees to rescind the Deed at the request of the Owner and the reasonable costs of and incidental to the preparation, stamping and registration of the Deed of Rescission shall be borne by the Owner.

9. COMPLIANCE

9.1. The Owner shall at all times during the Term use its best endeavours to ensure that all occupiers, lessees and/or licensees from time to time of the Land comply with the provisions of this Deed.

10. COUNCIL'S POWERS OF ENTRY ETC

10.1 The requirements of this Deed are to be at all times construed as additional to the requirements of the Act and any other legislation affecting development of the Land AND the consent of the Council pursuant to this

Deed shall be obtained prior to the Owner seeking any consent under the Act. Nothing contained in this Deed shall fetter the Council in the exercise of its discretion as the Relevant Authority under the Act.

10.2 The Council or any employee or authorised officer of the Council may at any reasonable time upon giving twenty-four hours written or verbal notice to the Owner or any occupier enter into and upon the Land for purposes of:

10.2.1 inspecting the Land and any building or structure thereupon;

10.2.2 exercising any other powers of Council under this Deed or pursuant to law;

PROVIDED HOWEVER the Council or any employee or authorised officer shall not be required to give such notice if in the reasonable opinion of the Council or such employee or authorised officer urgent entry is required.

10.3 If the Owner is in breach of the terms of this Deed the Council may by notice in writing served on the Owner require the Owner to remedy the breach within such time as is nominated by the Council in the notice (being not less than twenty-eight (28) days of the date of service of the notice) and if the Owner fails to remedy the breach the Council or its servants or agents may carry out necessary works upon the Land and recover any costs thereby incurred from the Owner.

10.4 The Council may delegate any of its powers under this Deed to any person.

11. VARIATION AND WAIVER

11.1. This Deed may not be varied except by a supplementary Deed signed by the Council and the Owner.

11.2. The Council may waive compliance by the Owner with the whole or any part of the obligations of the Owner herein contained but no such waiver is effective unless expressed in writing and signed by the Council.

12. NOTICES

12.1. Notice for the purpose of this Deed is to be taken to be properly served on the Owner if it is:

12.1.1 posted to the Owner at the Owner's last address known to the Council; or

12.1.2 any method prescribed by the Development Regulations 2008 for the service of a notice.

13. NOTING OF THIS DEED

13.1. Each party must do and execute all such acts, documents and things as are necessary to ensure that as soon as is possible after the execution of this Deed by all necessary parties, this Deed is noted by the Registrar-General against the Certificate of Title for the Land pursuant to Section 57(5) of the Act.

14. COSTS

14.1. The Owner is to bear the costs of and incidental to the negotiation and preparation of this Deed and the stamping and registering to note this Deed on the Certificate of Title to the Land.

14.2. The Owner hereby agrees to indemnify the Council and keep the Council forever indemnified in respect to the whole of its costs and expenses (including without limitation legal costs and expenses) of and incidental to the implementation of this Deed including the enforcement of its terms.

15. GOVERNING LAW

15.1. The law governing the interpretation and implementation of the provisions of this Deed is the law of South Australia.

16. GENERAL PROVISIONS

16.1 If any provision of the Deed shall be found by a court of competent jurisdiction to be invalid or unenforceable in law then and in such case the parties hereby record that it is their intention that such provision be severed from this Deed and that the remaining provisions are to be effective and enforceable according to their terms.

16.2 This Deed contains the whole Deed between the parties in respect of the matters referred to herein.

17. REGISTRATION

17.1 The Owner hereby consents to and requests registration of this Deed pursuant to Section 57(5) of the Development Act 1993

EXECUTED as a Deed

THE COMMON SEAL of the
YORKE PENINSULA COUNCIL

Was hereunto affixed in the presence of:

)

)

)

.....
Mayor

.....
Chief Executive Officer

SIGNED by DAVID LESLIE SHELDON

)



In the presence of:

)



.....
Witness signature



.....
Witness name

SIGNED by TANIA NARELLE SHELDON

) 
.....

In the presence of:

)


.....

Witness signature

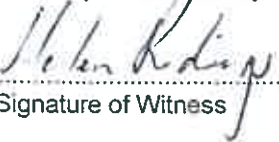

.....

Witness name

The person named in Item 3 of the Schedule, if any, who has a legal interest in the Land by virtue of the interest specified therein **HEREBY CONSENTS** to the Owner entering into this deed.

EXECUTION

SIGNED by ING BANK (AUSTRALIA) LIMITED
(ACN 000 893 292) by its Attorneys under Power
of Attorney Registered No. 11966932 being
partners of Fisher Jeffries Barristers and
Solicitors of Level 1, 19 Gouger Street Adelaide,
before me the parties executing the above
instrument being a person well known to me and
did freely and voluntarily sign the same


Signature of Witness

HELEN RIDINGS
Print Full Name of Witness

Level 1, 19 Gouger Street
Adelaide SA 5000
Address of Witness

8233 0600
Business Hours Telephone No.


Signature of Attorney

Paul Griscti


Signature of Attorney

Rosalie Elaine Brady

.....
Name of Attorney

Level 1, 19 Gouger Street
Adelaide SA 5000
Address of Attorney

8233 0600
Telephone No.

THE OWNER HEREBY CERTIFIES pursuant to Section 57(4) of the Act that no other person has a legal interest in the land.

SIGNED by DAVID LESLIE SHELDON

) 

In the presence of:

)



Witness signature



Witness name

SIGNED by TANIA NARELLE SHELDON


) 

In the presence of:

)



Witness signature



Witness name

SCHEDULE

ITEM 1

Full Name of Owner:

DAVID LESLIE SHELDON AND TANIA NARELLE SHELDON

Address of Owner:

32 PETWORTH PARADE GREENWITH SA 5125

ITEM 2

Land Description:

THE WHOLE OF THE LAND COMPRISED WITHIN CERTIFICATE OF
TITLE REGISTER BOOK VOLUME 5833 FOLIO 764 BEING
SECTION 323 HUNDRED OF MINLACOWIE IN THE AREA NAMED
HARDWICKE BAY

ITEM 3

Full Name of person with legal interest in the Land (if any) and details of interest in the Land

11758650 MORTGAGE TO ING BANK (AUSTRALIA) LTD.

ITEM 4

The plans for the Dwelling

ATTACHED HERETO

BUILDING NOTES

WC DOORS TO HAVE LIFT
OFF HINGES IN
ACCORDANCE WITH
SOUTH AUSTRALIAN
HOUSING CODE APPENDIX
G1

THIS HOUSE TO BE
CONSTRUCTED IN
ACCORDANCE WITH THE
HOUSING CODE SOUTH
AUSTRALIA

WINDOW SIZES HEIGHT X
WIDTH ALL WINDOWS SET
TO
BRICKBOND

WEATHER SEALS TO ALL
EXTERNAL DOORS

TERMITE PROTECTION IN
ACCORDANCE WITH AS
3660.1/2000 PERIMETER
VISUAL BARRIER USING
EDGE
EXPOSURE 75mm FROM
DAMP-PROOF COURSE TO
TOP OF
PAVING

HARD WIRED SMOKE
ALARMS WITH 9V
BATTERY BACK-UP

R2.0 INSULATION TO EXTERNAL WALLS
R4.0 INSULATION TO CEILINGS



FORESHORE ROAD

Yorke Peninsula Council
AMENDED PLAN

JONES *[Signature]* 19/8/15
WITHDRAWN OFFICIAL

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REMAIN THE PROPERTY OF THE AUTHOR.
REPRODUCTION IN PART OR IN WHOLE IS
PROHIBITED UNLESS WRITTEN PERMISSION
IS OBTAINED FROM THE AUTHOR.
PLANS ARE FOR USE ONLY ON THE JOB
SPECIFIED IN THE YORKE PENINSULA COUNCIL

David & Tan Sheldon

28 Foreshore Rd
Hardwicke Bay
SA 5575

**Coast to Coast
HOMES** PTY LTD.

SCALE: A3 1:200

Coast to Coast Homes Pty Ltd

57B George St Moonta SA 5558

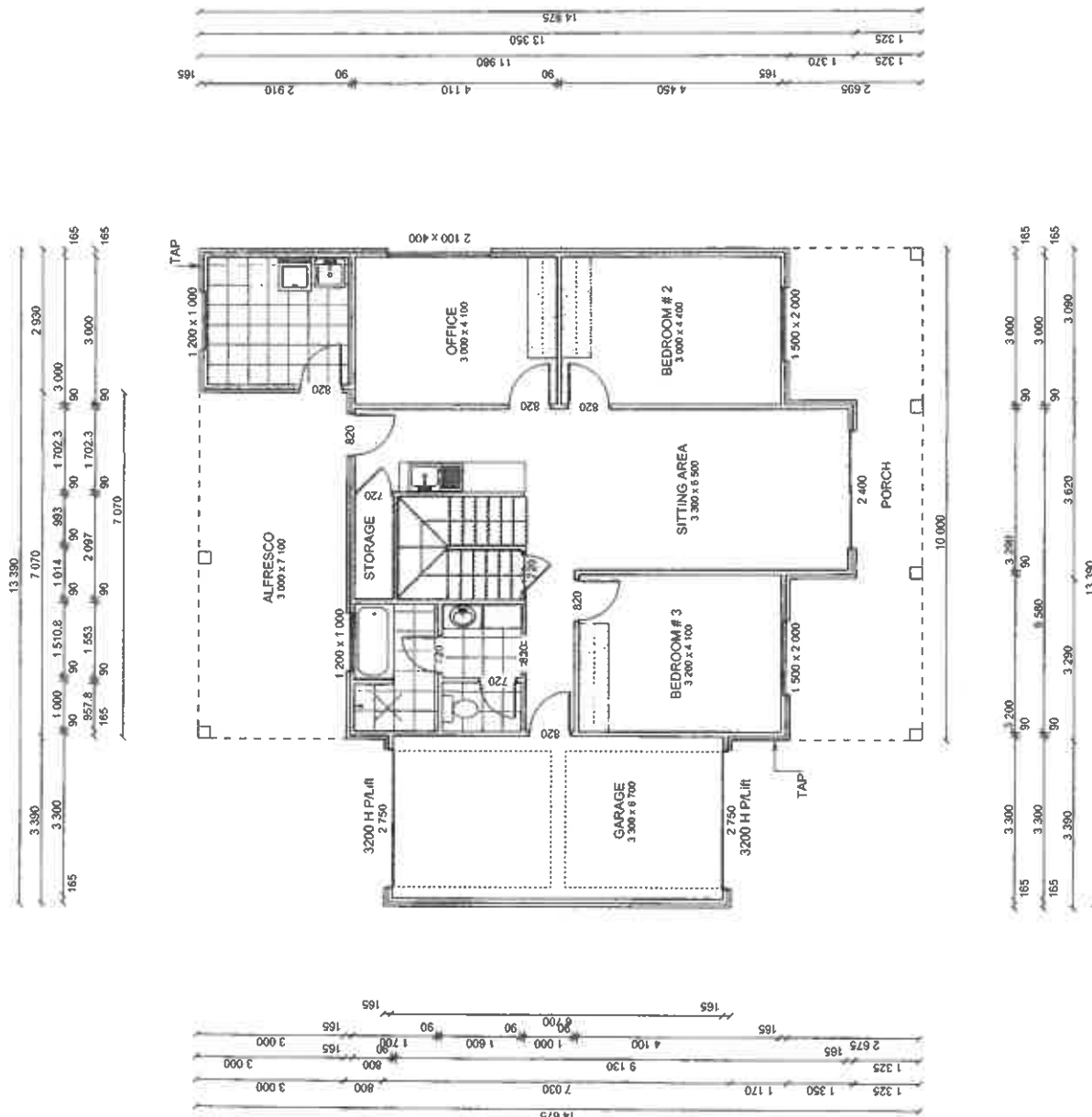
PHONE: 08 8825 2481 FAX: 08 8825 1155

david@c2ch.com.au

DATE: Wednesday 19 August 2015

131

DRAWN BY: HILL



BUILDING NOTES

- WC DOORS TO HAVE LIFT OFF HINGES IN ACCORDANCE WITH SOUTH AUSTRALIAN HOUSING CODE
- APPENDIX G1
- THIS HOUSE IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE HOUSING CODE SOUTH AUSTRALIA
- ALL WALLS AND CEILING LININGS TO BE SET TO BROOMED
- WEATHER SEAL TO ALL EXTERNAL DOORS
- TERMINATE PROTECTION IN ACCORDANCE WITH AS 3600.12000PERIMETER
- VISUAL BARRIER USING EDGE EXPOSURE 75mm FROM DAMPROOF COURSE TO TOP OF PAVING
- HARD WIPED SHOCK ALUMINUM WITH IN VENTILATION BACK-UP

R2.0 INSULATION TO EXTERNAL WALLS
R4.0 INSULATION TO CEILINGS

GROUND FLOOR PLAN

David & Tan Sheldon
28 Foresters Rd
Hardwicke Bay
SA 5575

Living 102.95 Sq. m.
Garage 21.60 Sq. m.
Alfresco 21.20 Sq. m.
Porch 21.80 Sq. m.
Total 167.55 Sq. m.

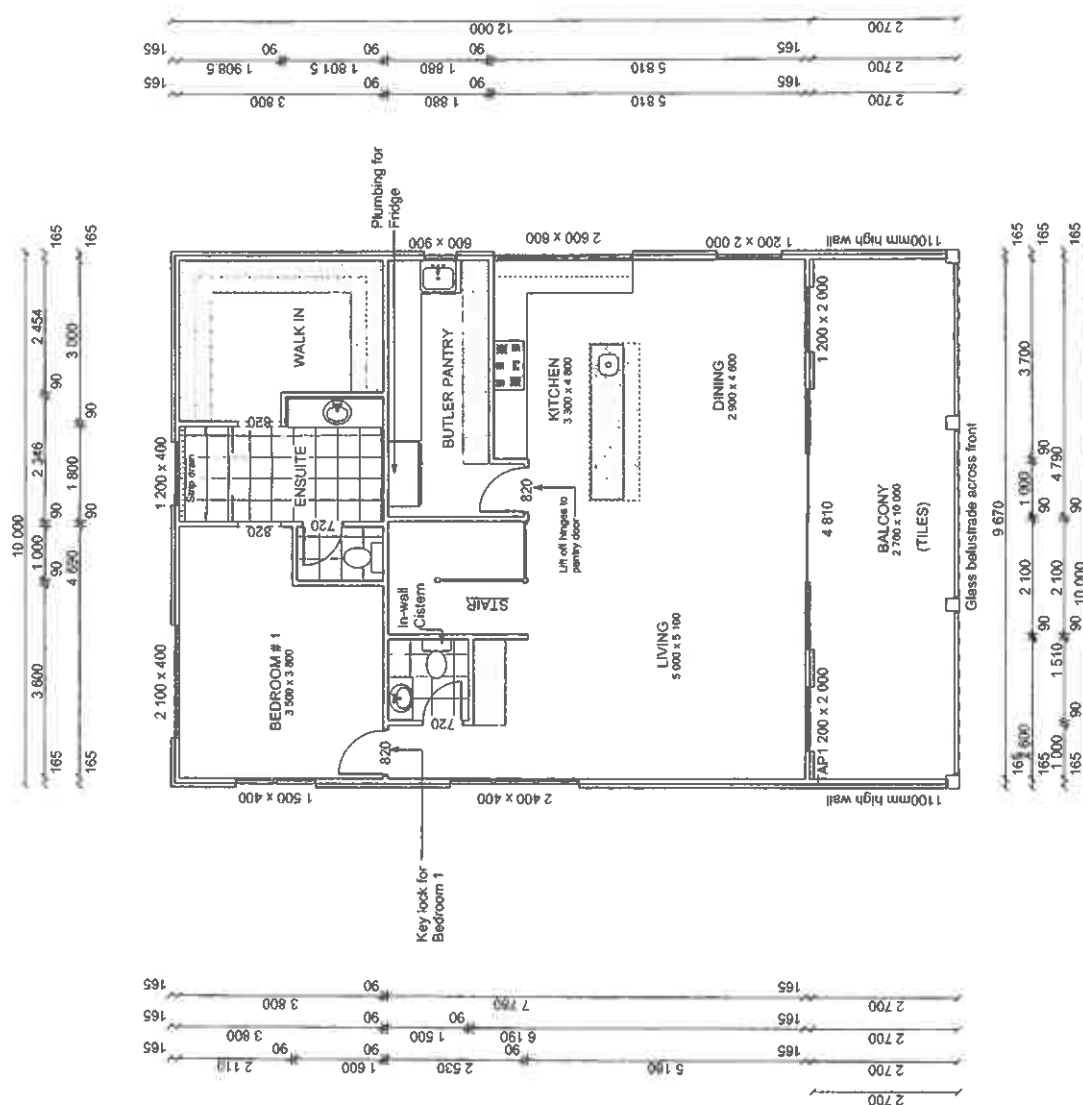
Coast to Coast HOMES

Coast to Coast Homes Pty Ltd
57B George St Moolta SA 5558
PHONE: 08 8825 2481 FAX: 08 8825 1155
david@cc2ch.com.au

SCALE: 1:100

DATE: Wednesday, 8 April 2015

DRAWN BY: Nita



BUILDING NOTES

[illegible]

R2.0 INSULATION TO EXTERNAL WALLS
R4.0 INSULATION TO CEILINGS

UPPER FLOOR PLAN

David & Tan Sheldon
28 Foreshore Rd
Hardwicke Bay

Living	120.00 Sq m.
Balcony	26.20 Sq m.
Total	146.20 Sq m.

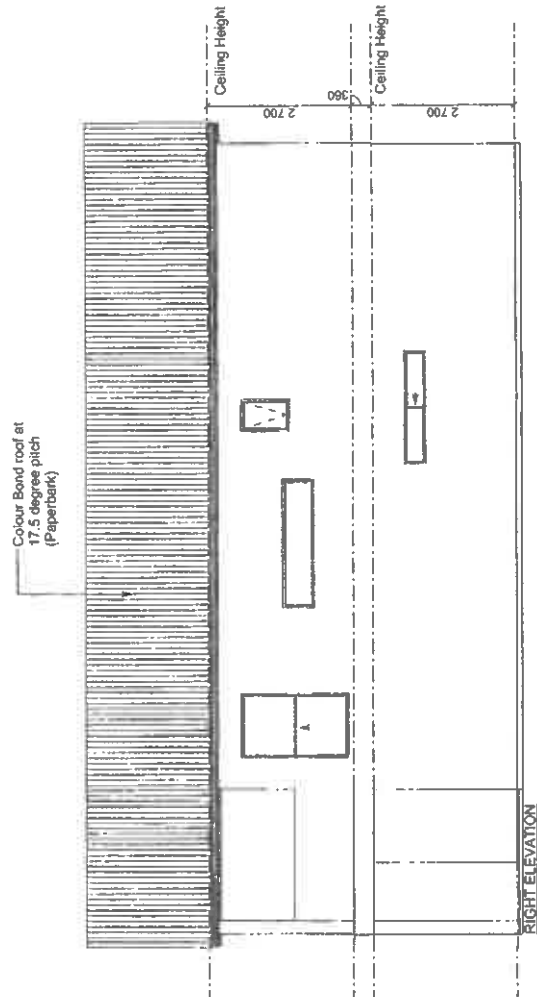
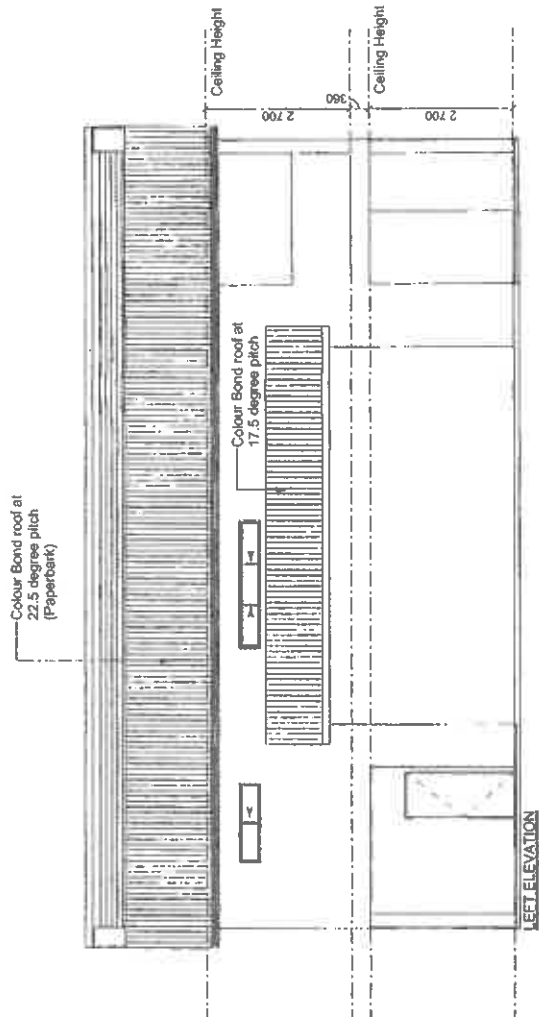
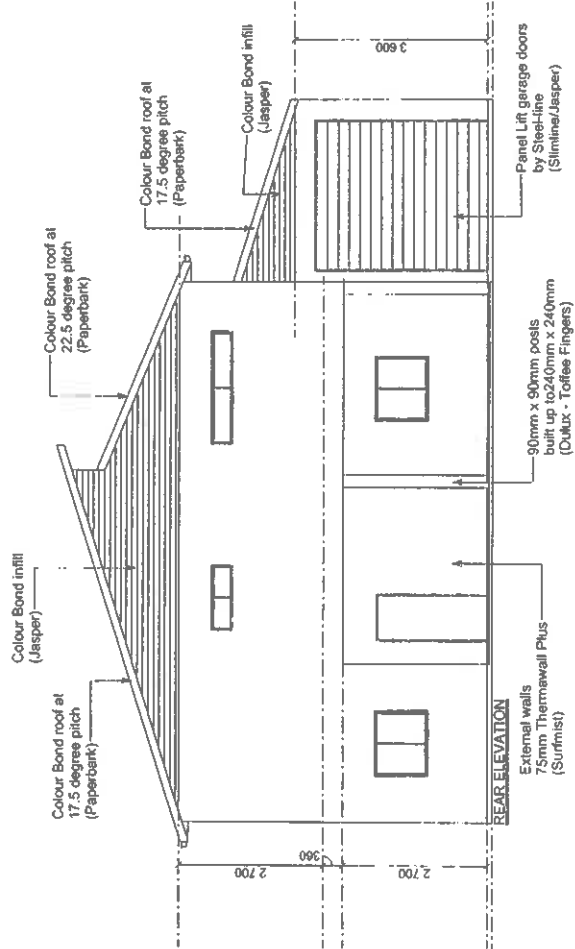
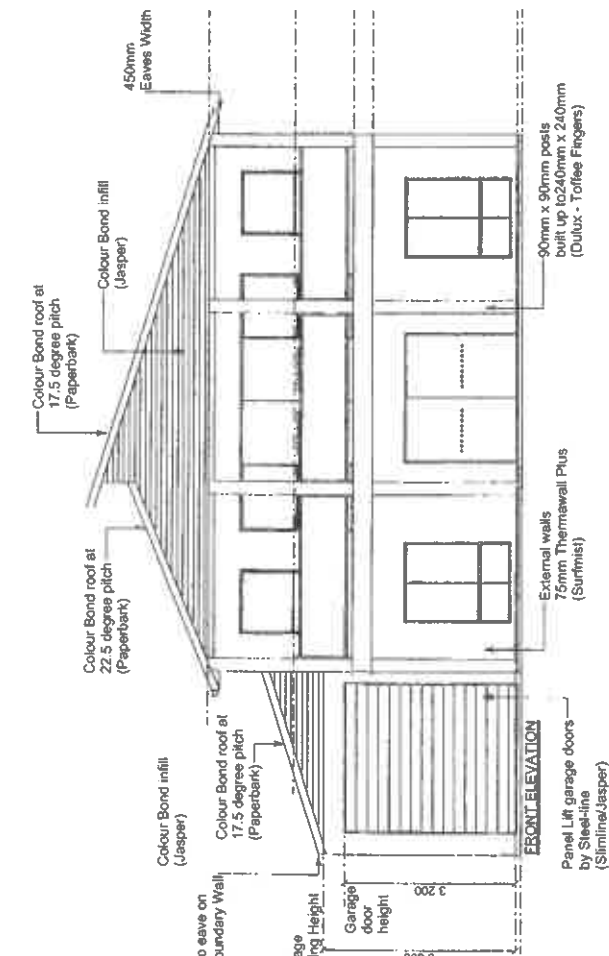
SAVONHOMES
1580 JOLY 1580 J

Coast to Coast Homes Pty Ltd
57B George St Moonta SA 5558
PHONE: 08 8825 2481 FAX: 08 8825 1155
david@cc2ch.com.au

SCALE: 1:100

DATE: Wednesday, 8 April 2015

DRAWN BY: NAB



<p>Coast to Coast Homes Pty Ltd 57B George St Moonta SA 5558 PHONE: 08 8825 2481 FAX: 08 8825 1155 david@c2ch.com.au</p>	<p>Coast to Coast HOMES LTD</p>	<p>David & Tan Sheldon 28 Foreshore Rd Hardwicke Bay SA 5575 DESIGN</p>
<p>SCALE: 1:100</p>	<p>DATE: Wednesday, 8 April 2015 BY: Nita</p>	<p>R2.0 INSULATION TO EXTERNAL WALLS R4.0 INSULATION TO CEILINGS</p>
<p>BUILDING NOTES</p>	<p>WC DOORS TO HAVE LIFT OFF HINGES IN ACCORDANCE WITH SOUTH AUSTRALIAN HOUSING CODE</p>	<p>APPROX 0.1 THIS HOUSE TO BE CONSTRUCTED IN ACCORDANCE WITH THE HOUSING CODE SOUTH AUSTRALIA WEATHER PROTECTION TO ALL EXTERNAL DOORS TERMINAL PROTECTION TO ALL EXTERNAL DOORS HARD WARE SHORE ALUMINUM WITH 24 BATTERY BACK-UP</p>

DIRECTOR DEVELOPMENT SERVICES

DA/ITEM 6.4

2. PORT VICTORIA HOTEL-MOTEL PUBLIC CONSULTATION

(File Ref: 9.24.1.1)

PURPOSE

To consider any submissions received in relation to the public consultation process for a proposed lease to the lessee of the Port Victoria Hotel-Motel (the Hotel) over a portion of road reserve to accommodate a proposed new hotel decking area.

RECOMMENDATION

That Council

1. grant a five year lease with three, five year rights of renewal over a portion of road reserve for the proposed development of a hotel decking area, to Mr Kenneth John Davey and Parker Hotels Pty. Ltd.
2. the Mayor and Chief Executive Officer be authorised to sign and affix Council's seal to the relevant documents necessary to execute the lease.

LINK TO STRATEGIC PLAN

Key Theme: Community Engagement

1. Vitality and Connection

Strategic Goal: 1.2 Offer a range of accessible community facilities, programs, event and activities

BACKGROUND

A further public consultation process for granting the lease over a portion of road reserve adjacent to the Hotel was necessary due to the plans for the proposed Hotel decking being amended. The amendments were a result of consultation between Council, the Hotel Licensee and Port Victoria Progress Association (Progress).

DISCUSSION

At the close of the public consultation process on 10 August 2015, no submissions had been received.

The plan for the proposed decking provides for a pedestrian footpath adjacent to Victoria Terrace, which deviates to the right, around to the front of the Hotel adjacent to Main Street, abutting the curb, and continues on to the current Main Street footpath past the hotel verandah.

An access ramp on the corner of the curb provides access for pedestrians to cross over Main Street and Victoria Street. Refer to Attachment 1.

COMMUNITY ENGAGEMENT PLAN

A level 2 – Consult process has been completed.

The public consultation process for granting the proposed lease entailed advertising a Public Consultation notice in the Yorke Peninsula Country Times and on Council's website with an information report made available at Council offices and on Council's website. The public notice was also posted to neighbouring properties. The proposal for the lease was on public consultation for twenty one days.

CONSULTATION PROCESS

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

- Director Development Services
- Director Assets & Infrastructure Services
- Senior Officer Development Services
- Operational Coordinator

In preparing this report, the following External Parties were consulted:

- Hotel Licensee
- Port Victoria Progress Association Inc. representatives
- Neighbouring property owners

POLICY IMPLICATIONS

PO057 Community Engagement Policy

BUDGET AND RESOURCE IMPLICATIONS

The proposed lease fee is \$1,567.50 + GST per annum with an annual rent increase equivalent to CPI% for Adelaide.

The solicitor's \$630.00 lease document preparation fee will be the responsibility of the Hotel Licensee Mr Kenneth John Davey.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999 Section 201 (2)

ATTACHMENTS

Attachment 1: Plan of proposed lease area

Deck framing
400mm Ø posts
300x150 bearers
300x100 decking

Balustrade
stainless steel wire,
max 100mm apart

Existing hotel

Existing verandah

ramp

1850

3000

1750

8952

1113

new deck at hotel floor level

balustrade

3 steps 240 goug, 165 rear

Proposed deck

Proposed Public Footpath

level footpath, height top of kerb

balustrade

retaining wall

new deck at hotel floor level

existing verandah

balustrade

ramp to gutter

1554.2

2000

Main St

Written dimensions to take precedence over scale.
CONFIRM ALL DIMENSIONS ON SITE.

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Antaresan Drafting

Antaresan Drafting
PO Box 61
Antaresan SA 5517
0435 429 169
stuart@antaresan.com.au

Proposed deck
Scale 1:100
Drawn S. Falkett
Sheet No 1 of 10
Version 1
Date 18/5/15

Proposed deck
K. Davey
2 - 4 Main St.
Pt. Victoria

DIRECTOR DEVELOPMENT SERVICES

DA/ITEM 6.4

3. PO132 CEMETERY MANAGEMENT POLICY REVIEW

(File Ref: 9.24.1.1)

PURPOSE

To consider any submissions received in relation to the public consultation process of the revised PO132 Cemetery Management Policy (the Policy) document.

RECOMMENDATION

That Council endorse and adopt the revised PO132 Cemetery Management Policy document.

LINK TO STRATEGIC PLAN

Key Theme: Community Engagement
1. Vitality and Connection
Strategic Goal: 1.2 Offer a range of accessible community facilities, programs, event and activities

BACKGROUND

With the new Burial & Cremation Act 2013 and Burial & Cremation Regulations 2014 coming into effect, Council's Cemetery Management Policy PO132 was reviewed and updated to reflect changes in legislation.

DISCUSSION

At the close of the public consultation process on 10 August 2015, no submissions had been received.

An email was received from Mr Grantley Dodd on 13 August 2013 in regard to Council's policy on maintaining records for future generations and asked for a reply to be sent direct to him.

A reply has been emailed to Mr Dodd explaining that cemetery Interment Rights issued by Council prior to 1 July 2014, were made available without the need to renew the lease fee, in perpetuity.

With the introduction of Council offering 99 & 50 year Interment Rights from 1 July 2014, which are to be renewed, current legislation requires Council to maintain a digital photo and a record of the memorial inscription of any disposed memorials due to a cemetery closure or a non-renewal of a cemetery lease. These records are to be made available to the public on request.

With such a vast array of changes made to the policy to ensure compliance with the legislation we have been unable to provide the policy in tracked changes, therefore Elected Members should consider the policy as if it were new.

COMMUNITY ENGAGEMENT PLAN

A level 2 – Consult process has been completed.

The public consultation process for granting the proposed lease entailed advertising a Public Consultation notice in the Yorke Peninsula Country Times and on Council's website with an information report made available at Council offices and on Council's website.

CONSULTATION PROCESS

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

- Corporate Services Officer
- Manager Development Services
- Council staff administering cemeteries

In preparing this report, the following External Parties were consulted:

- CCASA President
- Kangaroo Island Council, Cemetery Administrator

POLICY IMPLICATIONS

PO057 Community Engagement Policy

PO132 Cemetery Management Policy

BUDGET AND RESOURCE IMPLICATIONS

No budget or resource implications are evident in relation to the recommendation

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Burial and Cremation Act 2013

Burial & Cremation Regulations 2014

Local Government Act 1999, Schedule 2 Subsidiaries

Local Government (Exhumation of Human Remains) Regulations 2005

OHSW Regulations 1995, Division 5.5

Australian Standard for Monuments AS204-1994

Coroners Act 2003

Cremation Act 2000

Cremation Regulations 2001

Births, Deaths and Marriages Registration Act 1996

Births, Deaths and Marriages Registration Regulations 1996

ATTACHMENTS

Attachment 1: Updated Cemetery Management Policy



COUNCIL POLICY

Cemetery Management

Policy Number:	PO132		
Strategic Plan Objective	Efficient, effective and professional organisation		
Policy Owner:	Director Corporate & Community Development Services	File Number:	16.63.1
Responsible Officer:	Corporate Services Officer	Minute Reference:	124/2013(12/06/2013)
Date Adopted:	12/06/2013	Next Review Date:	June 2018

1. POLICY OBJECTIVES

To ensure administrative matters undertaken are equitable and consistent and control practices are maintained at all cemeteries within the area of the District Council of Yorke Peninsula (Council).

2. SCOPE

This policy applies to all persons undertaking administrative work for/on behalf of Council cemeteries.

3. DEFINITIONS

<u>Council</u>	<u>Yorke Peninsula Council</u>
<u>Cemetery</u>	<u>A place set aside for the disposal and memorialisation of human remains, but does not include a place which consists of a single interment site where only the remains of 1 deceased person is interred or the remains of 2 or more members of the same family are, or are intended to be interred.</u>
<u>Natural Burial</u>	<u>Burial of human remains in the ground without preparation of the remains using chemical preservatives and by containment of the remains only in a shroud or biodegradable coffin</u>
<u>Natural Burial Ground (NBG)</u>	<u>A place where human remains are interred by natural burial but it does not include a place of a prescribed kind.</u>
<u>Relevant Authority</u>	<u>The person/body responsible for the administration of a cemetery</u>
<u>The Act</u>	<u>Burial and Cremation Act 2013</u>
<u>Regulations</u>	<u>Burial and Cremation Regulations 2014</u>
<u>Interment</u>	The placement of human remains in a mausoleum, vault, columbarium or other structure designed for the placement of such remains, or the burial of human remains directly in the earth or in a container

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Interment Right	Issued by the relevant authority Council for the purchase of a interment site at a cemetery or natural burial ground for the purpose of interment
<u>Interment Right Holder</u>	<u>The person registered as holding an Interment Right</u>
Interment Site	A portion of land within a cemetery for the purpose of an interment being a Plot, Niche or Memorial Garden Site
<u>Bodily Remains</u>	<u>The whole or any part of a human body but does not include the whole or any part of a human body that has been cremated</u>
<u>Human remains</u>	<u>Means bodily remains and includes the remains of a still born child and bodily remains after they have been cremated.</u>
Memorial	A tangible tribute to the interred such as a headstone, monument or plaque made of materials such as granite, marble, slate, sandstone or bronze.

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4. POLICY STATEMENT

The management of interments and granting of interment rights in Council's cemeteries is vested in the Council and delegated to its administration.

Council recognises that community cemeteries are the resting place of many district pioneers and respected citizens therefore will efficiently and effectively manage the cemeteries in a caring and equitable manner to meet the needs of its community. Policy PO132 outlines Council's objectives in respect of Council owned and operated cemeteries and has regard to the Burial and Cremation Act 2013 and the Burial & Cremation Regulations 2014 under which Council cemetery authorities must meet revised requirements for the operation and regulation of cemeteries.

The Act provides Council the statutory framework to use natural burial grounds in addition to conventional cemetery interments if the need arises. The policies outlined within this document refer to both a cemetery and natural burial ground.

4. General

General GENERAL

Council is responsible for the care, control and management of the following cemeteries:

- a) Ardrossan
- b) Arthurton
- c) Curramulka
- d) Edithburgh
- e) Maitland
- f) Minlaton
- g) Pink Lake (Yorketown)
- h) Port Victoria
- i) Port Vincent
- j) Stansbury
- k) Warooka

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Under Section 53 of the Act, Council must maintain and make available to the public, registers, records and documentation for each cemetery.

Copies of the registers and plans of the cemeteries are available for inspection by members of the public during Council office hours.

Council may enlarge, improve or embellish any part of the cemetery and take any other action that Council considers necessary or desirable for the proper management and maintenance of the cemetery.

Council may restrict interments in any part of the cemetery however does not have the authorisation to do anything that may be in breach of the terms of an interment right.

Council must in the establishment, administration, extension or improvement of the cemetery, have due regard to the customs and needs of the various ethnic and religious communities that may use the cemetery, for the disposal of human remains.

~~Council recognises that cemeteries are a delicate issue which needs to be dealt with compassion and sensitivity and can be fraught with a number of issues which may ultimately impact on Council. For this reason, it is imperative that the policies and procedures we implement for the management of Cemeteries be detailed and accurate.~~

~~Council is the relevant authority and is responsible for the care, control and management of the following cemeteries;~~

~~Ardrossan, Arthurton, Curramulka, Edithburgh, Maitland, Minlaton, Pink Lake (Yorketown), Port Victoria, Port Vincent, Stansbury and Wareoka~~

~~In accordance with legislative requirements Council will maintain;~~

- ~~• Up-to-date MASTER Cemetery Plans~~
- ~~• Register of interment Rights~~
- ~~• Register of Interments~~

~~The policy of allowing an interment right to be for a maximum of 99 years was adopted by Council as from the 9th October 2007 with the renewal of the interment right fee not to be actively pursued at the expiration of a current term.~~

OPENING HOURS

All Council cemeteries are open to the public 24 hours a day.

The cemetery is not a public right of way however Council must allow a person access, free of charge and at any reasonable time, to a cemetery for the purpose of visiting graves and monuments, conducting / attending a funeral or religious service or for any other legitimate non-commercial purpose.

If Council has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery, Council may require the person to leave the cemetery and a person must not fail or refuse to comply with a requirement of Council.

Council must ensure the cemetery is fenced at all times.

Opening hours

~~All Council cemeteries are open to the public 24 hours a day.~~

FeesFEES

A scale of fees for granting interment rights and associated cemetery services are to be listed in Council's Register of Fees and Charges.

The fees will be in accordance with the adopted Register of Fees and Charges which are reviewed by Council on an annual basis and are available to the public via Council's website and/or by request at all Council offices.

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ISSUE OF INTERMENT RIGHTS

Interment rights may be granted by Council in accordance with Section 30 of the Act and for one or more sites within a cemetery on completion of an application and payment of the appropriate fee. The interment right gives the holder the exclusive right to authorise the interment of human remains in the allotted site consistent with this policy and the Act.

In considering applications and/or renewal of interment rights, Council will allocate a site on the basis of the next available site in the current marked section of the cemetery which assists with accurate location of interments. Consideration should be given however to a request by the potential interment right holder for another vacant and available site.

Council do not issue interment rights in perpetuity.

Prior to 1 July 2013

The policy was adopted at the 9 October 2007 Council meeting to grant a 99 year interment right with the renewal of the interment right / fee not to be actively pursued at the expiration of a current term.

Effective 1 July 2015

Interment rights may be issued for new interment sites (Burial, Memorial Garden or Niche Wall sites)

The site can be used to accommodate family members and the term of the interment right is 99 or 50 years with renewal rights for a second period on application by an interment right holder or authorised person (In accordance with Section 30 of the Act).

Scattering of Ashes

No interment right is required for scattering of cremated remains in a cemetery or on Council owned land however prior approval of Council is required which may be refused.

RENEWAL OR TRANSFER OF INTERMENT RIGHTS

Renewal

At the expiry of the interment right period Council may, on application by the interment right holder or an authorised person, renew or extend an interment right on payment of an appropriate fee.

Transfer / Relinquishment

A person/s holding an interment right for an unused burial site, memorial garden site or niche may seek approval of Council to relinquish their right (Section 34 of the Act) or transfer (Section 33 of the Act) their right to another person/s. Council will not unreasonably withhold its approval however administrative costs for a relinquishment will be at the cost of the interment right holder in accordance with Schedule 1 of the Regulations. The request to transfer must be by completed application form or a relinquishment by a request in writing and both will require proof of identity by way of Drivers Licence or similar photo identification.

Lost documentation

Council may issue a replacement (copy) of an interment right upon receipt of a Statutory Declaration by the interment right holder or authorised person, which sets out the circumstances in which the formal documentation was lost.

INTERMENTS

Documentation

All applications for a right to inter bodily remains in a Council cemetery must be accompanied by appropriate documentation in accordance with Section 12 of the Act and Regulation 9 of the Regulations.

All interments in Council cemeteries are to be approved by Council in writing by completing the relevant application form.

The interment site is to be marked out by Council staff prior to the excavation of the site to ensure the correct site has been allocated.

Interments are to be undertaken by the funeral company specified in the Burial Authority and preparation of the interment site is to be undertaken by Council or a contractor authorised by Council.

Outside a Cemetery on rural land

In accordance with Sub-Section 8(2) of the Act, Council will receive and assess applications and may grant permission for a burial on private land outside the boundary of a township within the Council area.

Burials outside a Council cemetery is only permitted in an area zoned Primary Production.

Bodily remains are not permitted to be disposed of by burial at sea, without the approval of the Attorney-General.

There are no Environment Protection Authority codes or guidelines to abide by in relation to the scattering of cremated remains.

REUSE OF INTERMENT SITES

Council encourages the interment right holder and/or relative to extend an interment right once it has expired and will make every reasonable effort to contact the interment

right holder, and/or relatives of the interment right holder to advise them of the expiry of the interment right.

In the event that a right of interment is not renewed Council will take reasonable steps, in writing, to advise a holder of the right of its impending expiration, twelve months prior to its expiration.

If the holder of the right does not renew the interment right by the expiration date:

- a. Burial site – the interment site is deemed to have expired and Council has the right to reuse the site in accordance with Legislation.
- b. Memorial Garden / Niche – the holder of the interment right may -
 - a. Instruct Council to move the interred remains to an unmarked location in the cemetery; or
 - b. Collect the remains for private disposal

and Council has the right to reuse the site in accordance with legislation.

DISPOSAL / EXHUMATION / REMOVALS & RE-INTERMENT OF HUMAN REMAINS

An interment right holder is required to comply with the Act and the approval given by Council prior to:

- a. Reopening an interment site containing bodily remains
- b. Removing or relocating human remains.

The process of excavating and/or modification of a site must be undertaken by a Council employee or a contractor approved by Council. Confirmation of a burial site must be verified by Council's administration prior to any excavation or other work on the site.

Exhumation of human remains is only permitted without Attorney - General approval when:

- a) Only cremated remains are interred at the site; or
- b) Additional human remains can be interred without disturbing bodily remains; or
- c) A lift and deepen procedure is carried out in accordance with 'Part 2 (11) Lift and Deepen Procedure' of the Regulations.

Public right of way

~~The cemetery is not a public right of way.~~

~~Entry to the cemetery is for employees or agents of Council and people having legitimate business or as determined by Council.~~

Control of animals

~~All dogs in the cemetery must be kept under control and on a leash and all dog faeces must be removed by the person in control of the dog.~~

CONTROL OF ANIMALS

Other than exercising dogs, the public must not ride, drive or exercise animals in the cemetery unless they first have the approval of Council.

All dogs in the cemetery must be kept on a leash of no more than two metres in length and held by a person capable of controlling the dog, preventing it from becoming a nuisance or a danger to others.

It is the dog owner's responsibility to collect dog faeces and dispose of them via a rubbish bin.

General conduct in the cemeteries

~~A person must not cause any nuisance and must at all times conduct themselves in a manner that respects the rights and safety of others.~~

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~~All children entering the cemetery must be under the supervision of an adult.~~

~~A person must seek Council approval before erecting any structure in the cemetery such as a shelter or Niche wall.~~

GENERAL CONDUCT IN THE CEMETERIES

A person must not remove, damage, deface or interfere with:

- a. Any building, memorial, other fixture or structure in a cemetery; or
- b. Any part of the cemetery grounds including a tree, shrub, plant, flower or lawn.

In addition a person whilst within the cemetery grounds is not permitted to:

- a. Disturb a funeral service, cause a nuisance or breach the peace; or
- b. Discharge a firearm (except at an armed services funeral); or
- c. Consume alcohol other than as part of a funeral service, as authorised by Council; or
- d. Deposit refuse except in receptacles provided for the purpose.

A person must not cause any nuisance and must at all times conduct themselves in a manner that respects the rights and safety of others.

A person must seek Council approval before erecting any structure in the cemetery such as a shelter or Niche wall.

All visitors, contractors or other persons in a cemetery are subject to the direction and supervision of Council. A person must not refuse to comply with direction or supervision of Council otherwise they may be required to leave the cemetery.

All children entering the cemetery must be under the supervision of an adult.

Maintenance

~~Council will maintain the area of the cemetery including pathways, roadways, plants, fencing and structures and may reposition any tribute that impedes the maintenance of the surrounds of the interment site.~~

~~For the safety and security of the general public, workers and the environment, landscaping of cemetery ground/niche walls/memorial sites is not permitted. This includes the placement of jars, bottles and potted plants.~~

~~In the event the surface of any interment site in the cemetery sinks below the level of the natural surface of the ground, Council may cause the site to be filled up to that level.~~

MAINTENANCE

Council will maintain the area of the cemetery including pathways, roadways, plants, fencing and structures and may reposition any tribute that impedes the maintenance of the surrounds of the interment site.

For the safety and security of the general public, workers and the environment, landscaping of cemetery grounds, niche walls and memorial sites is not permitted by the public. This includes the placement of jars, bottles and potted plants.

Council may remove from an interment site any unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers. Council may prune, cut down or remove any plant on an interment site in the cemetery that is, in the opinion of Council, unsightly or overgrown.

In the event the surface of any interment site in the cemetery sinks below the level of the natural surface of the ground, Council may cause the site to be filled up to that level.

TRANSPORT OF BODILY REMAINS WITHIN THE CEMETERY

A person must comply with the provisions of the Regulations relating to the handling, storage and transport of bodily remains.

Memorials and Tributes

~~The design and wording of all memorials will be tasteful and in keeping with the existing ambience of Council managed cemeteries. If a proposed memorial and/or memorial wording is significantly different, a discussion with the Property Tenure Officer on a case by case basis can be arranged on request.~~

~~Tribute containers are to be non-breakable unless they are purpose designed receptacles which are a permanent feature of a monument. Council may remove and dispose of any tribute when it is deemed unsightly, offensive and breakable or a risk to public safety.~~

MEMORIALS (includes plaques, monuments and other approved structures) AND TRIBUTES

Council must first be notified in writing of the intention to install a memorial in the cemetery and approval given to proceed with the installation.

All works must be carried out in accordance with the provisions of Australian Standard AS4204-1994. These standards ensure that memorials and stone work are manufactured in accordance with Australian standards ensuring structural integrity and a high level of workmanship is maintained.

The design and wording of all memorials will be tasteful and in keeping with the existing ambience of Council managed cemeteries. If a proposed memorial and/or memorial wording is significantly different, a discussion with the Property Tenure Officer on a case by case basis can be arranged on request.

Ownership of memorials remains with the interment right holder.

Tribute containers are to be non-breakable unless they are purpose designed receptacles which are a permanent feature of a monument.

Council may repair, remove or reinstate a structure or tribute when it is deemed unsightly, offensive, breakable or offensive consistent with Section 41 of the Act at the owner's cost.

In accordance with Section 42 of the Act Council may also dispose of any structure or tribute that it deems to be unsightly, offensive, breakable, in poor condition or dilapidated.

LANDSCAPING

No person, except an officer of Council may landscape or change the landscaping of any portion of the cemeteries.

All plants and trees in the cemeteries remain the property of the Council.

TRAFFIC REGULATIONS

All South Australian general road rules apply within the cemetery.

As stated in the Regulations, a person must not drive a motor vehicle within the cemetery in a dangerous or careless manner without reasonable consideration for others.

DRIVERS TO COMPLY WITH DIRECTIONS OF COUNCIL

A person must, while in charge of a motor vehicle within a cemetery, comply with any lawful directions of Council as to the driving or parking of vehicles.

All motor vehicles must remain on the designated roadways unless otherwise directed by Council.

Council may issue parking fines under Regulation 24 of the Regulations.

ESTABLISHING A NEW CEMETERY

Subject to the Act, any person may establish a cemetery, natural burial ground or crematorium. Refer to Part 2 Division 1 of the Act for further information.

Council may set apart any part of a cemetery as a natural burial ground or may set any part of the cemetery or natural burial ground for the interment of human remains in accordance with the customs and practices of a particular religion.

CLOSURE AND CONVERSION OF CEMETERIES

For requirements refer to Part 3 Division 2 of the Act and Regulation 28 of the Regulations

STATE HERITAGE REGISTER

The Clan Ranald interment sites at Edithburgh Cemetery are listed on the State Heritage Register and require new headstones / memorial and alteration work to be approved by an appointed Heritage Advisor.

Check the State Heritage Register website at www.planning.sa.gov.au for cemeteries that may be newly listed.

WAR GRAVES

The Office of Australian War Graves (OAWG) is committed to maintaining official memorials in perpetuity.

Where a full monument is required the OAWG will provide and maintain the headstone with a bronze plaque which may also include an optional religious emblem and personal inscription. The memorials are concrete with a rendered finish.

The plaque placed on a wall niche of a memorial garden site will be arranged by the OAWG and be inscribed in a standard format.

NEGLECTED CEMETERIES AND NATURAL BURIAL GROUNDS

If Council is of the opinion that a cemetery or NBG within its area is in a neglected condition or fails to comply with the requirements of the Act, Council may, by notice in writing, require the governing body to remedy the conditions of neglect or non-compliance in accordance with Section 46 of the Act.

AUTHORISED OFFICERS

Council may appoint authorised officers to ensure administration and enforcement of Section 59 of the Act

5. COMPLAINTS

All complaints relating to the management of Council cemeteries should be directed to the Property Tenure Officer.

6. REVIEW

This policy will be reviewed every three years ~~and must be reviewed within twelve months of a general election and as deemed necessary in consideration, 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 and relevant standards, codes and guidelines.

7. TRAINING

Training needs in regard to Cemetery Management will be reviewed as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

8. RELATED COUNCIL POLICIES AND DOCUMENTS

PR079	Administering new cemetery plans
PR080	Administering a new cemetery interment right
PR081	Administering a new cemetery interment
PR082	Requirement for additional cemetery interment sites
PR083	Transfer of a cemetery interment right – existing applicant
PR084	Relinquishment of an existing cemetery interment right
PR085	Transfer of a cemetery interment right - legal incapacity of existing applicant
PR095	Grave digging at Council cemeteries - Guidelines
TBA	Cemetery Memorials
SF018	Cemetery Interment Right
SF018A	Cemetery Interment Right Terms and Conditions
SF172A	Application for new cemetery Interment Right
SF172B	Interment Authority
TBA	Grave digging at Council cemeteries - Checklist
SF173	Transfer of cemetery interment right declaration
TBA	Interment Authority – Permission to inter bodily remains on private land other than a cemetery

9. REFERENCES AND LEGISLATION

[Burial and Cremation Act 2013](#)

[Burial and Cremation Regulations 2014](#)

[Local Government Act, 1934 – Part XXX – Cemeteries](#)

Local Government Act, 1999 – Schedule 2 Subsidiaries.

[Local Government \(Cemetery\) Regulations 2010](#)

Local Government (Exhumation of Human Remains) Regulations 2005

OHSW Regulations 1995 Division 5.5

Australian Standard for Monuments AS204-1994

Coroners Act 2003

Cremation Act 2000

Cremation Regulations 2001

Births, Deaths and Marriages Registration Act 1996

Births, Deaths and Marriages Registration Regulations 1996

10. COUNCIL DELEGATION

Delegate:	Chief Executive Officer.
Sub Delegate:	Director Corporate and Community Services Corporate Development Services Officer

11. VERSION HISTORY

Archived Policy Name	Policy Number	Date Adopted	Last Reviewed
Cemetery Management – Monuments and Plaques	PO129	12/08/08	08/06/10
Cemetery Management – Relinquishment of Lease	PO130	12/08/08	08/06/10
Cemetery Management – Transfer of Lease	PO131	12/08/08	12/07/11
Cemetery – General	PO132	12/08/08	08/06/10

CONFIDENTIAL

AGENDA

DIRECTOR ASSETS & INFRASTRUCTURE SERVICES

ITEM 8 – CONFIDENTIAL

1. BITUMEN EMULSION SUPPLY 2015-18 136/2015 (File Ref: 9.24.1.1)

PURPOSE

For Elected Members to consider awarding the tender for the supply and delivery of bitumen emulsion (tender number 136/2015).

RECOMMENDATION

Section 90(3)(k) Order

1. That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Executive Assistant to the CEO and Mayor, Director Corporate and Community Services, Director Development Services and Director Assets and Infrastructure Services.

The Council is satisfied that, pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to agenda item 8 Bitumen Emulsion Supply 2015-18 Tender is confidential information relating to –

“(1) tenders for the supply of goods, the provision of services or the carrying out of works;”

Accordingly, the Council is satisfied that the principle which states the meeting be conducted in a place open to the public has been outweighed in the circumstances.

Section 91(7) Order

2. That having considered agenda item 8 Bitumen Emulsion Supply 2015-18 Tender in confidence under section 90(2) and (3)(k) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the agenda report, and supporting documentation relevant to agenda item 8 titled Bitumen Emulsion Supply 2015-18 Tender be retained in confidence for a period of 12 months.

LINK TO STRATEGIC PLAN

Key Theme/s:	Corporate Governance and Leadership
	2. Organisational Efficiency and Resource Management
Strategic Goal/s:	2.3 Meet all legislative and compliance responsibilities

BACKGROUND

As per Yorke Peninsula Council's PO058 Purchasing and Procurement Policy, this report is called for as a supplier is to be recommended to Council for selection, following an open

tendering purchase method for the supply of bitumen emulsion for Council's maintenance needs.

DISCUSSION

It is recommended that the public be excluded for consideration of this item to enable consideration in confidence under Section 90(3)(k) of the *Local Government Act*.

COMMUNITY ENGAGEMENT PLAN

As the report is for Council to consider and report in confidence, it has not been necessary to engage with the community on this occasion.

CONSULTATION PROCESS

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

- Chief Executive Officer

In preparing this report, the following External Parties were consulted:

- Nil

POLICY IMPLICATIONS

Sections 90 & 91 - Local Government Act 1999

BUDGET AND RESOURCE IMPLICATIONS

Not applicable

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Sections 90 and 91, Local Government Act 1999

DIRECTOR ASSETS & INFRASTRUCTURE SERVICES

ITEM 8 – CONFIDENTIAL

2. MATERIAL SUPPLY 2015-16 TENDER 135/2015

(File Ref: 9.24.1.1)

PURPOSE

For Elected Members to consider awarding the tender for road construction material requirements (tender number 135/2015).

RECOMMENDATION

Section 90(3)(k) Order

1. That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Executive Assistant to the CEO and Mayor, Director Corporate and Community Services, Director Development Services and Director Assets and Infrastructure Services.

The Council is satisfied that, pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to agenda item 8 Material Supply 2015-16 Tender is confidential information relating to –

“(1) tenders for the supply of goods, the provision of services or the carrying out of works;”

Accordingly, the Council is satisfied that the principle which states the meeting be conducted in a place open to the public has been outweighed in the circumstances.

Section 91(7) Order

2. That having considered agenda item 8 Material Supply 2015-16 Tender in confidence under section 90(2) and (3)(k) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the agenda report, and supporting documentation relevant to agenda item 8 titled Material Supply 2015-16 Tender be retained in confidence for a period of 12 months.

LINK TO STRATEGIC PLAN

Key Theme/s: Corporate Governance and Leadership
2. Organisational Efficiency and Resource Management
Strategic Goal/s: 2.3 Meet all legislative and compliance responsibilities

BACKGROUND

As per Yorke Peninsula Council's PO058 Purchasing and Procurement Policy, this report is called for suppliers to be recommended to Council for selection, following an open tendering purchase method for the supply, and supply and delivery of road construction materials.

DISCUSSION

It is recommended that the public be excluded for consideration of this item to enable consideration in confidence under Section 90(3)(k) of the Local Government Act.

COMMUNITY ENGAGEMENT PLAN

As the report is for Council to consider and report in confidence, it has not been necessary to engage with the community on this occasion.

CONSULTATION PROCESS

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

- Chief Executive Officer

In preparing this report, the following External Parties were consulted:

- Nil

POLICY IMPLICATIONS

Sections 90 & 91 - Local Government Act 1999

BUDGET AND RESOURCE IMPLICATIONS

Not applicable

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Sections 90 and 91, Local Government Act 1999