



Yorke Peninsula Council

NOTICE OF MEETING

Notice is hereby given that the next ordinary meeting of Council
will be held on Wednesday 12th March 2014,
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 Mayor</u> – meeting declared opened |
| 1.2 | <u>Opening Prayer</u> |
| 1.3 | <u>Present</u> |
| 1.4 | <u>Leave of absence</u>
Cr John Rich and Cr John Sendy |
| 1.5 | <u>Apologies</u>
Nil |

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
Council meeting held on Wednesday 12th February 2014 at 5.30pm

1.8 Motions on Notice Pages 4 - 5
Cr Barry Schell – Motion to rescind 013/2014 (22/01/2014)

1.9 Questions on Notice
Nil

1.10 Questions without Notice

1.11 Petitions
Nil

ITEM 2 MAYOR Page 6
Report from Mayor Agnew

ITEM 3 COUNCILLORS' REPORT
Nil

ITEM 4 **INFORMATION AGENDA** Page 7

4.1 Items for exclusion

4.2 Receipt of Information Reports

4.3 Chief Executive Officer Pages
1. CEO Activities 8 - 9
2. LGA Correspondence 10 - 14
3. Action Listing 15 - 19
4. Rex Minerals Correspondence 20 - 26

4.4 Corporate and Community Services
1. Yorketown Caravan Park Minutes 27 - 31
2. Correspondence - The Friends of Port Moorowie 32 - 34
3. Correspondence – Port Moorowie Progress Association 35 - 36

4.	YPCT&S Quarterly Report	37 - 40
4.5	<u>Assets and Infrastructure Services</u>	Pages
1.	Construction and Maintenance Works	41 - 42
4.6	<u>Development Services</u>	
1.	Development Application Approvals	43 - 48
2.	Wastewater system Application Approvals	49 - 50
3.	Inspectorial Activity Report	51 - 52
ITEM 5	<u>VISITORS TO THE MEETING</u> Nil	
ITEM 6	<u>DEBATE AGENDA</u>	Page 53
6.1	<u>CHIEF EXECUTIVE OFFICER</u>	
1.	CEO Delegations Register	54 - 60
2.	Draft Whistleblowers Policy updated	61 - 72
3.	Ombudsman Final Report	73 - 81
6.2	<u>CORPORATE AND COMMUNITY SERVICES</u>	
1.	Financial Report	82 - 83
2.	Long Term Financial Plan	84 - 108
3.	Treasury Management Policy	109 - 114
6.3	<u>ASSETS AND INFRASTRUCTURE SERVICES</u>	
1.	Authority to apply common seal	115
6.4	<u>DEVELOPMENT SERVICES</u>	
1.	Proposed Increase in Dog Registration Fees	116 - 118
2.	LGAWCS Refund	119
3.	Land for Port Moorowie Community Club	120 - 121
4.	Proposed closure West Coast Road Corny Point	122 - 134
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> Nil	
ITEM 9	<u>NEXT MEETING</u> Wednesday 9 th April 2014	
ITEM 10	<u>CLOSURE</u>	

4th March 2014

Mr Andrew Cameron
Chief Executive Officer
District Council of Yorke Peninsula
PO Box 88
MINLATON SA 5575

Dear Andrew

NOTICE OF MOTION TO RESCIND

You are advised that at the 12th March 2014 meeting, I propose to move a motion on notice to rescind the previous decision of Council in relation to the naming of a road at Yorketown.

That Council rescind:

Pursuant to Section 219 (1) of the Local Government Act 1999, Council names the existing road running between Golf Road and Airport Road at Yorketown, Starr Road, by notice in the Government Gazette.

the motion 013/2014 (22/01/2014) from the January Council meeting

Reasons

This matter was considered by Council at its meeting held on 22nd January 2014 and since that decision was made I have been contacted by some of the descendants of the Davis family, who were the original owners of property in the location of this unnamed road.

I have attached the letter received from Karen Edwards a relative of the Davis family and seek Elected Members reconsideration of this decision.

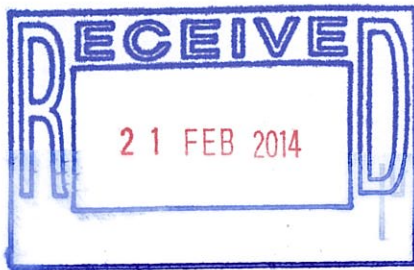
If the rescission motion is successful I propose to move the following motion on notice:

NOTICE OF MOTION

Pursuant to Section 219 (1) of the Local Government Act 1999, Council names the existing road running between Golf Road and Airport Road at Yorketown, Davis Road, by notice in the government gazette.



Barry Schell
Councillor Innes/Penton Vale Ward



21.2.14.

I find the reasons given by council regarding the renaming of 05 road to be grossly invalid.

Firstly how could Davis Rd, Yorbetown be confused with Davis St, Pt Victoria?

Secondly Maitland, Stansbury, Renlston, Edithburgh & Androssan all have a Park Tee & a South Tee.

Warooka & Yorbetown have Main St. Hardwicke Bay & Androssan have the Esplanade.

Maitland & Edithburgh have George St., Stansbury & Edithburgh have Thomas St.

Yorbetown & Maitland have Elizabeth St. In fact in Maitland Elizabeth St becomes Elizabeth Rd. Also how many towns have their streets named numerically. Must be a lot of confused people out there.

G. BONNEY

Loren Edwards. ~~G. Bonney~~
16 Airport Rd, Yorbetown

Item Number

1031-2014--

GDS Number

16.58.1.1

Distribution

M.A. MARSHALL
Maitland

MAYOR

IA/ITEM 2

1. MONTHLY REPORT (File Ref:9.24.1.1)

INTRODUCTION

To keep Elected Members updated on Mayoral Activities during the month of February 2014.

RECOMMENDATION

That the report from Mayor Agnew be received.

COMMENT

3 rd February	Northern and Yorke Regional Alliance Meeting.
11 th February	CLGR Executive Meeting at Clare and Gilbert Valley's Council Chamber.
12 th February	Council meeting.
19 th February	Along with several staff and Elected Members we attended the funeral for former Mayor Robert Schulze where approximately 500 people gathered to farewell this well respected member of the CYP community.
25 th February	YP Councils Alliance Meeting held at Kadina Town Hall.
26 th February	Meeting with Art Committee Members. Council Workshop.
27 th February	Local Government Association – Local Services App Launch held at the Adelaide Pavilion – Veale Gardens Premiers Reception held at the Adelaide Oval prior to Clipsal 500.
28 th February	Attended the Premiers event for the Clipsal 500.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Not applicable.

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Not applicable.

INFORMATION

AGENDA

CHIEF EXECUTIVE OFFICER

IA/ITEM 4.3

1. CEO ACTIVITY REPORT (File Ref:9.24.1.1)

INTRODUCTION

To keep Elected Members informed of other meetings and activities during the month of February 2014.

RECOMMENDATION

That the report be received.

COMMENT

3 rd February	Assets and Infrastructure Budget Analysis Meeting
4 th February	ABC Radio Interview - Rex Minerals
5 th February	Meeting with representatives of Adelaide University in relation to the Local Government Study on second homes.
6 th February	YP Tourism Funding Discussion and State Tourism Plan Consultation held at Kadina. Office Accommodation Working Party
7 th February	Yorke Peninsula Alliance Regional Health Care Plan Initial Planning meeting held at Copper Coast. Meeting with Mayor Agnew and Cr Stock.
10 th February	Executive Services Monthly Team Meeting.
12 th February	Meeting with Cr Rich, various matters. Council Meeting.
13 th February	Corporate Management Team meeting held in Minlaton. Work Health and Safety Meeting at Yorketown.
14 th February	Meeting at the Ardrossan Town Hall in relation to a proposed Music Festival.
17 th February	Meeting with Graeme Coppock in relation to Black Point Boat Ramp on site at Black Point.
18 th February	Meeting with Paul McNerny CLGR Project Officer looking at potential for shared services across CLGR.
19 th February	Workshop with key stakeholders in relation to the Regional Health Care Plan held at Maitland. Corporate Management Team meeting. Cr Stock – overviews of corporate structure. Along with several staff and Elected Members we attended the funeral for former Mayor Robert Schulze.
21 st February	LGMA Annual Conference.
25 th February	Work Health and Safety & Injury Management Plan Annual System Review. YP Alliance Meeting in Kadina.

	Meeting with Grantley Dodd and others from Stansbury in relation to letter of support for stormwater study. Ardrossan Trust and Hospital Board Meeting.
26 th February	Meeting with Stevie Sanders – Work Health and Safety – Scheme. Meeting with Art Committee Members. Meeting with YP Landowners Group in relation to Rex Minerals. Council Workshop.
27 th February	Local Government Association – Local Services App Launch at the Adelaide Pavilion – Veale Gardens Attended the Premier’s Reception prior to the Clipsal 500 held at the newly renovated Adelaide Oval precinct.
28 th February	Attended the Clipsal 500 as a guest of the Premier along with other Mayors and CEO’s from Local Government.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Not applicable.

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Not applicable.

CHIEF EXECUTIVE OFFICER

IA/ITEM 4.3

2. CORRESPONDENCE LGA (File Ref:9.24.1.1)

INTRODUCTION

To provide Elected Members with two items of correspondence recently received from the Local Government Association.

RECOMMENDATION

That the report be received.

COMMENT

Correspondence has been received from the Local Government Association from Acting President Mayor Lorraine Rosenberg in relation to Economic Development.

One item is in response to correspondence sent by Acting CEO Mr Roger Brooks in relation to our commitment to ongoing support for the current Regional Development Australia model (copy attached).

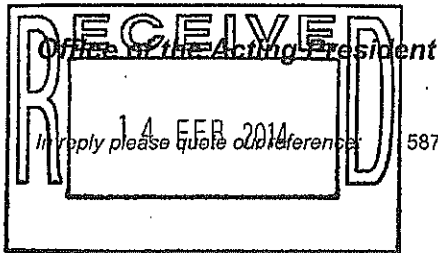
The other item is to advise Council that an important memorandum of agreement (MOU) which has been signed by peak bodies in the development sector, to enable the sector to work more collaboratively together and provide an ongoing sustainable approach to development in South Australia (copy attached).

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Not applicable.

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Not applicable.



13 February 2014

Mr Roger Brooks
Acting Chief Executive Officer
Yorke Peninsula Council
PO Box 88
MINLATON SA 5575

Item Number
830-2014-1
GDS Number
10-3-2-6
Distribution

Dear Roger

Support for Regional Development Australia Framework

I am writing regarding your Council's correspondence of 31 January 2014 to Regional Development Australia Yorke and Mid North, advising of support for the Regional Development Australia (RDA) Framework.

I advise the Local Government Association (LGA) has a firm commitment to supporting the delivery of a coordinated approach to regional development from all spheres of Government and this was a key issue in the LGA 2013 Federal Election Policy platform.

The Policy called for collaboration by the Commonwealth, with State and Local Government to establish new regional development relationships and service delivery mechanisms based on the following key principles:

- a focus on longer term objectives;
- core funding is predictable to facilitate strategic planning;
- optimising opportunities for collaboration between the spheres of Government and relevant agencies;
- ensuring sustainability and health of delivery mechanisms, including consistency of human resources and governance arrangements; and
- strengthening the key role of communities in economic and social initiatives.

This matter was considered particularly critical given the State Government reduced its funding contribution to RDA Boards post June 2013.

On Thursday 23 January 2014, I also launched the LGA's State Election Regional Development platform at a function in Port Pirie. The Alliance of Regional Councils (SAROC) also launched its complementary election document Making Regions Matter.

.../2



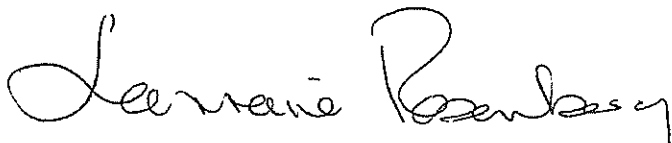
The LGA platform is seeking four regional development commitments from the next State Government:

- establish a State/Local Government Regional Development Policy and Strategy for the State, developed in consultation with Local Government;
- negotiate with the LGA joint funding arrangements to support regional development advisory bodies/structures, including securing a contribution from the Federal Government;
- review with the LGA, the breadth, publication and application of regional impact assessment statements to ensure that State Government policies and programs are appropriately tested for their social, environmental and economic impact on regional communities; and
- establish across agency reporting arrangements to the relevant Minister on the effectiveness of State Government services in regional communities and report on the outcomes.

The LGA will continue its endeavours with both the Federal and State Governments to secure a long term commitment and support for regional development relationships and service delivery mechanisms.

I will also be raising this issue with Minister Truss as a component of the key issues we will be prosecuting during 3 and 4 March 2014 Local Government (Council Mayors and delegates) delegation to Canberra.

Kind regards



Mayor Lorraine Rosenberg

Acting President

(November 2013 – April 2014)

Telephone: 8224 2022

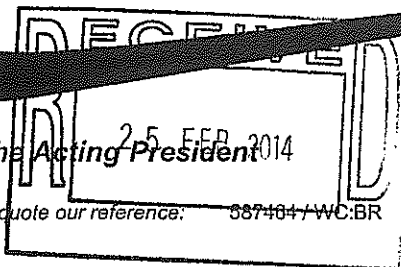
Email: lgaActingPresident@lga.sa.gov.au

Copy to: Minister for State/Local Government Relations, Hon Gail Gago, MLC



Office of the Acting President

In reply please quote our reference: 587464 / WC:BR



19 February 2014

Mayor Ray Agnew OAM
Yorke Peninsula Council
PO Box 88
MINLATON SA 5575

Dear Mayor Agnew

Memorandum of Understanding – Supporting Economic Development in South Australia

I sent you on Friday 14 February (via email) a short note to advise you of the signing of the above MOU and provided you with a copy. Wendy Campana has previously provided a copy to your CEOs.

This MOU is an important step going forward in the relationship between the peak bodies in the development sector and the LGA and is another first for South Australia as we are aware of no other state that has been able to have these key peak bodies sign an MOU of this kind.

For some considerable time we have heard the State Government assert that Councils and developers don't get along and that there are frustrations in the planning system in areas such as:

- the time taken to process applications;
- appeals due to CDAP decisions; and
- agreeing on appropriate levels of contributions to infrastructure.

In more recent times the LGA has become aware of the confusion in Councils about participation in events and functions or accepting invitations from developers in the light of ICAC. We have been made aware that developers are also unsure of the arrangements and wish to better understand how accountability, probity and transparency can be maintained in this environment.

The planning review being conducted by the Government has also seen an increased interest in understanding the issues faced by Councils and the development sector. Ensuring that red tape is removed whilst protecting the integrity of the decisions we make in local communities from an amenity view point is a key issue for all parties, especially given the time taken by the State to approval Development Plan Amendments.

The above issues are already on the LGA's work program and the MOU provides a formalised engagement process with those peak bodies and their representatives about the manner in which these issues could be tackled to enhance economic growth in this State.

The LGA Board endorsed the signing of an MOU that enabled the sectors to work more collaboratively together while recognising that there may be different views.

.../2

Item Number
1069-2014-1
GDS Number
9.3.2.1
Distribution

The CEOs of the peak organisations signing the MOU will be meeting in the next 4 weeks to map out a work program around the key priority areas of:

- Infrastructure contributions
- Clarity about the ICAC implications of the relationship
- Streamlining the planning system and removing red tape

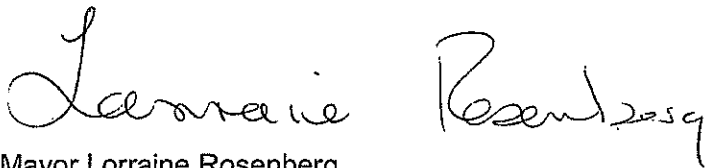
At this meeting the parties will continue to share information and explore a way forward that I anticipate will result in us consulting with your Council on guidelines for infrastructure contributions and releasing a Code of Practice related to engaging with developers in the context of the ICAC.

The LGA is also receiving information from Councils regarding issues that are impinging on the planning system and these will be shared with the peak bodies in an effort to identify common ground. We have already found since the announcement by the Opposition, should they be elected, to return the planning decision making process to the Inner Rim Councils that we have shared some valuable data about the performance of these Councils.

I look forward to working with you on these important issues as we progress this relationship with the development sector via the MOU.

If you have any queries regarding this matter and the work of the CEOs of the signatories please don't hesitate to contact Wendy Campana on email wendy.campana@lga.sa.gov.au or via telephone on 8224 2022.

Kind regards



Mayor Lorraine Rosenberg
Acting President
(November 2013 – April 2014)

Telephone: 8224 2022

Email: lgaActingPresident@lga.sa.gov.au

CHIEF EXECUTIVE OFFICER

IA/ITEM 4.3

3. ACTION LISTING REPORT (File Ref: 9.24.1.1)

INTRODUCTION

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

RECOMMENDATION

That the report be received.

COMMENT

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

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Local Government Act 1999

Strategic Plan

Key Theme: Corporate Governance and Leadership
2. Organisational Efficiency and Resource Management

Strategic Goal: 2.4: Effective Risk Management

Yorke Peninsula Council's Risk Management Framework

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Important issues of legislative compliance and best practice risk management principles underpin Council's action list and the associated due dates.

COUNCIL MEETING 12th March 2014

Action List

Responsible Officer	Agenda Item Number	Task	Due Date	Status
Director Corporate & Community 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
13 th July 2011				
Director Corporate and Community Services	DA/CCS/R5	Organise the necessary paperwork to lease the Ardrossan Scout Hall to the Ardrossan Progress Association	As soon as DEWNR respond	Director C&CS waiting on building report from Development Services on condition of Old Scout Hall
9 th November 2011				
Director Corporate and Community Services	DA/CCS/R8	Organise for lease to be established for Yorketown Progress Association for the former Lions Clubrooms	As soon as Ministerial approval is granted	DEWNR advised - awaiting Ministerial consent
14 th December 2011				
Director Corporate and Community Services	DA/CCS/R4	Organise for new land lease for Minister for emergency services and get Mayor and CEO to sign and seal documents	As soon as Ministerial approval is granted	Awaiting documentation from Lessee
Director Corporate and Community Services	DA/CCS/R8	Organise for Ardrossan Progress Association lease for the Caravan Park and Mayor and CEO to sign and seal documents	As soon as Ministerial approval is granted	DEWNR advised - awaiting Ministerial consent
14 th March 2012				
Director Corporate & Community Services	DA/CCS/R5	Organise for the long term leases for Price and Port Clinton Caravan Parks to be prepared	As soon as Ministerial approval is granted	DEWNR advised - awaiting Ministerial consent
13 th June 2012				
Director Corporate &	DA/CCS/R3	Sunbury Oval lease to be prepared and signed and sealed by Mayor	As soon as Ministerial approval is granted	DEWNR advised - awaiting Ministerial

Community Services		and CEO		consent
10 th October 2012				
Director Corporate and Community Services	DA/CCS/R4	Organise the lease for Port Victoria Maritime Museum and National Trust in accordance with Council's decision	As soon as Ministerial approval is granted	DEWNR advised – awaiting Ministerial consent
10 th April 2013				
Director Corporate and Community Services	DA/CCS/R6	Organise for the Corny Point Progress Association leases to be signed and sealed.	As soon as Ministerial approval is granted	DEWNR advised - awaiting Ministerial consent
8 th May 2013				
Director Development Services	DA/DS/R1	Organise to commence the road closure of West Coast Road, situated between Wurlie Road and Gleeson Road, Hundred of Carribe	October 2013	Completed
12 th June 2013				
Director Assets & Infrastructure Services	DA/AIS/R2	Commence process to assume ownership and ongoing maintenance responsibilities of Balgowan and Port Julia CWMS	April 2014	Owner advised to commence required upgrade prior to ownership change
11 th September 2013				
CEO	DA/CEO/R2	Organise for the Civic Buildings Working Party to prepare Concept Designs & Costings to Planning consent stage	February 2014	Underway
Director Corporate & Community Services	DA/CCS/R3	Organise for the preparation of the lease for Foul Bay Area Progress Association for a portion of Allotment 22 Foul Bay	As soon as Ministerial approval is granted	Public consultation complete. DEWNR advised – awaiting Ministerial consent
11 th December 2013				
CEO	DA/CCS/R5	Engage an independent Project Manager to oversee the implementation of the Asset Plan in accordance with Council's procurement requirements.	February 2014	Completed
Director Development	DA/DS/R1	Organise to finalise the process to close West Coast Road Corny	January 2014	Underway

Services		Point		
Director Development Services	DA/DS/R5	Arrange for programmed works to be undertaken at Port Vincent Foreshore Walk in accordance with grant conditions	December 2013	Underway
22 nd January 2014				
Director Corporate and Community Services	DA/CCS/R4	Organise Land Only lease for Balgowan Camping Ground	As soon as Ministerial approval is granted	Underway
A/Director Corporate and Community Services	DA/CCS/R5	Organise for Draft Long Term Financial Plan to undergo public consultation (website and YPCT)	January 2014	Underway
12 th February 2014				
CEO	DA/CEO/R1	Organise for EA to include PO015 Access to Council and Committee Meetings and Documents Policy in the policy manual and on the website	February 2014	Completed
CEO	DA/CEO/R2	Update the Delegations Register in relation to the Heavy Vehicle National Law legislation	February 2014	Underway
CEO	DA/CEO/R3	Nominate Cr Cook for the Dog and Cat Management Board	Prior to March 14 th 2014	Underway
Director Corporate and Community Services	DA/CCS/R2	Advise Minlaton Skate Park Committee of Council's willingness to undertake project management of the project	February 2014	Completed
Director Corporate and Community Services	DA/CCS/R3	Advise Foul Bay Area Progress Association that Council has approved an extension to their grant	February 2014	Completed
Director Development Services	DA/DS/R1	Organise to follow up the recommendations from the Access Advisory Committee meeting	February/March 2014	Commenced
Director Development Services	DA/DS/R2	Prepare and submit an application for the Port Vincent Dry Area to be extended indefinitely	February/March 2014	Completed

Director Development Services	DA/DS/R3	Advise the owner of Section 285 Hd Tiparra that Council has agreed to a reduction in their bank guarantee	February 2014	Commenced
CEO	GB	Leave of absence granted for Cr Rich (one meeting) and Cr Sendy for 8 weeks	February 2014	Completed
CEO	GB	Advise all staff who are responsible for document preparation that the Council Logo must include the Tag Line	February 2014	Completed

CHIEF EXECUTIVE OFFICER

IA/ITEM 4.3

4. CORRESPONDENCE – REX MINERALS

(File Ref:9.24.1.1)

INTRODUCTION

To keep Elected Members updated on information received about Rex Minerals Hillside Project.

RECOMMENDATION

That the report be received.

COMMENT

Several items of correspondence have been received in relation to the Rex Minerals Hillside Project (copies attached) for Elected Members information.

- correspondence received from the Deputy Chief Executive DMITRE in response to our correspondence about Rex Minerals.
- correspondence received from Mark Parry CEO Rex Minerals in response to our submission about the Rex Minerals project.
- an email received from Mark Parry CEO Rex Minerals advising us that approval had been granted for the Section 49 Development Applications

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Strategic Plan

Key Theme:

Sustainable Communities

4. Economical Growth through Sustainable Industrial Development

Strategic Goal:

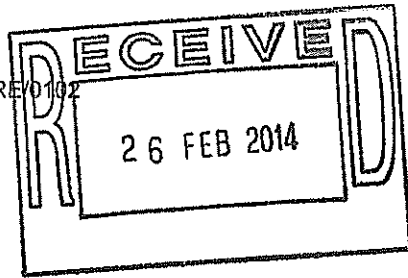
4.3 Realise the benefits for our Community created through major industry and business growth

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Not applicable.



14MMRE/0102
16985



Mr Roger Brooks
Acting Chief Executive Officer
Yorke Peninsula Council
PO Box 88
MINLATON SA 5575

Item Number 1107-2014-4
GDS Number 4.85.1.5
Distribution Copy to Jackie

Resources and Energy
Group
Executive Office
Level 7
101 Grenfell Street
Adelaide SA 5000
GPO Box 1264
Adelaide SA 5001
Tel +61 8 8463 3201
Fax +61 8 8463 4155
www.dmitre.sa.gov.au/minerals

Dear Mr Brooks

Thank you for your latest correspondence to the Minister for Resources and Energy regarding the Rex Minerals (Rex) Hillside Mining Lease Proposal (MLP) and the Government's process for assessing the Proposal under the *Mining Act 1971* and other relevant State environmental and water management legislation. As the Government is now operating under Caretaker provisions, the Minister has requested I respond on his behalf.

I am advised that the assessment process for the Rex MLP is currently underway and is being managed by the Department for Manufacturing, Innovation, Trade, Resources and Energy (DMITRE) in consultation with other relevant Government regulatory agencies. The current status of the process is as follows.

On completion of the formal public consultation period on 8 November 2013, the Government reviewed all submissions received (during the period) and provided those submissions to Rex for review and response. Also provided to Rex was a detailed technical submission on behalf of all relevant Government regulatory agencies that undertook formal reviews of the MLP.

The Government's detailed technical submission and public submissions (other than those requested to be retained as confidential by the author) have now been publically released for viewing on DMITRE's website:

http://www.minerals.dmitre.sa.gov.au/mines_and_developing_projects/developing_projects/rex_minerals_hillside_copper_mine_submissions

In accordance with the statutory process, Rex is now preparing a Response Document in response to all issues raised in the submissions received.

I am advised that the Response Document should address all issues raised in those submissions, incorporate any changes to the project proposed by Rex as a result of Stakeholder feedback, and/or include any further information prepared in the interim in support of their proposal.

When Rex's Response Document is finalised and formally submitted to DMITRE, the formal Government assessment of the Hillside MLP will commence. This assessment will take into account the information within the original MLP submissions received from all Stakeholders and the Response Document provided by Rex. I have been advised that Rex Minerals has indicated to DMITRE the Response Document will be published once finalised.

Consistent with the frameworks provided by other South Australian and Commonwealth legislation for environmental impact assessment, the *Mining Act 1971* provides an assessment framework based on 'proposal, consultation, response, and assessment', with assessment undertaken utilising technical experts both within and external to Government. Subsequent consultation is undertaken only where the response has materially altered the project such that the original risk assessment provided in the proposal is no longer applicable.

The clear message from my office and from my Department to all mining companies seeking to develop mineral resources is that ongoing engagement with all Stakeholders is an expectation, and a critical precursor to a successful application to develop mining operations.

I encourage the Yorke Peninsula Council to maintain open dialogue with Rex, to clearly articulate requests for further information and to request Rex's active participation in working through those issues.

If the assessment of the MLP leads to a consideration by the government to offer a Mining Lease, the mining proponent will then be required to consider the offer and stringent conditions for the mining lease. If a mining lease is ultimately granted, the company will then be required under the provisions of the *Mining Act 1971* to provide the Life-of-Mine Operational Plan – the *Program for Environment Protection and Rehabilitation (PEPR)* – for comprehensive assessment. The PEPR and all associated EPA licences etc. are the documents against which operational compliance is regulated throughout the life of the mine. Commencement of construction and operations at the Hillside site would not be able to proceed until all of the assessments and approvals outlined above are in place.

The process for the development and approval of a PEPR requires extensive detail to be provided by the proponent about the proposed operations, detailing specifically how operations will be managed to achieve the conditions imposed by the Mining Lease.

Evidence of extensive and transparent engagement with Stakeholders is an important expectation of companies during the development of detailed operational plans, and I expect that if Rex were granted a Mining Lease, the company would undertake significant consultation with the Council and other Stakeholders during this process.

Further information on the content of a PEPR can be found in the Ministerial Determination on the DMITRE Minerals website at:

<https://sarigbasis.pir.sa.gov.au/WebtopEw/ws/samref/sarig1/image/DDD/MD005.pdf>

With regard to publication of any decision, it is a statutory requirement that all parties that made a submission during the statutory consultation period are formally advised of the Minister's determination following the conclusion of the process. That determination will also be published on the DMITRE website. Should the Minister offer Rex a Mining Lease then the comprehensive body of Mining Lease conditions would also be included in this notification.

Once again, thank you for your letter and for continuing to highlight the issues and concerns of the Yorke Peninsula Council. Both my office and my Department are committed to engaging with the Council and other Stakeholders, and providing information on the process including the detailed documentation as it is finalised.

Yours sincerely

A handwritten signature in black ink, appearing to be 'P. Heithersay', written over a horizontal line.

Paul Heithersay

Deputy Chief Executive, Resources and Energy
Department for Manufacturing, Innovation, Trade, Resources and Energy

20 February 2014

HEAD OFFICE

19/11 Waymouth Street
Adelaide South Australia 5000

28 FEB 2014

(08) 6299 7100
(08) 6299 7199

PO Box 3435 Rundle Mall
South Australia 5000

Item Number

1156-2014-4

Item Number

rex@rexminerals.com.au
www.rexminerals.com.au

4-25-1-5

Distribution

copy to
Jackie



MINERALS LTD

AFN 124 960 523

27th February 2014

Andrew Cameron
Yorke Peninsula Council
PO Box 88
Minlaton SA 5575
Attention: Jackie Reddaway

Dear Andrew Cameron,

Re: Rex Minerals Ltd (Rex) Hillside Copper Mine Mining Lease Proposal (MLP) Submission Response

Thank you for taking the time to write your submission. It is essential for Rex to understand the communities concerns and expectations. I recognise and accept that it is our job – not the council, the government, or other residents – but our job, to hear the disquiet and unease, take the worries seriously and act on them in ways that you see and can monitor.

The Department of Manufacturing, Innovation, Trade, Resources and Energy (DMITRE) received 264 public submissions and of these, 237 submissions were publicly released on 29 January 2014 which can be viewed online at:

http://www.minerals.dmitre.sa.gov.au/mines_and_developing_projects/developing_projects/rex_minerals_hillside_copper_mine_submissions

DMITRE forwarded Rex all 'non-confidential' submissions throughout the consultation period as they were received. This commenced 12 September 2013 with the final set of submissions delivered to Rex on 25 November 2013. Throughout this consultation period, DMITRE assessed the submissions and forwarded to Rex any concerns or clarifications raised, that were not addressed in the MLP to DMITRE's satisfaction.

Subsequent to all submissions received and reviewed by DMITRE there was a total of 196 points forwarded to Rex for response. The 196 points provided to Rex on 3 December 2013 were divided into two categories, issues raised by the State Government (from 1 – 99) and issues raised from members of the public (from 100 – 196). These 196 points can be viewed online following the link above named: *Government response document: Appendix 1 - Outcomes of statutory consultation on Rex Minerals Hillside mining lease proposal and management plan.*

As required Rex has written a Response Document in consultation with the State Government where individual answers to all 196 points were provided. It is not generally a requirement of the regulatory approvals process for Rex to publish this Response document. However, as part of our commitment to continue to remain open and transparent Rex has published this document on our website and it is available for viewing at: <http://www.rexminerals.com.au/mlp/>

The Response Document will directly contribute to the final SA Government assessment of the Rex proposal and the decision whether or not to grant the Mineral Lease, and if so, any applicable conditions. DMITRE's assessment of Rex's proposal will be published once finalised and will include the reports prepared by independent consultants engaged by DMITRE to verify Rex's technical reports. Some of the supporting

appendices to the Response Document are not provided as they contain information that the broader market does not possess and are commercial in confidence. This information has been provided to the State Government only for consideration in their assessment. Rex has sought to limit and minimise the amount of confidential information.

Rex reviewed all submissions and the highest levels of concerns represented the following key areas;

- Dust
- Noise
- Reduction in agricultural land
- Marine environment
- Soil/ Site Rehabilitation

Rex's ongoing consultation strategy has been developed and shared over the last three years including the formation of the Community Consultative Group (CCG). We are committed to engaging and involving the community in an open and transparent manner. We have provided and will continue to provide a range of consultation opportunities including an open office, site tours and community information sessions. In direct response to the wider communities feedback on the issues stated above, Rex has provided further information in a series of articles in the local Yorke Peninsula Country Times (YPCT).

Rex's next steps include targeted information sessions with progress associations coordinated through the CCG and ongoing meetings with key stakeholders (DCYP, Local Member for Goyder, Regional Development Australia, landowners, etc.). Another opportunity for members of the public to receive information or to play an active role in Rex's future is to join Rex's email distribution list. The articles in the YPCT have also requested members of the community to become involved in the various working groups structured around the key areas of concerns including workforce planning and ongoing management of the Community Sponsorship Program. If you or anyone else in your organisation would like to join either the email distribution or one of the working groups please contact us on:

Email: rexminerals@rexminerals.com.au


Postal Address: PO Box 3435, Rundle Mall, Adelaide SA 5000

Phone: (08) 8299 7100

Rex will continue to use multiple forms of media to engage the community throughout this process and beyond. I want to continue seeking your involvement in ensuring that our proposed operation will meet not only the regulatory requirements but also community expectations. Ultimately, we need your feedback on how you would like to receive information and your involvement in setting the communities standards and expectations.

We look forward to demonstrating our commitment through delivering on promises, listening and responding to any ongoing concerns and issues to become a respected and valued contributor to the Yorke Peninsula community.

Kind regards



Mark Parry
CEO/Managing Director

Jackie Reddaway

From: Andrew Cameron
Sent: Tuesday, 4 March 2014 5:48 PM
To: Jackie Reddaway
Subject: FW: Hillside Project – Approval for Section 49 Development Applications

From: Rex Mailbox [<mailto:rex@rexminerals.com.au>]
Sent: Monday, 3 March 2014 3:27 PM
To: Rex Mailbox
Subject: Hillside Project – Approval for Section 49 Development Applications

Rex is pleased to announce today that approval has been granted for the road realignments and upgrades to the Ardrossan Jetty and Ship Loader that form part of the Hillside Copper Project Development.

Rex now awaits final state regulatory approval for the Mining Lease of the Hillside project.

To view a copy of the ASX please click the following link:

<http://www.rexminerals.com.au/wp-content/uploads/2013/02/20140303-Rex-Section-49-Approvals-FINAL.pdf>

Best regards

Mark Parry

MD/CEO

REX MINERALS LTD

t +61 (0)8 8299 7100

a Level 19, 11 Waymouth Street, Adelaide 5000

w www.rexminerals.com.au

17

DIRECTOR CORPORATE AND COMMUNITY SERVICES

IA/ITEM 4.4

1. YORKETOWN CARAVAN PARK MANAGEMENT COMMITTEE MINUTES 3rd FEBRUARY 2014 (File Ref: 9.24.1.1)

INTRODUCTION

The Yorketown Caravan Park Management Committee is a Section 41 Committee of Council. A copy of their latest minutes is attached.

RECOMMENDATION

That the report be received.

COMMENT

Business discussed at the Committee meeting centred around:

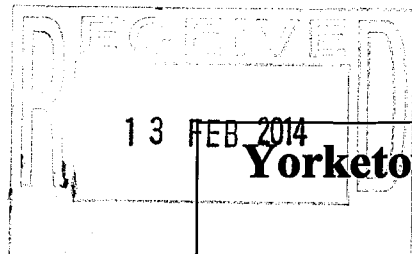
- General maintenance requirements of the Park
- Amenities upgrade
- Purchase of new washing machine
- Floor coverings
- Purchase of a trailer
- Watering System

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Section 41 of the Local Government Act 1999.

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

As a Section 41 Committee of Council, all financial and risk management decisions of the Yorketown Caravan Park Management Committee impact directly upon Council.



Yorketown Caravan Park Management Committee
Meeting Minutes

Item Number	826-2014-3
GDS Number	16.64.1.6
Distribution	

DATE HELD: Monday 3rd February 2014.

Chairperson Peter Bilney welcomed all present, and extended a special welcome to Eddie Giovannini as a representative for Yorketown Progress Association.

PRESENT: P. Bilney, T. Franke, B. Braund, Dean Hoare, L. May, E. Giovannini.

APOLOGIES: P. Franke L.A Swaans and W. Haylock.

Confirmation of Minutes: Meeting held on Monday 2nd December, 2013.

Minutes of the previous meeting were moved for confirmation by T. Franke, seconded by B. Braund. Carried

BUSINESS ARISING:

1. DL size brochures for the Park are to have one or two photos replaced as there are even less trees than when previous photos were taken. It was agreed that if there is little price difference, to order 1000, not 500.
2. Tape Homes have advised that a Hardiplank amenities block to the specifications supplied would cost between \$120,000 and \$130,000 to build. The Council has a quote from Country Living Homes at Moonta (last year) for an amenities upgrade. These costings are a starting point for the needed upgrade of Park amenities.
3. New Washing Machine. The Committee agreed that both machines, (old and new) be housed in the Laundry. It was moved by T. Franke, seconded by B. Braund, that the electrical and plumbing quotes be accepted without delay and installation take place as soon as possible. Carried.
4. Quotes have been received from both York Carpets and Yorke Peninsula Carpets. B. Braund offered to meet L. May the next afternoon to look at floor covering samples. Advice may be sought from Chris Haylock or Mary Davey as to suitability of colour match to existing vinyl flooring. It was agreed to accept the quote from York Carpets, with installation before Easter.
5. Prices are to come from Chris March Engineering, as well as the Melbourne BBQ Company to supply a hinged stainless steel cover for the BBQ. To order the cover it was agreed that the Executive of the Committee make the necessary decisions prior to the next meeting, and place the order. P. Lane failed to order the cover, as instructed months ago.
6. Advertising in Sunday Mail prior to Christmas was carried out, however the Park has been very quiet indeed.
7. Expenditure by P. and J. Lane of proceeds from the sale of the on-site van has not been satisfactorily explained. It was resolved that the matter is now closed.

TREASURERS REPORT:

The financial report for the month of December was tabled.

CORRESPONDENCE IN:

1. Letter – from Council re Interim Arrangements for Park Manager.
2. Email - B. Scholes re December financial report.

3. Email - B. Scholes re supporting Red Faces Travel Auctions. The Committee were not in favour of the proposal.
4. Email - B. Scholes re brochures for SA Caravan & Camping Show. Some improvements to the sample were suggested, but it was basically adequate.
5. Letter from Sensis re Advertising in YP Phone Book. Arranged.
6. Email from B. Scholes re endorsement of suggested Park improvements. To be dealt with in general business.

CORRESPONDENCE OUT:

1. Letter to P. and J. Lane Maintenance Contractors re account not being accepted.
2. Letter to P. Lane from P. Bilney re incorrect siting of van.
3. Email to Lanes re change-over arrangements, plus good wishes for future.
4. Letter to Steve Wood from Council re unsuccessful application for permanent residency.

It was moved that the correspondence be accepted, by L. May, seconded by T. Franke.
Carried

MANAGERS REPORT

No report received. L. May to seek information from Council re occupancy figures for January.

GENERAL BUSINESS:

1. Members of the Progress Association appreciated being included in the walk around the Park. Steve Schilds, acting caretaker, also joined us. Various issues were noted, such as minor repairs to Cabin 1, repairs to broken lattice in BBQ area, and painting of exterior of both cabins.
2. A quote has been received from Brentwood Engineering for a 7' X 5' trailer as was size quoted by Minlaton Engineering a year ago.. L. May to seek renewed quote from Minlaton Engineering when in Minlaton on Wednesday. Committee will be contacted by email for decision, to expedite ordering. P. Lane stated at the very last meeting he attended (3rd June 2013) that as he had purchased a "truck", a trailer was no longer required.
3. The email from B. Scholes re endorsement of suggested Park improvements were discussed at length. The Committee felt blamed for shortcomings at the Park. Prior to the Lanes' era, the Committee functioned successfully, and dealt with all problems. The upkeep of the Park had been exceptional, as three volunteers, later alienated by P. Lane, attended to the grounds and the BBQ area on a weekly basis. It should be noted that in the past our Park has received a number of Tidy Towns Awards. Peter Lane caused disruption of twelve months and more in our administration with his difficult, contrary behaviour.

Decisions of the Committee regarding suggested improvements:-

1. Installation of sunset switch at BBQ area. OK
2. Second gas supply to BBQ area. This has been talked about before, as even though a reserve cylinder has always been kept, visitors are unaware of how to deal with an empty cylinder if the caretaker is unavailable. OK
3. A definite NO to topping the trees behind the BBQ area. That would leave only two or three tall trees along that whole boundary, and it was felt that the trees are more valuable as a windbreak as they are. Winter winds buffet the Park from the west. Apart from that, the topping of *Lagunaria patersonii* is not recommended, the hundreds of trees of this species planted throughout the State, and in the Adelaide parklands, are left in their natural pyramid shape. The area around the BBQ shelter was always kept raked and tidy in the past. NO
4. A simple safe to be installed for after hours arrivals. OK

5. Cover over electrical switchboard in office. OK, but this was inspected by Council prior to office being used. The Committee wondered if this changed when the air conditioner was installed

6. Lights outside amenities to be replaced. Quote was received for this from J. Ingram (Minutes 3rd June 2013) and was expected to be undertaken by him. Subsequent work at the Park by J. Ingram led committee to believe that ~~it~~ all minor work was done at that time. It must be rectified as soon as possible. OK

7. New taps and plumbing for new washing machine. The Committee wish this to be done without delay, as too much delay has already occurred. OK

8. Trailer to be purchased. P. Lane had made it known to Committee members that he no longer needed a trailer as he had bought a "truck". The Committee felt that it was expected that the Park would pay for the running of the "truck", as Lanes had placed the Park name on it. The lack of support for expenses possibly explains reluctance on their part to clear green waste and fallen branches from the Park. The Committee has organised purchase of the trailer, part of the Capital Expenditure. OK

9 Spray buildings for spiders OK

10. New linen to be purchased. The committee believe that allowance was made for the purchase of new linen in the general expenditure budget for this current year. P. Lane had said he was to order linen from the Council supplier (Tony Colyer?), A member of the Committee said that it was suggested by Steve that plastic storage boxes be purchased for storage of linen, which is the only information to hand re "improved storage area". If this is so, all OK.

11. Green waste, bricks etc. to be cleaned up and removed. This area was all neat and tidy before Lanes' advent. It was proposed to salvage remaining cement pavers to place between amenities and store shed, and they were not in the current disarray. Lanes made a couple of vegetable garden areas, and left all in situ, as well as heaped green waste. The annexe flooring (against store shed) was to be removed by Council, as agreed in June, 2013. The Committee were hoping to restore the Park to its former tidiness when Lanes left, but were derived of authority under Council's interim caretaker arrangements. OK

12. All (?) dead trees, Oleanders to be removed. There is only one tree, an Eucalyptus gomphocephala (Tuart Gum) that is struggling, that should/could be removed. A few shrubs are dead due to Lanes' decision to transplant them to new positions, also dead pot plants etc. L. May advised she has replaced one pot plant and will tend to others, as well as heat damaged pot plants, when weather is more suitable. Further clarification is required before all dead trees are removed. It was felt that it will be very sad to remove the Oleanders as they are well out of the way. It takes a long time to establish shrubs on the steep mound area. Oleanders are able to withstand very hot and very dry conditions, give months of colour, and are virtually maintenance free. The committee is very reluctant to comply with this.

13. Irrigation system for next budget. B. Braund had offered to donate surplus irrigation materials to Park (Minutes 8th April 2013) on request by P. Lane for trickle system to shrubs rear of cabin. B. Braund said this offer is no longer available. The committee do not know of the extent and size of the proposed system, more information is required.

14. Chemical manifest to be developed. Our Park received accreditation when inspected by CRVA around April, 2012. A folder with all accreditation details should be in the office. L. May has mentioned update of requirements for accreditation to B. Scholes, as there may be an inspection due shortly. OK

15. A caravan park map printed. OK

16. Emergency Evacuation Diagrams. These were placed in cabins and amenities, prior to Accreditation inspection. There should also be copies in our accreditation folder. The Committee is unsure if they have been removed from cabins etc.?

Otherwise, OK.

17. Travel Auctions. The Committee felt it is worth a try. OK

18. Our Park brochures are a reprint, requested by P. Lane late last year. A new photo of the Park will update the brochures otherwise they will be as before.

19. Prices sought for BBQ plate cover from Chris March Engineering and Melbourne BBQ Co., decision to be made on which to purchase by executive of committee.

20. B. Scholes failed to attach the current fees and charges of the Park to the email as promised.

It was moved by T. Franke, seconded by B. Braund, that the Powered Site fee move to \$28.00 (from \$25.00), and that the Unpowered Site Fee move to \$22.00 (from \$20.00), as from 1st July 2014. Carried. Other prices will be checked at the March meeting.

21. As it was so late, the current expense budget was not reviewed.

The committee would still place a priority on new or highly improved amenities, and listed the following for capital items for the coming year.

1. Amenities upgrade.
2. Painting of Cabins.
3. Watering System (After costing details)

There was no further business. The meeting closed at 11.10pm.

*The next meeting would be on **Monday 3rd March 2014.***

DIRECTOR CORPORATE AND COMMUNITY SERVICES

IA/ITEM 4.4

2. CORRESPONDENCE RECEIVED FROM FRIENDS OF PORT MOOROWIE

(File Ref: 9.24.1.1)

INTRODUCTION

To keep Elected Members informed in relation to correspondence received from the Friends of Port Moorowie.

RECOMMENDATION

That the report be received.

COMMENT

Correspondence has been received from Jo Daniels-Wilson, Chairperson of the Friends of Port Moorowie advising that their committee has voted that:

“The Progress Association Annual Allocation for Port Moorowie should be deferred until such time as the new Community Hall Development Application is passed and then the money be used to defray associated expenses of insurance, electricity, or lease costs at the discretion of the Yorke Peninsula Council.”

A copy of this correspondence is attached.

Council’s resolution at its meeting held on 9th October 2013 was:

“Cr Butler moved Cr Nicholls seconded

That Council withhold the distribution of funding for the Port Moorowie township until such time as the two groups can come to an agreement, in writing, as to the distribution of these funds.

CARRIED UNANIMOUSLY 211/2013 (09/10/2013)”

To date no correspondence has been received from either the Friends of Port Moorowie or the Port Moorowie Progress Association that an agreement has been reached in this regard.

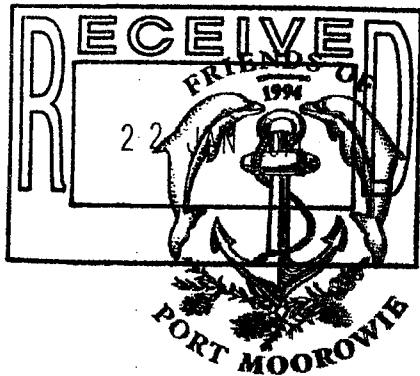
LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

References to Yorke Peninsula Council Strategic Plan 2012 – 2015, Key themes;

- Sustainable Communities
- Community Engagement

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

A total of \$45,000 has been provided for the Progress Associations Allocations in the 2013/2014 Adopted Budget as adopted by Council at its meeting on 10th July 2013.



Friends of Port Moorowie Inc
P.O. Box 189 Yorketown SA 5576

Email: thefopm@gmail.com

Item Number
336-2014-3
GDS Number
7.41.6.1
Distribution

Ref 854-2013-3

21 January 2014

Mr David Harding
Director Corporate & Community Services
Yorke Peninsula Council
PO Box 88
MINLATON SA 5575

Re: **Progress Association Annual Allocation Outcomes**

Dear Sir

Further to our conciliation meeting on 16 December 2013, I now put forward the views of our committee.

The Committee has voted that: 'The Progress Association Annual Allocation for Port Moorowie should be deferred until such time as the new Community Hall Development Application is passed and then the money be used to defray associated expenses of insurance, electricity, or lease costs at the discretion of the Yorke Peninsula Council.'

We believe that this would be the best outcome as it would serve the whole community and prevent any divisiveness from occurring.

Although I am more than willing to attend a conciliation meeting with the Chairperson of the Port Moorowie Progress Association and a mediator, our committee still is of the opinion that the first option is by far the most sensible and practicable one.

Yours faithfully

Jo DANIELS-WILSON
Chairperson

(Mobile) 0411072836

DIRECTOR CORPORATE AND COMMUNITY SERVICES

IA/ITEM 4.4

3. CORRESPONDENCE RECEIVED FROM PORT MOOROWIE PROGRESS ASSOCIATION (File Ref: 9.24.1.1)

INTRODUCTION

To keep Elected Members informed in relation to correspondence received from the Port Moorowie Progress Association.

RECOMMENDATION

That the report be received.

COMMENT

Correspondence has been received from James Edlington, Treasurer/Project Officer of the Port Moorowie Progress Association advising that their committee has resolved to advise Council and the Friends of Port Moorowie that it withdraws its application for maintenance funding for 2013 and any future years for its own peace of mind, harmony and well-being."

A copy of this correspondence is attached.

Council's resolution at its meeting held on 9th October 2013 was:

"Cr Butler moved Cr Nicholls seconded

That Council withhold the distribution of funding for the Port Moorowie township until such time as the two groups can come to an agreement, in writing, as to the distribution of these funds.

CARRIED UNANIMOUSLY 211/2013 (09/10/2013)"

To date no correspondence has been received from either the Friends of Port Moorowie or the Port Moorowie Progress Association that an agreement has been reached in this regard.

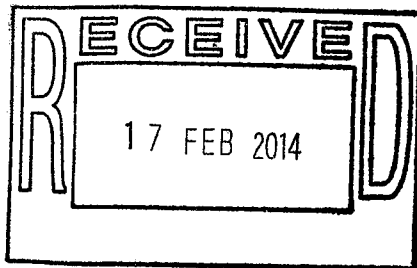
LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

References to Yorke Peninsula Council Strategic Plan 2012 – 2015, Key themes;

- Sustainable Communities
- Community Engagement

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

A total of \$45,000 has been provided for the Progress Associations Allocations in the 2013/2014 Adopted Budget as adopted by Council at its meeting on 10th July 2013.



PORT MOOROWIE PROGRESS
Building a Stronger Community

Item Number
873-2014-3
GDS Number
4.14.3.40
Distribution

Director of Finance,
Mr David Harding,
Yorke peninsula Council,
P.O Box 88. Minlaton, 5575

14th February 2014

Dear David,

The Port Moorowie Progress Association has had a meeting, and as a result, we wish to advise you, and the Friends of Port Moorowie, that the Progress Association withdraws its application for maintenance funding from the Yorke Peninsula Council for 2013 and any future years., for our own peace of mind, harmony and wellbeing..

It is obvious that the Friends of Port Moorowie are desperate for the funding. The Progress has raised several thousand dollars since being formed, and since, has carried out maintenance to the town at our own cost with no help from Council or anyone else.

We also advise you that the Progress will finish off the projects in hand, still clean the Public Toilets and fund raise, but will no longer carry out any maintenance to the town.

The money we raised will be donated to worthy causes.

Yours Sincerely,

James Edlington,
Treasurer/Project Officer,
On behalf of the Port Moorowie Progress Association Inc.

DIRECTOR CORPORATE AND COMMUNITY SERVICES

IA/ITEM 4.4

4. YPCTS QUARTERLY REPORT

(File Ref: 9.24.1.1)

INTRODUCTION

To keep Elected Members updated on the activities of YP Community Transport & Services.

RECOMMENDATION

That the report be received.

COMMENT

Report Prepared by the Regional Co-ordinator, YP Community Transport and Services.

QUARTERLY TRANSPORT REPORTS (1 Oct – 31 Dec)

Region / Service Type	2012	2013
VOLUNTEER SERVICE		
Barunga West	65	91
Copper Coast	718	674
Yorke Peninsula	799	825
Client car	293	203
BUS SERVICE		
Community Bus	276	421
Dial-a-ride	249	223
Health Bus	1250	1324
TOTALS	3702	3769

ORGANISATIONAL REVIEW

The Board of YP Community Transport contracted Kelledy Jones to review the current organisational structure of the Board to further define the working relationships with the 3 Councils ie Yorke Peninsula, Copper Coast and Barunga West.

A final report was presented prior to Christmas with further consideration at the February meeting. Following a decision the Board will seek feedback from each Council.

STAFFING

Some further staff changes have occurred with Angie Taylor moving out of the YPCT office into full time employment and Haley Norgren accepting a 0.8FTE position. Haley began as part of the casual pool team and has become a welcomed member within the YPCT environment.

SOUTH AUSTRALIAN COMMUNITY TRANSPORT ASSOCIATION

After much discussion SACTA has been established in Sept 2013 and they expect to achieve:

- Ability to respond to state-wide and National CT issues, through our affiliation with the Australian Community Transport Association
- Website: to promote best practice, have a members forum, educational resources, and organisational profiles (available to members only)
 - Member surveys: to keep accurate records about vehicles, programs and services offered, etc.
 - CT forums/conferences for members: networking, education, information sharing.

REVIEW OF THE SOUTH AUSTRALIAN PATIENT ASSISTANCE TRANSPORT SCHEME

To come into effect from 1 January 2015, all 15 recommendations were accepted as part of a review of the South Australian Patient Assistance Transport Scheme (PATS).

Future changes to the PATS scheme include:

- Abolishing the requirement for patients to pay the first \$30 on the travel costs (fuel or airfares) for each trip.
- Increasing the Government contribution for accommodation from \$30 per night to \$40 per night
- Expanding the PATS criteria to accommodate escorts: and
 - Allowing for approval of claims for the travel component only (not accommodation) where patients extend stay longer than medically necessary.
- The independent review was led by health specialist Dr David Filby who travelled across the State and received almost 200 letters and submissions.

The Patient Assistance Transport Scheme (PATS) is a subsidy program that provides money to pay for some travel, escort and accommodation costs when rural and remote South Australians travel over 100 kilometres each way to see a specialist. In the last financial year 16,300 people used the PATS who made 40,000 claims.

Recommendation 1. It is recommended that the following mission statement for PATS be adopted: The Patient Assistance Transport Scheme provides subsidies to assist rural communities access when necessary medical services not available locally.

Recommendation 2. It is recommended that SA Health develop an over-arching patient transport policy covering all aspects of patient transport and that an essential element of that policy be that accountability for transport decisions lies with the fund holder.

Recommendation 3. It is recommended that the PATS database and software be redesigned to improve the availability of useful data for planning and evaluation purposes and that the new system should allow for:

- Electronic completion and lodgement of the necessary forms by PATS clients and medical practitioners in a user friendly way
- A PATS identifier for clients to allow automatic downloading for personal information held on the system

Recommendation 4. It is recommended that the PATS form be redesigned to improve its ease of use and to allow for the inclusion of a specialist's care plan for multiple visits.

Recommendation 5. It is recommended that the scheme allow General Practitioners and Specialists to delegate to appropriate staff the authorisation of attendance on PATS forms.

Recommendation 6. It is recommended that the provisions and requirements of the Scheme, when revised in light of the recommendations of the Review, be consolidated in one document and made available in booklet and electronic forms to rural communities, specialists and rural GPs. A broad communication strategy for PATS focussed on rural communities, rural GPs and specialists should also be developed and implemented.

Recommendation 7. It is recommended that a formal appeals process be established for the Scheme.

Recommendation 8. It is recommended that PATS investigate the possibility of making payments based on their PATS entitlements to all claimants who request it in advance of travel.

Recommendation 9. It is recommended that SA Health hold discussions with Service SA to explore whether PATS could be delivered more effectively through the Service SA network.

Recommendation 10. It is recommended that SA Health support wherever possible the expansion of telehealth services to reduce the demand for travel to specialist services. This would require the active promotion of the use of telehealth services and possibly access to the SA Health facilities if necessary.

Recommendation 11. It is recommended that in the PATS communication strategy specific focus is given to raising awareness of specialists and public hospital outpatient departments in particular to the specific difficulties experienced by country residents.

Recommendation 12. It is recommended that the proposed Review of APPO and ALO programs take into account the specific requirement to support Aboriginal patients accessing specialist medical services through PATS.

Recommendation 13. It is recommended that SA Health hold discussions with the Community Passenger Network (CPN) around expanding access to the CPN in lieu of some of the current fuel subsidies.

Recommendation 14. It is recommended that SA Health develop a strategy to encourage the larger open Private Health Insurance Funds to provide more realistic travel and accommodation benefits for their rural members who need to seek specialist medical care which isn't available locally.

Recommendation 15. It is recommended that SA Health investigate whether there are private organisations interested in providing an information and booking service.

VOLUNTEER NUMBERS (AS AT 6.2.14)

	Volunteers gained	Volunteers lost	In process New (& Current)
Current financial year	19	16	10 (2)
Previous financial year	23	22	

VOLUNTEER EVENTS

We had 126 volunteers & partners attend the 4 Xmas events held at the end of last year and we took the opportunity to present the remainder of the Service awards (left over from the AGM). At time of writing we are planning for 4 volunteer BBQs in various locations and a car inspector's lunch on 19th March. It's shaping up to be a busy start to the year.

VOLUNTEER TRAINING

A training meeting was recently held with the volunteer Bus Companions who support the daily Health Bus. This opportunity was very valuable and a training plan for new volunteers, who provide this service, will be forthcoming.

VOLUNTEER SURVEY

You may have seen in the newsletter a short discussion on the results of a volunteer survey that I sent out late last year. I have prepared a summary and have included all comments from volunteers, whether they have put their name to it or not. All comments are valuable. I have provided the summary for inclusion in these papers.

GWENYTH LODGE

Gwenyth is an Ardrossan volunteer driver and has been part of the mix for more than 20 years... and turns 85 next month. As you would be aware, 85 is the cut-off age for active volunteers with YPCTS and we want to take the opportunity to celebrate Gwenyth's contributions at the CYP BBQ in Ardrossan on March 5th. For those of you who know Gwenyth, there was never any question of her retiring early – we wouldn't have dared to suggest it! – and on behalf of the Board we will be making a presentation.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Not applicable.

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Not applicable.

DIRECTOR ASSETS & INFRASTRUCTURE SERVICES

IA/ITEM 4.5

1. CONSTRUCTION & MAINTENANCE WORKS (File Ref:9.24.1.1)

INTRODUCTION

The following is a summary of capital and maintenance works undertaken within Assets & Infrastructure Services during the month preceding the March 2014 meeting of Council.

RECOMMENDATION

That the report be received.

COMMENT

- Approximately eighty (80) Customer Service Requests (CSR's) were addressed throughout February with activities including;
 - Attention to vandalism
 - Streetscaping
 - Roadside vegetation
 - Footpath maintenance
 - Building maintenance
 - Stormwater infrastructure installation/maintenance
 - Driveway installation
 - Sealed road maintenance
- Patrol grading is ongoing throughout the district with some roads serviced benefiting from recent rains.
- Attention to parks, gardens and reserves is ongoing throughout the district aligned with current resources. Some disruption to this activity was experienced for minor mop up efforts after the recent above average rains.
- Roadside vegetation activities are ongoing within the Hundred of Carribie (Lower White Hut Road).
- The following upgrades/works have been applied to Community Wastewater Management Systems (CWMS), water supply and stormwater harvesting schemes:

CWMS

- Blockages cleared – **Maitland**
- Chlorine pump replaced – **Black Point**
- Switchboard upgrade – **Point Turton**

Water Supply

- New flow meter installed – **Balgowan**

Stormwater

- Swale drain maintenance – **Ardrossan**
- Pump shed fit-out (ongoing) – **Ardrossan**
- Exit ladder (dam) installed – **Maitland**
- All CWMS and water supplies are continually monitored and water quality tested in accordance with Department of Health (DoH) and Environment Protection Authority (EPA) licence conditions.
- Road construction and maintenance works have been applied to the following roads, in accordance with the 2013/14 budget allocation:
 - Clinton Road – preparation for sealing
 - Daly Head Road – resheeting and formation
 - Tiddy Widdy Road – resheeting commenced
- Walk the Yorke has commenced with approximately 30 kilometres of trail being completed, in line with projected milestones, including adjustment to the trail alignment reflecting consultation outcomes.
- Jetpatching activities have been undertaken within Port Vincent, Price, Port Clinton and Maitland.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Strategic Plan

Key Theme: Sustainable Communities
1. Sustainable Infrastructure

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

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Not applicable.

DIRECTOR DEVELOPMENT SERVICES

IA/ITEM 4.6

1. DEVELOPMENT APPLICATION DECISIONS

(File Ref: 9.24.1.1)

INTRODUCTION

Development Applications for the period 3 February 2014 to 28 February 2014.

RECOMMENDATION

That the report be received.

COMMENT

The following is a list of all Development Applications processed for the period 3 February 2014 to 28 February 2014.

Yorke town

544/1222/2012	544/1007/2013	544/1057/2013
544/1094/2013	544/1118/2013	544/1124/2013
544/1136/2013	544/1158/2013	544/1182/2013
544/1201/2013	544/1229/2013	544/1232/2013
544/1239/2013	544/1249/2014	544/1271/2013
544/1005/2014	544/1007/2014	544/1010/2014
544/1015/2014	544/1016/2014	544/1018/2014

Maitland

544/2264/2012	544/2021/2013	544/2049/2013
544/2050/2013	544/2130/2013	544/2163/2013
544/2175/2013	544/2215/2013	544/2260/2013
544/2293/2013	544/2289/2013	544/2297/2013
544/2302/2013	544/2002/2014	544/2003/2014
544/2004/2014	544/2005/2014	544/2008/2014
544/2019/2014		

Land Divisions

544/D023/2013	544/D024/2013
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LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Local Government Act 1999

Development Act 1993

Council's Development Plan

Strategic Plan

Key Theme: Sustainable Communities

2. Progressive and Sustainable Development

Strategic Goal: 2.2 Streamlined Development Assessment Process

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

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

**LIST OF DEVELOPMENT APPLICATIONS & DECISIONS ISSUED BY THE ASSISTANT BUILDING SURVEYOR UNDER DELEGATION
FOR THE PERIOD 3 February 2014 TO 28 February 2014**

YORKETOWN

Dev. App. No.	Name & Address	Location	Proposal	Class	Area m ²	Cost \$	Conditions Planning Building	Assessment / Valuation No	Decision Date	Builder Licence No
544/1222/2012	WL Mumford PO Box 183 MINLATON	(Sec 232) 345 Mumford Road MINLATON	Shade House	10a	46	5,000	REFUSED	405019 5408949204	3 February 2014	Owner Builder
544/1007/2013	VF Levi 554 Military Road LARGS NORTH	(Lot 30) 1 Bowden Street COOBOWIE	Free Standing Verandah	10a	36	3,800	REFUSED	216127 5405726208	20 February 2014	Owner Builder
544/1057/2013	C Tatchell PO Box 4 EDITHBURGH	(Lot 5) 34 Gillerton Terrace EDITHBURGH	Carport	10a	22.5	3,500	REFUSED	213082 5405178504	7 February 2014	Tony Glover BLD51278
544/1094/2013	D Coro 8 Blamey Court HIGHBURY	(Lot 257) 10 Scenic Drive POINT TURTON	Garage	10a	72	11,500	Planning 4 Building 3	411702 5401011002	7 February 2014	TBA
544/1118/2013	C Tuohy & R Evans 26 Margaret Street STUART PARK	(Lot 18) 34 Seaview Court STANSBURY	New Dwelling & Garage UMR	1a 10a	206 68	300,000	Planning 7 Building Nil Private Certifier	428532 5404804681	5 February 2014	TBA
544/1124/2013	Scott Mitchell 34 Park Terrace OVINGHAM	(Lot 30) 1 Peregrine Drive MARION BAY	New Dwelling, Carport Verandah Garage	1a 10a 10a 10a	185.04 66 76.8 189	140,000	Planning 9 Building 4	428672 5400909030	12 February 2014	Selecta Homes & Buildings GL56332
544/1136/2013	S & E Rose 19 Blanche Street EDITHBURGH	(Lot 4) 41 Melville Street YORKETOWN	New Dwelling, Carport & Verandah	1a 10a 10a	197.66 36 7.8	238,260	Planning 4 Building Nil Private Certifier	417956 5403671750	12 February 2014	Construction Services Aust G8969
544/1158/2013	J Leske 14 Alexander Ave EVANSTON PARK	(Lot 42) 3 North Coast Road POINT TURTON	Two Storey Dwelling	1a	254.52	210,531	Planning 5 Building Nil Private Certifier	429274 5400786754	7 February 2014	Longridge Group Pty Ltd BLD175837
544/1182/2013	J Leske 14 Alexander Ave EVANSTON PARK	(Lot 42) 3 North Coast Road POINT TURTON	Garage	10a	81	9,500	Planning 4 Building 2	429274 5400786754	7 February 2014	TBA
544/1201/2013	KL Schwarz PO Box 127 MINLATON	(Lot 33) 558 Carbery Road MINLATON	Garage	10a	56.67	4,620	Planning 3 Building 1	320655 5408956201	28 February 2014	Olympic Industries GL37130
544/1229/2013	D & D Mason 14 Wilpena Terrace ALDGATE	(Lot 48) 33 North Coast Road POINT TURTON	Two Storey Dwelling & Garage UMR	1a 10a	391.70 41.91	599,600	Planning 6 Building 1 Private Certifier	406583 5400785858	21 February 2014	Buildtex BLD183174
544/1232/2013	T & K Johnson 4 Gilbert Street COOBOWIE	(Sec 431) Old Honiton Road EDITHBURGH	Dwelling, Garage & Verandah	1a 10a 10a	265.02 47.75 222.60	429,379	Planning 7 Building Nil Private Certifier	221549 5406300065	7 February 2014	CC Tape & Sons Pty Ltd BLD4511

544/1239/2013	AR & A Hinton PO Box 7318 WEST LAKES	(Sec 310) 2 Foreshore Road HARDWICKE BAY	Garage	10a	48	6,460	Planning 7 Building 2	323436 5408980287	14 February 2014	TBA
544/1249/2013	K & K Rowse 13 Hallett Road GOLDEN GROVE	(Lot 67) 25 Marion Bay Road CORNYPPOINT	Garage	10a	108	11,575	Planning 5 Building 3	105718 5400672386	3 February 2014	Trevarth Garages BLD195594
544/1271/2013	S & A O'Connell 9 Phillips Avenue GAWLER	(Lot 103) 8 Pitt Street STANSBURY	Dwelling	1a	213	220,875	Planning 5 Building Nil Private Certifier	206516 5404677600	27 February 2014	CC Tape & Son BLD4511
544/1005/2014	M Presser & D Coulls 4 Ridgefield Ave SEAVIEW DOWNS	Lot 126 Reo Road Couch Beach	Pergola	10a	28	4,600	Planning Nil Building 2	114892 5400853806	10 February 2014	Southern Yorke Building & Home Maintenance GL57370
544/1007/2014	W Nisoni 16 Ross Street PARALOWIE	(Site 81) 23 Beach Road COOBOWIE	Caravan Annexe	1a 10a	18.45 3.6	4,800	Planning 4 Building 3	214759 5405663500	28 February 2014	G Lampe
544/1010/2014	B Blyth Brentwood VIA MINLATON	(Sec 29) 190 Treasure Road BRETWOOD	Machinery Shed	7b	324	37,872	Planning 1 Building NA	318980 5408835004	4 February 2014	Grant Sheds BLD189717
544/1015/2014	MD McQueen 11 Giles St West COOBOWIE	(Lot 129) 11 Giles St West COOBOWIE	Garage	10a	40	1,000	Planning 5 Building 2	215889 5405718507	27 February 2014	Owner Builder
544/1016/2014	Stansbury Bowling Club PO Box 96 STANSBURY	(PTS 406) 19 Weaver Street ARDROSSAN	Storage Shed	10a	25.3	3,500	Planning 4 Building 3	206813 5404698508	12 February 2014	Owner Builder
544/1018/2014	MK Huppatz 8 Adelaide Road LARGS BAY	(Lot 12) 9A Giles St West COOBOWIE	Verandah	10a	54	3,300	Planning 1 Building 2	215871 5405718101	27 February 2014	Owner Builder
TOTAL						\$2,237,372				

MAITLAND

Dev. App. No.	Name & Addresses	Location	Proposal	Class	Area m ²	Cost \$	Conditions Planning Building	Assessment / Valuation No	Decision Date	Builder Licence No
544/2021/2013	AJ Skull PO Box 15 KADINA	(Lot 22) 2 Falie Drive PRICE	Pergola	10a	40.87	4,890	REFUSED	409987 4606407321	27 February 2014	Kennetts of Kadina
544/2264/2012	D Lawrie 12 Hogarth Street ARDROSSAN	(Lot 30) 12 Hogarth Street ARDROSSAN	Dwelling Extension	1a	27.6	25,000	REFUSED	6122 4600364500	26 February 2014	TBA

544/2049/2013	Aboriginal & Remote Housing L5 Riverside Building North Terrace ADELAIDE	(PTP 218) 52 Parrys Avenue POINT PEARCE	Dwelling – Stage 2 – Superstructure & Fitout	1a	214.26	419,350	Planning 7 Building Nil Private Certifier	35154 4605020942	06 February 2014	TBA
544/2050/2013	Aboriginal & Remote Housing L5 Riverside Building North Terrace ADELAIDE	(PTP 217) 53 Parrys Avenue POINT PEARCE	Dwelling – Stage 2 – Superstructure & Fitout	1a	214.26	419,350	Planning 7 Building Nil Private Certifier	35170 4605020969	06 February 2014	TBA
544/2130/2013	Aboriginal & Remote Housing L5 Riverside Building North Terrace ADELAIDE	(PTP 220) 48a Stuart Lane POINT PEARCE	Dwelling – Stage 2 – Superstructure & Fitout	1a	231	407,500	Planning 7 Building Nil Private Certifier	35089 4605020854	06 February 2014	TBA
544/2163/2013	J Elies & E Clarke PO Bpx 139 MAITLAND	(Lot 28) 3 St Ledger Street MAITLAND	Dwelling, Garage & Verandah	1a 10a	259	234,683	Planning 4 Building 1	412619 4602050599	05 February 2014	Distinctive Homes G10420
544/2175/2013	E Harrop PO Box 7 PRICE	(Lot 25) 2 South Terrace ARDROSSAN	Dwelling, Carport, Verandah & Balcony	1a 10a	247.52	207,146	Planning 12 Building Nil Private Certifier	430173 4600385504	24 February 2014	Longridge Group BLD175837
544/2215/2013	SJ & AM Thomson 19 Bowman Road MAITLAND	Lot 40 Investigator Road PORT VICTORIA	Garage	10a	148.34	14,900	Planning 7 Building 2	429191 4604722352	06 February 2014	Owner Builder
544/2260/2013	G Janssen 24 Elizabeth Street MAITLAND	(Lot 736) 24 Elizabeth Street MAITLAND	Dwelling Addition	1a	56	83,000	Planning 2 Building 4	10405 4601829007	10 February 2014	DA & L Channon Alterations & Additions BLD56383
544/2293/2013	EA Harrop PO Box 7 PRICE	(Lot 25) 2 South Terrace ARDROSSAN	Garage	10a	75	9,500	Planning 5 Building 2	430173 4600385504	24 February 2014	TBA
544/2289/2013	SA Margitch 12 Castle Eaton St GOLDEN GROVE	(Lot 60) 36 East Terrace ARDROSSAN	Garage	10a	117	19,548	Planning 5 Building 3	416156 4600158310	28 February 2014	TBA
544/2297/2013	CD Lim PO Box 46 PINE POINT	(Lot 12) 2 Second Street PINE POINT	Double Carport	10a	36	9,300	Planning 3 Building 4	19638 4603818088	27 February 2014	TBA
544/2302/2013	R Speck 15 Alberrie Street ROXBY DOWNS	(Lot 93) 5 Shore Street PORT CLINTON	Shed Extension	10a	57.6	7,040	Planning 5 Building 3	40774 4606245000	19 February 2014	Metal As Anything BLD58265

544/2002/2014	Uniting Church of Australia c/- PO Box 241 EDITHBURGH	(PTL 8) 22 Fourth Street ARDROSSAN	Disabled Toilet		6	3,000	Planning 2 Building 3	1487 4600207003	07 February 2014 2014	S Palecek
544/2003/2014	G Smith & A Gun-Smith 30 Rowe Terrace ARDROSSAN	(Lot 823) 49 BHP Road ARDROSSAN	Replace Existing Hay Shed	7b	72	7,000	Planning 1 Building 3	20776 4604009055	12 February 2014	R Minks
544/2004/2014	SJ & AM Thomson PO Box 286 PORT VICTORIA	Lot 40 Investigator Road PORT VICTORIA	Carport, Deck & Verandah	10a	110	45,000	Planning 3 Building 2	429191 4604722352	19 February 2014	Coachwood Constructions BLD162108
544/2005/2014	DR & K McKenzie 36 Oldborough Drive ONKAPARINGA HILLS	(Lot 33) 9 Bullock Street ARDROSSAN	Garage	10a	37.84	4,267	Planning Nil Building 3	429696 4600338450	12 February 2014	Owner Builder
544/2008/2014	LA Mousley 9a Esplanade SEMAPHORE STH	(Lot 4) 1 Gardner Street PRICE	Garage	10a	54	6,000	Planning Nil Building 3	421586 4606351508	12 February 2014	Owner Builder
544/2019/2014	AC Coope 72 Gilbert Street GILBERTON	(Lot 78) 90 Hosking Road TIDY WIDDY BEACH	Garage	10a	16.3	3,000	Planning 4 Building 2	6866 4600612201	24 February 2014	Owner Builder
Total:						\$1,899,584				

Dev. App. No.	Name & Address	Location	Proposal	Conditions Planning Building	Assessment / Valuation No	Decision Date
544/D023/2013	Trerochisem P/L C/- Mosel Steed 6 Graves Street KADINA	(Lot 1 & 454) 859 Urania Road URANIA HD of WAURALTEE	Land Division	Planning 1 Land Division 2	45605 4604689150	10 February 2014
544/D024/2013	MJ Longbottom C/- Mosel Steed 6 Graves Street KADINA	(Lot 715) 132 Twartz Road BRENTWOOD	Land Division	Planning 1 Land Division 2	318923 5408830000	10 February 2014

DIRECTOR DEVELOPMENT SERVICES

IA/ITEM 4.6

2. WASTEWATER SYSTEM APPLICATION DECISIONS

(File Ref: 9.24.1.1)

INTRODUCTION

Wastewater System application decisions for the period 3 February 2014 to 28 February 2014.

RECOMMENDATION

That the report be received.

COMMENT

The following is a list of all Wastewater System applications processed for the period 3 February 2014 to 28 February 2014.

Maitland

050/087/2013 050/101/2013

Yorke town

050/089/2013 050/150/2013 050/169/2013

050/170/2013 050/002/2014 050/007/2014

050/009/2014 050/013/2014

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Local Government Act 1999

Development Act 1993

Environmental Protection Act 1993

Council's Development Plan

Strategic Plan

Key Theme: Sustainable Communities
 2. Progressive and Sustainable Development

Strategic Goal: 2.2 Streamlined Development Assessment Process

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

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

**LIST OF WASTE CONTROL APPLICATIONS & DECISIONS ISSUED BY THE ENVIRONMENTAL HEALTH OFFICERS UNDER DELEGATION
FOR THE PERIOD 3 February 2014 to 28 February 2014**

Maitland

Septic App. No.	Owner	Location	Proposal	Conditions	Assess. No	Decision Date	Plumber & Licence No
050/087/2013	J Elies & E Clarke PO Box 139 MAITLAND	(Lot 28) 3 St Ledger Street MAITLAND	Aerobic System	11	412619	5 February 2014	Distinctive Homes Pty Ltd
050/101/2013	E Harrop PO Box 7 PRICE	(Lot 25) 2 South Terrace ARDROSSAN	STED Connection	11	430173	24 February 2014	Longridge Group

Yorke town

Septic App. No.	Owner	Location	Proposal	Conditions	Assess. No	Decision Date	Plumber & Licence No
050/089/2013	S & E Rose 19 Blanche Street EDITHBURGH	(Lot 4) 41 Melville Street YORKETOWN	Septic & Soakage	11	417956	12 February 2014	Construction Services Aust
050/150/2013	S Mitchell 34 Park Terrace OVINGHAM	(Lot 30) 1 Peregrine Drive MARION BAY	Aerobic System	11	428672	12 February 2014	Bottom End Plumbing Services
050/169/2013	T & K Johnson 4 Gilbert Terrace COOBOWIE	(Sec 431) Old Honiton Road EDITHBURGH	Septic & Soakage	11	221549	7 February 2014	Peninsula Plumbing
050/170/2013	D & D Mason PO Box 65 ALDGATE	(Lot 48) 33 North Coast Road POINT TURTON	Aerobic System	11	406553	21 February 2014	Aitchison Plumbing Service
050/002/2014	Uniting Church of Australia C/- 22 East Terrace ARDROSSAN	(PTL 5) 22 Fourth Street ARDROSSAN	Existing Septic & Soakage	11	1487	7 February 2014	S Palecek
050/007/2014	C Tuohy & R Evans 26 Margaret Street STUART PARK	(Lot 18) 34 Seaview Court STANSBURY	CWMS Connection	11	428532	5 February 2014	Owner Applicant
050/009/2014	K Hein CM POINT TURTON	(Lot 3) 15 Francis Avenue POINT TURTON	CWMS Connection	11	102202	7 February 2014	Wigley Plumbing
050/013/2014	D & A O'Connell 9 Phillips Avenue GAWLER	(Lot 103) 8 Pitt Street STANSBURY	Septic & Soakage System	11	206516	27 February 2014	Owner Applicant

DIRECTOR DEVELOPMENT SERVICES

IA/ITEM 4.6

3. INSPECTORIAL – ACTIVITY REPORT

(File Ref:9.24.1.1)

INTRODUCTION

To inform Council of the activities of the Inspectorial Team.

RECOMMENDATION

That the report be received.

COMMENT

Council's Officers have dealt with many routine matters during the past month, including parking complaints, illegal campers, wandering and nuisance dogs, noisy dogs and roosters, and nuisance cats. Nine dogs were impounded during the past month (7 of those were picked up one morning roaming in a pack at Pt Victoria), four of which were returned to their owners. One Expiation notice has been issued to a person for keeping an unregistered dog.

The Fire Prevention Officer (FPO) is continuing to monitor fire hazards throughout the fire danger season and take appropriate action where needed. A further 96 fuel reduction notices have been issued to property owners this year as a result of regrowth on vacant land. The prescribed burning off season commenced on Monday 17 February 2014. The burn offs are being monitored by the FPO to ensure compliance with the permit conditions.

Routine patrols of boat ramps have also been performed to ensure the users are paying to use certain facilities. One expiation notice has been issued to a person that did not pay to use the facility prior to launching their boat.

Council's Rangers are continuing to door knock the district to ascertain if dogs that are being kept on a property are registered.

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

A couple of dog attacks have occurred in the district recently. The first incident happened at The Pines when a dog attacked another dog near the boat ramp, which resulted in the attacked dog needing several visits to a vet. The dog is making a full recovery. The owner of the attacking dog has compensated the victim for all expenses occurred. Both of the dog owners live in the Adelaide Hills.

In another incident a Port Victoria lady was taking her dog for a walk when a dog came from a short term rental property and attacked her dog and also bit her on the leg. The owner of the offending dog took the lady to the Maitland Medical Centre for treatment and returned her to Port Victoria. The dog was also later taken to a vet clinic for treatment. The owner of the dog has compensated the victim for her costs. Further inquiries are continuing in relation to this incident.

In early February a farmer reported 11 sheep killed by dogs near Corny Point. Further inquiries revealed that many other non-reported attacks on sheep have occurred in the area since December which had resulted in farmers removing the sheep from the area. The owner of two dogs that live in the vicinity denied any knowledge of their dogs

attacking sheep and there was no further evidence obtained to assist Council Rangers locate the offending dogs

Council's Senior Compliance Officer and Ranger have attend several Progress Association meetings and had a general chat at the start of their meetings about local issues that fall under the Inspectorial role so that the Rangers are able to address specific local issues during their routine patrols.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Fire and Emergency Services Act 2005

Dog and Cat Management Act 1995

Local Government Act 1999

Strategic Plan

Key Theme: Corporate Governance and Leadership
2. Organisational Efficiency and Resource Management

Strategic Goal: 2.3 Meet all legislative and compliance responsibilities

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

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

DEBATE

AGENDA

CHIEF EXECUTIVE OFFICER

DA/ITEM 6.1

1. DELEGATIONS REGISTER (File Ref: 9.24.1.1)

INTRODUCTION

Seeking endorsement from Elected Members for the responsibilities, powers and functions in the updated Expiation of Offences Act 1996 to be delegated under the Local Government Act 1999, to the person occupying the office of Chief Executive Officer, which extend to any person appointed to act in the position of Chief Executive Officer.

RECOMMENDATION

1. Delegations made under Local Government Act 1999

1.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Act and specified in the proposed Instrument of Delegation contained in the Annexure to this report are hereby delegated this 12th day of March 2014 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation;

1.1.1 Expiation of Offences Act 1996;

1.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

COMMENT

A Local Government Circular has been received advising Council's to update their delegations register at the next available opportunity for the updated Expiation of Offences Act 1996.

Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated.

In line with standard practice we will be utilising the Local Government Association delegations template to incorporate this new Act into the delegations register.

A copy of the appendix containing the specific powers and functions that may be delegated will be available for viewing in hard copy at the Council meeting.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Local Government Act 1999
Expiation of Offences Act 1996

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

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

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.

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Certain Offences may be Expiated	
1.1	The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act.
2. Expiation Notices	
2.1	The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence.
3. Review of Notices on Ground that Offence is Trifling	
3.1	The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:
3.1.1	to provide further information; and
3.1.2	to provide a statutory declaration verifying the information contained in, or supporting, an application for review.
3.2	The duty pursuant to Section 8A(4) of the Act to determine an application for review before issuing a certificate for an enforcement determination in respect of the offence to which the application relates.
3.3	The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.
3A. Arrangements as to Manner and Time of Payment	

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

3A.1	The power pursuant to Section 9(2) of the Act to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement Recovery Officer must give the Council notice of any arrangement entered into under Section 9 of the Act.
3A.2	The power pursuant to Section 9(12) of the Act, if an arrangement terminates under Section (9), (10) or (11) of the Act, to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must give the Council notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service so performed).
4. Expiation Reminder Notices	
4.1	The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 9 of the Act and the Council has not received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act to enforce the expiation notice, to send an expiation reminder notice in the prescribed form to the alleged offender before any action is taken under the Act to enforce the expiation notice.
5. Expiation Enforcement Warning Notices	
5.1	The duty pursuant to Section 11A of the Act where the Council has received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act to enforce the expiation notice, to send an expiation enforcement warning notice, in the prescribed form, to the alleged offender by post.
6. Late Payment	
6.1	The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 13 of the Act.
7. Enforcement Determinations	
7.1	The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Fines Enforcement and Recovery Officer:
7.1.1	a certificate that contains the particulars determined by the Fines Enforcement and Recovery Officer relating to:

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

7.1.1.1	the alleged offender; and
7.1.1.2	the offence or offences that remain unexpiated; and
7.1.1.3	the amount due under the notice; and
7.1.1.4	compliance by the Council as the authority with the requirements of the Act and any other Act;
7.1.2	the prescribed fee.
7.2	The power pursuant to Section 13(4) of the Act to apply to the Fines Enforcement and Recovery Officer under and in accordance with Section 13 of the Act within 30 days of notice of an enforcement determination being given, sent or published in accordance with Section 13 of the Act for the enforcement determination to be revoked.
8. Withdrawal of Expiation Notices	
8.1	The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:
8.1.1	in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;
8.1.2	the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or
8.1.3	the notice is defective; or
8.1.4	the Delegate decides that the alleged offender should be prosecuted for the offence or offences.
8.2	The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

8.3	The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council as issuing authority or failure of the postal system.
8.4	The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 13 of the Act, to inform the Fines and Enforcement Recovery Officer of the withdrawal of the notice.
9.	Provision of Information
9.1	The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:
9.1.1	the manner in which the Fines Enforcement and Recovery Officer is to provide information to the Council in relation to action taken by the Fines Enforcement and Recovery Officer under the Act in respect of an expiation notice issued by the Council; and
9.1.2	the manner in which the Council is to provide information to the Fines Enforcement and Recovery Officer in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued.

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
1 – 9	Nil

CHIEF EXECUTIVE OFFICER

DA/ITEM 6.1

2. DRAFT WHISTLEBLOWERS PROTECTION POLICY (File Ref:9.24.1.1)

INTRODUCTION

To seek approval from Elected Members for the adoption of the updated Whistleblowers Protection Policy.

RECOMMENDATION

That Council endorse and adopt the PO134 Whistleblowers Protection Policy and for inclusion in Council's policy manual and on the website.

COMMENT

The Whistleblowers Protection Policy has recently been updated and presented to the Corporate Management Team for approval to undertake staff consultation, seeking feedback from the staff for inclusion in the policy.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Local Government Act 1999

Whistleblowers Protection Act 1993

Strategic Plan

Key Theme: Corporate Governance and Leadership

Strategic Goal: Organisational Efficiency and Resource Management
2.3 – Meet all legislative and compliance responsibilities

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

The purpose of the policy is to ensure that all staff are aware of the provisions of the Whistleblowers Protection Act.



COUNCIL POLICY

Whistleblowers Protection Policy

Policy Number:	PO134		
Strategic Plan Objective	Corporate Governance and Leadership		
Policy Owner:	Chief Executive Officer	File Number:	12.63.1.1
Responsible Officer:	Manager Organisational Development	Minute Reference:	
Date Adopted:	12/3/2014	Next Review Date:	March 2016

1. POLICY OBJECTIVES

This policy will ensure that Council fulfils its responsibilities under the Whistleblowers Protection Act 1993 and to provide guidance on how to make disclosures so that they are properly investigated. This policy will provide appropriate protection for those who make disclosures in accordance with the Whistleblowers Protection Act 1993.

It will also encourage and facilitate disclosures of public interest information, which may include occurrences of maladministration and waste within Council, and corrupt or illegal conduct in general, so that internal controls may be strengthened. Council recognises the need to appropriately support any whistleblower, the Responsible Officer and, as appropriate, those public officers affected by any allegation.

2. SCOPE

Council is committed to upholding the principles of transparency and accountability in our administrative and management processes, and therefore encourages the making of disclosures that reveal public interest information. This policy applies to appropriate disclosures of public interest information that concern a public officer, made in accordance with the Act by Elected Members, Council employees, and members of the public.

3. DEFINITIONS

Act	Whistleblowers Protection Act 1993.
Appropriate Authority	<p>An authority that receives disclosure of public interest information including:</p> <ul style="list-style-type: none"> • A Minister of the Crown; • A member of the South Australian Police - where the information relates to an illegal activity; • The Auditor-General - where the information relates to the irregular or unauthorised use of public money; • The Ombudsman – where the information relates to a public officer; • A Responsible Officer – where the information relates to a matter falling within the sphere of responsibility of a local government body; • Any other person (such a person may include an independent

	company that offers an anonymous whistleblower call service) to whom, in the circumstances of the case, it is reasonable and appropriate to make the disclosure (where the disclosure relates to fraud and corruption the appropriate authority must pass the information as soon as practicable to the Anti-Corruption Branch of the SA Police.
Appropriate Disclosure	<p>A person makes an appropriate disclosure of public interest information if:</p> <p>The person –</p> <ul style="list-style-type: none"> • Believes on reasonable grounds that the information is true; • Is not in a position to form a belief on reasonable grounds about the truth of the information but believes on reasonable grounds that the information may be true, and is of sufficient significance to justify its disclosure so that its truth may be investigated; • The disclosure is made to the Appropriate Authority.
CEO	Refers to the Chief Executive Officer (including their delegate) of the Yorke Peninsula Council, or an Acting Chief Executive Officer of the Yorke Peninsula Council (including their delegate) .
Corruption	<p>In public administration means:</p> <ul style="list-style-type: none"> • an offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences: <ul style="list-style-type: none"> a. bribery or corruption of public officers; b. threats or reprisals against public officers; c. abuse of public office; d. demanding or requiring benefit on basis of public office; e. offences relating to appointment to public office. • any other offence (including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935) committed by a public officer while acting in his or her capacity as a public officer or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or an attempt to commit such an offence; or • any of the following in relation to an offence referred to in a preceding paragraph: <ul style="list-style-type: none"> a. aiding, abetting, counselling or procuring the commission of the offence; b. inducing, whether by threats or promises or otherwise, the commission of the offence; c. being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence; d. conspiring with others to effect the commission of the offence
Detriment	<p>Includes:</p> <ul style="list-style-type: none"> • Injury, damage or loss; • Intimidation or harassment; • Discrimination, disadvantage or adverse treatment in relation to a person's employment; or • Threats of reprisal.
Directions and Guidelines	Reference to the Directions and Guidelines issued pursuant to section 20 of the ICAC Act 2012, which are available on the

	commissioner's website(www.icac.com.au).
Disclosure	<p>An appropriate disclosure of public interest information made by the Whistleblower to an Appropriate Authority, including to a Responsible Officer. A person makes an appropriate disclosure of public interest information if:</p> <ul style="list-style-type: none"> • the person: <ul style="list-style-type: none"> ○ believes on reasonable grounds that the information is true; or ○ is not in a position to form a belief on reasonable grounds about the truth of the information but believes on reasonable grounds that the information may be true and is of sufficient significance to justify its disclosure so that its truth may be investigated; and ○ the disclosure is made to an Appropriate Authority.
Employee	Any person who is employed by Council but also includes any contractors, volunteers and consultants undertaking work for, or on behalf of Council.
Fraud	Is an intentional dishonest act or omission done with the purpose of deceiving.
ICAC Act 2012	Independent Commissioner Against Corruption Act 2012.
Immunity	An undertaking given by Council (in accordance with the Act) to a Whistleblower in relation to action it does not intend to take against a Whistleblower as a result of receiving an appropriate disclosure of public interest information from the Whistleblower.
Independent Assessor	The person responsible for investigating a disclosure made to a Responsible Officer. The Independent Assessor will be appointed by the Responsible Officer on a case-by-case basis (depending upon the nature of the disclosure) in accordance with clause 6.5 of this Policy. The Council may prepare a list of pre-approved persons who may be appointed as an Independent Assessor in any given circumstances, in which case, the Responsible Officer must have regard to this list in appointing the Independent Assessor.
Maladministration	<p>Is defined in the Whistleblowers Protection Act 1993 to include impropriety or negligence. Section 4 of the Independent Commissioner Against Corruption Act 2012 defines Maladministration in public administration to mean:</p> <ol style="list-style-type: none"> a. Conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or b. Conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and c. includes conduct resulting from impropriety, incompetence or negligence; and d. is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.
Misconduct	<p>In public administration defined at Section 4 of the ICAC Act means:</p> <ul style="list-style-type: none"> • Contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or • Other misconduct of a public officer while acting in his or her capacity as a public officer.

OPI	<p>Office for Public Integrity is the office established under the ICAC Act 2012 that has the function to:</p> <ul style="list-style-type: none"> • Receive and assess complaints about public administration from members of the public; • Receive and assess reports about corruption, misconduct and maladministration in public administration from the Ombudsman, the Council and public officers; • Make recommendations as to whether and by whom complaints and reports should be investigated; and • Perform other functions assigned to the Office by the Commissioner.
Public Administration	Defined at section 4 of the ICAC Act 2012 means without limiting the acts that may comprise public administration, an administrative act within the meaning of the Ombudsman Act 1972 will be taken to be carried out in the course of public administration.
Public Interest Information	<p>Information that tends to show:</p> <ul style="list-style-type: none"> • That an adult person, a Council or other Government Agency, is or has been involved in: <ul style="list-style-type: none"> ○ An illegal activity; ○ An irregular and unauthorised use of public money; ○ Substantial mismanagement of public resources; or ○ Conduct that causes a substantial risk to public health or safety or to the environment. • That a public officer is guilty of maladministration in or in relation to the performance of official functions.
Public Officer	<p>Includes:</p> <ul style="list-style-type: none"> • An Elected Member of Council, including the Mayor; • An Independent Member of Council's Development Assessment Panel; • An Independent Member of a Council Committee or subsidiary of Council; or • An employee or officer of Council.
Responsible Officer	A person (or persons) authorised to receive and act upon public interest information provided by a Whistleblower. Council must ensure that a member of the employees of the Council (with qualifications prescribed by the Regulations) is designated as a Responsible Officer for the Council for the purposes of the Act (The Responsible Officer should not be the CEO, the Mayor, Council Member or a Council Committee Member).
SAPOL	The Anti-Corruption Branch of the South Australia Police.
Victimisation	When a person causes detriment to another on the grounds, or substantially on the grounds, that the other person (or a third person) has made or intends to make an appropriate disclosure of public interest information.
Waste	The waste of public resources (including public money), which occurs as a result of the substantial mismanagement, irregular or unauthorised use of public resources
Whistleblower	Any person who makes an appropriate disclosure of public interest information.

4. POLICY STATEMENT

Council is committed to a working environment that reflects the core values of integrity, respect, trust and honesty which is achieved by:

- Referring, as necessary, appropriate disclosures to the appropriate authority which, depending on the nature of the disclosure, includes a Minister of the Crown, SAPOL, the Auditor-General or the Ombudsman. Where the disclosure relates to corruption it must be reported directly to the OPI in accordance with the Directions and Guidelines. A report of misconduct or maladministration may be made to the OPI, but it must be reported to the OPI if the disclosure gives rise to a reasonable suspicion of serious or systemic misconduct and/or maladministration unless there is knowledge that the disclosure has already been reported to the State Ombudsman.
- Otherwise investigating all appropriate disclosures of public interest information in a manner that promotes the fair and objective treatment of those involved.
- Rectifying any substantiated wrongdoing to the extent practicable in all the circumstances.

Confidentiality

The identity of a Whistleblower will be maintained as confidential in accordance with the Act. Confidentiality will remain in all circumstances, unless the Whistleblower consents to his/her identity being disclosed, or disclosure is otherwise required so that the matter may be properly investigated. The Act does not expressly require any other information relating to a disclosure (i.e. the nature of the allegations) to be maintained as confidential.

In the event that an anonymous disclosure is made, the Whistleblower must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated. If an allegation is not supported by sufficient evidence, it will not be investigated.

Except for the identity of the Whistleblower, the Act does not expressly require any other information relating to a public interest disclosure (i.e. the nature of the allegations) to be made confidential. Such information will be treated confidentially, except in circumstances where the investigation process requires this information to be disclosed (i.e. where the allegations must be put to the person who is the subject of the disclosure).

Disclosure of Public Interest Information

An appropriate disclosure of public interest information is to be made to a Responsible Officer or to an Appropriate Authority.

Responsible Officers are trained to apply the Act. They are required to maintain a supportive relationship with a Whistleblower and keep them informed on the progress of the investigation. Disclosures can be made to one of the current Responsible Officers by telephone (8832 0000) or in writing:

- Governance Officer; or
- Manager Organisational Development.

Written disclosures should be addressed as:

PRIVATE & CONFIDENTIAL
Whistleblowers Responsible Officer
PO Box 88
MINLATON SA 5575

Where a disclosure is made by telephone, the Responsible Officer must take notes of the conversation and, where possible, ask the Whistleblower to verify and sign the notes.

The Act requires Responsible Officers to refer information relating to fraud or corruption in the public sector to SAPOL who may refer the matter to the appropriate official investigating authority.

If you are uncomfortable with divulging information to a Council employee, contact the SA Police or disclose the information to another Appropriate Authority as detailed above.

Role of the Responsible Officer

Upon receiving a disclosure, the Responsible Officer will determine the nature of the public interest information contained within the disclosure and either refer the disclosure to the Appropriate Authority (where it is appropriate to do so), or proceed with the assessment and/or investigation process outlined in this Policy.

If the disclosure relates to the CEO (or a person acting in that position), the Responsible Officer will refer it to the Ombudsman for investigation as the Ombudsman deems appropriate. Alternatively, if the disclosure relates to fraud or corruption, the Responsible Officer will immediately refer the matter to SAPOL or any other identified relevant authority.

The Responsible Officer will undertake a preliminary assessment as described in this Policy.

In making a determination:

- The Responsible Officer may seek legal advice from Council's lawyers and/or seek guidance from SAPOL or the Ombudsman in relation to the best course of action to pursue; and
- Is authorised to incur costs in accordance with Council's Budget for this purpose.

In the event that the Responsible Officer determines that the disclosure warrants further investigation, the Responsible Officer will appoint an Independent Assessor for these purposes.

The Responsible Officer will liaise with the Independent Assessor and the Whistleblower in relation to any ensuing investigation process and will ensure that the Whistleblower is provided with adequate support and protection as necessary.

The Whistleblower will be notified of the progress of any investigation by the Responsible Officer and, wherever practicable and, in accordance with the law, of the final outcome.

Protection for the Whistleblower

The Act provides immunity from criminal or civil liability for Whistleblowers, and protection for Whistleblowers against victimisation. Accordingly the Council will take action as appropriate to protect Whistleblowers from victimisation. Furthermore, in the event that a Whistleblower is victimised, the Council will immediately refer the matter to SAPOL.

The Act does not provide any protection to people who knowingly make false disclosures or are reckless as to whether their disclosures are true.

A person who knowingly makes a false disclosure or is reckless as to whether the disclosure is true is guilty of an offence and may be prosecuted.

A public officer who knowingly makes a false disclosure, or is reckless as to whether the disclosure is true, in addition to being guilty of an offence under the Act, may face disciplinary action by the Council. Preliminary Assessment of a complaint where the identity of the Whistleblower is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will acknowledge receipt of the disclosure within two days, providing a copy of this Policy.

Upon receipt of a disclosure, the Responsible Officer will undertake a preliminary assessment to determine whether it:

- Is frivolous and/or vexatious, in which case, no further action will be taken in relation to the complaint;
- Warrants referral to an Independent Assessor for a formal investigation and report;
- Requires referral to SAPOL; and
- Otherwise warrants referral to an appropriate external body such as the Ombudsman, the Office for State/Local Government Relations or the Minister for Local Government.

Following the preliminary assessment, the Responsible Officer must report the outcome to the CEO. Where the Responsible Officer determines the disclosure warrants investigation, the Responsible Officer will, having regard to available resources, appoint the Independent Assessor and refer the disclosure to the Independent Assessor for investigation.

Where the Responsible Officer determines the disclosure warrants referral to an external body, the Responsible Officer will undertake the referral.

The Responsible Officer will inform the Whistleblower of the outcome of his/her determination in writing as soon as is reasonably practicable after the determination has been made.

If the Whistleblower is dissatisfied with the Responsible Officer's determination, it is open to him/her to report the disclosure to an appropriate authority external to the Council.

Investigation of a Complaint

The objectives of the investigation process are to:

- Investigate the substance of the disclosure and to determine whether there is evidence in support of the matters raised or, alternatively, to refute the report made;
- Collate information relating to the allegation as quickly as possible. This may involve taking steps to protect or preserve documents, materials and equipment;
- Consider the information collected and to draw conclusions objectively and impartially;
- Observe procedural fairness in the treatment of any person who is the subject of the disclosure; and
- Make recommendations arising from the conclusions drawn concerning remedial or other appropriate action.

The Independent Assessor will observe the principles of natural justice throughout the investigation process. The investigation will be conducted in an efficient manner and will involve a thorough and balanced assessment of the available evidence and any other factors deemed relevant to making a fair and reasonable judgement about the matter.

The Act requires that the Whistleblower assist with certain investigations that may result from his/her disclosure. In the event that the Whistleblower fails, without reasonable excuse, to assist with an investigation process the protection afforded to him/her under the Act may be forfeited.

Upon receipt of a disclosure, the Independent Assessor will bring the fact of the disclosure to the attention of the person who is the subject of it in writing within five (5) days, and will provide them with an opportunity to respond to the disclosure within a reasonable timeframe (either in writing or in person). The full details of any allegations contained in the disclosure need not be brought to the person's attention if the Independent Assessor considers that doing so will compromise the success of the investigation.

At any time, the Independent Assessor is required to communicate with the person subject of the disclosure, the Whistleblower and/or other witnesses for the purposes of the investigation. The Independent Assessor will ensure the relevant person is aware of the reason for and purpose of the communication. Where possible, such notification will be provided to the relevant person at least 48 hours before communication is scheduled to take place.

During any interview with the Independent Assessor, the person who is the subject of a disclosure may be accompanied by any person providing support to him/her (including a lawyer) as he/she considers fit. Any costs incurred in relation to obtaining the assistance of a support person is at the personal expense of the person subject of the disclosure. The support person is bound by a duty of confidentiality in relation to any matter discussed during such interview.

The investigation will be undertaken in confidence. The Independent Assessor will keep the identity of the Whistleblower confidential unless disclosure of his/her identity is necessary to ensure the proper investigation of the disclosure.

The Independent Assessor will keep the Responsible Officer informed of the expected timeframes for completion of the investigation and the provision of a report to the Council.

Final Report and Recommendation

Upon finalising a detailed investigation, the Independent Assessor must prepare a report that will contain the following:

- The allegation(s);
- An account of all relevant information received including any rejected evidence, and associated reasons for rejection;
- The conclusions reached and the basis for them;
- Any recommendations arising from the conclusions; and
- Any remedial action which should be applied by the Council.

The report will be accompanied by:

- The transcript or other record of any verbal evidence taken, including tape recordings; and
- All documents, statements or other exhibits received by the officer and accepted as evidence during the course of the investigation.

The report will not disclose particulars that will or are likely to lead to the identification of the Whistleblower.

Where the report relates to misconduct on the part of an Elected Member of the Council or the CEO (where investigated by the Ombudsman or another agency), it must be provided to the Principal Member who will determine what action, if any, should be taken. In all other cases, the report must be provided to the CEO to action as he/she considers appropriate.

Handling of Information

The Independent Assessor must ensure accurate records of the investigation process are maintained including notes of all discussions, phone calls, and interviews. It is recommended that the interviewee sign written records of interviews and interviews be taped, but only where the interviewee has consented to this. Witness statements should also be signed.

In performing his/her duties, the Independent Assessor will maintain a confidential file of information (including written documents, disks, tapes, film or other objects that contain information) that relates to a disclosure and/or is a product of the associated investigation/reporting process. All such information will be recorded in a register, which is to remain confidential and be securely stored.

Information to Council

As a matter of discretion, the CEO may inform the Council, on a confidential basis, of the fact an investigation of a disclosure took place and the outcome of the investigation.

The CEO will take the following into account in determining whether to inform the Council and the level of detail provided in doing so:

- The identity of the person who is the subject of the disclosure;
- The impact (if any) of the investigation upon the Council's achievement of its objectives under its Strategic Plan and/or policies;
- The nature of the impact of any action taken to finalise the matter upon the Council's operations and/or budget; and
- Whether or not it is lawful for the CEO to provide this information to the Council or other persons.

In the event the disclosure and investigation process is confined only to issues impacting upon Council employees and human resource processes, the CEO will not inform the elected body of the fact of the disclosure and/or investigation since these matters fall outside the roles and responsibilities of Elected Members under the Local Government Act 1999.

5. COMPLAINTS

Complaints can be made in writing to the Manager Organisational Development. All complaints will be managed in accordance with Council's Complaints Policy PO147 (or in the case where the policy only applies internally and not to the public, Conflict Resolution Policy PO017).

6. REVIEW

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

7. TRAINING

Training needs will be reviewed during induction and annually, during individual performance reviews and as necessary in consideration of any changes to legislation relevant standards, codes and guidelines, audit findings, any corrective actions/controls arising from risk assessment and/or hazard/incident reports and stakeholder feedback.

8. RELATED COUNCIL POLICIES AND DOCUMENTS

PO014 Employee Code of Conduct
PO017 Conflict Resolution Policy
PO037 Internal Review of a Council Decision
PO123 Elected Members Code of Conduct
PO147 Complaints Policy
PO148 Prevention Fraud and Corruption Policy
Fees and Charges Register

9. REFERENCES AND LEGISLATION

Independent Commissioner Against Corruption Act 2012
Local Government Act 1999
Whistleblowers Protection Act 1993

10. COUNCIL DELEGATION

Details of Delegation:	Chief Executive Officer
Delegate:	Manager Organisational Development - Responsible Officer Governance Officer - Responsible Officer

11. VERSION HISTORY

Archived Policy Name	Policy Number	Date Adopted	Last Reviewed
Whistleblowers Protection Policy	PO134	09/06/2009	08/06/2010

CHIEF EXECUTIVE OFFICER

DA/ITEM 6.1

3. OMBUDSMAN FINAL REPORT – BREACH OF CODE OF CONDUCT

(File Ref:9.24.1.1)

INTRODUCTION

To provide Elected Members with the final report from the Ombudsman in relation to the reported Elected Members Breach of the Code of Conduct.

RECOMMENDATION

That the report be received.

COMMENT

Elected Members would be aware of the requirement for the Chief Executive Officer to report a perceived breach of the Elected Members Code of Conduct in September 2013. Three Elected Members inadvertently failed to declare a conflict of interest in relation to a decision about Rex Minerals at the Section 101A Meeting held on Wednesday 11th September 2013.

This matter was reported to the Ombudsman at the end of September 2013.

This matter has been subject to an ongoing investigation since that time with the Ombudsman now concluding the investigation and releasing his final report (copy attached).

The final report is a matter of public record however, the contents of the investigation, letters, replies and all other information remains confidential under the Ombudsman's Act.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Local Government Act 1999

Mandatory Elected Members Code of Conduct 2013

Policy PO123 Elected Members Code of Conduct

Strategic Plan

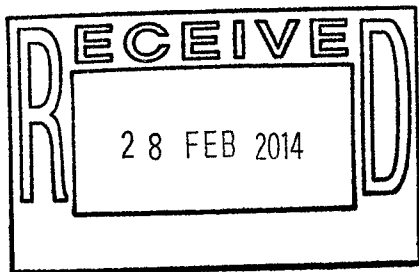
Key theme: Corporate Governance and Leadership

1. Progressive Communities through Strategic Planning

Strategic Goal: 1.1 Strong, proactive leadership

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Not applicable.



Enquiries: Mr Denis Carey
Telephone: (08) 8226 8687
Ombudsman reference: 2013/09405
Agency reference:

Mr Andrew Cameron
Chief Executive Officer
District Council of Yorke Peninsula
PO Box 88
MINLATON SA 5575

Item Number
1122-2014-8
GDS Number
10-46.1.1
Distribution
copy also received for Mayor.


Dear Mr Cameron

Full Investigation - breach of code of conduct for council members

I refer to my letter and report dated 26 February 2014.

Unfortunately the report showed an incorrect font in the first two paragraphs. This was not intentional. A corrected report to replace the original is enclosed with this letter.

Yours sincerely

 Richard Bingham
SA OMBUDSMAN

27 February 2014

Encl



OmbudsmanSA

Report

Full investigation - *Ombudsman Act 1972*

Complainant	Mr Andrew Cameron
Council members	Mayor Ray Agnew and Councillors John Rich and Robert Nicholls (the council members)
Council	District Council of Yorke Peninsula
Ombudsman reference	2013/09405
Date complaint received	1 October 2013
Issues	<ol style="list-style-type: none">1. Whether the council members breached the conflict of interest provisions of the <i>Local Government Act 1999</i> at the meeting of the council's Strategic Planning and Development Policy Committee on 11 September 20132. Whether the council members breached the conflict of interest provisions of the <i>Local Government Act 1999</i> at the council meeting on 11 September 2013

Jurisdiction

The complaint alleges a breach of Part 3 of the Code of Conduct for Council Members made pursuant to section 63 of the Local Government Act 1999 (the Code of Conduct).¹ An act of a council member that may constitute grounds for complaint under the Local Government Act is taken to be an 'administrative act' for the purposes of the Ombudsman Act.²

I consider that the complaint about the council members falls within this definition; and I am also satisfied that in relation to the complaint, the council members were 'engaged in the work of ... [the] agency' within the meaning of section 3 of the Ombudsman Act.

The complaint was made by the Chief Executive Officer (CEO) of the council having regard to Part 3 of the Code of Conduct which states that 'Alleged breaches of this Part made to a Council ... may be referred to the Ombudsman for investigation...'

Investigation

My investigation has involved:

- assessing the information provided by the CEO
- seeking a response from the council members
- seeking further information from the council
- considering the conflict of interest provisions of the Local Government Act, the *Development Act 1993* and the Code of Conduct

¹ The Code of Conduct was gazetted on 29 August 2013.

² Section 263A(4) Local Government Act; section 3, Ombudsman Act.

- providing the council and the council members with my provisional report for comment, and considering their responses
- preparing this report.

Standard of proof

The standard of proof I have applied in my investigation and report is on the balance of probabilities. However, in determining whether that standard has been met, in accordance with the High Court's decision in *Briginshaw v Briginshaw* (1938) 60 CLR 336, I have considered the nature of the assertions made and the consequences if they were to be upheld. That decision recognises that greater care is needed in considering the evidence in some cases.³ It is best summed up in the decision as follows:

The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding, are considerations which must affect the answer to the question whether the issue has been proved
...⁴

Response to my provisional report

In response to my provisional report the council indicated it had no comment to make.⁵

Mayor Agnew wrote to me on 5 February 2014, stating that the matter the subject of this investigation was a 'regrettable oversight' for which he was sorry. He accepted that some people may have formed a view that he had a perceived conflict of interest but he always took his 'responsibilities and obligations seriously and [acted] in a proper manner in the discharge of [his] public duties'.

Cr Nicholls sent an email on 29 January 2014 stating he had no comment to make.

Cr Rich did not respond to the provisional report.

Background

1. The council members are members of the council's Strategic Planning and Development Policy Committee (**the committee**) established under section 101A of the Development Act.
2. On 11 September 2013 the committee considered 'Item 4.1 Rex Minerals Hillside Mine Site DPA'. The advice to the committee was that a Development Plan Amendment (DPA), if successful, would result in land identified in the DPA being rezoned. This would see the land change from Primary Production and Coastal Conservation to Mineral Extraction.
3. The committee passed the following resolution:

That council resolve to proceed with the proposed developer funded DPA subject to the proponents entering into a contract with Council for the preparation of the document to be completed by Council's Planning Consultant at no cost to Council.

³ This decision was applied more recently in *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 110 ALR 449 at pp449-450, per Mason CJ, Brennan, Deane and Gaudron JJ.

⁴ *Briginshaw v Briginshaw* at pp361-362, per Dixon J.

⁵ Telephone conversation between Mr Andrew Cameron, CEO and my Investigating Officer on 12 February 2014.

4. Later on 11 September 2013, a meeting of the council considered 'Item 6.4... SECTION 101A COMMITTEE'. This was the resolution made earlier that day by the committee. Cr Davey moved the acceptance of the resolution which was seconded by Cr Rich.
5. On 25 September 2013, the council conducted a workshop during which information came to light that the council members held shares in Rex Minerals. On its face, this created a possible conflict of interest scenario for the council members.
6. The CEO took steps to call a special meeting of the council under section 82(1)(b) of the Local Government Act. On 1 October 2013 the mayor and Cr Rich gave their apologies as they could not attend the meeting due to other council commitments. Cr Nicholls attended the meeting, but declared that he had an interest in the matter under consideration and left the meeting. He subsequently passed his apologies to the council for his earlier failure to declare an interest. The council passed a resolution to rescind the resolution made on 11 September 2013.
7. On 2 October 2013, the CEO referred the matter to my office, as he considered first, the council members had an interest which they did not disclose at the meetings of 11 September 2013, and second, that this was in breach of Part 3 of the Code of Conduct.

Relevant law

8. Section 101A(2) of the Development Act provides *inter alia*, that the functions of a committee established under that section include the provision of advice to the council to assist it in making orderly and efficient development decisions and achieving high levels of integration of transport and land use planning decisions.
9. Section 101A(3) states that:

The *Local Government Act 1999* will apply in relation to a committee established under this section as if it were a committee established under that Act.
10. Section 63 of the Local Government Act provides for a code of conduct and that council members must comply with it.
11. Section 73(1) of the Local Government Act defines the circumstances in which an elected member has 'an interest in a matter' as follows:

73—Conflict of interest

- (1) A member of a council has an interest in a matter before the council if—
 - (a) the member or a person with whom the member is closely associated would, if the matter were decided in a particular manner, receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment; or
 - (b) the member or a person with whom the member is closely associated would, if the matter were decided in a particular manner, obtain or have a reasonable expectation of obtaining a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a non-pecuniary detriment,
 (not being a benefit or detriment that would be enjoyed or suffered in common with all or a substantial proportion of the ratepayers, electors or residents of the area or a ward or some other substantial class of persons).

12. Section 74(1) provides:

A member of a council who has an interest in a matter before the council must disclose the interest to the council.

13. Section 74(2) provides:

A member in making a disclosure under subsection (1) must provide full and accurate details of the relevant interest.

14. Section 74(4) provides:

A member of a council who has an interest in a matter before the council must not:

- (a) propose or second a motion relating to the matter; or
- (b) take part in discussion by the council relating to that matter; or
- (c) while such discussion is taking place, be in, or in the close vicinity of, the room in which or other place at which that matter is being discussed; or
- (d) vote in relation to that matter.

15. Section 75(1) provides:

(1) The provisions of this Division extend to committees and to members of committees established by councils as if—

- (a) a committee were a council; and
- (b) a member of a committee were a member of a council.

16. Item 3.13 of Part 3 of the Code of Conduct provides:

Council members must be committed to making decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the Local Government Act 1999.

Whether the council members breached the conflict of interest provisions of the *Local Government Act 1999* at the meeting of council's Strategic Planning and Development Policy Committee on 11 September 2013

17. The facts in this matter are that the council members exercised their voting rights in relation to an approach to the council by Rex Minerals while they were shareholders of the company. Their shareholder status was not disclosed to the committee.

18. The effect of section 75(1) of the Local Government Act is that members of the committee must comply with the conflict of interest provisions in sections 73 and 74 of that Act.

19. Mayor Agnew told my investigation that:

- his wife purchased shares in Rex Minerals in 2009⁶
- he had over 30 years' experience in local government
- he would not knowingly overlook the conflict of interest provisions
- as mayor he has a casting vote only but did not have cause to use it
- he believed:

that Council was only starting a normal procedural process for a DPA which would come back to full Council at a later stage for debate on whether to proceed or not.

20. Cr Nicholls told my investigation:

⁶ See section 73(2)(g) *Local Government Act 1999*.

- in June 2013 he purchased shares in Rex Minerals
 - he recorded this fact in the council's Register of Interests
 - he unwittingly neglected to declare his interest in Rex Minerals at the meeting.
21. Cr Rich told my investigation:
- he purchased shares in Rex Minerals 2 to 3 years ago
 - as a former mayor of Walkerville Council and former President of the Local Government Association he is aware of the conflict of interest provisions in the Local Government Act
 - the Director Development Services had advised the council meeting that the DPA did not commit the council to a course of action. It was the start of the process to provide information for a subsequent council decision
 - there was no dissent to the proposed resolution
 - he understood that consideration [of a DPA] by the council at a later date would require a declaration of a conflict of interest
 - he acknowledged he inadvertently breached the code of conduct.
22. I note it is the practice of the council to include in each agenda document for a committee or a council meeting a reminder to council members of their conflict of interest obligations. This is a good practice for a council to adopt. I would suggest that the practice could be enhanced if council members were reminded of the conflict of interest provisions at the commencement of each meeting.
23. To decide whether the council members were in breach of the conflict of interest provisions of the Local Government Act, I must first be satisfied that they had an 'interest in a matter' in relation to the committee's decision on 11 September 2013 within the meaning of section 73(1). That is, I must be satisfied that by participating in the committee's voting as they did, they individually would receive a benefit or suffer a detriment or would have a reasonable expectation of receiving a benefit or suffering a detriment of the type described in section 73(1). Such benefit or detriment should not be shared with all or a substantial proportion of ratepayers, electors or residents of the area, or some other substantial class of persons.
24. In the case of *Petrovski v Dolling*,⁷ the SA District Court emphasised that the legislation is confined to the type of interest referred to in section 73 and 'not to conflicts of interest at large'.⁸ The disclosure requirement in section 74 is confined to disclosure of the type of interest in a matter described in section 73.
25. Further, the court said that the question of whether a council's resolution gives rise to a section 73(1) interest, must be determined by a consideration of the actual terms of the resolution.⁹ In addition, the test is that the council member 'would' receive a benefit or suffer a detriment or 'would have a reasonable expectation' of receiving a benefit or suffering a detriment. Speculation about the consequences of the matter being decided in a particular manner is not sufficient.
26. The resolution proposed that Rex Minerals fund the DPA. I am mindful that the Development Act prescribes a process for a DPA to follow, and that the resolution passed related to the early stages of that process. As the process continued, there would be a requirement for a future council meeting to consider the matter again.
27. The general thrust of the submissions by the council members is that their individual failure to declare an interest was inadvertent. Against this claim, I note that neither the

⁷ *Petrovski v Dolling* [2013] SADC 27 (5 March 2013).

⁸ *Ibid*, [41].

⁹ *Ibid*, [34].

reminder on the agenda document nor their collective experience in local government prevented the council members considering whether they had an interest to declare.

28. In circumstances whereby a company receives an outcome that could benefit its market position, one would expect its share price to be affected. In my opinion, the resolution passed by the committee, while favourable, would not in all likelihood have affected Rex Minerals' share price. Accordingly, I am not satisfied that the council members, as a result of the specific resolution passed, would have had an expectation of a pecuniary benefit or detriment e.g. the share price would be affected, as required by section 73(1). In that regard I am mindful of the DPA process as required by the Development Act, and that the council would be required to consider the DPA at a later time.
29. In the circumstances, it is my view that the council members did not have an interest under section 73(1) of the Local Government Act. I express some disquiet about this, as I consider that 'the ordinary person in the street' would perceive that the council members were conflicted.
30. A perceived conflict of interest is one which a fair minded and informed member of the public might perceive as existing. A perceived conflict of interest may not relate to what is in reality a potential or an actual conflict of interest; and it may only ever be a 'perception' of a conflict of interest. Concerns about a council member's perceived conflict of interest may also lead to suggestions that the member has acted with bias in their decision making. In my view, the management of perceived conflicts of interest is just as important for community trust and integrity of a council, as management of actual conflicts.
31. The District Court in the decision of *Petrovski v Pain*¹⁰ emphasised the importance of the role of council members and their responsibility to properly discharge their public duties in relation to conflict of interest as follows:

The business of local council is an important one. Those who are elected to council must take their responsibilities and obligations seriously so as to reassure the public, who elected them that they are acting in a proper manner in the discharge of their public duties. This is particularly relevant in relation to any conflict of interest that may arise.

32. The Local Government Association (LGA) has published guidelines on the conflict of interest provisions in the Act.¹¹ The guidelines state:

Only the individual affected person can decide if she or he has a conflict of interest in a particular matter. That person is ultimately accountable under the law for the individual judgment made and severe penalties can be imposed if an affected person is found not to have disclosed an interest and/or failed to comply with the other requirements of the Act. In particular, the question of whether an individual affected person may have a conflict of interest is **not a matter for discussion or debate** by the Council.¹²

They go on to provide that elected members should be alert to perceptions of conflict of interest and act accordingly:

It is not relevant whether the affected person thinks that he or she would actually be influenced - the important question is whether the impartial observer could form the opinion that in the given set of circumstances, the affected person could be influenced by the nature of his or her possible or perceived interest.¹³

¹⁰ *Petrovski v Pain* [2013] SADC 6 [52].

¹¹ LGA, 'Conflict of Interest Provisions: Guidelines and Examples', November 2010.

¹² *Ibid*, p1.

¹³ *Ibid*, p15.

33. The LGA recommends that in the circumstances above, the affected council member should declare their interest and withdraw from voting on the particular matter which lies for decision.
34. I agree with the LGA's position; and I consider it accords with community expectations. In my view, the Local Government Act should be amended to reflect these expectations. I have already referred to this issue in my report on my investigation into the City of Charles Sturt in 2011 in response to a parliamentary referral concerning the St Clair Land Swap.¹⁴
35. In light of this, my view is that while the council members' actions in relation to the committee's resolution were not in breach of the Local Government Act, they were 'in accordance with ... a provision of an enactment ... that is or may be unreasonable' within the meaning of section 25(1)(c) of the Ombudsman Act.


Whether the council members breached the conflict of interest provisions of the *Local Government Act 1999* at the council meeting on 11 September 2013

36. The council meeting considered the outcomes of the committee meeting held earlier that day. The council members were present at this meeting and they exercised their voting rights. They did not disclose their shareholder status to the council.
37. For the reasons discussed above, it is my view that the council members did not have an interest under section 73(1) of the Local Government Act, and were thus not required to comply with section 74 of that Act.
38. However and again, my view is that the council members' actions were 'in accordance with ... a provision of an enactment ... that is or may be unreasonable' within the meaning of section 25(1)(c) of the Ombudsman Act.

Opinion

In light of the above, I consider that in relation to both the committee meeting and the council meeting on 11 September 2013, the council members' actions were 'in accordance with ... a provision of an enactment ... that is or may be unreasonable' within the meaning of section 25(1)(c) of the Ombudsman Act.

To remedy this error, I recommend under section 25(2) of the Ombudsman Act that the Local Government Act be amended to address perceived conflicts of interest on the part of council members.


 Richard Bingham
 SA OMBUDSMAN

26 February 2014

¹⁴ <http://ombudsman.sa.gov.au/publications/reports>

DIRECTOR CORPORATE AND COMMUNITY SERVICES

DA/ITEM 6.2

1. FINANCIAL REPORT 28th FEBRUARY 2014 (File Ref: 9.24.1.1)

INTRODUCTION

Finance staff have undertaken to present a financial report to Council encompassing results to the end of each calendar month preceding each scheduled Council meeting.

RECOMMENDATION

That Council receive the financial report as at 28th February 2014.

COMMENT

The attached Financial Report is submitted with the following qualifications and comments:

- Actuals included in the report 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 report does not include year-end income and expense accruals.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Local Government (Financial Management) Regulations 2011

PO 142 Budget Reporting and Amendment Policy

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.

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

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.

Yorke Peninsula Council

Budgeted Uniform Presentation of Finances as at 28th February 2014

	2013/14 YTD Actuals
Income	-\$22,657,989
Less Expenses	\$12,167,243
Operating Deficit before Capital Amounts	-\$10,490,746
Less Net Outlays on Existing Assets	
Capital Expenditure on renewal and replacement of Existing Assets	\$2,321,774
Less Depreciation, Amortisation and Impairment	
Less Proceeds on Sale of Assets	-\$361,311
	\$1,960,463
Less Net Outlays on New and Upgraded Assets	
Capital Expenditure on New and Upgraded Assets	\$1,252,874
Less Amounts received specifically for New and Upgraded Assets	-\$195,495
	\$1,057,379
NET(LENDING) / BORROWING FOR FINANCIAL YEAR	-\$7,472,904

2013/14 Full Year Adopted Budget	2013/14 Full Year Budget Revisions	2013/14 Full Year Revised Budget
-\$25,980,053	\$199,318	-\$25,780,735
\$28,791,516	-\$367,257	\$28,424,259
\$2,811,463	-\$167,939	\$2,643,524
\$5,015,359	\$42,089	\$5,057,448
-\$9,546,425	\$479,489	-\$9,066,936
-\$240,000	-\$80,864	-\$320,864
-\$4,771,066	\$440,714	-\$4,330,352
\$2,533,572	\$387,651	\$2,921,223
-\$593,853	-\$400,000	-\$993,853
\$1,939,719	-\$12,349	\$1,927,370
-\$19,884	\$260,426	\$240,542

DIRECTOR CORPORATE AND COMMUNITY SERVICES

DA/ITEM 6.2

2. LONG TERM FINANCIAL PLAN (File Ref: 9.24.1.1)

INTRODUCTION

To consider a review of Council's Long Term Financial Plan.

RECOMMENDATION

That the Long Term Financial Plan as presented be adopted by Council.

COMMENT

The Long Term Financial Plan (LTFP) has been used by Council to guide the development of the 2012/2013 and the 2013/2014 budgets and to assess major projects prior to formal consideration by Council.

The LTFP has been now been revised for the period from 2013/14 through to the 2022/23 financial year. The revised LTFP incorporates Council's actual financial position at 30 June 2013 as detailed in the adopted financial statements for 2012/2013 and the results of the September 2013 budget review. Continued revision of the LTFP ensures that the plan remains relevant and reflects the impact of the most recent decisions made by Council.

As endorsed by Council at the January 2014 Council Meeting the draft LTFP was made available for public consultation from the 30th January 2014 with all feedback due by close of business on 26th February 2014. No feedback was received by the due date from Elected Members or from the public consultation.

The final Long Term Financial Plan is attached.

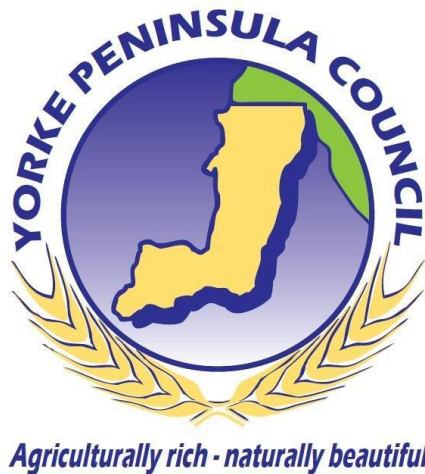
LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

The LTFP is an important component of Councils strategic management plans and provides important guidance to Council decision making, especially in the area of financial sustainability.



YORKE PENINSULA COUNCIL

Long Term Financial Plan 2013/14 to 2022/2023

DOCUMENT INFORMATION

Document Details

Document Title:	Long Term Financial Plan 2013/2014 – 2022/2023
Document Version:	1.0
Document Date:	27/02/2014
File Name:	LTFP 2013-14 to 2022-23

Document Authorisation

Prepared by:	David Harding – Director Corporate & Community Services
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Adopted by Council:	

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Table of Contents

Executive Summary	5
Resources Referenced	6
Key Assumptions	7
Key Assumptions Tables	8
Key Assumptions Tables (contd)	9
Operating Income	12
Rates	12
Statutory Charges	12
User Charges	12
Grants & Subsidies	12
Grants Received Specifically for New Assets	13
Investment Income	13
Reimbursements	13
Other Revenue	13
Operating Expenses	14
Employee Costs	14
Materials, Contracts and Other Expenses	14
Finance Costs	14
Depreciation	15
Treasury Management Strategy	15
Strategic Rating Policy	16
General Rates	16
Waste Collection & Recycling Service Charge	16
Natural Resource Management Levy	17
Community Waste Management Scheme (CWMS) Service Charge	17
Water Scheme Service Charge	17
Rate relief	17

Yorke Peninsula Council Long Term Financial Plan 2013/2014 to 2022/2023

Financial Statements.....	18
– Uniform Presentation of Finances	18
– Comprehensive Presentation of Income	19
– Balance Sheet.....	20
– Changes in Equity.....	21
– Cash Flow Statement	22
– Key Financial Ratios.....	23
Significant Long Term Financial Plan Risks.....	24

Executive Summary

The objective of the Long Term Financial Plan (LTFP) is to ensure that Council is financially sustainable and able to provide at least the current level of services over the 10 years of the plan.

In 2011/12, as the result of an extensive review, by staff and an independent local government consultant, of Council's financial performance and position over the previous 5 - 10 years Council determined that:

"DCYP (now YPC) needs to commit to progressively improving its financial performance. If it doesn't then service levels will decline over time as Council will not be able to renew and replace assets as required."

The LTFP is used as a tool to establish and communicate Council's general financial direction over the longer term and to assist in the assessment of Council's current financial position in conjunction with its Annual Business Plan and Annual Budgets preparation together with ongoing quarterly Budget Reviews.

Section 122 (4a) of the Local Government Act 1999 requires Council to undertake a review of its long term financial plan as soon as practicable after adopting the council's annual business plan for a particular financial year.

Also required under the Act:

- S.8 (k): *A council must act to ensure the sustainability of (its) long-term financial performance and position*
- S.150 (c): *(A) council should, in making any (rating) decision, take into account the financial effects of the decision on future generations*

Council's previous LTFP published in 2011/2012 was based on the following key strategies:

- Achieve operating surplus as a minimum within next 10 years (2021/2022);
- Spending on asset renewal consistent with AMP identified needs (say +/- 10%); to ensure Asset Sustainability in the long term;
- No new services to be introduced without consideration of the impact on the LTFP;

In preparing this updated version to 2022/2023 Council has adhered to the long term strategy adopted in 2011/2012 and will continue to monitor these key aims across the long term of its Financial Plan going forward.

The 2013/14 to 2022/23 LTFP has been created using the current year Revised Budget, endorsed by Council at its November 2013 meeting, as year 1 of the plan.

The LTFP is intended to be a “live” document requiring adjustment and assessment as Council makes financial decisions which may affect its financial position long term. In particular decisions made in the key areas of rate movements, asset replacements and renewals, and the sustainability of service levels to be provided (inclusive of operating costs over the long term) require constant monitoring and review.

The LTFP is derived from a sub set of strategic financial policies, including Infrastructure Asset Management Plans (IAMP) for all classes of assets, and a set of assumptions necessary given the high level of the LTFP itself and the long term nature of all forecasts made. (refer to pages 7 & 8 of this document for a summary of the major assumptions applied)

Resources Referenced

Resources referenced for the construction of the YPC LTFP include:

- Previous Long Term Financial Plans;
- 2012-2013 Audited Financial Statements;
- 2013-14 Revised Budget (September Quarter review);
- 2013-2014 Adopted Budget (adopted July 2013);
- 2013-2014 Annual Business Plan (adopted July 2013);
- Infrastructure Asset Management Plans;
- 2013/14 Annual Business Plan;
- Input from the CEO, Council Directors and key Council staff;
- Requests from Elected Members.

Key Assumptions

The key assumptions in achieving this result are:

- Expected CPI movement of 3.2% per annum across the 10 years of the plan;
- Average Enterprise Bargaining Agreement (EBA) Movements of 3.4%, based on current EBA's for inside and outside staff;
- Rate increases for financial sustainability at 3% above CPI;
- Area growth of 0.5% per annum;
- Power and Water charges increasing at 1.2 times CPI movement;
- Spending on parts and consumables at approximate CPI plus 0.1% to allow for increased usage of services resulting from growth;
- Increase in expenditure on waste collection to match revenue increases at CPI plus growth;
- Spending on asset renewal (excluding Transport Infrastructure) in line with existing IAMP's or at about estimated needs;
- Spending on renewal of Transport Infrastructure increasing at 7% per annum with program acceleration increases (also indexed at 7% per annum) of \$830k in 2014/15, \$1.1m in 2017/18, \$220k in 2018/2019, \$330k in 2019/20, \$40k in 2020/21, and \$300k in 2022/23. This strategy results in approximately an additional \$19m being invested in renewal of transportation infrastructure over the 10 years of the plan;
- Council been awarded Government funding for the Walk the Yorke project on a dollar for dollar basis and expenditure is scheduled in 2013/14 (\$800k), 2014/15 (\$1.086m) and 2015/16 (\$800k) as required by the terms of the grant funding agreement for the project.
- Spending on other new assets is at about 2012/13 levels of approx. \$2.3m pa plus an average increase of 5.5% per annum;
- No other new additional services or increase in existing service levels.



Yorke Peninsula Council Long Term Financial Plan 2013/2014 to 2022/2023

The following tables outline the assumptions that have been built in to the projection model.

Key Assumptions Tables

Long Term Financial Plan 2013/14 - 2022/23 Assumptions			1								
			2015 Plan Year 2	2016 Plan Year 3	2017 Plan Year 4	2018 Plan Year 5	2019 Plan Year 6	2020 Plan Year 7	2021 Plan Year 8	2022 Plan Year 9	2023 Plan Year 10
Expected CPI Movement			3.2%	3.2%	3.2%	3.2%	3.2%	3.2%	3.2%	3.2%	3.2%
EB Movements			3.40%	3.40%	3.40%	3.40%	3.40%	3.40%	3.40%	3.40%	3.40%
Rates	General Movement		3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%
	Growth		0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
	Sustainability		3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
	TOTAL		6.70%	6.70%	6.70%	6.70%	6.70%	6.70%	6.70%	6.70%	6.70%
CWMS	General Movement		3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%
	Growth		0.60%	0.60%	0.60%	0.60%	0.60%	0.60%	0.60%	0.60%	0.60%
	Sustainability		0.04%	0.04%	0.04%	0.04%	0.04%	0.04%	0.04%	0.04%	0.04%
	TOTAL		3.84%	3.84%	3.84%	3.84%	3.84%	3.84%	3.84%	3.84%	3.84%
Finance Charges (Existing Borrowings)	Overdraft Rates		8.72%	8.72%	8.72%	8.72%	8.72%	8.72%	8.72%	8.72%	8.72%
	Loan Interest Rate		6.90%	6.90%	6.90%	6.90%	6.90%	6.90%	6.90%	6.90%	6.90%
Energy Cost	CPI		3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%
	Cost Pressure Increase		0.64%	0.64%	0.64%	0.64%	0.64%	0.64%	0.64%	0.64%	0.64%
	TOTAL		3.84%	3.84%	3.84%	3.84%	3.84%	3.84%	3.84%	3.84%	3.84%



Yorke Peninsula Council Long Term Financial Plan 2013/2014 to 2022/2023

Key Assumptions Tables (contd)

Long Term Financial Plan 2013/14 - 2022/23 Assumptions			2								
			2015	2016	2017	2018	2019	2020	2021	2022	2023
			Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan
			Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Water Cost	Cost Index		3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%
	Cost Pressure Increase		0.64%	0.64%	0.64%	0.64%	0.64%	0.64%	0.64%	0.64%	0.64%
	TOTAL		3.84%	3.84%	3.84%	3.84%	3.84%	3.84%	3.84%	3.84%	3.84%
Materials, Parts, Consumables	Cost Index		3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
	Growth		0.30%	0.30%	0.30%	0.30%	0.30%	0.30%	0.30%	0.30%	0.30%
	TOTAL		3.30%	3.30%	3.30%	3.30%	3.30%	3.30%	3.30%	3.30%	3.30%
Consultancies	Cost Index		3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%
	Growth		0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
	TOTAL		3.70%	3.70%	3.70%	3.70%	3.70%	3.70%	3.70%	3.70%	3.70%
Contracual Services (incl Waste Managem	CPI		3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%	3.20%
	Growth		0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
	TOTAL		3.70%	3.70%	3.70%	3.70%	3.70%	3.70%	3.70%	3.70%	3.70%
Infrastructure, Property, Plant & Equipment											
			Prime Cost Depreciation Rate								
Land			Based on Current Averages								
Buildings and Other Structures											
Transportation Infrastructure											
Plant & Equipment											
Furniture & Fittings											
CWMS Infrastructure											
Water Scheme Infrastructure											
Other Assets											
Stormwater Drainage											

Prime Cost Depreciation Rate

Rate
0.0%
2.6%
2.0%
10.4%
6.4%
1.9%
2.5%
4.7%
1.5%

Based on Current Averages

Yorke Peninsula Council Long Term Financial Plan 2013/2014 to 2022/2023

Key Assumptions Tables (contd)

Long Term Financial Plan 2013/14 - 2022/23 Assumptions		3									
Forecast Renewal of Assets		2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
		Rev Budget	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan
		1st Quarter	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
		\$(‘000)	\$(‘000)	\$(‘000)	\$(‘000)	\$(‘000)	\$(‘000)	\$(‘000)	\$(‘000)	\$(‘000)	\$(‘000)
Buildings and Other Structures	Scheduled	169	400	413	426	440	454	468	483	499	515
	Acceleration	0	0	0	0	0	0	0	0	0	0
	TOTAL	169	400	413	426	440	454	468	483	499	515
Transportation Infrastructure	Scheduled	2,384	2,554	3,621	3,874	4,146	5,613	6,241	7,034	6,760	7,233
	Acceleration	0	830	0	0	1,100	220	330	40	0	300
	TOTAL	2,384	3,384	3,621	3,874	5,246	5,833	6,571	7,074	6,760	7,533
Plant & Equipment	Scheduled	1,419	1,463	1,592	1,643	1,696	1,750	1,806	1,864	1,923	1,985
	Acceleration	0	80	0	0	0	0	0	0	0	0
	TOTAL	1,419	1,543	1,592	1,643	1,696	1,750	1,806	1,864	1,923	1,985
CWMS Infrastructure	Scheduled	156	160	186	192	198	204	211	217	224	232
	Acceleration	0	20	0	0	0	0	0	0	0	0
	TOTAL	156	180	186	192	198	204	211	217	224	232
Water Scheme Infrastructure	Scheduled	0	93	96	100	103	106	109	113	117	120
	Acceleration	0	0	0	0	0	0	0	0	0	0
	TOTAL	0	93	96	100	103	106	109	113	117	120
Other Assets	Scheduled	818	84	231	176	264	298	144	121	211	218
	Acceleration	0	0	0	0	0	0	0	0	0	0
	TOTAL	818	84	231	176	264	298	144	121	211	218
Stormwater Drainage	Scheduled	120	50	52	53	55	57	59	60	62	64
	Acceleration	0	0	0	0	0	0	0	0	0	0
	TOTAL	120	50	52	53	55	57	59	60	62	64
Total Asset Renewal Expenditure		5,066	5,734	6,190	6,464	8,001	8,702	9,367	9,933	9,796	10,667



Yorke Peninsula Council Long Term Financial Plan 2013/2014 to 2022/2023

Key Assumptions Tables (contd)

Long Term Financial Plan 2013/14 - 2022/23 Assumptions			4								
		2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Forecast New Assets		Rev Budget	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan
		1st Quarter	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
		\$(’000)	\$(’000)	\$(’000)	\$(’000)	\$(’000)	\$(’000)	\$(’000)	\$(’000)	\$(’000)	\$(’000)
Buildings and Other Structures	Scheduled	154	500	200	205	210	215	220	225	230	235
	Acceleration	0	0	0	0	0	0	0	0	0	0
	TOTAL	154	500	200	205	210	215	220	225	230	235
Transportation Infrastructure	Scheduled	834	893	1,137	1,220	1,305	1,503	1,662	1,778	1,902	2,038
	Acceleration	0	170	0	0	100	50	0	0	0	50
	TOTAL	834	1,063	1,137	1,220	1,405	1,553	1,662	1,778	1,902	2,088
Plant & Equipment	Scheduled	160	165	258	266	275	284	293	302	312	322
	Acceleration	0	85	0	0	0	0	0	0	0	0
	TOTAL	160	250	258	266	275	284	293	302	312	322
Furniture & Fittings	Scheduled	0	32	33	34	35	36	37	39	40	42
	Acceleration	0	0	0	0	0	0	0	0	0	0
	TOTAL	0	32	33	34	35	36	37	39	40	42
CWMS Infrastructure	Scheduled	138	140	206	213	220	227	234	242	249	257
	Acceleration		60	0	0	0	0	0	0	0	0
	TOTAL	138	200	206	213	220	227	234	242	249	257
Water Scheme Infrastructure	Scheduled	12	0	0	0	0	0	0	0	0	0
	Acceleration	0	0	0	0	0	0	0	0	0	0
	TOTAL	12	0	0	0	0	0	0	0	0	0
Other Assets	Scheduled	448	39	120	127	234	242	249	257	266	275
* Walk The York*	Acceleration	800	1,086	800	0	0	0	0	0	0	0
	TOTAL	1,248	1,125	920	127	234	242	249	257	266	275
Stormwater Drainage	Scheduled	372	80	0	0	0	0	0	0	0	0
	Acceleration	0	0	0	0	0	0	0	0	0	0
	TOTAL	372	80	0	0	0	0	0	0	0	0
Total New Asset Expenditure		2,918	3,250	2,755	2,065	2,379	2,556	2,694	2,843	3,000	3,219

Operating Income

Rates

Rates includes revenue from General Rates, Service Charges (Refuse Collection), National Resource Management Levies collected on behalf of State Government, CWMS and Water service charges, fines for late payment and incorporates rebates available for each category.

The Rate Revenue increase shown in the tables is the average increase and actual changes to rates may vary dependant on valuations and other criteria. The Revenue line in the LTFP also includes an allowance for growth currently estimated at 0.5% p.a. based on trends over the past 2 years.

Statutory Charges

Statutory Charges are fees related to the regulation of activities including Development Applications (set by State Government), Animal Registration and various Licence Fees.

Statutory charges have been reviewed for 2013/14 based on historical levels and increases at estimated CPI are expected from year 2 of the LTFP.

User Charges

This category of income consists of fees for recovery of service delivery costs and income from Caravan Parks operated or leased by Council.

User charges, including caravan park income is expected to increase in line with CPI movements.

Grants & Subsidies

The primary components of this category are constituted of Local Government Grants Commission grants and grants for projects such as Foreshore Protection and Tourism projects. Roads to Recovery Grants (RTR) and Walk the Yorke project funding are not included in this category but are shown as Grants Received Specifically for New/Upgraded Assets.

Grants Commission Grants in the LTFP are predicted to increase at a rate of 2% per annum until end of 2015/16 and thereafter expected to increase in line with CPI.

Other Grants available to Council are expected to increase by CPI for the 10 years of the projection.

Grants Received Specifically for New Assets

RTR Income has been included for the 10 years of the LTFP and has been assumed to increase in line with CPI.

Walk the Yorke contributions are recognised in 2013/14 (\$400k), 2014/15 (\$543k) and 2014/15 (\$400k).

Investment Income

Investment Income included in the LTFP is reflective of projections of cash available for investment and investment rates are in line with current trends experienced in the past 2 years. Council's Treasury Management Policy ensures available funds are managed on a regular basis to maximise returns. Adjustments made in the 2013/14 budget reflect recent falls in interest rates.

Reimbursements

This category includes reimbursements by Community Groups; Sporting Clubs and individuals for expenses incurred by Council on their behalf and on-billed. This category also includes any amounts charged for Private Works performed by Council.

Reimbursements in the first year of the LTFP are expected to increase significantly with the cost of water playing a significant part. Reimbursements from year 2 of the LTFP are expected to be in line with CPI.

Other Revenue

Includes income from minor sundry activities.

Other income is expected to increase equivalent to CPI over the 10 years of the LTFP.

Operating Expenses

Employee Costs

Includes all labour costs inclusive of salaries, wages, superannuation, leave entitlements and workers compensation insurance.

Costs in this category are based on staffing levels at the time of development of the LTFP and do not contain specific allowances for increases in staff numbers over the life of the LTFP.

Increases are projected at the average of current Enterprise Bargaining Agreements (EBA) with an allowance of approximately 0.2% for reclassifications and “annual” award service increases.

Materials, Contracts and Other Expenses

Material costs in this category include road making materials, water, fuel, electricity, and office consumables: Contracts includes payments to outside entities for provision of services to Council including Waste Management Services. This category also includes payments to consultants and legal fees incurred by Council.

Over the 10 years of the LTFP:

- Water charges increasing at 1.2 times CPI;
- Power charges increasing at 1.2 times CPI;
- Materials have increased across the term of the LTFP by CPI plus 0.1% to allow for increased usage of Council assets due to area growth;
- Waste Management costs, have been increased at CPI plus 0.5% growth across the full term of the LTFP;
- Insurance, legal expenses, grants to Progress Associations, operating lease rentals and general contractors are expected to increase in line with CPI;
- No specific increase has been included to provide for Carbon Tax impact and may require assessment at a future date when more information is available to Council.

Finance Costs

Finance Costs include interest on borrowings and bank charges.

Finance costs are based on forecast rates contained within the model and are based on applicable rates for existing loans and reflective of reductions achieved with Council's decision to change its banking provider following an open tender in 2012/13.

Depreciation

Depreciation is an accounting charge to Operating Expenses showing the rate of consumption of Council's infrastructure, buildings, plant and equipment and other fixed assets and is effectively a provision for replacement of these assets at the optimum estimated time to support the provision of current Council services.

Depreciation in the LTFP is calculated based on best estimates of consumption of Council's assets over their useful lives. The estimate is also reflective of existing Asset Management Plans, advice taken from senior Council officers and the strategic decision taken by Council to increase renewal expenditure on assets and the reduction forecast in spending on new assets.

Depreciation on transport infrastructure was reviewed during 2012/13 and depreciation levels were reduced based on re-assessments of useful lives and the introduction of residual values for assets undergoing renewal.

Treasury Management Strategy

Financing forecasts in the LTFP have been made with consideration of Council's current Treasury Management Strategy.

"Council's operating and capital expenditure decisions are made on the basis of:

- *identified community need and benefit relative to other expenditure options;*
- *cost effectiveness of the proposed means of service delivery; and,*
- *affordability of proposals having regard to Council's long term financial sustainability (including consideration of the cost of capital and the impact of the proposal on Council's Net Financial Liabilities and Interest cover ratios¹.)*

Council manages its finances holistically in accordance with its overall financial sustainability strategies and targets and will:

- *apply any funds that are not immediately required to meet approved expenditure (including funds that are required to be expended for specific purposes but are not required to be kept in separate bank accounts) to reduce its level of borrowings or to defer and/or reduce the level of new borrowings that would otherwise be required."*

Strategic Rating Policy

General Rates

Rates are Council's main source of income. They are used to provide the funds to deliver services and maintain infrastructure required by the community.

Rates are a form of property taxation and property values play an important part in determining how much each individual ratepayer contributes. As it is a system of taxation, the rates paid may not directly relate to the services used by each ratepayer. Generally, the higher the value of the property the higher the rates paid.

Along with most other Councils, we use capital value to value all properties. Capital value is the value of the land and all improvements.

In determining how rates are applied, we use a differential rating system with a fixed charge. Differential rates allow us to set a different rate depending on the use to which the land is put - whether it be residential, commercial, primary production, etc. A fixed charge is a fixed, or flat amount, that all ratepayers have to contribute to equally. Differential rates are calculated on top of a fixed charge.

In addition to General Rates, as described above, Council will use its rating powers to raise the following rates and charges.

Waste Collection & Recycling Service Charge

This service charge is charged to recover the cost of providing the Waste Collection & Recycling service. Council charges a set amount per property. Council calculates one service charge for properties entitled to receive a two bin service and another for those properties entitled to receive a three bin service.

This service charge is subject to a specific provision of the Local Government Act and Council has been required to introduce a system that calculates the amount payable by residents outside town limits depending on the distance of their property access point to the nearest collection point.

The two bin service charges have been re-aligned based on the following distances from collection points:

- | | |
|--------------------------------|---|
| • Within 500 metres | 100% of declared charge |
| • 500 metres to 2 kilometres | 75% of declared charge |
| • 2 kilometres to 5 kilometres | 50% of declared charge |
| • Outside 5 kilometres | No service unless negotiated with Council |

Natural Resource Management Levy

Council is required to collect an amount each year which is paid to the local Natural Resource Management Board. Council are informed each year of the amount to be collected. Council uses the capital value of properties to determine a rate-in-the-dollar for the NRM Levy.

Community Waste Management Scheme (CWMS) Service Charge

Council operates a number of CWMS schemes which provide a community effluent or sewerage scheme to properties. Council calculates a service charge each year to cover the cost of operating and maintaining and replacing equipment for all the schemes. A different service charge is set each year for occupied and unoccupied properties.

Water Scheme Service Charge

Council operates a number of Water schemes throughout the district. Council calculates a service charge each year to cover the cost of operating and maintaining and replacing equipment for all the schemes. In addition to a service charge properties are charged for their water use.

Rate relief

For ratepayers who may have difficulty paying their rates Council has a number of schemes to assist people who find themselves in this circumstance. Council provides:

- Rate capping scheme;
- Postponement of rates scheme;
- Negotiated repayments.

Yorke Peninsula Council Long Term Financial Plan 2013/2014 to 2022/2023



Financial Statements

- Uniform Presentation of Finances

Yorke Peninsula Council			10 Year Long Term Financial Plan									
LTFP - Projection First Quarter Review 2013/2014												
SUMMARY STATEMENT INCLUDING FINANCING TRANSACTIONS												
Year Ended 30 June:	2013		2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
	Audited		Rev Budget	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan
	Financials		1st Quarter	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
	\$(000)		\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)
Operating Revenues	24,100		25,729	27,105	28,447	29,916	31,523	33,164	34,901	36,752	38,735	40,897
less Operating Expenses	27,417		28,382	29,424	30,439	31,448	33,496	34,678	35,811	37,033	38,238	41,340
Operating Surplus/(Deficit) before Capital Amounts	(3,317)		(2,653)	(2,319)	(1,992)	(1,532)	(1,973)	(1,514)	(910)	(281)	497	(443)
Less: Net Outlays on Existing Assets												
Capital Expenditure on Renewal/Replacement of Existing Assets	3,731		5,066	5,734	6,190	6,464	8,001	8,701	9,367	9,933	9,797	10,666
less Depreciation, Amortisation & Impairment	8,826		9,045	9,398	9,752	10,118	11,438	11,828	12,231	12,651	13,027	15,216
less Proceeds from Sale of Replaced Assets	163		341	200	160	160	160	160	170	170	170	180
	(5,258)		(4,320)	(3,864)	(3,722)	(3,814)	(3,597)	(3,287)	(3,034)	(2,888)	(3,400)	(4,730)
Less: Net Outlays on New and Upgraded Assets												
Capital Expenditure on New/Upgraded Assets	2,259		2,918	3,250	2,755	2,065	2,379	2,556	2,694	2,843	3,000	3,219
less Amounts Specifically for New/Upgraded Assets	594		994	1,199	1,077	699	721	744	768	793	818	844
less Proceeds from Sale of Surplus Assets	0		0	0	0	0	0	0	0	0	0	0
	1,665		1,924	2,051	1,678	1,366	1,658	1,812	1,926	2,050	2,182	2,375
Net Lending / (Borrowing) for Financial Year	276		(257)	(506)	52	915	(34)	(40)	197	558	1,716	1,912



Yorke Peninsula Council Long Term Financial Plan 2013/2014 to 2022/2023

- Comprehensive Presentation of Income

Yorke Peninsula Council			10 Year Long Term Financial Plan									
LTFP - Projection First Quarter Review 2013/2014												
ESTIMATED COMPREHENSIVE INCOME STATEMENT												
Year Ended 30 June:	2013		2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
	Audited		Rev Budget	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan
	Financials		1st Quarter	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
	\$(000)		\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)
INCOME												
Rates	16,428		17,928	19,000	20,142	21,354	22,642	24,010	25,465	27,009	28,655	30,403
Statutory Charges	379		425	499	515	532	550	569	589	610	632	655
User Charges	2,865		2,888	3,007	3,104	3,203	3,306	3,411	3,519	3,631	3,747	3,866
Grants, subsidies, contributions	3,397		3,702	3,788	3,876	4,000	4,128	4,260	4,397	4,538	4,683	4,833
Investment Income	249		109	113	50	42	87	78	69	74	99	192
Reimbursements	570		481	496	552	570	588	607	626	646	667	688
Other Income	212		196	202	208	215	222	229	236	244	252	260
Total Revenues	24,100		25,729	27,105	28,447	29,916	31,523	33,164	34,901	36,752	38,735	40,897
EXPENSES												
Employee costs	7,140		7,297	7,545	7,801	8,066	8,342	8,626	8,918	9,221	9,533	9,856
Materials, contracts & other expenses	11,149		11,837	12,289	12,680	13,121	13,581	14,099	14,545	15,052	15,578	16,173
Depreciation	8,826		9,045	9,398	9,752	10,118	11,438	11,828	12,231	12,651	13,027	15,216
Finance Costs	302		203	192	206	143	135	125	117	109	100	95
Total Expenses	27,417		28,382	29,424	30,439	31,448	33,496	34,678	35,811	37,033	38,238	41,340
OPERATING SURPLUS/(DEFICIT) BEFORE CAPITAL AMOUNTS	(3,317)		(2,653)	(2,319)	(1,992)	(1,532)	(1,973)	(1,514)	(910)	(281)	497	(443)
Net gain/(loss) on disposal or revaluations	49		131	10	10	10	10	10	10	10	10	10
Amounts specifically for new assets	594		994	1,199	1,077	699	721	744	768	793	818	844
Physical resources free of charge	14		0	0	500	0	600	0	600	0	650	0
NET SURPLUS/(DEFICIT)	(2,660)		(1,528)	(1,110)	(405)	(823)	(642)	(760)	468	522	1,975	411
Other Comprehensive Income												
Changes in revaluation surplus - IPP&E	0		0	2,364	0	19,813	0	0	10,200	0	29,172	0
Total Other Comprehensive Income	0		0	2,364	0	19,813	0	0	10,200	0	29,172	0
TOTAL COMPREHENSIVE INCOME	(2,660)		(1,528)	1,254	(405)	18,990	(642)	(760)	10,668	522	31,147	411

Yorke Peninsula Council Long Term Financial Plan 2013/2014 to 2022/2023



- Balance Sheet

Yorke Peninsula Council		10 Year Long Term Financial Plan										
LTFP - Projection First Quarter Review 2013/2014												
ESTIMATED BALANCE SHEET												
Year Ended 30 June:	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
	Audited	Rev Budget	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	
	Financials	1st Quarter	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	
	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	
ASSETS												
Current Assets												
Cash & Equivalent Assets	2,962	1,980	881	738	1,518	1,369	1,212	1,291	1,733	3,369	5,261	
Trade & Other Receivables	1,130	1,164	1,168	1,168	1,168	1,168	1,170	1,170	1,170	1,170	1,170	
Investments & Other Financial Assets	20	0	0	0	0	0	0	0	0	0	0	
Inventories	887	887	887	887	887	887	887	887	887	887	887	
Sub-total	4,999	4,031	2,936	2,793	3,573	3,424	3,269	3,348	3,790	5,426	7,318	
Non-current assets held for sale	0	0	0	0	0	0	0	0	0	0	0	
Total Current Assets	4,999	4,031	2,936	2,793	3,573	3,424	3,269	3,348	3,790	5,426	7,318	
Non-Current Assets												
Receivables	0	(34)	(38)	(38)	(38)	(38)	(40)	(40)	(40)	(40)	(40)	
Financial Assets	468	467	485	504	524	546	569	593	619	646	662	
Infrastructure, Property, Plant & Equipment	276,040	274,789	276,549	276,092	294,167	293,558	292,838	303,309	303,273	332,704	331,203	
Total Non-Current Assets	276,508	275,222	276,996	276,558	294,653	294,066	293,367	303,862	303,852	333,310	331,825	
Total Assets	281,507	279,253	279,932	279,351	298,226	297,490	296,636	307,210	307,642	338,736	339,143	
LIABILITIES												
Current Liabilities												
Trade & Other Payables	1,912	1,916	1,971	1,980	2,006	2,027	2,051	2,077	2,096	2,122	2,145	
Borrowings	748	677	246	200	177	183	188	180	152	92	69	
Provisions	857	910	921	960	986	1,021	1,052	1,086	1,121	1,157	1,195	
Total Current Liabilities	3,517	3,503	3,138	3,140	3,169	3,231	3,291	3,343	3,369	3,371	3,409	
Non-Current Liabilities												
Borrowings	2,236	1,559	1,313	1,113	936	753	565	385	233	141	72	
Provisions	346	329	365	387	419	448	481	514	550	586	615	
Other Non-Current Liabilities	(36)	(54)	(54)	(54)	(54)	(54)	(54)	(54)	(54)	(54)	(54)	
Total Non-Current Liabilities	2,546	1,834	1,624	1,446	1,301	1,147	992	845	729	673	633	
Total Liabilities	6,063	5,337	4,762	4,586	4,470	4,378	4,283	4,188	4,098	4,044	4,042	
NET ASSETS	275,444	273,916	275,170	274,765	293,756	293,112	292,353	303,022	303,544	334,692	335,101	
EQUITY												
Accumulated Surplus	(1,055)	(2,583)	(3,693)	(4,098)	(4,921)	(5,563)	(6,323)	(5,855)	(5,333)	(3,358)	(2,947)	
Asset Revaluation Reserve	275,705	275,705	278,069	278,069	297,882	297,882	297,882	308,082	308,082	337,254	337,254	
Other Reserves	794	794	794	794	794	794	794	794	794	794	794	
TOTAL EQUITY	275,444	273,916	275,170	274,765	293,755	293,113	292,353	303,021	303,543	334,690	335,101	



Yorke Peninsula Council Long Term Financial Plan 2013/2014 to 2022/2023

- Changes in Equity

Yorke Peninsula Council		10 Year Long Term Financial Plan									
LTFP - Projection First Quarter Review 2013/2014											
ESTIMATED STATEMENT OF CHANGES IN EQUITY											
Year Ended 30 June:	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Financials	Audited	Rev Budget	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan
	\$('000)	1st Quarter	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
		\$('000)	\$('000)	\$('000)	\$('000)	\$('000)	\$('000)	\$('000)	\$('000)	\$('000)	\$('000)
ACCUMULATED SURPLUS											
Balance at end of previous reporting period	1,078	(1,055)	(2,583)	(3,693)	(4,098)	(4,921)	(5,563)	(6,323)	(5,855)	(5,333)	(3,358)
Net Result for Year	(2,660)	(1,528)	(1,110)	(405)	(823)	(642)	(760)	468	522	1,975	411
Transfers to Other Reserves	(23)	0	0	0	0	0	0	0	0	0	0
Transfers from Other Reserves	550	0	0	0	0	0	0	0	0	0	0
Balance at end of period	(1,055)	(2,583)	(3,693)	(4,098)	(4,921)	(5,563)	(6,323)	(5,855)	(5,333)	(3,358)	(2,947)
ASSET REVALUATION RESERVE											
Land	0	0	2,213	2,213	2,213	2,213	2,213	11,797	11,797	11,797	11,797
Buildings and Other Structures	0	0	0	0	3,139	3,139	3,139	3,139	3,139	6,784	6,784
Transportation Infrastructure	274,472	274,472	274,472	274,472	288,315	288,315	288,315	288,315	288,315	310,009	310,009
Plant & Equipment	960	960	960	960	1,637	1,637	1,637	1,637	1,637	2,467	2,467
Furniture & Fittings	0	0	0	0	40	40	40	40	40	45	45
CWMS Infrastructure	273	273	273	273	1,397	1,397	1,397	1,397	1,397	3,093	3,093
Water Scheme Infrastructure	0	0	0	0	132	132	132	132	132	360	360
Other Assets	0	0	0	0	858	858	858	858	858	1,932	1,932
Stormwater Drainage	0	0	151	151	151	151	151	767	767	767	767
Balance at end of period	275,705	275,705	278,069	278,069	297,882	297,882	297,882	308,082	308,082	337,254	337,254
OTHER RESERVES											
Balance at end of previous reporting period	1,321	794	794	794	794	794	794	794	794	794	794
Transfers from Accumulated Surplus	23	0	0	0	0	0	0	0	0	0	0
Transfers to Accumulated Surplus	(550)	0	0	0	0	0	0	0	0	0	0
Balance at end of period	794	794	794	794	794	794	794	794	794	794	794
TOTAL EQUITY AT END OF REPORTING PERIOD	275,444	273,916	275,170	274,765	293,755	293,113	292,353	303,021	303,543	334,690	335,101

Yorke Peninsula Council Long Term Financial Plan 2013/2014 to 2022/2023

- Cash Flow Statement

Yorke Peninsula Council		10 Year Long Term Financial Plan										
LTFP - Projection First Quarter Review 2013/2014												
ESTIMATED CASH FLOW STATEMENT												
Year Ended 30 June:	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
	Audited	Rev Budget	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	
	Financials	1st Quarter	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	
	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	\$(000)	
CASH FLOWS FROM OPERATING ACTIVITIES												
<u>Receipts</u>												
Rates	16,428	17,928	19,000	20,142	21,354	22,642	24,010	25,465	27,009	28,655	30,403	
Statutory Charges	379	425	499	515	532	550	569	589	610	632	655	
User Charges	2,831	2,884	3,007	3,104	3,203	3,304	3,411	3,519	3,631	3,747	3,866	
Grants, subsidies, contributions	3,397	3,702	3,788	3,876	4,000	4,128	4,260	4,397	4,538	4,683	4,833	
Investment Income	249	109	113	50	42	87	78	69	74	99	192	
Reimbursements	570	481	496	552	570	588	607	626	646	667	688	
Other Income	212	196	202	208	215	222	229	236	244	252	260	
<u>Payments</u>												
Employee costs	(7,115)	(7,255)	(7,529)	(7,766)	(8,039)	(8,309)	(8,595)	(8,885)	(9,187)	(9,498)	(9,819)	
Materials, contracts & other expenses	(11,127)	(11,852)	(12,221)	(12,664)	(13,084)	(13,550)	(14,064)	(14,509)	(15,021)	(15,541)	(16,138)	
Finance Costs	(302)	(203)	(192)	(206)	(143)	(135)	(125)	(117)	(109)	(100)	(95)	
Net Cash provided by (or used in) Operating Activities	5,522	6,415	7,163	7,811	8,650	9,527	10,380	11,390	12,435	13,596	14,845	
CASH FLOWS FROM INVESTING ACTIVITIES												
<u>Receipts</u>												
Amounts Specifically for New/Upgraded Assets	594	994	1,199	1,077	699	721	744	768	793	818	844	
Sale of Renewed/Replaced Assets	163	341	200	160	160	160	160	170	170	170	180	
Sale of Surplus Assets	103	0	0	0	0	0	0	0	0	0	0	
<u>Payments</u>												
Expenditure on Renewal/Replacement of Assets	(3,731)	(5,066)	(5,734)	(6,190)	(6,464)	(8,001)	(8,701)	(9,367)	(9,933)	(9,797)	(10,666)	
Expenditure on New/Upgraded Assets	(2,259)	(2,918)	(3,250)	(2,755)	(2,065)	(2,379)	(2,556)	(2,694)	(2,843)	(3,000)	(3,219)	
Net Cash Provided by (or used in) Investing Activities	(5,130)	(6,649)	(7,585)	(7,708)	(7,671)	(9,499)	(10,354)	(11,124)	(11,812)	(11,808)	(12,861)	
CASH FLOWS FROM FINANCING ACTIVITIES												
<u>Receipts</u>												
Proceeds from Borrowings	0	0	0	0	0	0	0	0	0	0	0	
<u>Payments</u>												
Repayments of Borrowings	(963)	(748)	(677)	(246)	(200)	(177)	(183)	(188)	(180)	(152)	(92)	
Net Cash provided by (or used in) Financing Activities	(963)	(748)	(677)	(246)	(200)	(177)	(183)	(188)	(180)	(152)	(92)	
Net Increase/(Decrease) in cash held	(571)	(982)	(1,099)	(143)	779	(149)	(157)	78	443	1,636	1,892	
Opening cash, cash equivalents or (bank overdraft)	3,533	2,962	1,980	881	738	1,518	1,369	1,212	1,291	1,733	3,369	
Closing cash, cash equivalents or (bank overdraft)	2,962	1,980	881	738	1,518	1,369	1,212	1,291	1,733	3,369	5,261	



Yorke Peninsula Council Long Term Financial Plan 2013/2014 to 2022/2023

- Key Financial Ratios

Yorke Peninsula Council		2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
FINANCING TRANSACTIONS		Audited	Rev Budget	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan
		Financials	1st Quarter	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
		\$('000)	\$('000)	\$('000)	\$('000)	\$('000)	\$('000)	\$('000)	\$('000)	\$('000)	\$('000)	\$('000)
New Borrowings		0	0	0	0	0	0	0	0	0	0	0
LTFP - Projection First Quarter Review 2013/2014		2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
KEY FINANCIAL INDICATORS		Audited	Rev Budget	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan	Plan
		Financials	1st Quarter	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Operating Surplus Ratio - %		(20)%	(15)%	(12)%	(10)%	(7)%	(9)%	(6)%	(4)%	(1)%	2%	(1)%
Net Financial Liabilities Ratio - %		6.2%	6.7%	8.2%	7.6%	4.2%	4.1%	4.0%	3.2%	1.6%	(2.9)%	(7.5)%
Interest Cover Ratio - %		0.2%	0.4%	0.3%	0.5%	0.3%	0.2%	0.1%	0.1%	0.1%	0.0%	(0.2)%
Asset Sustainability Ratio - %		40%	52%	59%	62%	62%	69%	72%	75%	77%	74%	69%

Significant Long Term Financial Plan Risks

The YPC Draft Long Term Financial Plan has been constructed based on a set of assumptions which reflect current trends as best interpreted by Council. Any of these assumptions may change due to influences beyond Council's control and place significant pressure on Council to achieve its stated objectives.

Given the 10 year timeframe of the LTFP, changes in these assumptions are almost certain at some time over the journey, As such the LTFP will demand constant updating and Council will undertake to keep the LTFP up to date with quarterly reviews following budget reviews required under Local Government Regulations.

Within Local Government there are many factors that could have significant impact on forecasts such as legislative changes, changes in economic conditions which may impact CPI and growth estimates, major events that may have significant consequences within the Council area of operation.

Changes in community expectations of Council in regard to services provided and new services required also presents significant risk in relation to the LTFP objectives which Council will monitor via its stated strategy to not introduce changes to services, or add new services, without reference to their impact on the LTFP.

While Asset Management Plans address replacement of core assets based on expected useful life estimates there is always the risk that deterioration of these assets may be quicker or slower than expected due to changes in factors impacting on the particular assets. There is also the chance that major replacement programs could be disrupted by shortages within the skilled workforce or abnormal weather conditions.

Asset Management Plans and the LTFP assume that at least current levels of funding for renewal of assets from both State and Federal Governments will continue across the term however any change to these arrangements would also threaten the basis of the projections.

A further risk is presented with the replacement of Elected Members at elections every 4 years. Council is confident that continuity in this regard can be achieved through close monitoring and regular financial reporting together with the proposed quarterly reviews of the LTFP.

DIRECTOR CORPORATE AND COMMUNITY SERVICES

DA/ITEM 6.2

3. TREASURY MANAGEMENT POLICY (File Ref: 9.24.1.1)

INTRODUCTION

To seek endorsement from Council for the adoption of the updated PO139 Treasury Management Policy.

RECOMMENDATION

That Council endorse and adopt the updated PO139 Treasury Management Policy as presented in the Agenda for inclusion in Council's policy manual and on the website.

COMMENT

Officers are continuing to undertake a thorough review of Council's Policy Manual.

PO139 Treasury Management Policy has been updated to reflect the new policy format and updated to reflect Internal Audit requirements in regard to sign off and conflict of interest relating to investments.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Local Government Act 1999

Delegations Register

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

It is essential that Council has the appropriate policies and delegations in place to protect rate payer funds from misappropriation. From an auditing perspective it is essential that documentation exists to provide an appropriate auditable trail of documentation for the authorisation of expenditure of rate payer funds.



COUNCIL POLICY

Treasury Management Policy

Policy Number:	PO139		
Strategic Plan Objective	Financially Sustainable Organisation		
Policy Owner:	Director Corporate and Community Services	File Number:	7.63.1
Responsible Officer:	Manager Financial Services	Minute Reference:	
Date Adopted:		Next Review Date:	3 yearly

1. POLICY OBJECTIVES

This Treasury Management Policy establishes a policy framework to ensure that:

- funds are available as required to support approved outlays;
- interest rate and other risks (liquidity and investment credit risks) are acknowledged and responsibly managed;
- the net interest costs associated with borrowing and investing are reasonably likely to be minimised on average over the longer term.

2. SCOPE

This policy provides a clear direction to management, staff and Council in relation to the treasury function. It underpins Council's decision-making regarding the financing of its operations as documented in its annual budget and long-term financial plan and associated projected and actual cash flow receipts and outlays.

Council is committed to adopting and maintaining a Long-term Financial Plan and operating in a financially sustainable manner.

3. DEFINITIONS

Fixed Interest	A loan where the interest is fixed for the term of the loan
Variable interest	A loan where the interest rate fluctuates over the life of the loan.

4. POLICY STATEMENT

4 (a) Treasury Management Strategy

Council's operating and capital expenditure decisions are made on the basis of:

- identified community need and benefit relative to other expenditure options;
- cost effectiveness of the proposed means of service delivery; and,
- affordability of proposals having regard to Council's long term financial sustainability (including consideration of the cost of capital and the impact

of the proposal on Council's Net Financial Liabilities and Interest cover ratios¹.)

Council manages its finances holistically in accordance with its overall financial sustainability strategies and targets. This means Council will:

- maintain target ranges for both its Net Financial Liabilities and Interest Cover ratios;
- not retain and quarantine money for particular future purposes unless required by legislation or agreement with other parties;
- borrow funds in accordance with the requirements set out in its Long-term Financial Plan or review its Long Term Financial Plan to reflect any other borrowings determined by Council;
- apply any funds that are not immediately required to meet approved expenditure (including funds that are required to be expended for specific purposes but are not required to be kept in separate bank accounts) to reduce its level of borrowings or to defer and/or reduce the level of new borrowings that would otherwise be required.

4 (b) Borrowing & Interest Risk Exposure

Council has set range limits for both fixed and variable interest rate borrowings in order to minimise net interest costs on average over the longer term and at the same time manage interest rate movement risks within acceptable limits.

4(b) (1) Fixed Interest Rate Borrowings

To ensure an adequate mix of interest rate exposures, Council will restructure its portfolio of borrowings, as old borrowings mature and new ones are raised, to progressively achieve and therein maintain on average in any one year not less than 50% of its gross debt in the form of fixed interest rate borrowings.

In order to spread its exposure to interest rate movements, Council will aim to have a variety of maturity dates on its fixed interest rate borrowings over the available maturity spectrum.

In circumstances where Council needs to raise new fixed interest rate borrowings it will consider using medium to long-term borrowings (3 or more years duration) that:

- have a fixed interest rate;
- require interest payments only; and
- allow the full amount of principal to be repaid (or rolled over) at maturity.

Council will also ensure that no more than 25% of its fixed interest rate borrowings mature in any year.

4(b) (2) Variable Interest Rate Borrowings

Council will restructure its portfolio of borrowings, as borrowings mature and new ones are raised, to progressively achieve, and then maintain, not less than 20% of its gross debt on average in any year in the form of variable interest rate borrowings.

¹ The LGA's Financial Sustainability Information Papers 9 and 12 provide further information on these (and other) financial sustainability indicators and associated targets.

After Council's cash reserves are reduced, Council will establish, and make use of, the Local Government Finance Authority (LGFA) Cash Flow Advance Debenture (or similar product) that requires interest payments only and that enables any amount of principal to be repaid or redrawn at call. The redraw facility will provide Council with access to liquidity when needed.

4 (c) Investments

Council funds that are not immediately required for operational needs and cannot be applied to either reduce existing borrowings or avoid the raising of new borrowings will be invested. The balance of funds held in any operating bank account that does not provide investment returns at least consistent with 'at call' market rates shall be kept at a level that is no greater than is required to meet immediate working capital requirements.

Council funds available for investment will be lodged 'at call' or, having regard to differences in interest rates for fixed term investments of varying maturity dates, may be invested for a fixed term. In the case of fixed term investments the term should not exceed a point in time where the funds otherwise could be applied to cost-effectively either defer the need to raise a new borrowing or reduce the level of Council's variable interest rate borrowing facility. All fixed term investments must be approved by two signatories currently listed in the Delegations Register, in any written form (being email or letter).

Council management may from time to time invest surplus funds in:

- deposits with the LGFA; and/or
- bank interest bearing deposits,

Any investments proposed to be made with any organisation other than the LGFA must be approved by two signatories currently listed in the Delegations Register, in a written form (being either email or a letter). These proposed investments must be reviewed by both signatories for conflict of interest prior to finalisation of the investment. Investments with a perceived conflict of interest must be approved by the Elected Body prior to any such investment being made.

Conflict of interest is determined to be applicable where either of the individuals approving the investment have an interest (financial or otherwise) in the investment institution in which the investment is to be made.

Conflict of interest should be determined by applying the following steps:

- Are you deciding where council funds are to be invested other than with the LGFA?
- If yes, do you have any interest (financial or not) in the proposed investment institution, or have you had any prior involvement with the institution that could be construed as generating a conflict of interest?
- If not, general investment rules apply.
- If yes, you must disclose this interest in writing to your immediate supervisor, and the investment decision must be approved by the Elected Body prior to any investment being made.

4 (d) Reporting

At least once a year Council shall receive a specific report regarding treasury management performance relative to this policy. The report shall highlight:

- for each Council borrowing and investment – the quantum of funds, its interest rate and maturity date, and changes in the quantum since the previous report; and,
- the proportion of fixed interest rate and variable interest rate borrowings at the end date of the reporting period and an estimate of the average of these proportions across the period along with key reasons for significant variances compared with the targets specified in this policy.

5. COMPLAINTS

Complaints in relation to this policy can be directed to the Director Corporate and Community Services and will be managed in accordance with Council's PO147 Complaints Policy.

6. REVIEW

This policy will be reviewed every 3 years or more frequently based on changes to legislation.

7. TRAINING

Council is committed to supporting employees in complying with this policy.

Training needs will be reviewed annually, during individual performance reviews and as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

8. RELATED COUNCIL POLICIES AND DOCUMENTS

Council's Delegations Register

9. REFERENCES AND LEGISLATION

For Borrowings

- a) Local Government Act, 1999
 - i) Section 44
 - ii) Section 133
 - iii) Section 134
 - iv) Section 122
- b) Regulations 5 and 5B of the Financial Management Regulations under the Act.

For Investments

- c) Local Government Act, 1999
 - i) Section 44
 - ii) Section 47
 - iii) Section 139
 - iv) Section 140

10. COUNCIL DELEGATION

Details of Delegation:	Nil
Delegate:	

11. VERSION HISTORY

Archived Policy Name	Policy Number	Date Adopted	Last Reviewed
Treasury Management Policy	PO139	10/3/2009	8/6/2010

DIRECTOR ASSETS & INFRASTRUCTURE SERVICES

DA/ITEM 6.3

1. AUTHORITY TO APPLY COMMON SEAL

(File Ref:9.24.1.1)

INTRODUCTION

The purpose of this report is to seek Council's endorsement to apply the common seal for execution of the funding deed between the Minister for Transport & Infrastructure and Council for upgrades to the Minlaton aerodrome.

RECOMMENDATION

That Council authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal on relevant documents relating to the funding deed between the Minister for Transport & Infrastructure and Council for upgrades to the Minlaton aerodrome.

COMMENT

As previously reported to Elected Members, Council has been successful in securing external funding for upgrades the Minlaton aerodrome via the Remote Airstrip Upgrade Program.

The total cost of the project is \$46,794 with Council contributing \$15,598 and the remaining \$31,196 being funded equally between the Federal and State Governments.

This investment will result in the installation of thirty (30) solar LED lights spaced at ninety (90) metre intervals along the runway, six (6) runway threshold lights and an additional eight (8) lights adjacent the taxiway and apron edge. The area will also be fenced for increased safety and security.

The funding deed for this external contribution requires the signature of an authorised Council representative and application of the common seal. I therefore request that Council endorse this activity to enable the timely processing of these documents and subsequent commencement of works.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Section 38 (1) of the Local Government Act 1999, provides that the Common Seal of a Council must not be affixed to a document except to give effect to a resolution of the Council.

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

A budget adjustment will be applied to accommodate Council's contribution towards this project.

DIRECTOR DEVELOPMENT SERVICES

DA/ITEM 6.4

1. PROPOSED INCREASE IN DOG REGISTRATION FEES

(File Ref:9.24.1.1)

INTRODUCTION

Council Staff have commenced work on the 2014/2015 budget and as part of that process dog registration fees need to be reviewed. Any proposed fee increase needs to be given to the Dog and Cat Management Board by 13 March 2014 (we have been granted a one day extension).

In general it has been Council's practice in the past to increase dog registration fees annually. The Minister must approve any change to dog registration fees and has set the maximum fee at \$85 per dog for the 2014/2015 financial year.

RECOMMENDATION

That Council adopt, with the approval of the Minister, the following price schedule in relation to registration fees for dogs for the 2014/2015 financial year.

Dog Registration Fee

\$70

Desexed, Microchipped and Obedience Training Rebates be set at:

- 50% - desexed dogs
- 10% - microchipped dogs
- 10% - trained dogs

If a dog is eligible for more than one of the above rebates, these percentages are to be added and the total rebate applied.

Pensioner/Concession Rebate

To be 50% and applies to a maximum of two dogs per property. The pensioner/concession rebate is to be deducted after all other qualifying rebates have been applied.

Working dogs (i.e. dogs primarily kept for the droving or tending of stock)

To be set at \$20

Racing Greyhounds (dogs currently registered with the Greyhound Racing Board of SA)

To be set at \$20

Accredited Guide, Disability and hearing dogs

Free

(as per legislation)

Transfer fee from other Councils

\$5

New Disc or replacement

\$2

Late Registration Renewal Fee (if paid after 31 August)

\$20

Puppies under 3 months at 1st January (Rebates Available)

\$35

Impounding fees

Initial impoundment fee \$60 during office hours plus \$20 per day or part thereof.

After office hours impoundment fee \$100 plus \$20 per day or part thereof.

2014/2015 Dog Registration Fee Schedule**Registration Type**

Full Registration	\$70
Desexed	\$35
Microchipped	\$63
Trained	\$63
Concession	\$35
Working – One set fee	\$20
Desexed/ Concession	\$17.50
Desexed/Microchipped	\$28
Desexed/Microchipped & Concession	\$14
Desexed/Trained	\$28
Desexed/Trained & Concession	\$14
Desexed/Trained/Microchipped	\$21
Desexed/Trained/Microchipped/Concession	\$11
Trained/Microchipped	\$56
Trained/Concession	\$31.50
Microchipped/Concession	\$31.50
Microchipped/Trained/Concession	\$28
Greyhounds (Registered with Racing Board)	\$20
Business Registrations per dog	\$70
Guide Dogs	Free
Transfer fee from other Councils	\$5
New Disc or replacement	\$2
Late Registration Renewal Fee (if paid after 31 August)	\$20
Puppies, under 3 months at 1st Jan (Rebates Available)	\$35
Dog impounding Fees (Normal Working hours)	\$60
After Office Hours Dog Impounding Fees	\$100
Plus daily pound charge	\$20

COMMENT

In June 2004 The Dog and Cat Management Act was amended so that Dog Registration Fees are set by each individual Council instead of State Government. In February 2010 the Minister set a maximum fee of \$60 that Councils can charge for a dog registration fee. The Yorke Peninsula Council has increased the dog registration fee regularly and reached the maximum fee of \$60 for the 2012/13 financial year and has remained at that maximum fee for the past two years. Council was advised in January 2014 that the Minister has raised the maximum fee to \$85 and any proposed fee changes by a Council needs to be with the Dog and Cat Management Board by 13 March 2014 (we have been granted a one day extension).

Any new fee increase would take effect on 1 July 2014. Legislation also states that Councils shall give a rebate for dogs that are desexed and/or microchipped and/or obedience trained. Council has in the past set the desexing rebate at 50% and the trained and microchipped rebate at 10%. These rebates are consistent with other Councils throughout the state. When a dog is suitable for multiple rebates they must be added together and deducted from the registration fee. Council actively promotes responsible dog ownership and encourages dog owners to desex their dogs and have them microchipped and trained. The Yorke Peninsula Council values pet ownership and actively promotes responsible pet ownership to benefit the community and the welfare of the pet.

Council, as does the majority of Councils in South Australia, offers a 50% discount off the applicable registration fee to concession card holders. This rebate is restricted to two dogs per property. Last year 900 dogs were registered with the concessional rebate, which equates to approximately 45% of the eligible registrations.

This Council, as do the majority of rural Councils also offers a set fee for dogs that are principally used for the tendering or droving of stock. This rebate is often referred to as the working dog rebate. This maximum fee has previously been set at \$15. Last year Council had about 740 dogs registered as working dogs. These dogs are not eligible for any other discounts.

Council is also able, with the approval of the Minister to charge a fee for the impounding of a dog. Currently the fee is \$60 if the dog is impounded during normal working hours and \$100 if it is impounded after hours. Whilst a dog is impounded a daily pound fee of \$15 is charged. This fee is applied to any part day the dog is in the pound. It is a time consuming exercise for Council staff to feed dogs in the pound and ensure the facilities are kept in a clean and pristine state and therefore consideration should also be given to increasing this fee.

Last financial year Council registered 2692 dogs which resulted in \$65,153 in income, which equates to an average registration fee of about \$24.20. If Council set the maximum fee for a dog registration at \$70, the average fee paid would be about \$28.20. Last financial year dog management had an approximate \$90k negative impact on Council's Budget. Legislation states that all monies derived from dog management must be spent on dog management, which is subject to a strict audit process. The Dog and Cat Management Board is auditing Council on all its legislative requirements in relation to the Dog and Cat Management Act in April this year.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Dog and Cat Management Act 1995

Strategic Plan

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

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

It is anticipated the increase in fees will reduce the financial impact of annual management.

DIRECTOR DEVELOPMENT SERVICES

DA/ITEM 6.4

2. LGAWCS REFUND

(File Ref:9.24.1.1)

INTRODUCTION

Elected Members were recently advised that a \$28,881 refund has been received from the Local Government Association Workers Compensation Scheme (LGAWCS).

Consideration needs to be given to where this refund should be allocated or allocated to general revenue.

RECOMMENDATION

That the \$28,881 refund from the LGAWCS be allocated to the following projects:-

1. Minlaton Skate Park - \$8,000
2. Council Chamber refurbishment - \$20,000

COMMENT

At the meeting of Council held in February 2014, a debate report (DA/Item 6.2) on the Minlaton Skate Park project was considered. The fourth dot point within the report suggested that Council consider a request from the Minlaton Skate Park Committee to commit a further \$8,000 towards the project as part of the 2014/2015 budget due to escalating of pricing encountered during delays in securing funding.

Discussions have also taken place regarding the possible refurbishment of the Council Chambers at Minlaton. Quotations obtained identify that new floor coverings and painting could be carried out with the remaining \$20,000.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Local Government Act 1999

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.

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

There is no impact on the 2013/2014 Budget.

DIRECTOR DEVELOPMENT SERVICES

DA/ITEM 6.4

3. LAND FOR THE PORT MOOROWIE COMMUNITY CLUB

(File Ref: 9.24.1.1)

INTRODUCTION

The purpose of this report is to establish whether Council is supportive of taking over the care, control and management of (Lot 2) 81 Moorowie Tce, Port Moorowie to allow for the erection of a Community and Sports Centre on the site.

RECOMMENDATION

That Council request that the Department for Environment, Water and Natural Resources give Council, without charge, the care, control and management of Lot 2 Moorowie Tce, Port Moorowie (CR 5323/555) for the purpose of community recreation subject to Development Approval being granted.

COMMENT

The Friends of Port Moorowie have obtained Development Approval to erect a 'Community and Sports Centre' on Section 232 Mozzie Flat Road, Port Moorowie. This approval is currently the subject of a third party appeal through the Environment, Resources and Development (ERD) Court.

The Friends of Port Moorowie have sought out an alternate piece of land for this proposal which is more central to the built up area of Port Moorowie and which they consider may be more acceptable to the broader community. This particular piece of land is (Lot 2) 81 Moorowie Tce, Port Moorowie and is owned by the Crown.

The Department of Environment, Water and Natural Resources currently have the care control and management of this land on behalf of the Crown however may relinquish such control if Council was to request to take over the care, control and management.

If Council has the care, control and management of the land it may then lease the site to another body for a use such as considered appropriate by Council e.g. to the Friends of Port Moorowie for the establishment of a Community and Sports Centre.

Albeit the Friends of Port Moorowie currently have no lease for this particular site, a Development Application has been formally lodged with Council for the construction of a Community and Sports Centre upon the site. This application is currently undergoing public notification as a category 2 development.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Section 192 of the Local Government Act, 1999

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.

1.3 Encourage and support our community in artistic, cultural and creative pursuit.

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Not applicable.

Locality Plan

Proposed Community Club

Subject Land



Lot no: 2

suburb: PORT MOOROWIE

Owner Name1: Minister for Sustainability Environment

Owner Name2: and Conservation

DIRECTOR DEVELOPMENT SERVICES

DA/ITEM 6.4

4. PROPOSED CLOSURE WEST COAST ROAD, CORNY POINT (File Ref: 9.24.1.1)

INTRODUCTION

The outcome of the public consultation process on the proposed closure of the whole of West Coast Road Corny Point, for the purpose of proclaiming the area as a conservation park under the National Parks and Wildlife Act 1972, was presented to 11th December 2013 Council meeting.

RECOMMENDATION

That Ms Liddiards objections be recorded and forwarded to the Department of Planning, Transport and Infrastructure.

COMMENT

As a result of the report a recommendation was resolved to make a road process order to close the whole of the public road. For the road process order to commence however, the submission received from Ms Deb Liddiard objecting to the proposed closure, needs to be withdrawn.

On the 17th January 2014 a letter was sent to Ms Liddiard asking if she was satisfied with the outcome of her concerns / issues raised and the process which was in place for her to further consult with the Department of Environment, Water and Natural Resources (DEWNR), once the road had been closed.

In reply Ms Liddiard wrote that she could not see where her concerns had been answered and that the details would be sorted out after the closure, therefore she was not able to withdraw her objection to the road closure.

On recommendation from the Department of Planning, Transport and Infrastructure Senior Officer Roads, Peter Roussos, Council has invited Ms Liddiard to address the 12th March 2014 Council meeting with her objections. Ms Liddiard had previously been given the opportunity to address Council after her original submission was received during the public consultation process, however did not request to do so.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Roads (Opening and Closing) Act 1991

PO072 – Sale & Disposal of Land & Other Assets Policy

Local Government Act 1999, Section 201

Strategic Plan

Key Theme: Sustainable Communities
1. Sustainable Infrastructure

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

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Preliminary Plan and final plan Roads Unit lodgement fees are to be waived by the Surveyor General.

The Department of Environment, Water and Natural Resources will be responsible for the cost of local advertising and publication of the relevant notices in relation to the road closing process.

Attachment 1 – D Liddiard

Mr Andrew Cameron
Chief Executive Officer
District Council of Yorke Peninsula
PO Box 88
MINLATON SA 5575

19th June 2013

3263-2033 A.E & D.E Liddiard	
14.16.1.1	Box 11
CORNLY POINT SA 5575	
(08) 88553212	
0417848745	

Dear Mr Cameron,

Re: Proposed Closure West Coast Road Corny Point

Why not open the West Coast Road?

Surely, opening the West Coast road from Wurlie Road to Gleeson's road as originally intended and providing access to more areas of the proposed Thidna Conservation Park would be the best option.

The introduction of a track, "as an alternative to the beach for cyclists and walkers", is a concern.

Walker's access to the beach would rarely be restricted, possibly only when extreme weather events occur in conjunction with a king tide. Walking anywhere in these conditions would not be pleasant. The beach is magnificent, so why would you want to walk on a bush track with no view when the beach is so close?

Cyclists would find it impossible to ride on the beach at anytime. The proposed track at the edge of the sand hills would require extensive restoration, compaction and expense to be useable. It would also require considerable ongoing maintenance due to sand drift and erosion or it would quickly become a safety concern. Who would be liable for the maintenance and safety of users, the District Council of Yorke Peninsula or the DEWNR?

The majority of tourists and locals who visit the beaches, generally do so using a motor vehicle. There is limited cycle tourism on SYP and this track would have no view and no real destination. Access would be via very gravelly and corrugated dirt roads and with no amenities between Marion Bay and Corny Point. This trip alone would be a 55km cycle without the detour down Gleeson's Road, the cycle to Swincers Rocks and then back up Swincers Road back to the Marion - Corny Road. It would be a very rough and dusty trip in a vehicle and a very unpleasant bicycle ride.

In the event of a snake bite, accident, fall or medical emergency, access for Ambulance, Police, SES and CFS would be limited. Helicopter retrieval would possibly be the only solution, even for minor injuries and cleared areas for helicopter landing would be limited. There is also limited to no mobile phone coverage in the area so calling for assistance may not be possible.

Will the DEWNR monitor the track and provide assistance? Or will the Thinda Conservation Park be like Warrenben Conservation Park? In Warrenben someone using the walking trail could be injured and unable to get any assistance. Warrenben Conservation Park is left mainly unattended and uncontrolled until the

DEWNR has a "designated burn" to control feral weeds and undergrowth. It's then the local volunteers are asked to risk their safety to assist.

If the DEWNR insist on creating remote inaccessible areas to send tourists maybe they should consider having their own medical retrieval team instead of leaving it to local volunteers.

The DEWNR will also need access to the area for weed and vermin control which cannot be done from a walking trail. The park area and the proposed addition both have large areas of introduced weeds, mainly boxthorn bushes which have been left to spread. The DEWNR's lack of appropriate weed control in their existing areas has caused the introduction of Bridal Veil on SYP. The DEWNR have admitted that they are responsible for the spread of Bridal Veil and have an ongoing roadside control program spraying Bridal veil across the lower SYP.

Having fire access and exit routes are vital to the CFS for safety. In fact, the CFS is not meant to enter an area to fight a fire without having a suitable exit route. Innes National Park currently only has the same road for entry and exit which is a risk to park users and emergency services if there is a fire. This should be rectified before they create more fire risks and hazards. The Thinda Conservation Park will have no access. The DEWNR call the CFS for assistance to fight fires but do not provide safe exit routes and endanger volunteers. There is also the issue of limited access to water in the area for fire fighting compounded by the fact that the water tankers will be even less able to gain access to the area.

If the money for the proposed cycling and walking track was being used to construct a track closer to a town area, the logic would be more obvious. Lovers Lane is an unopened road that travels from Corny Point to South Berry Bay and is far more suitable for cycle and walking tourism. Holiday makers in the area could cycle or walk to the beach and back safely. The local Caravan Park having cycles for hire at reasonable rates.

Currently, the public are denied access to the declared road by Michael Shepley, who immediately after purchasing the property locked the gates at the Wurlie Road end. Many locals and tourist access the beaches in the area from the track into the area off Gleeson's road for fishing and surfing. I assume from that this track/road will also be closed and access to the beaches in front of the park restricted.

Surely the idea of a National Park is for the public to responsibly enjoy the area and its attractions. By not opening the declared road but closing it the area will be un-useable, left to be over run with feral weeds and animals.

The numbers of people who visit the area is limited and the risk of damage to the environment is minimal. The locals and tourists who already utilise the area do so with care and should be taken in to consideration when making this decision.

Yours sincerely,



Deborah E Liddiard

Copy sent to the Surveyor-General 20th June 2013

Attachment 2 – DEWNR



Government of South Australia
Department of Environment,
Water and Natural Resources

- 5 AUG 2013

**Natural Resources
Northern & Yorke**

Mailing:

2/17 Lennon Street
Clare SA 5453

Tel (08) 8841 3400
Fax (08) 8841 3411

ABN 52 523 451 613

DENR.NYNRMBoard@sa.gov.au

www.nynrm.sa.gov.au

4191-2013 4

16.20.2.1

Copy to Marilyn
& Jackie 9/8

Mr Andrew Cameron
Chief Executive Officer
District Council of Yorke Peninsula
PO Box 88
MINLATON SA 5575

Dear Andrew,

**Proposed Road Closure – West End Road - response to objection received by Council
on 21 June 2013**

Thank you for the opportunity to respond to the concerns raised by AE & DE Liddiard in their letter to you dated 19 June 2013.

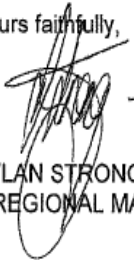
I believe their issues can be resolved and would like to make the following response:

- The closure or otherwise of the road reserve will not directly affect access to the area as no road has been formally constructed along the road reserve and access to the area has always been through informal tracks.
- The District Council of Yorke Peninsula (DCYP) has not expressed interest in establishing a road within the current road reserve, and the existing reserve has little relevance to local access requirements.
- Decisions relating to opening or closing the existing access tracks throughout the proposed park will be considered in consultation with the DCYP, local community members and adjoining landowners.
- Proclaiming the current road reserve as part of the new Thidna Conservation Park under the National Park & Wildlife Act will greatly simplify future management of the area.
- The current tracks allow the necessary access for bushfire control, and conservation management works in the area, including weed and feral animal control.
- The Department of Environment, Water and Natural Resources (DEWNR) recently wrote to the DCYP expressing its support to the Walk-the-Yorke project and the best route for this walking trail can be planned through consultation with all parties lead by the DCYP.

- In previous meetings that included members of the DEWNR, local land holders and council representatives, it was agreed that the closure of the road reserve, as a step toward proclaiming the Thidna Conservation Park, was in the interests of all parties, with potentially positive outcomes for landowners, the community and the environment.

Should you have any queries regarding the above, please do not hesitate to speak with David Pearce, District Manager Yorke Peninsula, on 0427 312 917.

Yours faithfully,



DYLAN STRONG
A/REGIONAL MANAGER

25 July 2013

cc Marilyn Mensforth

Attachment 3 – D Liddiard

Mr Andrew Cameron

Chief Executive Officer

District Council of Yorke Peninsula

PO Box 88

MINLATON SA 5575

30 AUG 2013

File Number
4865-2013-4
APIC Number
14.16.1.1
File Name
Copy has been Sent to Marilyn 30/8

26th August 2013

Dear Mr Cameron,

Proposed Road Closure – West Coast Road

Response to: Dylan Strong's (DEWNR) letter received by DC of YP 5th August 2013

Thank you for forwarding a copy of the reply to my concerns – received 21/8/13. However, I fail to see how Mr Strong's response resolves any of my concerns about the proposed road closure.

Mr Strong's response seems to consist of a series of platitudes written to justify the DEWNR's position. A decision it would seem, that has already been made.

The main concerns in my original response were:

- The cost of establishing and maintaining the walk/cycle track?
- Responsibility legal and financial? DEWNR or DC of YP - initial and ongoing?
- Remoteness of the track – lack of mobile coverage incase of medical emergency or fire?
- Access for CFS, SES or Ambulance – vehicle or helicopter
- Weed Control – existing Parks are rife with Boxthorn and Bridal Veil
- Feral Animal control
- Benefit to the Community – Public consultation with who?
- The necessity for the walk/cycle track in the area, why not just open the road?
- The amount of use the walk/cycle track would get – the location would be better suited to a road.

I would also like to mention the issue of rescuing tourist off the beach. Currently drivers, who unsuccessfully attempt to gain access to certain areas via the beach, expect to be retrieved local farmers using tractors. As high tide on these beaches is at the base of the sand dunes, there are safety and insurance concerns with these rescues. Will the Council or DEWNR now take responsibility for these retrievals? If the road is opened, tourists and locals could access the 4km stretch of beach from the road and then walk in over the sand dunes to fish and surf, a far safer option.

Mr Strong mentions "*potentially positive outcomes*" but they would only be for DEWNR and the leaseholder. How can the Council agree to a proposal that has so little detail? Plans and details about the walk/cycle track are not even in the consultation process. So the Council has no idea of the route, surface type, length or commencement date of the walk/cycle track or if the informal tracks into the park will be closed. There are *no* positive outcomes for the community and I would be surprised if the Council's financial situation could justify the monetary outlay to construct and maintain the walk/cycle track.

Access is already restricted to many of our local beaches, car parks and tracks have been closed, gazetted roads that have never been opened and landholders who deny access via these roads. We have to pay to access the beaches in Innes and now DEWNR wants even more control.

Yours faithfully,



Debbie Liddiard

Box 11

Corny Point 5575

88553212

Attachment 4 – DEWNR

Marilyn Mensforth

From: Pearce, David (DEWNR) <David.Pearce@sa.gov.au>
Sent: Wednesday, 23 October 2013 12:34 PM
To: Marilyn Mensforth
Cc: Young, Elspeth K (DEWNR); Horsell, Stephen (DEWNR); Nixon, Craig (DEWNR)
Subject: FW: Thidna Road Closure objection.
Attachments: MAP proposed_closure_Wurlie_Road[1].pdf

Hello Marilyn,

Just giving you an update on my communications with Debbie Liddiard.

I made a couple of calls over the last week and discussed Debbie's concerns as outlined in her two letters. I clarified that the Walk the Yorke walking and bike trail is a separate part of the planning not directly related to road reserve closures. I also indicated that the access tracks into the park will also be planned once the park is proclaimed and this is also independent to the road reserve closure. I indicated that the closure of the unused road reserve is primarily aimed at simplifying the management of the Thidna parcel of land, and bring its management under the control of one Department. I also indicated, as you can see in my attached emails to Debbie, that the management plan for the park is yet to be decided upon and this will be done in conjunction with local community members and landholders, and this will be the major influence upon access arrangements through the park.

However in conversation Ms Liddiard indicated that her primary concern was about loss of access for horse exercising, from Wurlie Road into the park, as there is now a locked gate, (apparently installed by Dean Shepley the landholder of surrounding land). I said that access into the park from the north could be re-considered but bringing horses into the park would not be allowed – so unfortunately I suspect that this point of contention is un-resolvable. Hopefully I have clarified that the road reserve is not the key issue and that park and track management discussions will occur independent of this road closure.

I will let you know if I hear any more from Ms Liddiard.

Thanks

David Pearce

District Manager, Yorke Peninsula

M: 0427 312 917

Office: 35 Frances Terrace, Kadina

Mail: PO Box 145, Kadina 5554

DX 51310

Department of Environment, Water and Natural Resources | SA Government

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From: Pearce, David (DEWNR)

Sent: Wednesday, 23 October, 2013 10:52 AM

To: liddiard@netyp.com

Subject: RE: Thidna planning

Hello Debbie,

I was talking further with park staff about our plans for the park, and unfortunately while an access track for the public from the north is a definite possibility in the future. Regardless of the track system, Horses and Dogs will not be allowed in a Conservation Park. The park is likely to be proclaimed to the low water mark, which would include the beach. Sorry to give you this bad news, but I thought I better let you know this as you indicated that access for your horses was a major priority for you.

Again I am sorry I cannot be more supportive of your needs.

David Pearce

District Manager, Yorke Peninsula

M: 0427 312 917

Office: 35 Frances Terrace, Kadina

Mail: PO Box 145, Kadina 5554

DX 51310

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From: Pearce, David (DEWNR)

Sent: Friday, 18 October, 2013 12:19 PM

To: liddiard@netyp.com

Subject: Thidna planning

Hello Debbie,

Attached is a map that shows the extent of the Thidna reserve in brown, as you will see the reserve goes right up to Wurlie Rd, so it is possible that once we get the park proclaimed we will be able to make a Northern park access, that goes directly from the road into the park. While I cannot promise this (because I will only contributed to the decision) I can state that I will strongly advocate for this to occur.

My vision for the park is that a managed vehicle access track be designed from North to South that allows access for weed treatment, for fire control, and for public vehicle access. This track would be designed with input from local users, like yourself (hopefully), so access can be provided to meet users requirements while minimising the environmental impact.

Unfortunately there has been some irresponsible behaviour in and around the park and that has lead to the current closure and locked gate.

The process of converting the road reserve into a conservation park an bringing it under the control of DEWNR, will not in anyway prevent the creation of a northern public access track into the park, actually quite the opposite as in many respects it increases the likelihood of this occurring.

I hope this has clarified some of your concerns.

David Pearce

District Manager, Yorke Peninsula

M: 0427 312 917

35 Frances Tce Kadina

PO Box 145 Kadina 5554

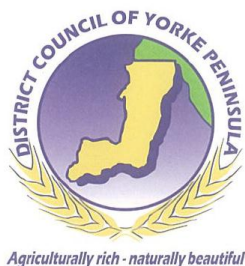
DX 51310

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District Council of Yorke Peninsula

Principal Office: 8 Elizabeth Street, Maitland ~ Telephone (08) 8832 0000

ALL CORRESPONDENCE: P.O. Box 88, MINLATON, SA 5575

Email: admin@yorke.sa.gov.au ~ Website: www.yorke.sa.gov.au
Fax (08) 8853 2494

Branch Office
18 Main Street
MINLATON
Phone: (08) 8853 3800

Branch Office
15 Edithburgh Road
YORKETOWN
Phone: (08) 8852 0200

Branch Office
Player Street
WAROOKA
Phone: (08) 8854 5055

28 June 2013
Our ref: 3263-2013-3
GDS ref: 14.16.1.1

AE & DE Liddiard
PO Box 11
CORNBY POINT SA 5575

Dear Deborah

Proposed road closure HD Carribe Corny Point

Please accept this letter as acknowledgment of Council receiving your submission in response to the Public Consultation notice/report for the proposed road closure of West Coast Road, situated between Wurlie Road and Gleasons Road and adjoining Section 21 Hundred of Carribe and Allotment 1 in Deposit Plan 30408.

The Department of Environment, Water and Natural Resources (DEWNR) has also received a copy of your submission and inform Council that the department will respond, to Council, in regard to the concerns you have raised.

It is anticipated that your submission will be presented in a report to Council, outlining the outcome of the Public Consultation process, once a response is received from the DEWNR. In accordance with Council's public consultation policy you have the opportunity to appear before Council to present your objections in person.

Please notify Council in writing if you intend appearing before Council and you will be notified of the time and location prior to the Council meeting.

Please do not hesitate to contact me if I can be of further assistance.

Yours sincerely

Marilyn Mensforth
Property Tenure Officer

Maitland office: (08) 8832 0000
Email: admin@yorke.sa.gov.au

S:\GDS20\14-Infrastructure\16-Compliance\14.16.1.1 P Opening-Closing Roads\2013\Corny Point - Thidna Conservation Park\MKM - 3263-2013-3 14.16.1.1 28-6-2013 Liddiard, AE & DE submission objection.docx

Quality Certified
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Building a quality future for our Communities

20 August 2013
Our ref: 695-2013-O
GDS ref: 14.16.1.1

AE & DE Liddiard
PO Box 11
CORNBY POINT SA 5575

Dear Deborah

Proposed road closure HD Cornby Point - DEWNR response

Please find attached a letter of response from the Department of Environment, Water and Natural Resources (DEWNR) in relation to your concerns raised during the public consultation process for the proposed road closure of West Coast Road, situated between Wurlie Road and Gleasons Road and adjoining Section 21 Hundred of Cornby and Allotment 1 in Deposit Plan 30408.

A report will be presented to the 11th September 2013 Council meeting including your submission on the proposal and the attached response letter from the DEWNR, for consideration.

As Council has not received a request from you to appear before Council, I will write a letter after the September Council meeting informing you of the outcome and/or decision.

Please do not hesitate to contact me if I can be of future assistance.

Yours sincerely

Marilyn Mensforth
Property Tenure Officer
Maitland office: (08) 8832 0000