



Yorke Peninsula Council

NOTICE OF MEETING

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

Andrew Cameron
CHIEF EXECUTIVE OFFICER

A G E N D A

- | | |
|--------|---|
| ITEM 1 | <u>YORKE PENINSULA COUNCIL</u> |
| 1.1 | <u>Welcome by Mayor</u> – meeting declared opened |
| 1.2 | <u>Opening Prayer</u> |
| 1.3 | <u>Present</u> |
| 1.4 | <u>Leave of absence</u>
Cr Hoyle 16/12/2015 – 19/01/2016 |
| 1.5 | <u>Apologies</u> |

1.6 Conflict of Interest

CONFLICT OF INTEREST

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

Each Member of a Council has a duty to vote at all meetings unless excepted by legislation.

The major exception being where a Member has a conflict of interest.

1.7 Minutes of previous meeting – for confirmation

1.7.1 Council meeting held on Wednesday 11th November 2015 at 5.30pm with an alteration to minute reference 283/2015 (11/11/2015)

*That Council endorse an Unsealed Road Construction Tender to accommodate construction requirements on sections of the following High Use Roads as identified in the Transport Asset Management Plan, Corny Point Road **from** the seal to Little Sheoak Road, North Coast Road (entire 11km length).*

1.7.2 Confidential Council meeting held on Wednesday 25th November 2015 at 7.00pm

1.8	<u>Motions on Notice</u> Cr Adam Meyer	Pages 4-6
1.9	<u>Questions on Notice</u> Nil	
1.10	<u>Questions without Notice</u>	
1.11	<u>Petitions</u> Nil	
ITEM 2	<u>MAYOR</u> Mayor Monthly Report	Pages 7-8
ITEM 3	<u>COUNCILLORS' REPORT</u> Nil	
ITEM 4	<u>INFORMATION AGENDA</u>	Page 9
4.1	Items for exclusion	
4.2	Receipt of Information Reports	
4.3	<u>Chief Executive Officer</u> 1. CEO Activities 2. Action List	Pages 10 11-14

4.4	<u>Corporate and Community Services</u> Nil	
4.5	<u>Assets and Infrastructure Services</u> 1. Construction and Maintenance Works	Pages 15-17
4.6	<u>Development Services</u> 1. Inspectorial Activity Report 2. Environmental Health Activity Report 3. Development Application Decisions 4. Wastewater System Application Decisions 5. Dog & Cat Management Board Annual Report	Pages 18-20 21-23 24-29 30-32 33-42
ITEM 5	<u>VISITORS TO THE MEETING</u> Nil	
ITEM 6	<u>DEBATE AGENDA</u>	Page 43
6.1	<u>CHIEF EXECUTIVE OFFICER</u> Nil	
6.2	<u>CORPORATE AND COMMUNITY SERVICES</u> 1. Financial Report 30 th November 2015 2. June 2015 Budget Review 3. Minlaton Girl Guide Hall Electricity Usage Charges 4. Black Point Caravan & Camping Ground Amenities upgrade 5. Credit Card Policy 6. Maitland Children's Centre Premises recommendation	Pages 44-48 49-53 54-58 59-72 73-76 77-79
6.3	<u>ASSETS AND INFRASTRUCTURE SERVICES</u> Nil	
6.4	<u>DEVELOPMENT SERVICES</u> 1. Reassignment of Minlaton Hostel for the Aged Inc Lease 2. Revocation of Community Land – Warooka	Pages 80-104 105-108
ITEM 7	<u>GENERAL BUSINESS</u> Council has resolved that an Agenda Item "General Business" be included on the Council Agenda to enable members to raise matters of a minor nature for action by the Administration, or to call for reports.	
ITEM 8	<u>CONFIDENTIAL AGENDA</u> 1. Roadside Vegetation Maintenance Tender 146-2015 2. Clinton Road Construction Tender 143-2015 3. Concrete Repairs & Associated Works Maitland Town Hall Tender 142-2015	Pages 109-110 111-112 113-114
ITEM 9	<u>NEXT MEETING</u> NB: change of date - Wednesday 20th January 2016	
ITEM 10	<u>CLOSURE</u>	

30th November 2015

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

Dear Andrew

Formal Notices of Motion

You are advised that at the 9th December 2015 meeting I propose to move two formal motions on notice in relation to the Unsealed Road Construction Tender Minute Reference 282/2015 (11/11/2015).

Reasons

I have reservations about the exclusion of the three High Use Roads namely Melton South Road (expired sections), Pine Point Road (expired sections) and Corny Point Road (expired sections), which were removed from the original motion at the November meeting, these three sections of road were clearly identified by the Transport Asset Management Plan as requiring work in the last financial year or near future. I also have reservations about removing further sections of Corny Point Road identified by the plan as expiring or already expired and being identified by the plan as a high use road.

I have since driven the length of Pine Point Road from Pine Point to Maitland and made several observations. I was unable to leave the Yorke Highway onto Pine Point Road due to a B Double truck taking up a majority of the road. Closer to Maitland I had to stop for a farmer moving several agricultural vehicles in convoy including a Harvester and Chaser Bin that took up the whole of the road surface. I had to reverse several hundred metres into a paddock entrance to allow them to pass and then continue my journey. I observed several sections of Pot Holing, Corrugations and Incursion of trees over the road surface. I was unable to make any observations as to the expiry of the surface and rely on the work of council staff and sample drilling to determine when this road surface is due for renewal. I recognise that I do not have the relevant qualifications to determine if a road surface is safe or requires work to ensure it's suitability for continual use by heavy machinery or other motor vehicles.

I have also since driven the full length of Corny Point Road a couple times since the last meeting and note there are also sections of Pot Holing and Vegetation incursion. I again recognise that I do not have the relevant qualifications to determine if a road surface is due for renewal as per the Transport Asset Management Plan and rely upon the assessment by staff.

I understand that none of these roads have had a Road Safety Assessment to determine if they are safe for use or not and safety cannot be used as a consideration for improvements.

I believe that Councillors should make informed decisions in relation to seeking tenders for spending for certain funds. I recognise that seeking multiple tenders doesn't lock Councillors into approving all tenders when they are received and assessed.

I make the observation that the previous Council authorised the borrowing of \$3 million Dollars for the purpose of "acceleration of Council's road renewal project as included in the Annual Business Plan adopted by Council at it's meeting held on 9th July 2014." File Reference: 9.24.1.1

This purpose has been confirmed by the "Message from the Mayor" in the current and previous Annual Report. I would be concerned if Council borrowed \$3 million for road renewal and didn't utilise these funds to renew major arterial roads that have been assessed as expired.

Councillors have recently approved the use of \$1 million of these funds for cutting back roadside vegetation on top of the \$633k approved in the 15/16 budget for this purpose. I am proposing that Councillors now look to spend the rest of the Renewal Funds to ensure that "Expired Roads" identified as High Use roads are renewed before it is too late. I note that there is \$2.255 Million approved in 15/16 budget for unsealed works that may be identified by Councillors/Staff for improvements.

I have been concerned that the motion in relation to the unsealed road construction tender is not clear on which portion of the Corny Point Road, Council intends to seek a tender to provide construction works. In discussion with staff and Elected Members that the intent was unsealed road construction for the Corny Point Road from the Eastern End or Brutus Road for a distance of 2.2kms to the Point Turton Road, (see attached).

It is for these reasons that I am proposing these two motions on notice as they are intended to support the existing motion that was passed at the November Council meeting and other road construction works urgently required. I also note that the highlighted word below, "form" was intended to read as from and will need to be rectified before adopting the minutes of the general meeting 11/11/15.

Cr Davey moved Cr Hoyle seconded

*That Council endorse an Unsealed Road Construction Tender to accommodate construction requirements on sections of the following High Use Roads as identified in the Transport Asset Management Plan, Corny Point Road **form** the seal to Little Sheoak Road, North Coast Road (entire 11km length).*

1. MOTION ON NOTICE

Cr Meyer moved

That Council identify the section of Corny Point Road for inclusion in the Unsealed Road Construction Tender from the November 2015 meeting as that portion commencing from the Eastern or Brutus Road end for a distance of approximately 2.2kms and concluding at Point Turton Road.

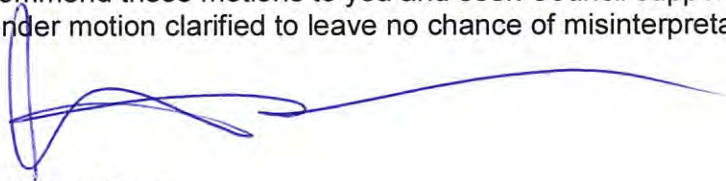
I wish to move a further motion on notice in relation to the Unsealed Road Construction Tender as follows

2. MOTION ON NOTICE

Cr Meyer moved

That Council include other High Use Unsealed Roads as identified within the Transport Asset Management Plan as requiring "Expired roads" works, namely Melton South Road (expired sections), Pine Point Road (expired sections) and Corny Point Road (expired sections) as part of the Unsealed Road Construction Tender currently being prepared.

I commend these motions to you and seek Council support to see the Unsealed Road Construction Tender motion clarified to leave no chance of misinterpretation.



Cr Adam Meyer
Councillor Innes/Penton Vale Ward



MAYOR

ITEM 2

MONTHLY REPORT

(File Ref: 9.24.1.1)

INTRODUCTION

To keep Elected Members updated on Mayoral activities during the month of November 2015.

RECOMMENDATION

That the report be received.

COMMENT

3 rd November	Visit from LGA President Mayor David Burges, new Chief Executive Officer Matt Pinneger who met with many of the staff in the Maitland Office. In the evening I hosted David, wife Lynne, and Matt for dinner at the Point Turton Tavern; Cr Jeff Cook, Cr John Rich, David Harding also attended
5 th November	Inspection of some Minlaton footpaths with Roger Brooks and Nick Hoskin Andrew and I met with Andrew Christiansen, newly appointed PIRSA regional coordinator for Yorke and Mid North region
10 th November	Conducted a Citizenship Ceremony held at a private home in Maitland
11 th November	Attended Remembrance Day service at Bublacowie Military Museum. Cr Naomi Bittner joined me to lay a wreath on behalf of Council Council meeting
12 th November	Citizenship Ceremony conducted in Principal Office Maitland
20 th November	Cr John Rich and I participated in the CLGR meeting held at the Port Pirie Golf Club
22 nd November	Cr Naomi Bittner and I attended the opening of the new Port Vincent Information Centre
25 th November	LGA Board tour around host Council Naracoorte – Lucindale followed by a dinner hosted by the Council with Tourism Director Rod Harrop the guest speaker
26 th November	SAROC meeting followed by LGA Board meeting – Naracoorte
27 th November	Our team of Crs Naomi Bittner, Scott Hoyle, CEO Andrew Cameron, Angela Perryman and I represented our Council in the Unley Town Hall to showcase our Council along with many other Councils to a Chinese Business Migration Exploratory delegation

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 ACTIVITIES (File Ref: 9.24.1.1)

PURPOSE

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

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

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

DISCUSSION

2 nd November	CLGR Regional Manager Group (Teleconference)
3 rd November	Corporate Management Team meeting Host LGA CEO Matt Pinnegar and President Mayor Dave Burgess at the Maitland Office
4 th November	Meeting with Darren Harvey
5 th November	Meeting with Andrew Christiansen from PIRSA
6 th November	Meeting with Anthony Genovese regarding LGRS and Councils Insurance Portfolio
10 th November	Corporate Management Team meeting
11 th November	Remembrance Day service – Maitland Council meeting
12 th November	Attend CEO Residential Seminar
13 th November	Attend CEO Residential Seminar
17 th November	Corporate Management Team meeting Ardrossan Trust and Hospital Board Meeting
19 th November	Chief Officer Group meeting
20 th November	Chief Officer Group meeting
24 th November	Corporate Management Team meeting Strategic Management Plan meeting Ardrossan Hospital Board – AGM
25 th November	Council Workshop Special Council meeting
26 th November	LG Professionals Executive meeting
27 th November	Chinese Business Migration Exploratory visit

CHIEF EXECUTIVE OFFICER

IA/ITEM 4.3

2. ACTION LISTING REPORT (File Ref: 9.24.1.1)

PURPOSE

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

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

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

DISCUSSION

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

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

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

ATTACHMENTS

Attachment 1: Action Listing

COUNCIL MEETING 9th December 2015

Action List

Responsible Officer	Agenda Item Number	Task	Due Date	Status
Director Development Services	10 th Aug 10 Item 20.4	Advise the Dept of Environment and Natural Resources that Council wish to Relinquish Care and Control of Crown Land Lot 88 Main Street Curramulka CR 5856/772	As soon as DEWNR responds	Underway - DEWNR advised, no response to date
22 nd January 2014				
Director Development Services	DA/CCS/R4	Organise Land Only lease for Balgowan Camping Ground	As soon as Ministerial approval is granted	Waiting on consent
14 th May 2014				
Director Assets & Infrastructure Services	DA/AIS/R3	Organise to have the following documents signed and sealed for the Walk the Yorke Leisure Trail with the State Government and private landholders	July 2014 – ongoing for duration of project	All Crown Leases executed. Private landowners under consideration and some require further information. Ongoing
8 th April 2015				
Director Development Services	DA/DS/R2	Prepare a plan to implement the Bush Camping recommendations	February 2016	Commenced
13 th May 2015				
Director Development Services	DA/DS/R2	Council agreed to accept care, control and management of Lot 10 Moorowie Terrace Port Moorowie CR5323/554	As soon as Ministerial approval is granted	Underway awaiting response from Minister
10 th June 2015				
Director Development Services	DA/CCS/R4	Relinquishment of care/control of Crown land occupied by the Royal Volunteer Coastal Patrol SA Inc. Port Victoria adjacent to the Port Victoria CFS station to accommodate the new CFS station requirements	Associated with Port Victoria CFS issue RVCP likely to be transferred to the Crown	Still with the Minister's office Waiting for finalisation of negotiations between the Minister and CFS
Director Assets and	DA/AIS/R3	Organise to work with DPTI to undertake a review of the speed limit	July/August 2015	DPTI Notified Unsure of timeframes for

Infrastructure Services		buffer zones at Wool Bay		DPTI to undertake assessment and advice back to Council
Director Development Services	DA/DS/R1	Organise for the Mayor and CEO to sign and seal LMA for Foul Bay	December 2015	Completed
12 th August 2015				
Director Development Services	DA/CCS/R5	Finalise the proposed lease for the Royal Volunteer Coastal Patrol at Point Turton	January 2016	Negotiations underway for driveway access point – Operations Co-ordinator to meet with Lessee. Awaiting outcome of Development Application
Director Corporate and Community Services	DA/CCS/R9	Organise for the three scenic tourism frames to be organised in the approved locations	January 2016	Consultation completed. Development application in progress.
9 th September 2015				
Director Assets and Infrastructure Services	Motion on Notice	Organise a plan for allocating \$1 million for the accelerated roadside vegetation management	October 2015	Presentation to September 2015 Workshop Ongoing
Director Development Services	DA/DS/R2	Grant a lease over portion of road reserve for Port Victoria Hotel-Motel	October 2015	Completed
14 th October 2015				
Director Corporate and Community Services	DA/CCS/R4	Review and further evaluate EOI Maitland Childcare Centre and present recommendation to November Meeting	December 2015	Report to December 2015 Council meeting
Director Corporate and Community Services	DA/CCS/R7	Notify James Well and Rogues Point Progress Association that Motion Lost on request for defibrillator	November 2015	Completed
Director Development Services	DA/DS/R1	Organise the requirements for public consultation in relation to revocation of Community Land at Warooka	December 2015	Underway, public consultation process commenced

Director Development Services	DA/DS/R2	Notify D & A Barrett of DNA Enterprise of reassignment of the Port Vincent Kiosk. Organise sign and affix Councils seal for Lease Documents	November 2015	Completed
11 th November 2015				
CEO	DA/CEO/R1	Organise for financial statements to be finalised and incorporated into the Annual Report and submitted with the Grants Commission returns	November/December 2015	Completed
CEO	DA/CEO/R2	Organise for the annual report to be finalised and distributed in accordance with legislation	31 st December 2015	Completed
Director Corporate & Community Services	DA/CCS/R3	Organise for the Fees and Charges register to be updated to reflect newly adopted caravan park fees	December 2015	Completed
Director Assets & Infrastructure Services	DA/AIS/R1	Organise to prepare unsealed Road Construction Tender	November/December 2015	Commenced
Director Assets & Infrastructure Services	DA/AIS/R2	Organise for finance staff to process budget adjustment	November 2015	Budget Adjustment Request submitted to Finance
Director Development Services	DA/DS/R1	Advise Port Vincent Progress Association of the outcome of the boat ramp fees matter	November 2015	Completed
Director Development Services	DA/DS/R2	Undertake public consultation on changes to use of the Port Vincent Foreshore Boat Ramp	February 2016	Underway

DIRECTOR ASSETS & INFRASTRUCTURE SERVICES

IA/ITEM 4.5

1. CONSTRUCTION AND MAINTENANCE WORKS

(File Ref: 9.24.1.1)

PURPOSE

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

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Key Theme/s: Sustainable Communities

1. Sustainable Infrastructure

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

BACKGROUND

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

DISCUSSION

- The following works / upgrades have been applied to our Community Wastewater Management Systems (CWMS) and Stormwater Harvesting Schemes:

CWMS

- Upgrading of pump station Ardrossan
- Irrigation tank installed Foul Bay
- Irrigation repairs Hardwicke Bay
- Upgrades to gravity drain Maitland
- Replacement of property connections Maitland
- Flushing of gravity drain Maitland
- New filtration system installed Port Vincent
- New irrigation pump installed Port Vincent
- Maintenance requirements to power supply Stansbury

Stormwater Harvesting Schemes

- Upgrade to control board Maitland

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

- Patrol Grading efforts are ongoing throughout the district, in line with current schedules and techniques.

- Road construction and maintenance requirements have been applied to the following roads aligned with the 2015-16 budget allocations:
 - Bramley Road (Edithburgh) Kerbing installed
 - Brutus Road Completed
 - Clinton Road Ongoing
 - Daly Head Road Ongoing
 - Melton South Road Patchwork
 - Saints Road Ongoing
- Interpretive Podium Signs and Information Signs continued to be installed complementing the Walk the Yorke project with preparations underway for the official opening.
- Roadside vegetation clearance activities have been applied within the Hundred of Cunningham (Crowell Road and Mason Road) and Hundred of Para Wurlie (North Coast Road).
- Attention to parks, gardens and reserves is undertaken in accordance with available resources and scheduling program.
- Approximately 50 Customer Service Requests (CSRs) have been addressed throughout November with activities including:
 - footpath maintenance;
 - maintenance to coastal infrastructure;
 - maintenance to public buildings;
 - maintenance to sealed and unsealed roads;
 - maintenance to stormwater infrastructure;
 - replacement of signs and traffic control devices;
 - response to vandalism; and
 - vegetation maintenance.
- Footpath maintenance (resurfacing) has been undertaken in streets within Ardrossan, Balgowan, Maitland, Minlaton, Port Victoria, Port Vincent and Warooka.
- Driveway installation as requested on Second and Fourth Streets, Minlaton.
- Minor maintenance work has been undertaken on handrails and ladders at the Edithburgh, Port Rickaby and Port Victoria jetties.

COMMUNITY ENGAGEMENT PLAN

Not applicable

CONSULTATION PROCESS

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

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

- Leading Worker South
- Works Supervisor North
- Works Supervisor South

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

- Nil

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

Within capital and operations budgets

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Not applicable

ATTACHMENTS

Not applicable

DIRECTOR DEVELOPMENT SERVICES

IA/ITEM 4.6

1. INSPECTORIAL ACTIVITY REPORT

(File Ref: 9.24.1.1)

PURPOSE

To inform Council of the activities of the Inspectorial Team.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

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

BACKGROUND

This report provides Elected Members with information relating to the activities of the Inspectorial staff.

DISCUSSION

Council's Inspectors have dealt with many routine matters during the past month including, illegal camping, abandoned vehicles, wandering and nuisance dogs, and roosters.

Five dogs were impounded during the past month, two of which were returned to their owners. Both of these dogs were registered prior to being released from the pound.

Three dog owners have been cautioned in relation to their dogs wandering at large whilst, a barking dog complaint is being investigated in Ardrossan.

The owner of a dog in Edithburgh has been given a Notice of Intent to issue a Control (Menacing Dog) Order after it escaped and harassed a dog in a neighbouring yard.

A patrol of the Stansbury Seaside Markets was conducted, paying particular attention to dog behaviour.

Council staff are focused on maintaining the accuracy of the unregistered dog register and to ensure that all dogs in the area are registered. Inquiries reveal that many of the dogs have died, or the dogs and their owners have left the area. As a result of the inquiries three dog owners have been issued an Expiation Notice for keeping an unregistered dog.

A property owner in Port Victoria placed numerous unwanted articles on the footpath outside his premises, with the assumption that the general public would help themselves to the items. The property owner assumed Council would remove any of the remaining unwanted articles. The property owner was advised to remove the items from the road or risk receiving a \$315 Expiation Notice. The articles were promptly removed.

Council Rangers have been unable to locate persons placing their building rubbish in the public bins at Corny Point.

Routine patrols of boat ramps have been performed to ensure that users are paying to use the facilities. Three notices were placed on vehicles not displaying a permit or ticket at various launching facilities. It was requested that they produce a ticket to Council or risk receiving an Expiation Notice. All of these incidents occurred on a weekend. One Expiation notice was issued to one of these persons after he produced a ticket that his friend had bought at the same time and placed in his vehicle and used the excuse it had blown off his dash. When advised that we had evidence showing this ticket was in another vehicle, he was very apologetic and assured that in future they will all purchase a ticket.

Random patrols have occurred at the Gleesons Landing and Burners Beach bush camping reserves to ensure users are paying for the facilities. Many of the local residents place their vans at Gleesons Landing on about 1 November to ensure they have access to their favourite site. An inspection revealed that ten vans had been put in place without the owners first paying for a permit to set up their camp. Letters were sent to these van owners advising that unless current camping fees have been paid they also risk receiving a \$100 Expiation Notice. Local SAPOL Officers were also notified regarding one of the vans not being registered.

One person was issued an Expiation Notice for illegally camping at Berry Bay.

As a result of complaints received, letters were sent to the owners of land regarding the Council Reserve at the rear of Osprey Drive and Eucalyptus Court in Marion Bay, that the reserves were being used to park vehicles and access these properties. They were advised that if vehicles are seen on the Council Reserve they will risk receiving a \$100 Expiation Notice.

A rooster complaint has been dealt with in Stansbury and Edithburgh.

Council Rangers routinely patrol all townships for traffic management, including foot patrols, paying particular attention to disabled parking and vehicles parking on yellow lines. One person with a disabled parking permit was cautioned for not displaying their permit correctly, whilst four motorists were given an Expiation Notice for parking adjacent to a continuous yellow line.

A contractor was engaged to slash properties that had not complied with the S105 Notice issued pursuant to the Fire and Emergency Services Act. Upon receiving the contractors account, the cost, plus an administration fee of \$105 will be added to the property as an outstanding debt. Property owners who have previously not complied with a S105 notice are also usually issued with a \$315 expiation notice for failing to reduce the threat of fire. A further update should be available in the January 2016 Inspectorial Activity Report.

COMMUNITY ENGAGEMENT PLAN

Not applicable

CONSULTATION PROCESS

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

- Inspectorial Staff

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

- Nil

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

Routine inspectorial activities are contained within the 2015/16 Budget.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Fire and Emergency Services Act 2005

Dog and Cat Management Act 1995

Local Government Act 1999

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

ATTACHMENTS

Nil

DIRECTOR DEVELOPMENT SERVICES

IA/ITEM 4.6

2. ENVIRONMENTAL HEALTH ACTIVITY REPORT

(File Ref: 9.24.1.1)

PURPOSE

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

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

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

BACKGROUND

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

DISCUSSION

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

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

Council has been informed by the Tobacco Control Unit of Drug and Alcohol Services SA, SA Health that, as from 1 July 2016, smoking will be banned in public outdoor dining areas in South Australia, under section 52 of the *Tobacco Products Regulation Act 1997*. Public outdoor dining areas include those at venues such as pubs, clubs, cafes, restaurants, fast food eateries and temporary eateries at events. These are unenclosed areas in which tables, or tables and chairs, are permanently or temporarily provided for the purpose of public dining.

The ban on smoking will apply any time food is offered for purchase, or is otherwise provided, by or on behalf of the occupier of the outdoor dining area, for the purpose of consumption in the area. However, the new law does not apply to snack food, which is any pre-packaged food of a kind generally intended to be consumed between meals. The ban also does not apply to areas where drinks are consumed, provided no food is being offered or provided for consumption in the area.

During the month of November, Council were involved in the 2015 **'Get to know asbestos this November'** campaign as part of Asbestos Awareness Month. Information and links to the asbestos information website were posted on Council's Facebook page.

On Tuesday 24 November, the EHO attended the Zone Emergency Management Committee meeting in Clare. Following the meeting a risk assessment workshop was held in relation to extreme heat events. Information supplied by the Bureau of Meteorology indicates that the weather pattern has shifted so that in summer maximum temperatures are higher more often and heat waves may last for several days. Morbidity and mortality increase during extended hot periods. In the last decade, Australia witnessed two notable fatality events: Brisbane, Queensland, February 2004, an estimated 23% increase in overall deaths and January – February 2009, southern Australia, with 374 excess deaths in Victoria – an increase of 62% in overall deaths – and 58 attributed heat deaths in South Australia. The workshop looked at what actions are required to inform the community about protective measures, along with what impact heat may have on businesses, infrastructure, food supply and the environment. Building community resilience is important – communities become better adapted when hot weather builds gradually and people have time to adjust. Worst case scenario is a sudden peak in temperature that causes extreme heat stress and increases mortality due to organ failure as body is unable to keep itself cool.

COMMUNITY ENGAGEMENT PLAN

Not applicable

CONSULTATION PROCESS

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

- Environmental Health officer

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

- Drug and Alcohol Services
- Zone Emergency Management Committee

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

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

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

South Australian Public Health Act 2011.

Food Act 2001

South Australian Public Health (Wastewater) Regulations 2013

On-site Wastewater Systems Code

Safe Drinking Water Act 2011

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

ATTACHMENTS

Nil

DIRECTOR DEVELOPMENT SERVICES

IA/ITEM 4.6

3. DEVELOPMENT APPLICATION DECISIONS

(File Ref: 9.24.1.1)

PURPOSE

To inform the Elected Members of Development Application decisions for the period 2 November 2015 to 27 November 2015.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

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

BACKGROUND

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

DISCUSSION

The following is a list of all Development Applications processed for the period 2 November 2015 to 27 November 2015.

Yorketown

544/1061/2015	544/1069/2015	544/1081/2015
544/1085/2015	544/1094/2015	544/1116/2015
544/1140/2015	544/1175/2015	544/1196/2015
544/1198/2015	544/1205/2015	544/1206/2015
544/1211/2015	544/1213/2015	544/1214/2015
544/1215/2015	544/1218/2015	544/1221/2015
544/1224/2015		

Maitland

544/2274/2012	544/2053/2014	544/2218/2014
544/2012/2015	544/2019/2015	544/2085/2015
544/2123/2015	544/2132/2015	544/2153/2015

544/2164/2015	544/2165/2015	544/2170/2015
544/2175/2015	544/2182/2015	544/2198/2015
544/2200/2015	544/2205/2015	544/2207/2015
544/2214/2015	544/2216/2015	544/2236/2015

CONSULTATION PROCESS

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

- Planning & Building Officers

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

- Nil

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

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

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999

Development Act 1993

Council's Development Plan

ATTACHMENTS

Attachment 1: Development Application Decisions Register

**LIST OF DEVELOPMENT APPLICATIONS & DECISIONS ISSUED BY THE ASSISTANT BUILDING SURVEYOR UNDER DELEGATION
FOR THE PERIOD 2 NOVEMBER 2015 – 27 NOVEMBER 2015**

YORKETOWN

Dev. App. No.	Name & Address	Location	Proposal	Class	Area m ²	Cost \$	Conditions Planning Building	Assessment / Valuation No	Decision Date	Builder & Licence No
544/1061/2015	G Adlard 15 Illawarra Court CRAIGMORE	(Lot 29) 2 Peregrine Drive MARION BAY	New Dwelling	1a	110.4	108,877	Planning 8 Building 6 Private Certifier	428664 5400912992	25 Nov 2015	Summerplace Homes BLD184209
544/1069/2015	S Norman C/- Post Office COOBOWIE	(Lot 59) 12 Bowden Street COOBOWIE	Garage	10a	135	14,000	Planning 5 Building 3	427765 5405728617	3 Nov 2015	TBA
544/1081/2015	R & J Rowe PO Box 33 POINT TURTON	(Lot 249) 5 Seascope Road POINT TURTON	Carport	10a	45.67	5,000	Planning 4 Building 3 Private Certifier	411629 5401015759	18 Nov 2015	J & S Pergola Installations BLD53156
544/1085/2015	SYP Community Shop Inc 3 Jacobs Street YORKETOWN	(Lot 92) 21 Edithburgh Road YORKETOWN	Retail Shop & Carport	6 10a	N/A 15	500	Planning 1 Building 3	201475 5403438000	2 Nov 2015	TBA
544/1094/2015	G Adlard 15 Illawarra Court CRAIGMORE	(Lot 29) 2 Peregrine Drive MARION BAY	Garage	10a	54	7,000	Planning 6 Building 2	428664 5400912992	25 Nov 2015	Owner Builder
544/1116/2015	P & J Alford 13 Amethyst Cres HOPE VALLEY	(Sec 300) 1098 North Coast Rd POINT SOUTTAR	Dwelling Extension & Verandah	1a 10a	42 10.5	10,900	Planning 4 Building 4 Private Certifier	116350 5400874498	16 Nov 2015	Owner Builder
544/1140/2015	D & A May 32 Maitland Road MINLATON	(Lot 120) 32-34 Maitland Road MINLATON	Demolition of Existing Shed; New Garage	10a	180	14,200	Planning 4 Building 1 Private Certifier	304592 5407902009	18 Nov 2015	Jason Edwards BLD179387
544/1175/2015	C & J Petruzzella C/- Edithburgh Hotel 16 Edith Street EDITHBURGH	(Lot 263) 16 Edith Street EDITHBURGH	Demolish Verandah/Balcony; New Verandah & Deck	10a 10a	66 66	34,485	Planning 3 Building 4	210435 5405035001	2 Nov 2015	TBA
544/1196/2015	S Heneker 12 Burton Avenue PARK HOLME	(Lot 2) 48 Fifth Street WOOL BAY	Carport	10a	79.8	7,000	Planning 3 Building 3	408609	23 Nov 2015	Owner Builder
544/1198/2015	R Hutchens PO Box 123 WAROOKA	(Lot 179) 30 Murdoch Cres POINT TURTON	Carport	10a	42	5,000	Planning 1 Building 2	111112 5400784863	9 Nov 2015	Owner Builder
544/1205/2015	R Ljubicic 16 Kenton Street ADELAIDE	(Sec 1056) 2 Gannet Crescent MARION BAY	Carport	10	47.65	7,700	Planning 3 Building 2	120105 5400941355	12 Nov 2015	TBA

544/1206/2015	R & C Tomaselli 37 Fraser Avenue ST AGNES	(Lot 28) 3 Martin Street STANSBURY	Garage	10a	24	4,140	Planning N/A Building 2	208850 5404797709	3 Nov 2015	TBA
544/1211/2015	I Spoehr PO Box 47 POINT TURTON	(Lot 156) 219 Bayview Road POINT TURTON	Carport	10a	26	2,680	Planning N/A Building 2	111500 5400785647	18 Nov 2015	Alpha Industries BLD255793
544/1213/2015	I Hills PO Box 151 WAROOKA	(Lot 11) 34 Esplanade POINT TURTON	Pergola	10a	39.6	12,500	Planning N/A Building Nil Private Certifier	102434 5400457133	2 Nov 2015	TBA
544/1214/2015	Uniting Church of Aust Property Trust C/- M Anderson CMB BRENTWOOD	(Lot 91) 36 Main Street MINLATON	Verandah	10a	163	68,000	Planning 3 Building 2	302562 5407724003	16 Nov 2015	TBA
544/1215/2015	P & S Hussey PO Box 116 WAROOKA	(Lot 44) 4 Fourth Street WAROOKA	Verandah	10a	28	1,050	Planning N/A Building 2	101303 5400330052	6 Nov 2015	S Edwards BLD57370
544/1218/2015	A & M Parker & M & J Trainer PO Box 299 EDITHBURGH	(Lot 45) 7 Dart Close EDITHBURGH	Verandah	10a	54	5,500	Planning N/A Building 2	425611 5405119301	12 Nov 2015	A & B Searle Builders BLD180128
544/1221/2015	P Pavy PO Box 930 TWO WELLS	PTS 102 Shell Beach INNESTON	Demolition of Dwelling	1a	60	2,000	Planning N/A Building 7	117671 5400932248	10 Nov 2015	Owner Builder
544/1224/2015	B & J McCarthy 26 Quadrant Ave SALISBURY NTH	(Sec 650)(Site 82) 34 O'Halloran Parade EDITHBURGH	Caravan Annexe	1a	18.3	4,500	Planning 2 Building 2	209650 5405001004	16 Nov 2015	M Lampe BLD262044
TOTAL						\$315,032				

MAITLAND

Dev. App. No.	Name & Addresses	Location	Proposal	Class	Area m ²	Cost \$	Conditions Planning Building	Assessment / Valuation No	Decision Date	Builder & Licence No
544/2274/2012	M & S Arnoul 3 Schocroft Avenue CRAFERS	(Sec 417) 10 Crouch Street SHEOAD FLAT	Verandah	10a	33.6	8,000	LAPSED	315747 5408664760	3 Nov 2015	N/A
544/2053/2014	Parker Hotels C/- K Davey 2-4 Main Street PORT VICTORIA	(Lot 49-50) 2-4 Main Street PORT VICTORIA	Decks	10b	120	10,000	Planning 2 Building 2 Private Certifier	15594 4603160001	17 Nov 2015	TBA
544/2218/2014	AJ Perkins PO Box 87 MAITLAND	(Lot 16) 19 Moody Road BALGOWAN	Demolition of Dwelling; New Dwelling & Deck	1a 1a 10a	141 93.6 137.12	70,000	Planning 10 Building 9	35949 4605051503	23 Nov 2015	GA Earth Pty Ltd BLD259226

544/2012/2015	K Andrellos 14 Gurr Street GOODWOOD	(Lot 94) 81 Hosking Road TIDDY WIDDY BEACH	Amendment to Existing Deck (Reduce width)	10a	N/A	500	Planning 1 Building 2	7047 4600614207	25 Nov 2015	Owner Builder
544/2019/2015	Riyal Pty Ltd 28 Kingston Cres KINGSTON PARK	(Lot 112) 5 Passat Street PORT VICTORIA	Two Storey Dwelling & Balcony	1a 10a	295.12 36	338,552	Planning 8 Building Nil Private Certifier	16493 4603209004	25 Nov 2015	Longridge Group Pty Ltd BLD175837
544/2085/2015	D & K Oliver 16 Hughes Cres POORAKA	(Lot 512) Welfare Road BALGOWAN	Single Storey Dwelling	1a	86.94	91,783	Planning 10 Building 1 Private Certifier	36830 4605097000	9 Nov 2015	Rivergum Homes G1113681
544/2123/2015	J Dutschke PO Box 79 MAITLAND	(Sec 156) 1385 Clinton Road MAITLAND	Machinery Shed	7b	86.4	130,000	Planning 4 Building 6	21782 4604091108	6 Nov 2015	Lynton Jacobs BLD255317
544/2132/2015	C Byles & S Rulla 18 Claremont Road GOLDEN GROVE	(Lot 14) 5 Smith Street PORT VINCENT	Two Storey Dwelling & Verandah	1a 10a	217.84 36	249,742	WITHDRAWN	311795 5408469008	5 Nov 2015	G Wahlestedt GL148938
544/2153/2015	S Curtis 8 Moreshead Street GREENACRES	Lot 29 Chinaman Wells Road CHINAMAN WELLS	Garage	10a	81	9,580	Planning 8 Building 2 Private Certifier	24406 4604318050	23 Nov 2015	Owner Builder
544/2164/2015	J & A Lorusso 56 Joffre Street PORT PIRIE	(Lot 11) 11/14 Davies Tce PORT VICTORIA	Short Term Tourist Accommodation	1a	424	105,555	Planning 9 Building 1 Private Certifier	427286 4603150858	9 Nov 2015	System Built Homes BLD102757
544/2165/2015	S & R Dujmovic 2 Loriet Street HOLDEN HILL	(Lot 115) 39 Hosking Road TIDDY WIDDY BEACH	Garage Relocation & Addition	10a	38	5,000	Planning 5 Building 2 Private Certifier	8003 4600621482	5 Nov 2015	TBA
544/2170/2015	P & S Ware 1 Wongala Ave GLENELG NORTH	Lot 409 Black Point Drive BLACK POINT	New Garage & Relocation of Existing	10a	60 30	15,980	Planning 5 Building 2	404889 4604622010	9 Nov 2015	TBA
544/2175/2015	P & K Werner PO Box 209 GREENOCK	(Lot 448) 105 Edwardes Tce PORT VICTORIA	Deck & Verandah Extension; New Verandah & Stairs	10a	36	20,000	Planning 4 Building 2 Private Certifier	17988 4603274172	17 Nov 2015	TBA
544/2182/2015	BJ Makins 39 Gulflands View MORPHETT VALE	(Lot 22) 40 Crampton Crescent PORT VICTORIA	Deck & Verandah Extension & New Deck	10a 10a	10.8 6	4,200	Planning 3 Building 2	18531 4603275802	2 Nov 2015	Owner Builder
544/2198/2015	Marine Parade No 1 Pty Ltd C/- S Martucci 1 Roslyn Close FULHAM GDNS	(Lot 66) 17 Marine Parade PORT VINCENT	Garage including toilet & shower	10a	86.4	14,900	Planning 7 Building 2	306456 5408159000	10 Nov 2015	Owner Builder

544/2200/2015	D & A Clark PO Box 403 MINLATON	(Sec 316) 1 Yandra Drive PORT RICKABY	Verandah	10a	36.8	2,500	Planning 4 Building 2	317628 5408792403	9 Nov 2015	Owner Builder
544/2205/2015	M & K Schulz PO Box 243 PORT VICTORIA	Lot 50 Investigator Road PORT VICTORIA	New Dwelling, Verandah & Garage UMR	1a 10a 10a	222.87 72.8 36.0	230,388	Planning 7 Building 2 Private Certifier	422865 4604725764	23 Nov 2015	Fairmont Homes Pty Ltd BLD188013
544/2207/2015	ECH Inc Unit 2/32 Oval Tce ARDROSSAN	(PTL 202) 2/32 Oval Terrace ARDROSSAN	Verandah	10a	4.2	1,000	Planning N/A Building 1 Private Certifier	403972 4600321201	5 Nov 2015	TBA
544/2214/2015	P Vinar PO Box 219 PORT VINCENT	(Lot 1) 436 Old Coast Road SHEOAK FLAT	Demolish Outbuilding	10a	49	2,000	Planning N/A Building 8	312579 5408533209	12 Nov 2015	TBA
544/2216/2015	Sandercok Holdings 6-8 Fifth Street ARDROSSAN	(PTL 93) 2/23-27 First Street ARDROSSAN	2 Business Signs	10b	3.22	3,150	Planning 4 Building 2	424853 4600142000 A0020	3 Nov 2015	Adelaide Signs
544/2236/2015	F Clark 140 Molesworth Street NORTH ADELAIDE	Lot 340 Black Point Drive BLACK POINT	Internal Building Work	1a	N/A	5,000	Planning N/A Building 1 Private Certifier	32276 4604905183	25 Nov 2015	TBA
TOTAL						\$1,317,830				

DIRECTOR DEVELOPMENT SERVICES

IA/ITEM 4.6

4. WASTEWATER SYSTEM APPLICATION DECISIONS

(File Ref: 9.24.1.1)

PURPOSE

To inform the Elected Members of Wastewater Application decisions for the period 2 November 2015 to 27 November 2015.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

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

BACKGROUND

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

DISCUSSION

The following is a list of all Wastewater System applications processed for the period 2 November 2015 to 27 November 2015.

Maitland

050/037/2015	050/054/2015	050/076/2015
050/095/2015	050/107/2015	050/108/2015
050/118/2015		

Yorke Peninsula

050/060/2015	050/117/2015
--------------	--------------

COMMUNITY ENGAGEMENT PLAN

Not Applicable

CONSULTATION PROCESS

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

- Environmental Health Officer

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

- Nil

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

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

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999

Development Act 1993

Environmental Protection Act 1993

Council's Development Plan

ATTACHMENTS

Attachment 1: Wastewater Application Decision Register

LIST OF WASTE CONTROL APPLICATIONS & DECISIONS ISSUED BY THE ENVIRONMENTAL HEALTH OFFICERS UNDER DELEGATION FOR THE PERIOD 2 NOVEMBER 2015 – 27 November 2015

Maitland

Septic App. No.	Owner	Location	Proposal	Conditions	Assess. No	Decision Date	Plumber & Licence No
050/037/2015	S Brennan PO Box 32 FRANKLIN	Lot 319 Black Point Drive BLACK POINT	CWMS Alteration	11	32078	5 November 2015	D Francis
050/054/2015	AJ Perkins PO Box 57 MAITLAND	(Lot 16) 19 Moody Road BALGOWAN	Septic & Soakage	11	35949	24 November 2015	GA Earth Pty Ltd
050/076/2015	D Oliver 16 Hughes Crescent POORAKA	(Lot 512) 9 Welfare Road BALGOWAN	Alteration to Septic & Soakage	11	36830	9 November 2015	Owner Applicant
050/095/2015	J & A Lorusso 56 Joffre Street RISDON PARK	(Lot 11) 11/14 Davies Terrace PORT VICTORIA	Sewer Connection	11	427286	9 November 2015	Van Schaik Plumbing & Tiling Pty Ltd
050/107/2015	M & K Schulz PO Box 243 PORT VICTORIA	Lot 50 Investigator Road PORT VICTORIA	Aerobic System	11a	422865	23 November 2015	Garrard Plumbing
050/108/2015	Rival Pty Ltd 28 Kingston Crescent KINGSTON PARK	(Lot 112) 5 Passat Street PORT VICTORIA	Septic & Soakage	11	16493	25 November 2015	Longridge Group Pty Ltd
050/118/2015	C & J Sims 4 Pyatt Court SALISBURY NORTH	(PTS 482) 1 Park Terrace ARDROSSAN	CWMS Connection	11	59	20 Nov 2015	Toby Simmons Plumbing Services

Yorketown

Septic App. No.	Owner	Location	Proposal	Conditions	Assess. No	Decision Date	Plumber & Licence No
050/060/2015	G Adlard 15 Illawarra Court CRAIGMORE	(Lot 29) 2 Peregrine Drive MARION BAY	Aerobic System	11	428664	25 November 2015	Aitchison Plumbing Services
050/117/2015	Yorke Peninsula Council Point Turton Caravan Pk PO Box 57 MAITLAND	(Lot 102) 146 Bayview Road POINT TURTON	Septic & Soakage	11	102046	20 November 2015	Aitchison Plumbing Services

DIRECTOR DEVELOPMENT SERVICES

IA/ITEM 4.6

5. DOG AND CAT MANAGEMENT BOARD'S ANNUAL REPORT AND FINANCIAL AUDIT 2014-15 (File Ref: 9.24.1.1)

PURPOSE

To inform Elected Members of the Dog and Cat Management Board's Annual Report and Council's compliance in relation to their 2014/15 financial audit.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

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

BACKGROUND

The Dog and Cat Management Act legislates certain requirements that Council's must undertake in relation to financial matters pertaining to the collection of any monies in relation to dog management. The Dog and Cat Management Board (the Board) undertake an audit at the completion of each financial year to ascertain if Council are compliant with legislation.

The Board also produces an Annual Report in relation to all the monies they have collected and various statistics they have obtained during any financial year.

DISCUSSION

A letter (attachment 1) has been received from the Board with a copy of their 2014/15 Annual Report. If Elected Members wish to read this report they are advised to contact Council's Senior Compliance Officer. This letter also contains some information relevant to dog statistics within our Council.

Correspondence (attachment 2) has also been received from the Board advising that Council is fulfilling its financial obligations pursuant to the Dog and Cat Management Act. This correspondence also lists the audit process and Council's legislative financial requirements.

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

Not applicable

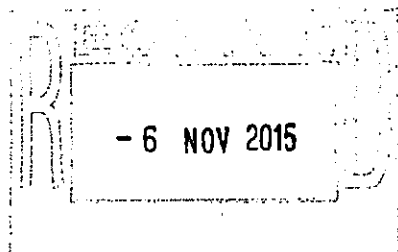
RISK/LEGAL/LEGISLATIVE IMPLICATIONS


Dog and Cat Management Act 1995.

ATTACHMENTS

Attachment 1: Correspondence (8688-2015-4) from the Dog and Cat Management Board regarding 2014/15 Annual Report.

Attachment 2: Correspondence (8687-2015-4) from the Dog and Cat Management Board regarding Council's 2014/15 Financial Audit.



Item Number	
8688 - 2015 - 4	
GDS Number	
1 - 3 - 2 - 1	
Distribution	
Copy to CEO EA	

Government of South Australia
Dog and Cat Management Board

Level 1
1 Richmond Road
Keswick SA 5035

GPO Box 1047
Adelaide SA 5001

Ph: 08 8124 4962
Fax: 08 8124 4648

ABN 48 100 971 189

www.dogandcatboard.com.au

DCMB Ref: 98 0450

28 October 2015

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

Dear Mr Cameron

Re: Dog and Cat Management Board Annual Report 2014-15

I am pleased to forward to you a copy of the Dog and Cat Management Board's (the Board) 2014-15 Annual Report.

The Report identifies activity in fulfilling the legislative requirements of the *Dog and Cat Management Act 1995* (the Act) and progress in meeting the objectives of the Board's strategic plan.

Achievements highlighted for this reporting period include:

- Contributing to the development of a substantial legislative reform package for the management of cats and dogs, a Code of Practice for the Welfare of Dogs and Cats in Breeding Facilities and business case for a state-wide dog and cat database.
- The undertaking of a Citizens' Jury to debate what further measures can be introduced or trialed to reduce the number of unwanted pets.
- Expanded delivery of the We Are Family program aimed at parents of children in the 0-4 age bracket.
- Delivery of the Living Safely with pets program to 32,000 children.

The Board's Annual Report also contains local government and hospital statistics which report on the number of dog attack/harassment incidents and hospital presentations.

You will note that there has been a 5% increase in the number of registered dogs that have been microchipped (60%) and the desexing rate has also continued to increase to 69% of the registered dog population. The Board finds these increases in responsible dog ownership very encouraging.

For further information regarding the annual report or for additional copies, please contact Linda Allery, Program Manager, Dog and Cat Management Board on 8124 4746 or email linda.allery@sa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Felicity-ann Lewis', with a stylized, cursive script.

Felicity-ann Lewis
Chairperson

Attachments: Dog and Cat Management Board Annual Report 2014-15

Dog and Cat Management Summary

Yorke Peninsula Council

October 2015

Each year councils provide information to the Dog and Cat Management Board to enable the Board to plan for, promote and provide advice about the effective management of dogs and cats in South Australia.

Below is a snapshot of the Yorke Peninsula Council's information to assist with future planning and statistics as they compare to other South Australian councils.

Registrar of Dogs	Roger Brooks
Audit Cycle	2016/17
Animal Management Plan	Current (Due 24/06/2017)

Standard Registration Fee, in comparison to other SA councils – \$70.00



Percentage of registered dogs where the desexed rebate is claimed - 56%



Percentage of registered dogs where the microchipped rebate is claimed - 37%



Percentage of registered dogs where the trained rebate is claimed - 2%



Percentage of dogs wandering at large returned to owner - 85%



In 2014/15, the free *Living Safely With Pets* education program visited schools in Yorke Peninsula Council area 10 times. Across SA, 140 visits were made to regional council areas and 142 to metropolitan council areas. Please encourage your local schools to make a booking by visiting, www.dogandcatboard.com.au/living-safely-with-pets.

Yorke Peninsula Council Trend Data

Registration Numbers

2011/2012	2012/2013	2013/2014	2014/15	2014/15 State figure
2,497	2,692	2,523	2,677	297,857

Registered dogs desexed

2011/2012	2012/2013	2013/2014	2014/15	2014/15 State figure
51%	53%	52%	56%	69%

*Please note, proposed amendments to the Dog and Cat Management Act 1995 may include mandatory desexing. Please consider potential transitional work needed to educate and encourage compliance should legislation change in 2016.

Registered dogs microchipped

2011/2012	2012/2013	2013/2014	2014/15	2014/15 State figure
23%	28%	30%	37%	60%

*Please note, proposed amendments to the Dog and Cat Management Act 1995 may include mandatory microchipping. Please consider potential transitional work needed to educate and encourage compliance should legislation change in 2016.

Registered dogs trained

2011/2012	2012/2013	2013/2014	2014/15	2014/15 State figure
1%	2%	1%	2%	7%

*Please note, proposed amendments to the Dog and Cat Management Act 1995 may remove the training rebate from the registration fee structure. Please consider potential transitional work needed to educate and encourage compliance should legislation change in 2016.

Please contact the Dog and Cat Management Board on 8124 4747 if you have any queries about the information provided.

- 6 NOV 2015



Government of South Australia

Dog and Cat Management Board

Item Number
8687-2015-4
GDS Number
1-73-2-1
Distribution
Copy to CEOEA

Level 1
1 Richmond Road
Keswick SA 5035

GPO Box 1047
Adelaide SA 5001

Ph: 08 8124 4962
Fax: 08 8124 4648

ABN 48 100 971 189

www.dogandcatboard.com.au

3 November 2015

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

Dear Mr Cameron

RE: DOG AND CAT MANAGEMENT 2014/15 FINANCIAL AUDIT

The Dog and Cat Management Board recently undertook a 2014/15 financial audit of the Yorke Peninsula Council in relation to Sections 26 (3), (4), (5) and (7) of the *Dog and Cat Management Act 1995*.

We are pleased to confirm the Yorke Peninsula Council is fulfilling its financial obligations under the Act. Please find the completed audit report enclosed.

I encourage you to contact the Administration Officer, Philippa Hook on (08) 8124 4768 or at philippa.hook@sa.gov.au if you have any questions in relation to the finance audit process or outcomes.

Yours sincerely,

Andrew Lamb
Board Secretary

Finance Audit and Form 26 – Audit Checklist

Name of Council:	Yorke Peninsula Council		
Name of officer completing audit:	Philippa Hook		
Date audit commenced:	25/09/15		
Checklist of Supporting documentation required:			
End of Year (actual) income and expenditure report	- extract from Council's finance database	<input checked="" type="checkbox"/>	
- Endorsed by Council Finance officer		<input checked="" type="checkbox"/>	
Summary of relevant expiation revenue collected	- extract from Council's finance database	<input checked="" type="checkbox"/>	
- Endorsed by Council Finance officer		<input checked="" type="checkbox"/>	
Schedule of fees relating to dog registration, as approved by Council		<input checked="" type="checkbox"/>	

Legislative requirements	Audit process	Checklist	Comments
<p>s26 (3) Money received by a council under this Act must be expended in the administration or enforcement of the provisions of this Act relating to dogs.</p>	<p>Money received under the Act includes:</p> <ul style="list-style-type: none"> o fees for the provision of extracts from registers kept under the Act o fees approved by the Minister, <ul style="list-style-type: none"> ▪ for the registration of dogs and businesses ▪ for the late payment of registration fees ▪ for meeting any other requirements imposed on Councils under the Act. <p>Expenditure may include (for example):</p> <ul style="list-style-type: none"> o wages and apportionment of time for staff (e.g. AMO and administration staff) o building space used for dog management and relevant staff o vehicle used for dog management and relevant staff <p>The EOY Income and Expenditure report from Council's finance database should provide a clear breakdown of relevant income and expenditure and the amounts should match those reported on Form 26.</p> <p>Total expenditure is reviewed against total income to ascertain whether monies received have been expended in the administration and enforcement of the Act.</p> <p>If relevant expenditure is LESS than income and the discrepancy must be documented* and explained, and any carry forward identified.</p> <p><i>*For example, the Council may have expended less monies than received, but this may be due to monies being carried forward for a pending animal management related project or similar. Full details should be provided.</i></p>	<p><input checked="" type="checkbox"/> The income amounts reported on the Form 26 submission matches the End of Year (actual) income and expenditure report and Expiation revenue summary</p> <p><input checked="" type="checkbox"/> The expenditure amounts reported on the Form 26 submission matches the End of Year (actual) income and expenditure report</p> <p><input checked="" type="checkbox"/> End of Year (actual) income and expenditure report indicates that all monies received under the Act were expended on dog related provisions</p>	
<p>s26(4) Each council must keep separate accounts of money received under this Act and of money expended in the administration and enforcement of the provisions of this Act relating to dogs.</p>	<p>The extracts from Council's finance database should clearly indicate that monies expended and received under the Act are maintained in accounts separate from other Council revenue and expenditure.</p>	<p><input checked="" type="checkbox"/> End of Year (actual) income and expenditure report indicates that all monies received under the Act were maintained in a separate account</p>	

Legislative requirements	Audit process	Checklist	Comments
<p>s26(5) A council must pay into the Fund the percentage fixed by regulation of the dog registration fees received by the council.</p>	<p>The amount payable by Councils into the Dog and Cat Management Fund is based on a percentage of the following:</p> <ul style="list-style-type: none"> - Dog Registration fees - Dog registration transfers - Replacement dog registration discs <p>These amounts are reported on Form 26 under 'Total amount received from dog registration fee income' and will be verified against the amounts on the EOY Income and Expenditure report provided from council's finance database.</p> <p>NB. The percentage payable into the Fund is calculated automatically via the <u>online form</u>.</p>	<p><input checked="" type="checkbox"/> The "Dog Registration Fee" income amount reported on the Form 26 submission matches the End of Year (actual) income and expenditure report and Expiation revenue summary</p> <p>Note that the percentage payable to the fund will be calculated automatically</p>	
<p>26(7) Without limiting the matters that may be taken into account when setting fees to be approved by the Minister, councils must provide for a percentage rebate of the fee that would otherwise be charged for the registration of a dog in the following cases:</p> <p>(a) if the dog is desexed</p> <p>(b) if –</p> <p style="padding-left: 40px;">(i) the dog has been implanted with a microchip for the purposes of identification; and</p> <p style="padding-left: 40px;">(ii) the information contained in the microchip is up-to-date;</p> <p>(c) if the dog has passed a specified training program accredited by the Board,</p>	<p>The schedule of fees relating to dog registration provided by Council will be verified against the fees approved by the Minister.</p> <p>The rebates applied by Council will be checked to ensure they have been correctly aggregated.</p> <p>Any discrepancies with the data provided are to be explained.</p>	<p><input checked="" type="checkbox"/> The dog registration fee schedule approved by Council matches the dog registration fee schedule approved by the Minister</p> <p><input checked="" type="checkbox"/> The dog registration fee schedule approved by Council indicates that registration fee rebates are being correctly aggregated</p>	

DEBATE

AGENDA

DIRECTOR CORPORATE AND COMMUNITY SERVICES

DA/ITEM 6.2

1. FINANCIAL REPORT 30TH NOVEMBER 2015

(File Ref: 9.24.1.1)

PURPOSE

For Council to receive the financial report and review of capital projects dated 30th November 2015.

RECOMMENDATION

That Council receive the financial reports as at 30th November 2015.

LINK TO STRATEGIC PLAN

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

BACKGROUND

A Financial Report and a Capital Projects Report detailing projects over \$50,000 is presented by Finance staff to monthly Council meetings. These reports encompass results to the end of each calendar month preceding each scheduled Council meeting.

DISCUSSION

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

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

COMMUNITY ENGAGEMENT PLAN

Not Applicable.

CONSULTATION PROCESS

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

- Corporate Management Team,
- Manager Financial Services,
- Operations Manager,
- Works Manager,
- Corporate Services Officer,

- Infrastructure Manager,
- Manager Business and Public Relations.

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

- Nil.

POLICY IMPLICATIONS

PO 142 Budget Reporting and Amendment Policy

BUDGET AND RESOURCE IMPLICATIONS

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

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999.

Local Government (Financial Management) Regulations 2011.

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

ATTACHMENTS

Attachment 1: Uniform Presentation of Finances at 30th November 2015.

Attachment 2: Capital Projects Report for Council at 30th November 2015 (Projects over \$50,000).

Yorke Peninsula Council



Uniform Presentation of Finances as at 30th November 2015

Income	
Less Expenses	
Operating Deficit before Capital Amounts	
Less Net Outlays on Existing Assets	
Capital Expenditure on renewal and replacement of Existing Assets	
Less Depreciation, Amortisation and Impairment	
Less Proceeds on Sale of Assets	
Less Net Outlays on New and Upgraded Assets	
Capital Expenditure on New and Upgraded Assets	
Less Amounts received specifically for New and Upgraded Assets	
NET(LENDING) / BORROWING FOR FINANCIAL YEAR	

2015/16 YTD Actuals \$'000
-\$22,064
\$7,876
-\$14,188
\$1,502
-\$172
\$1,330
\$1,533
-\$2,094
-\$561
-\$13,419

2015/16 Full Year Adopted Budget \$'000	2015/16 Full Year Budget Revisions \$'000	2015/16 Full Year Revised Budget \$'000
-\$26,699	-\$114	-\$26,813
\$29,450	\$109	\$29,559
\$2,751	-\$5	\$2,746
\$7,707	\$623	\$8,330
-\$8,700	\$0	-\$8,700
-\$377	\$0	-\$377
-\$1,370	\$623	-\$747
\$3,479	\$2,067	\$5,546
-\$2,310	-\$1,280	-\$3,590
\$1,169	\$787	\$1,956
\$2,550	\$1,405	\$3,955

2015/2016 Capital Budget Projects Over \$50,000	2015/2016 Capital Budget Projects Over \$50,000 (at 30 November 2015)		Spent To Date		% Physically Complete	Reviewed
	New		New	Renewal		

Buildings	TOTAL BUILDINGS BUDGET		\$173,374		\$34,010	
Maitland Hall - Concrete Cancer						Y
Office Expansion Project (New)			\$104,864			Y
Port Vincent Caravan Park - New Cabins			\$0			Y
Port Vincent Caravan Park - Oz Shacks			\$67,860			Y
Point Turton Caravan Park - New Cabins			\$325			Y
Office Expansion Project (Renewal)				\$0		Y
Marion Bay Caravan Park - New Cabins				\$0		Y
Point Turton Caravan Park - New Cabins				\$0		Y

CWMS	TOTAL CWMS BUDGET		\$2,176		\$30,005	
------	-------------------	--	---------	--	----------	--

Water	TOTAL WATER BUDGET		\$11,476	
-------	--------------------	--	----------	--

Transportation	TOTAL TRANSPORTATION BUDGET		\$395,722		\$778,225	
----------------	-----------------------------	--	-----------	--	-----------	--

S2 Rubble Raising			Jul-15	Jun-16		0.00%	N
S3 Reseals		\$200,000	Jul-15	Jun-16	\$12,064	25.00%	N
S6 McCauley Road			Dec-15	Feb-16	\$0	0.00%	N
S8 Nalyappa Road			Aug-15	Apr-16	\$105,139	75.00%	Y
S9 North South Road			Apr-16	Jun-16	\$47,347	0.00%	N
S11 Saint Road			Sep-15	Apr-16	\$89,863	75.00%	Y
S14 McFarlane Road			Aug-15	Sep-15	\$55,575	100.00%	N
S16 Brutus Road			Sep-15	Nov-15	\$172,120	100.00%	Y
S18 Daly Head Road			Oct-15	Dec-15	\$41,970	50.00%	N
S19 Dump Road			Apr-16	May-16	\$0	0.00%	N
S20 Old Coast Road			May-16	Jun-16	\$0	0.00%	N
S21 Old Port Vincent Road			May-16	Jun-16	\$0	0.00%	N
S22 Recluse Road			Mar-16	Apr-16	\$0	0.00%	N
S23 South Coast Road			Jul-15	Sep-15	\$244,858	100.00%	N
S24 Waterloo Bay Road			Jan-16	Feb-16	\$0	0.00%	N
S25 Wattle Point Road			Mar-16	Apr-16	\$0	0.00%	N
S27 Clinton Road (subject to funding approval)		\$2,248,000	Oct-15	Apr-16	\$262,655	35.00%	Y
S30 Transport acceleration			TBA	TBA	\$0	0.00%	N
E1 Harmer Road			Apr-16	Jun-16	\$0	0.00%	N
E3 Weavers Road North			Feb-16	Apr-16	\$0	0.00%	N
E5 Fourth Street, Arthurton		\$80,003	Oct-15	Dec-15	\$76,878	0.00%	N
E8 Bramley Road, Edithburgh		\$79,069	Oct-15	Dec-15	\$20,386	50.00%	N
E10 Cutline Road			Jun-16	Jun-16		0.00%	N
E13 Footpath - Elizabeth Street, Maitland		\$50,000	Aug-15	May-16	\$30,909	100.00%	Y
E18 Polkinghorne Road			Jul-15	Apr-16	\$9,265	25.00%	N

2015/2016 Capital Budget

2015/2016 Capital Budget

Projects Over \$50,000

Projects Over \$50,000 (at 30 November 2015)

Spent To Date		% Physically Complete	Reviewed
New	Renewal		

Scheduled Start	Scheduled Finish
-----------------	------------------

Renewal

New

Plant

TOTAL PLANT BUDGET

\$175,000

\$140,400	\$544,382
-----------	-----------

Construction Grader	Aug-15	Dec-15	\$0	100.00%	Y
Front End Loader - Northern Construction	Aug-15	Nov-15	\$297,000	100.00%	Y
Front End Loader - Southern Construction	Aug-15	Mar-16	\$0	50.00%	Y
Works Vehicles	Jul-15	Jun-16	\$74,821	75.00%	N
Admin Vehicles	Jul-15	Jun-16	\$166,345	45.00%	N
12 Tonne Vibrating Roller	Aug-15	Nov-15	\$140,400	100.00%	Y

Trade Ins

Stormwater

TOTAL STORMWATER BUDGET

\$185,560

\$3,060	\$0
---------	-----

Stormwater - Yorketown Consultancy	Jul-15	Jun-16	\$0	0.00%	Y
------------------------------------	--------	--------	-----	-------	---

Other Assets

TOTAL OTHER ASSETS BUDGET

\$1,631,911

\$806,778	\$115,448
-----------	-----------

Walk the Yorke - as per Funding Agreement (400k Grant Funding)	Jul-15	Dec-15	\$636,983	97.00%	Y
Point Turton CP Cabin Furnishings Rejuvenation (10 Cabins) - High	Aug-15	Dec-15	\$34,849	60.00%	Y
Marion Bay CP Fire Hose Reel System - High	Apr-16	Jun-16	\$0	0.00%	N
EDRMS System Installation	Aug-15	May-16	\$0	5.00%	Y
Council Phone System	Aug-15	Feb-16	\$0	12.00%	Y
32 Replacement Computers (Renewal Programme)	Jan-16	Apr-16	\$0	0.00%	N
Marion Bay Boat Ramp Feasibility Study (50% SABFAC - \$50k)	Feb-16	Jun-16	\$0	20.00%	N
Formby Bay Action Group - Remedial Work (\$92k less Grants etc of \$62k)	TBA	TBA	\$0	0.00%	N
Port Vincent Caravan Park Playground Rejuvenation	Jul-15	Nov-15	\$76,349	100.00%	Y

Yorke Peninsula Council

TOTAL ANNUAL CAPITAL BUDGET

\$5,545,332

\$1,532,986	\$1,502,070
-------------	-------------

DIRECTOR CORPORATE AND COMMUNITY SERVICES

DA/ITEM 6.2

2. JUNE 2015 BUDGET REVIEW

(File Ref: 9.24.1.1)

PURPOSE

To provide Council with a comparison between the 2014/15 Adopted Budget and the Audited Financial Statements as at 30th June 2015.

RECOMMENDATION

That Council receive the June 2015 Budget Review report, with comparisons of the 2014/15 Adopted Budget to audited financial statements as at 30th June 2015.

LINK TO STRATEGIC PLAN

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

BACKGROUND

In accordance with the requirements of the Local Government (Financial Management) Regulations 2011 the 2014/15 adopted budget is compared with the 2014/15 audited statements.

DISCUSSION

The attached financial statements show the 2014/2015 budget figures as adopted by Council in July 2014 and the final figures from the audited 2014/2015 financial statements endorsed by Council in November 2015.

The major variations between the budget and financial statements are explained below:

Statement of Comprehensive Income:

Statutory Charges - \$59k under adopted budget

- Development applications down \$23k,
- Septic Tank/Environmental registrations down \$23k,
- Town Planning fees down \$20k,
- Dog registrations up \$9k.

User Charges - \$75k under adopted budget

- Caravan Parks User Charges down \$133k,
- Water Usage charges up \$71k,
- Boat Ramp fees down \$13k.

Grants, Subsidies and Contributions - \$1.357m over adopted budget

- \$1.179m advance payment of Financial Assistance Grants (FAGS),
- \$53k additional Special Local Roads funding received for Clinton Road,
- \$82k additional funding received through various grant applications by Operations,
- \$30k additional MUNS funding received,
- \$13k additional YP Leisure Options grant funding received.

Investment Income – \$63k over adopted budget

- Investment interest from term deposits was higher than anticipated as a direct result of investment of unused road acceleration loan funds.

Reimbursements – \$266k over adopted budget

- \$22k additional fuel reimbursements received,
- \$13k additional private works/roads reimbursements,
- \$70k additional workers compensation rebates,
- \$82k risk administration rebates,
- \$15k risk administration award,
- \$29k traineeship/salary subsidies obtained,
- \$12k additional general administration/IT reimbursements,
- \$13k additional YP Leisure Options reimbursements.

Other Income - \$195k over adopted budget

- \$76k received from Minlaton Progress towards cost of Minlaton Skate Park project,
- \$61k received in augmentation fees,
- \$76k additional expense contribution received from YP Community Transport following cessation of auspice services provided by Council,
- YP Leisure Options other income down \$14k.

Employee Costs – \$336k over adopted budget

- Increased wages costs as a direct result of labour requirements for urgent maintenance projects in place of capital works.

Materials, Contract and Other Expenses – \$264k over adopted budget

- Increased plant hire costs as a direct result of shifting labour from capital works to maintenance projects.

Depreciation - \$642k under adopted budget

- Decrease due to the revaluation of Stormwater Infrastructure as at July 1, 2014, revaluations of CWMS Infrastructure as at July 1, 2014; and recalculation of depreciation relevant to the revaluation of Road Infrastructure from June 30, 2014.

Finance Costs - \$78k under budget

- Decreased repayments as a direct result of holding off \$6m loan borrowings until the second half of the financial year.

Statement of Financial Position:

Cash & Cash Equivalents - \$4.21m over adopted budget

- Additional \$1.179m FAGS grants,
- \$3m road renewal acceleration loan funds invested.

COMMUNITY ENGAGEMENT PLAN

Not applicable.

CONSULTATION PROCESS

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

- Manager Financial Services.

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

- Nil.

POLICY IMPLICATIONS

PO 142 Budget Reporting and Amendment Policy.

BUDGET AND RESOURCE IMPLICATIONS

In conjunction with the adoption and enforcement of the Budget Reporting and Amendment Policy the June Budget Review Report presented to Council following adoption of the General Purpose Financial Statements will assist in formal assessment of Council's actual financial position against the forecast financial position in July 2014.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999.

Local Government (Financial Management) Regulations 2011.

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

ATTACHMENTS

Attachment 1: Statement of Comprehensive Income actual vs budget 2014-15

Attachment 2: Statement of Financial Position actual vs budget 2014-15

Yorke Peninsula Council

Statement of Comprehensive Income

for the year ended 30 June 2015

\$ '000	Audited Financials 14/15	Adopted Budget 14/15
Income		
Rates Revenues	19,110	19,094
Statutory Charges	391	450
User Charges	2,866	2,941
Grants, Subsidies and Contributions	4,227	2,870
Investment Income	184	121
Reimbursements	610	344
Other Income	351	156
Total Income	27,739	25,976
Expenses		
Employee Costs	8,006	7,670
Materials, Contracts & Other Expenses	12,599	12,335
Depreciation, Amortisation & Impairment	8,511	9,153
Finance Costs	300	378
Total Expenses	29,416	29,536
Operating Surplus / (Deficit)	(1,677)	(3,560)
Asset Disposal & Fair Value Adjustments	(693)	40
Amounts Received Specifically for New or Upgraded Assets	1,204	1,156
Physical Resources Received Free of Charge	-	-
Net Surplus / (Deficit) ¹	(1,166)	(2,364)

Yorke Peninsula Council

Statement of Financial Position

as at 30 June 2015

\$ '000	Audited Financials 14/15	Adopted Budget 14/15
ASSETS		
Current Assets		
Cash and Cash Equivalents	7,469	3,259
Trade & Other Receivables	1,315	1,188
Inventories	777	887
Total Current Assets	9,561	5,334
Non-Current Assets		
Financial Assets	372	447
Infrastructure, Property, Plant & Equipment	333,890	279,040
Total Non-Current Assets	334,262	279,487
TOTAL ASSETS	343,823	284,821
LIABILITIES		
Current Liabilities		
Trade & Other Payables	2,497	1,984
Borrowings	543	510
Provisions	1,622	936
Total Current Liabilities	4,662	3,430
Non-Current Liabilities		
Borrowings	7,047	6,921
Provisions	496	315
Total Non-Current Liabilities	7,543	7,236
TOTAL LIABILITIES	12,205	10,666
Net Assets	331,618	274,155
EQUITY		
Accumulated Surplus	(4,594)	(4,708)
Asset Revaluation Reserves	335,455	278,069
Other Reserves	757	794
Total Council Equity	331,618	274,155

DIRECTOR CORPORATE AND COMMUNITY SERVICES

DA/ITEM 6.2

3. MINLATON GIRL GUIDE HALL ELECTRICITY USAGE CHARGES

(File Ref: 9.24.1.1)

PURPOSE

For Council to consider a request from the Minlaton Girl Guides, to waive the current outstanding electricity charges incurred for the use of the Minlaton Guide Hall for the period 27th June 2014 to 27th March 2015.

RECOMMENDATION

- A. That Council waive the current outstanding electricity charges of \$503.04 for Minlaton Girl Guides, being for the period 27th June 2014 to 27th March 2015; or
- B. That Council enforce payment of the outstanding debt of \$503.04; or
- C. That Council reduce the amount outstanding to \$335.36 (being one third of the total electricity bill for the period 27th June 2014 to 27th March 2015).

LINK TO STRATEGIC PLAN

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

BACKGROUND

Minlaton Girl Guides are a tenant of the Council owned Girl Guides Hall at West Terrace, Minlaton. Pursuant to an agreement with Girl Guides SA, Minlaton Girl Guides agreed to pay 50% of the electricity bills for the hall as a co-tenant.

There is now a need to re-negotiate this agreement as the co-tenant, Leisure Options, has relocated to the Minlaton Town Hall. As part of this process the Minlaton Girl Guides have requested that Council waive all previous electricity usage charges outstanding pending the installation of separate electricity meters to reflect actual usage by them.

DISCUSSION

In May 2006, Council staff met with representatives of the local Minlaton Girl Guides to develop an agreement for the co-tenancing of the Girl Guide Hall on West Terrace, Minlaton together with the Council run Leisure Options Program.

One of the items for consideration was the responsibility for payment of electricity charges and it was agreed in writing, by Girl Guides SA, that the Minlaton Girl Guides would be responsible for 50% of the electricity usage charges, with Leisure Options responsible for the remainder.

In May 2015, following decision to relocate Leisure Options to the Minlaton Town Hall, a meeting was held with representatives of the Minlaton Girl Guides to discuss the logistics of the move, with the responsibility of electricity usage charges being part of these discussions.

During discussions the Minlaton Girl Guides pointed out that both the Girl Guides Hall and the Council operated men's shed, which is located within the same portion of land, are on the same electricity meter and that this was not the case when the agreement was struck in 2006.

Minlaton Girl Guides claimed this resulted in a false usage figure allocated to their activities and requested current outstanding amounts be waived in recognition of this fact and pending the installation of separate electricity meters for the Girl Guide Hall and the men's shed. The outstanding debt for the Minlaton Girl Guides share of electricity charges is currently \$503.04, for the period 27th June 2014 to 27th March 2015.

Following a determination on this matter by Council, staff will finalise a new agreement with Minlaton Girl Guides for the tenanting of the hall, including payment of future electricity charges.

COMMUNITY ENGAGEMENT PLAN

Level 1, Inform. The Minlaton Girl Guides will be advised in writing of Council's decision.

CONSULTATION PROCESS

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

- Director Corporate and Community Services.

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

- Minlaton Girl Guides.

POLICY IMPLICATIONS

Nil.

BUDGET AND RESOURCE IMPLICATIONS

Should a decision be made to waive the outstanding debt or part thereof, the amount to be waived is unbudgeted.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999.

Local Government (Financial Management) Regulations 2011.

ATTACHMENTS

Attachment 1: Confirmation of meeting agreement with Girl Guides SA dated 8th May 2006.

Attachment 2: Community Engagement Plan

08 May 2006
Our ref: 442-2006-0
GDS ref: 16.51.2.1

Margie Berlemon
State Commissioner
Guides Australia – South Australia
278 South Terrace
ADELAIDE SA 5000

Dear Margie

Scout Hall Minlaton - Meeting 23 March 2006

My apologies for the delay in getting back to you following the meeting held in Minlaton about the continued use of the Scout Hall by the Guides group.

Thank you for attending the meeting with Jo Marshall and representatives of the local Guide group, Kate Holmes, Rick Wilkinson and myself it was lovely to meet you both.

I am confident that the meeting allowed time for discussion and to settle some outstanding issues regarding the continued use of the Scout Hall by both the Guides and Leisure Options groups.

Some items that were agreed upon are listed below:

- ETSA account to be re-directed to Council and Guides to be recharged for 50% of each account – Leisure Options group to pay remaining 50% - Jackie to organise
- Both groups need to be mindful of the furniture in the facility – appropriate standard and safety of all users of the hall needs to be considered
- Fire equipment and electrical equipment to be added to the schedule to ensure testing occurs when required – Kate to follow up with Michael McCauley
- That a checklist for hall use is established to ensure that all users are aware of what is required when using the hall – to maintain the facility and to leave it in an acceptable state after use – Kate to prepare draft and Jackie to finalise

- Guides and Leisure Options are both responsible to ensure they have adequate Public Liability Cover (minimum required is \$10 million)
- The carpet square is rolled up after use
- The Guides mural is sealed and placed on the wall outside facing West Terrace – Alison to follow up with Stephen Goldsworthy
- A fee is established for use of the hall by other groups and administered by the Minlaton Office – Jackie to advise Jo Loechel
- A set of keys for the Guide Hall to be held at the Minlaton Office and a list of who holds keys to be established as part of the checklist – Kate to organise keys for Minlaton Office, Jackie to organise Key Register
- Lease fees charged to Scouts Association – Alison to follow this up with Grant Fergusson

As part of the agreement between the Scouts Association and Council and Scouts subsequent handing back of the facility to Council's ownership, care and control, provisions have been made to ensure that the Guides existing rights over the hall are maintained. Council has agreed at a recent meeting to protect both the Guides and Scouts right to use the facility both now and in the future.

I hope that this letter alleviates any concerns you may have had regarding the Guides continuing to operate a group at Minlaton and that all parties are committed to maintaining their presence in the community. It is hoped that the Guides, Leisure Options and future Scout groups can continue to co-exist within this facility for the benefit of the community.

Please do not hesitate to contact me at the Minlaton Office if you have any questions regarding this matter and I look forward to continuing to work with you in this important community service.

Yours faithfully

Jackie Reddaway
RECORDS MANAGEMENT OFFICER
ACCREDITED FOI OFFICER
YAC CO-ORDINATOR

cc: Rick Wilkinson, Kate Holmes, June Benbow, Alison Roberts, Grant Fergusson

<

DIRECTOR, CORPORATE AND COMMUNITY SERVICES

DA/ITEM 6.2

4. BLACK POINT CARAVAN AND CAMPING GROUND AMENITIES UPGRADE

(File Ref: 9.24.1.1)

PURPOSE

To seek approval from Council for additional funding, to upgrade the Amenities building at the Black Point Caravan and Camping Ground 'Harvey Reserve'.

RECOMMENDATION

That Council approve a budget increase of \$21,910 (excl. GST) in the 2015/2016 Financial Year for the upgrade of the Black Point Caravan and Camping Ground 'Harvey Reserve' amenities building.

LINK TO STRATEGIC PLAN

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

BACKGROUND

Additional funding for the upgrade of this facility is being requested following complaints from both patrons and the camping ground staff and following a comprehensive Health and Safety Risk Assessment of the facilities.

DISCUSSION

Council staff have received complaints in regard to the condition and safety of the amenities building at the Black Point Caravan and Camping Ground 'Harvey Reserve' from both the general public and the caretakers of the facility.

In September 2014 a member of the public lodged a complaint in regard to the lack of doors on the shower facilities after an accidental intrusion during their stay at the camping ground.

In October 2014 the caretaker of the facility sustained a severe injury following a slip whilst cleaning the concrete floors in the shower facilities. Following an injury claim filed the LGA Mutual Liability Scheme recommended that Council undertake a formal risk assessment of the facility.

A formal risk assessment was undertaken by Council staff and the results were referred to the LGA Mutual Liability Scheme for reference.

At a subsequent meeting in May 2015, with Council's Risk Administrator and the Regional Risk Coordinator, Bob Raymond, it was recommended that action be taken to address the issues raised in the risk assessment as follows;

- Re-tile shower cubicle floors,
- Tile shower walls,
- Tile concrete floors,
- Visual signage to be displayed indicating that floors are 'slippery when wet',
- Cleaning staff to wear appropriate personal protective equipment when cleaning.

Further discussion also agreed that consideration should be given to installing wall dividers between the ladies and men's amenities and the laundry room to ensure complete privacy.

Several quotes were sought for the work to be performed however after many follow ups a single quote was received from a local contractor totalling \$24,100 for all works.

Until this quote was received it was thought that the necessary work may be able to be absorbed in budget allowances made each year for "incidental" repairs/replacements across all Council caravan parks and camping areas.

The Black Point Caravan and Camping Ground currently generates an income of approximately \$35,000 per financial year and operates at approximately a "break even" operating result or a small loss on an annual basis after payment of management fees to the caretakers.

The 2015/2016 adopted budget includes specific amounts of \$16,000 for grounds maintenance and only \$1,500 for amenities maintenance for the Black Point Camping Ground. History shows that these amounts are generally fully spent each financial year.

The \$21,910 requested would therefore be in addition to the maintenance budget and would be considered capital expenditure.

COMMUNITY ENGAGEMENT PLAN

As this request has partially been prompted following a community complaint, and specifically relates to the upgrade of a Council facility, it has not been necessary to engage further with the community on this occasion.

CONSULTATION PROCESS

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

- Director, Corporate and Community Services,
- Corporate Services Officer,
- Risk Administrator,
- WHS Officer,
- Risk Officer.

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

- Caretakers, Black Point Caravan and Camping Ground,
- Public Complainant,
- Bob Raymond, Regional Risk Coordinator, LGA WCS & MLS.

POLICY IMPLICATIONS

- PO 091 – Risk Management Policy
- PO 001 – Workplace Health and Safety and Injury Management Policy

BUDGET AND RESOURCE IMPLICATIONS


The work to be performed was not included in the 2015/2016 adopted budget and will increase total capital expenditure budget for the year.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Should Council not endorse the recommendation to fund the upgrade of this facility, Council will continue to endure the current level of risk from both a Public Liability and Workplace Health and Safety perspective.

ATTACHMENTS

Attachment 1: WHS Risk Assessment.

 <p>Function: WHS File No: 18.75.4.2</p>	<h1 style="text-align: center;">Yorke Peninsula Council Risk Assessment</h1>		Version No:	1.0
			Issued:	October 2014
			Frequency of Review:	Annually
			Date Adopted:	October 2014

Date: 10 March 2014
Site Location: Black Point Camping Ground Amenities
Concept: A risk assessment was requested following an incident at the Black Point Caravan and Camping Ground.
Requested by: Bronwyn Scholes
YPC Contact: Bronwyn Scholes

1. Purpose of this Report

The Yorke Peninsula Council are investigating liability and risk management considerations associated with the cleaning of amenities located at the Black Point Camping Ground.

2. Context

Following an incident at the Black Point Caravan and Camping Ground a risk assessment was conducted with reference to the following legislation and documentation;

- WHS Regulations 2012
- Development Guide for Caravan and Camping parks in South Australia

3. Summary

The following comments and recommendations have been made as outcomes of the risk assessment undertaken at the amenities of the Black Point Camping Ground

4. Site Assessment

Initial photographs of the women's shower were taken by the WHS Officer on 15th November 2014, photos attached.

A site visit was undertaken on Tuesday, 10th March 2015 on the women's shower and laundry.

Present at this meeting from Council were:

- Risk Officer – Mandy Amey, Yorke Peninsula Council;
- WHS Officer – Julia Poole, Yorke Peninsula Council;
- The Managers of the Camping Ground were asked to attend the inspection however were unable to do so.

5. Observations during the assessment

- Shower floors located within the women's shower cubicles are uneven with inconsistent drainage gradients;
- Shower walls within the women's shower cubicles are damp affected and conducive to mould growth;
- Private dressing rooms/cubicles are not provided
- Shower cubicles are very exposed with no ceiling enclosing room from adjoining laundry and men's facilities;
- Bird faeces on internal walls

S:\Secretaries\Mandy\Black Point Camping Ground Amenities - Risk Assessment.doc

 <p>Function: WHS File No: 18.75.4.2</p>	<h1 style="text-align: center;">Yorke Peninsula Council Risk Assessment</h1>			Version No:	1.0
				Issued:	October 2014
				Frequency of Review:	Annually
				Date Adopted:	October 2014

6. Recommendations

Strategies to minimise Council risk in relation to this request as follows:

- Should relevant funds be available/obtainable, a complete upgrade of the interior of the facilities would be desirable OR;
- Re-tile shower cubicle floors with non-slip tiles, to bring in line with Tourism South Australia's Development Guide for Caravan and Camping parks in South Australia;
- Tile shower walls, to bring in line with Tourism South Australia's Development Guide for Caravan and Camping parks in South Australia;
- Re-tile current concrete floor with non-slip tiles, to bring in line with Tourism South Australia's Development Guide for Caravan and Camping parks in South Australia;
- Visual signage displayed advising "Slippery when wet";
- Cleaning staff to ensure they are wearing appropriate Personal Protective Equipment when cleaning amenities.

7. Assessment Criteria

The assessment involves:

- Identifying potential hazards and/or public safety issues relative to the site.
- Providing comment as to appropriate risk management considerations to assist Council with the ongoing use/cleaning recommendations of the amenities.

 <p>Yorke Peninsula Council Risk Assessment</p>		Version No: 1.0
Function: WHS File No: 12.75.4.2		Issued: October 2014
		Frequency of Review: Annually
		Date Adopted: October 2014

Risk Assessment

Ref	The Risk: What can happen and how it can happen?	Likelihood Level of Likelihood it will happen	Cons. Level of Consequence should it happen	Risk Rating	Treatment Option(s) How can the risk be reduced?	Level of Likelihood it will happen after Treatment	Level of Consequence should it happen after Treatment	Has Risk Level Changed (after applying treatment option?)	Accept Avoid Reduce Transfer or Retain
1	Financial – Short/ Long term costs associated with maintenance of the amenities. An incident resulting in a claim and Council found liable.	Possible	Minor	Mod	<ul style="list-style-type: none"> Follow scheme processes regarding a public liability claim. Maintenance Schedule 	Possible	Minor	No	Accept
2	Reputational/ Political – Media exposure due to an incident occurring on Council land.	Unlikely	Insignificant	Low	<ul style="list-style-type: none"> Implementation of preferred '6. Recommendations' as stated. 	Unlikely	Insignificant	No	Accept
3	Environmental – Hygiene – Bird faeces, Mould	Rare	Insignificant	Low	<ul style="list-style-type: none"> Maintenance/ inspection regime reviewed and implemented to ensure regular checks of the amenities and addressing issues as they arise. Use environmentally friendly substances. Provide adequate instruction, training and induction for staff regarding chemical handling. PPE. 	Rare	Insignificant	No	Accept
4	Compliance/ Safety – Slip/Trip/Fall	Possible	Minor	Mod	<ul style="list-style-type: none"> Non-slip tiles installed. Floor matting installed. Warning signage erected. Ceiling installed to ensure privacy. 	Unlikely	Minor	Yes	Reduce
5	Compliance/Safety - Privacy	Possible	Insignificant	Low	<ul style="list-style-type: none"> Ceiling installed Install dressing room/cubicle 	Rare	Insignificant	No	Accept
6	Service Delivery – Black Point is known as one of South Australia's premier holiday destinations with high end accommodation options. Current amenities at the camp ground may not meet assumed quality and value of service delivery	Unlikely	Moderate	Mod	<ul style="list-style-type: none"> Full interior upgrade 	Rare	Insignificant	Yes	Accept
7	Regulatory – An incident as a result of amenities not meeting Development Guide for Caravan and Camping parks in South Australia	Unlikely	Insignificant	Low	<ul style="list-style-type: none"> Implementation of preferred '6. Recommendations' as stated. 	Rare	Insignificant	No	Accept

S:\Secretariat\Mandy\Black Point Camping Ground\Black Point Camping Ground Amenities - Risk Assessment.doc

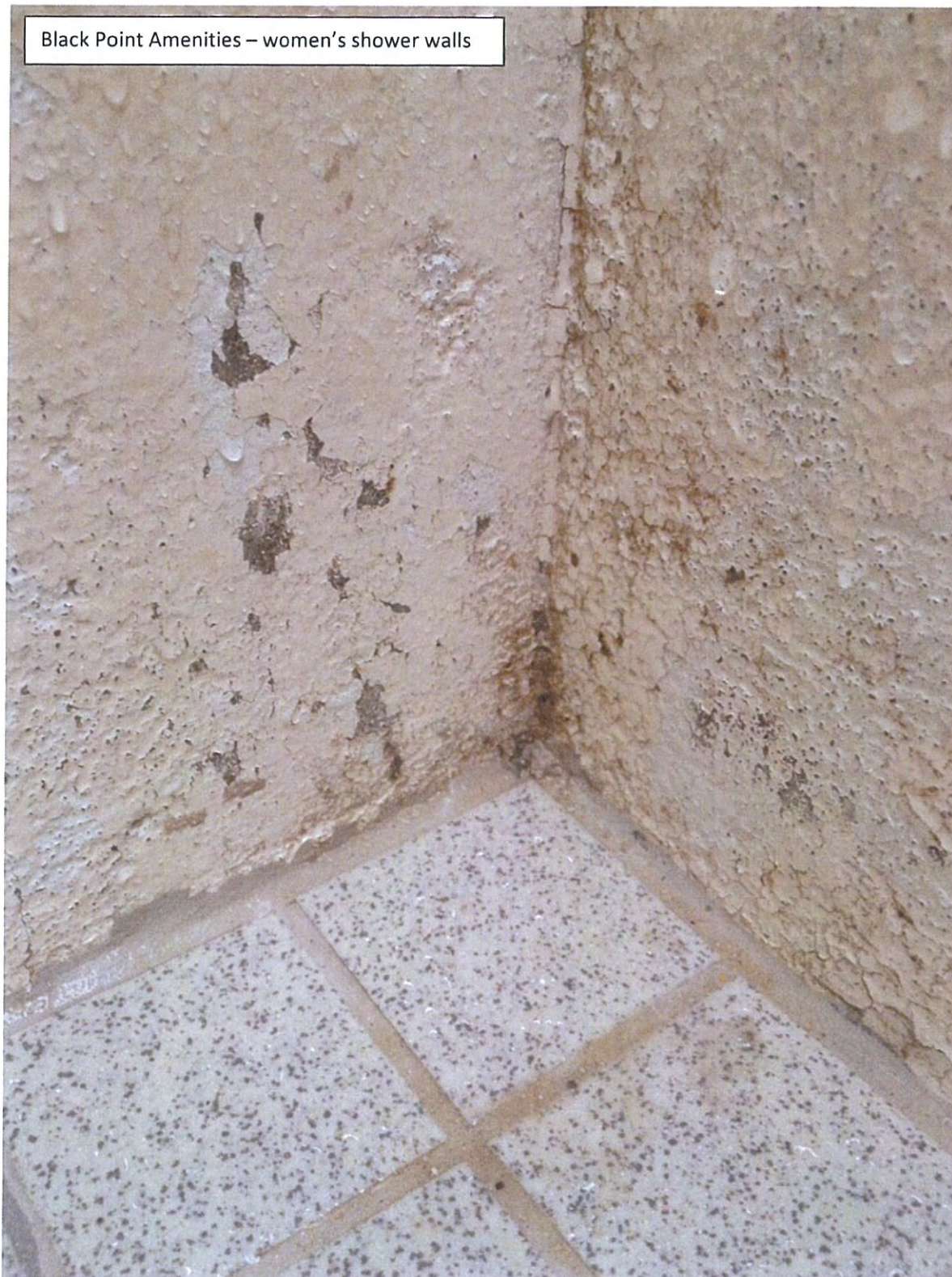
Black Point Amenities - Bird Faeces

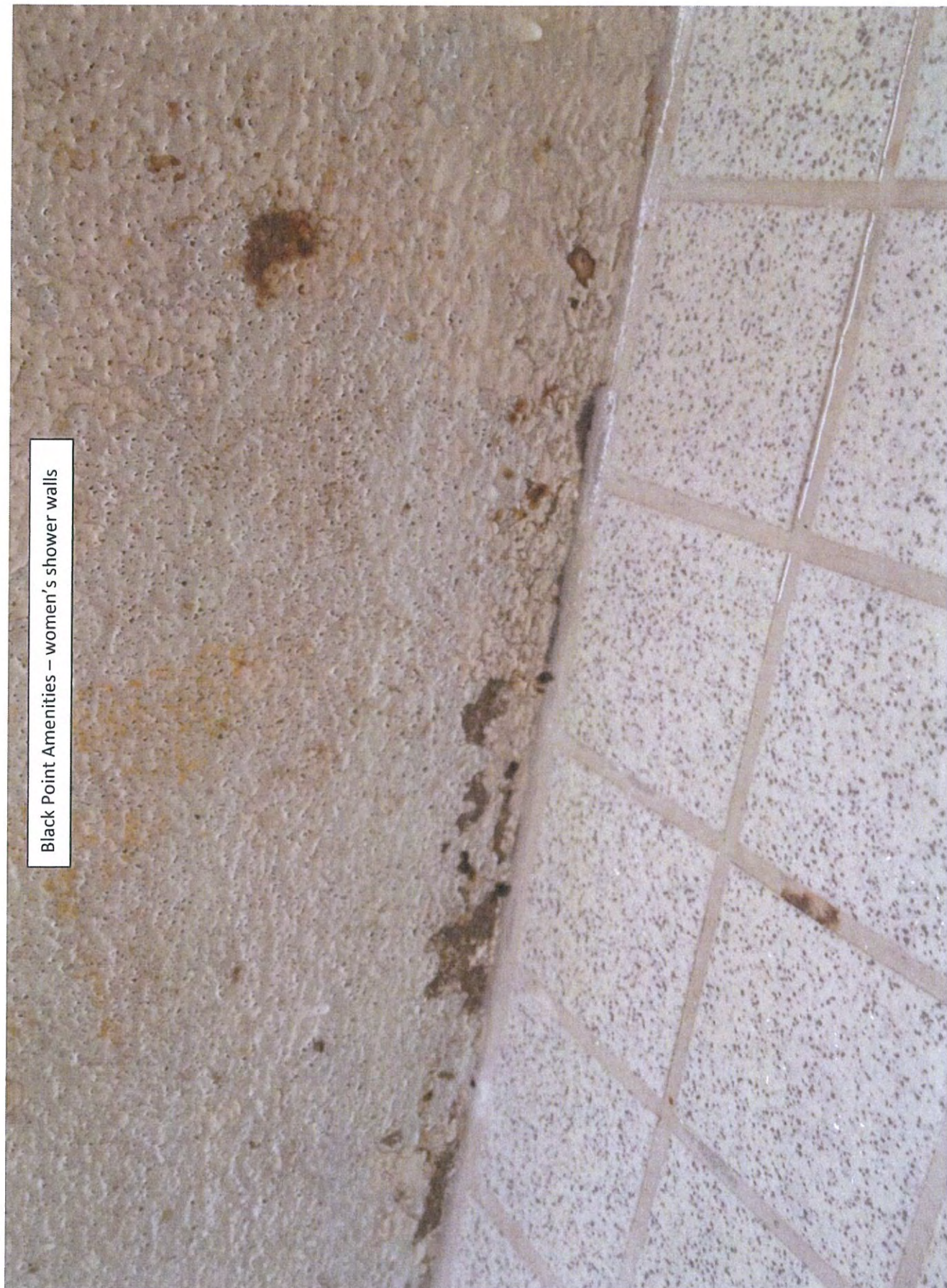




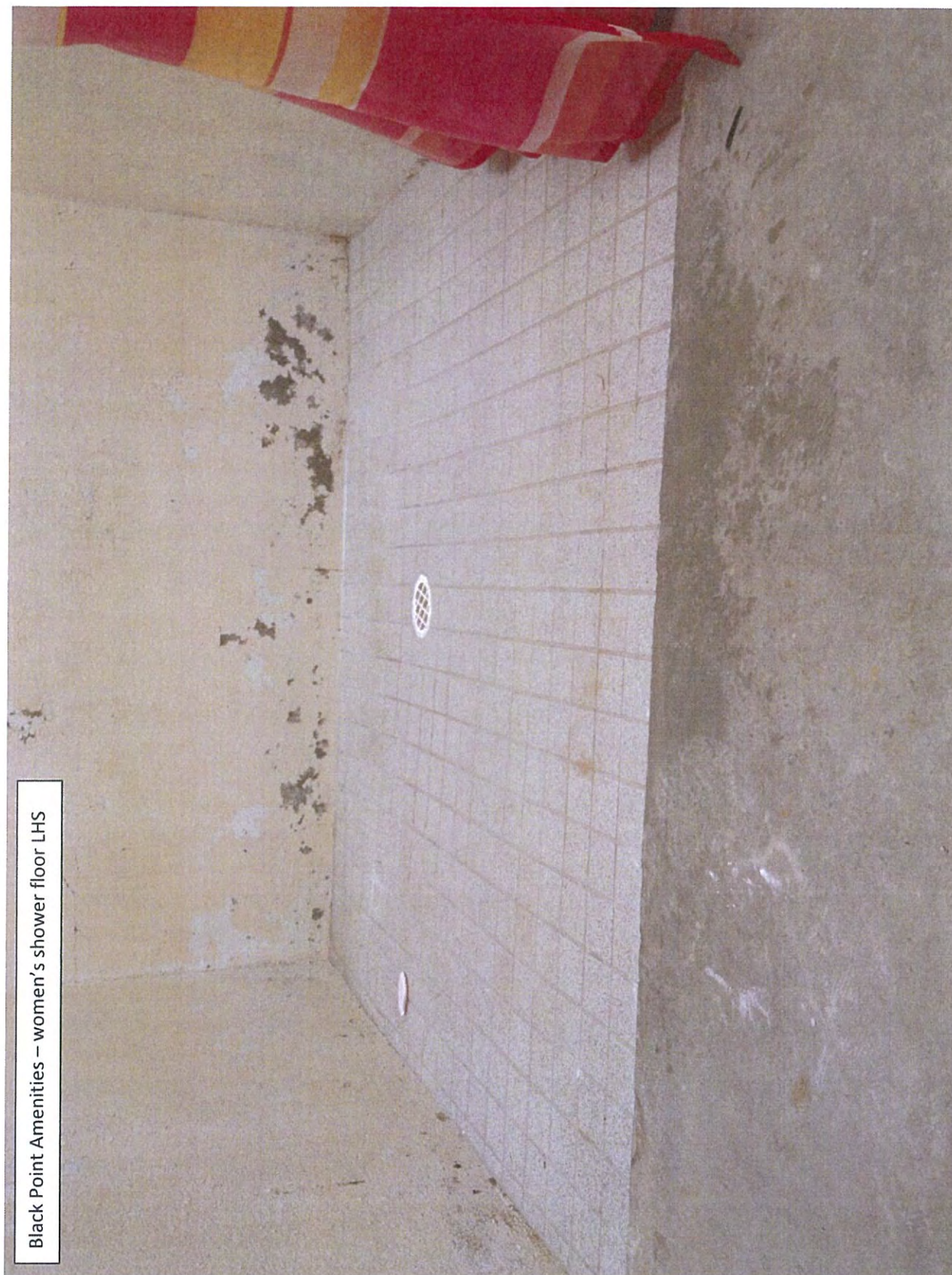
Black Point Amenities - Laundry

Black Point Amenities – women's shower walls

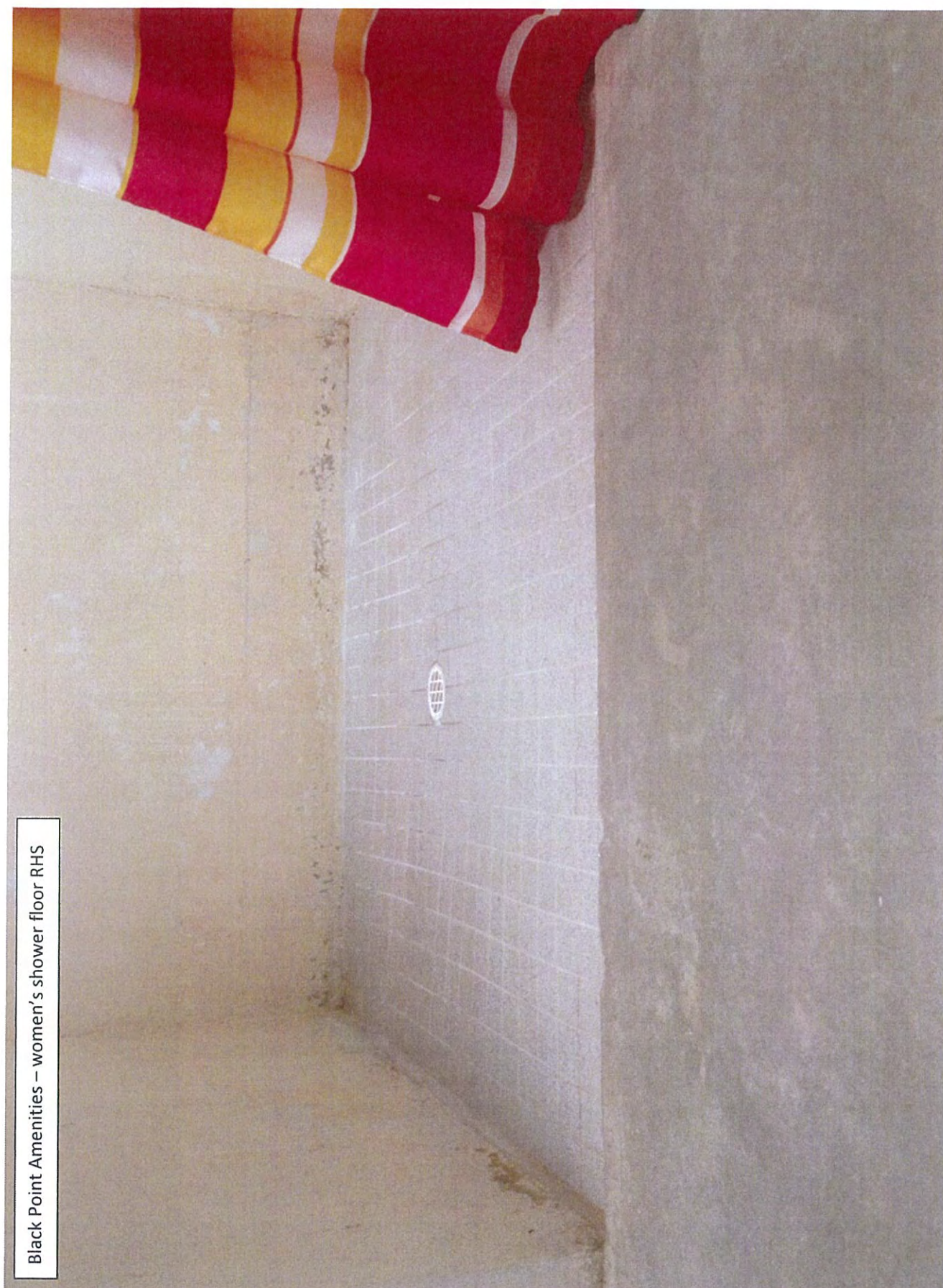





Black Point Amenities – women's shower walls



Black Point Amenities – women's shower floor LHS




 <i>Agriculturally rich – Naturally beautiful</i>	Yorke Peninsula Council Risk Assessment	Version No:	1.0
		Issued:	October 2014
Function: WHS File No: 12.75.4.2		Frequency of Review:	Annually
		Date Adopted:	October 2014

Risk Matrix						
Consequence and Reporting Action						
Likelihood		Insignificant	Minor	Moderate	Major	Severe
	Almost Certain	High	High	Extreme	Extreme	Extreme
	Likely	Moderate	High	High	Extreme	Extreme
	Possible	Low	Moderate	High	Extreme	Extreme
	Unlikely	Low	Low	Moderate	High	Extreme
	Rare	Low	Low	Moderate	High	High

Risk Level	Residual Risk Appetite (treatment, plan, activity)	WHS Specific Residual Risk Appetite
Extreme (E)	To be avoided, further treatment plan required as a matter of urgency. Expected treatment plans to be identified.	Operation of plant/ activity should not be allowed to continue until the risk level has been reduced with appropriate controls and treatment.
High (H)	May be acceptable provided appropriate controls and treatment strategies are in place.	Operation of plant/ activity should not be allowed to continue until the risk level has been reduced with appropriate controls and treatment
Moderate (M)	Acceptable with review	Acceptable provided appropriate controls and treatment strategies are in place.
Low (L)	Acceptable with review	Acceptable provided appropriate controls and treatment strategies are in place.

Appendix B – Reporting responsibilities based on residual risk appetite.

Risk Level	Reporting and Action	WHS Specific
Extreme (E)	Report: Line management, CEO, Risk Administrator, Audit Committee and Council immediately. Action: Continued exposure to the risk must be approved by CEO and reported to Council. Exposure to the risk should be discontinued where possible.	Report: Line management, CEO, Risk Administrator, immediately, WHS Committee and Council (as required), as soon as reasonably practical. Action: Continued exposure to the risk must be approved by the WHS Committee and CEO. Exposure to the risk should be discontinued. Recorded into hazard register.
High (H)	Report: Director, CEO (or appointed person), and Risk Administrator immediately. Action: Exposure to the risk should be discontinued as soon as possible.	Report: Line management, CEO, Risk Administrator, immediately and WHS Committee as soon as reasonably practical. Action: Continued exposure to the risk must be approved by the WHS Committee and CEO. Exposure to the risk should be discontinued. Recorded into hazard register.
Moderate (M)	Report: Director immediately Action: Annual review of the risk by Management	Report: Line management, Director and Risk Administrator, immediately. Recorded into hazard register.
Low (L)	Report: Manager Action: Periodic review of the risk by Management	Report: Line management immediately and Risk Administrator as soon as reasonably practicable. Recorded into hazard register.

 <p>Yorke Peninsula Council Agriculturally rich - Naturally beautiful</p>	Yorke Peninsula Council Risk Assessment	Version No:	1.0
		Issued:	October 2014
	Function: WHS File No: 12.75.4.2	Frequency of Review:	Annually
		Date Adopted:	October 2014

Appendix A – Council Risk Management Matrix (PR098 Risk Management Procedure)

Consequence Rating							
Description	Safety	Reputation	Legal & Regulatory	Environmental	Financial	IT / Records	Service Delivery
Severe	Fatality. Severe injury or illness giving rise to a disability or impairment. Litigation.	State negative media coverage. Irreparable damage to reputation. Public outcry.	Significant prosecution for organisation and individuals. Fines. Very serious litigation.	Extensive, very serious and long-term impairment of the environment. EPA involvement or investigation.	> \$1 mil	Extensive loss / damage to IT and communications assets and infrastructure. Permanent loss of data. Widespread disruption to the business.	Extreme loss of service quality.
Major	No fatality. Serious (but non-life threatening) injury or illness. Critical failure of internal controls.	Extensive local negative media coverage. Loss of reputation that will require external resources. Public concern.	Major breach of legislation or regulation. Prosecution. Fines. Litigation.	Serious (>6months) impairment of the environment.	> \$250k to < \$1 mil	High risk of loss, data corrupt. Significant catch up required. Business Continuity Plan implemented.	Major decline in the quality and value of service delivery. Probable decrease in the community's confidence in the Council.
Moderate	No fatality. Non-life threatening injury/illness. Medical treatment and/or hospitalisation required. Serious breach involving statutory authority investigation. Significant failure of internal controls.	Significant local media attention. Significant number of complaints.	Serious breach of legislation or regulation with investigation and/or report to relevant authority. Limited fine or other penalty possible.	Moderate damage or impairment of the environment. Repairable in 1 to 6 months.	> \$50k to < \$250k	Moderate to high loss / damage to IT and communications. Data lost.	Moderate decline in the quality and value of service delivery. Possible decrease in the community's confidence in the Council.
Minor	Minor reversible injury requiring medical treatment by doctor. No hospitalisation. Contained non-compliance with short term significance.	Heightened negative local media attention. Low number of complaints.	Breach of legislation or regulation with noted compliance failure. Requirement for report to regulator or authority.	Limited damage or impairment of the environment. Repairable within 1 month.	< \$50k	Minor loss / damage to IT and communications. Some catch up required.	Untimely service delivery to our community. Should not decrease the community's confidence in the Council.
Insignificant	A minor injury that is treated on site. Near miss or incident that does not give rise to any injury.	A number of complaints.	Minor non-compliance. Minimal failure of internal controls.	Minor containable incident with no measurable impairment or impact of the environment.	< \$20k	Negligible loss of or damage to IT and communications. No loss of data.	Minimal decline in the quality and value of service delivery.

Likelihood Rating		
Almost Certain	Is expected to occur in most circumstances	Not applicable Work Health & Safety (WHS)
		At least once in 1 year or has occurred in the past year
Likely	Will probably occur in most circumstances	At least once in 2 years or has occurred in the past 2 years
Possible	Might occur at some time	At least once in 5 years or has occurred in the past 5 years
Unlikely	Could occur at some time	At least once in 10 years or has occurred in the past 10 years
Rare	May only occur in exceptional circumstances	Less than once in 10 years and has not occurred in the past 10 years

DIRECTOR CORPORATE AND COMMUNITY SERVICES

DA/ITEM 6.2

5. CREDIT CARD POLICY

(File Ref: 9.24.1.1)

PURPOSE

For Council to endorse and adopt the updated Credit Card Policy.

RECOMMENDATION

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

LINK TO STRATEGIC PLAN

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

Strategic Goal/s: 2.1 Financially Sustainable Organisation

BACKGROUND

Council's governance framework requires the Credit Card Policy to be reviewed every 5 years or as required on changes to card allocation or limits.

DISCUSSION

The recent organisational restructure has resulted in changes in management responsibilities requiring changes to the allocation and limits for existing Council credit cards.

The review also incorporates the issue of an additional card to the Governance Officer for use in the provision of increased youth programs.

The Credit Card Policy lists all approved users and ensures compliance with our Purchasing and Procurement Policy PO058.

COMMUNITY ENGAGEMENT PLAN

Not Applicable

CONSULTATION PROCESS

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

- Corporate Management Team,
- Manager Business and Public Relations,
- Governance Officer,
- Manager Financial Services,
- Financial Accountant.

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

- Nil.

POLICY IMPLICATIONS

PO084 – Credit Card Policy.

BUDGET AND RESOURCE IMPLICATIONS

Changes to PO084 Credit Card Policy will not impact on the 2015/2016 budget.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999.

Local Government (Financial Management) Regulations 2011.

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

ATTACHMENTS

Attachment 1: Draft Updated Council Policy – PO084 – Credit Card Policy.



COUNCIL POLICY

Credit Card Policy

Policy Number:	PO084		
Strategic Plan Objective	Effective risk management		
Policy Owner:	Director Corporate and Community Services	File Number:	9.63.1
Responsible Officer:	Manager Financial Services	Minute Reference:	012/2015 (21/01/12015)
Date Adopted:	21 st January 2015	Next Review Date:	March 2020

1. POLICY OBJECTIVES

To specify Credit Card Limits for designated personnel, to outline procedure and documentary evidence required to support Credit Card Purchases and to state that Credit Card personal use is prohibited.

2. SCOPE

This policy applies to the Mayor and all staff issued with Corporate Credit Cards.

3. POLICY STATEMENT

Goods and Services purchased via Credit Card must be made according to the following policy and procedures set by Council:

- * PO058 – Purchasing – ~~Procurement e of Goods and Services~~ Policy; and
- * ~~PO080 – Tender and Quotations Policy;~~
- * ~~PR025 – Tender and Quotations Procedure; and~~
- * PR027 - Issue of Council Orders Procedure

and the following process adhered to -

1. Complete SF118 Credit Card Voucher.
2. Attach relevant tax invoice(s) and other documentation as required.
3. Forward to Manager Financial Services for processing.

Following a review of credit card limits the following maximum limits have been authorised, with no access to the cash advance facility:

Mayor	\$5,000
Chief Executive Officer	\$5,000
Executive Assistant to the Chief Executive Officer and Mayor	\$5,000
Director Corporate and Community Services	\$5,000
Director Development Services	\$5,000
Director Assets and Infrastructure	\$5,000
Manager Organisational Development <u>People and Culture</u>	\$5,000
<u>Manager Business and Public Relations</u>	<u>\$5,000</u>
Leisure Options Co-Ordinator	\$21,000
<u>Governance Officer</u>	<u>\$1,000</u>
<u>Manager Financial Services (Library Use Only)</u>	<u>\$1,000</u>

Credit Card purchases will be used strictly for work related expenses only, personal use is prohibited.

This policy has been established to ensure all documentation is provided in a satisfactory format to enable purchases made via Credit Card to be processed in a timely manner.

4. COMPLAINTS

Refer to Director Corporate and Community Services.

5. REVIEW

Every five years.

6. TRAINING

As required.

7. RELATED COUNCIL POLICIES AND DOCUMENTS

PO058 – ~~Purchasing & Procurement of Goods and Services~~ Policy; and
~~PO080 – Tenders and Quotations Policy~~
~~PR025 – Tender and Quotations Procedure; and~~
 PR027 - Issue of Council Orders Procedure

8. REFERENCES AND LEGISLATION

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

9. COUNCIL DELEGATION

Delegate:	Chief Executive Officer
Sub Delegate:	In accordance with Budget Allocations approved by Council

10. VERSION HISTORY

Archived Policy Name	Policy Number	Date Adopted	Last Reviewed
Credit Card Policy	PO084	07/07/2003	08/06/2010
Credit Card Policy	PO084	13/03/2013	21/01/2015
<u>Credit Card Policy</u>	<u>-PO084</u>	<u>-21/01/15</u>	<u>28/09/15</u>

DIRECTOR CORPORATE AND COMMUNITY SERVICES

DA/ITEM 6.2

6. MAITLAND CHILDREN'S CENTRE PREMISES RECOMMENDATION

(File Ref: 9.24.1.1)

PURPOSE

To provide a recommendation to Council as a result of the investigation of a preferred option for a potential lease of the current Maitland Children's Centre premises for the purpose of providing day-care services.

RECOMMENDATION

That Council endorse the recommendation of the Director Corporate and Community Services to negotiate a future lease for the current Maitland Children's Centre premises to Happy Kidz Child Care.

LINK TO STRATEGIC PLAN

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

BACKGROUND

The Maitland Children's Centre currently occupies premises at 15 Kilkerran Terrace, Maitland. These premises are:

- on Crown Land
- under the care and control of Yorke Peninsula Council

The Education Department currently leases the premises from Council with Crown consent and the premises are approved for the provision of day-care services for up to 48 placements incorporating long day child care, before and after school care and casual child care placements.

The Education Department have advised that they will be relocating the operations of the current Maitland Children's Centre to the Maitland Area School under the care of the Maitland Area School Governing Body and the leadership of the Maitland Area School Principal. While the exact date of the transfer is not yet clear the Education Department has indicated they are anticipating vacating the Kilkerran Terrace premises in approximately August 2016.

This move by the Education Department means that a business opportunity will now exist for the provision of extra child care facilities from the existing Maitland Children's Centre. Such child care facilities are in short supply across the Council area and are currently almost permanently at capacity. As a result many families in the district are denied the ability to pursue dual incomes and many families have expressed their desire for an increase in these types of facilities.

DISCUSSION

Council placed an advertisement in the YP Country Times on Tuesday 8th September 2015 for Expressions of Interest (EOI) from potential child care providers willing to establish additional day-care facilities in Maitland at the above mentioned premises.

At the close of the EOI Council received three (3) expressions of interest, from Mrs Patricia Donlevy operating as Happy Kidz Child Care, Ms Kristin Holdsworth operating as Unique Kidz Early Learning Centre, and the Maitland Lutheran School via the principal, Mr David Field.

The Director of Corporate and Community Services has undertaken further investigations into the three EOI's, and provides the following information:

1. Happy Kidz Child Care, Mrs Patricia Donlevy – offering long day-care for 0-6yr age groups, before and after school care services, vacation care and casual care. Recently relocated to Maitland from NSW Mrs Donlevy is a fully qualified, experienced day care provider having served for many years with large child care centres in NSW as a room leader and 2IC of centre. Mrs Donlevy also has experience as a trainer and assessor with the Australian Institute of Childhood Training.
2. Unique Kidz Early learning Centre, Ms Kristin Holdsworth – also offering long day-care for 0-6yr age groups, before and after school care services, vacation care and casual care. Ms Holdsworth is a fully qualified day care provider currently offering limited placements from her home in Ardrossan and looking to expand her current offering.
3. Mr David Field as Principal of the Maitland Lutheran School – offering primarily before and after school care with the possibility of day-care to be considered in the future.

After considering all available information and following lengthy discussions with the parties expressing interest in this opportunity, the Director Corporate and Community Services recommends that Council pursue a lease for the operation of a full day care centre with Happy Kidz Child Care on the basis of greater experience in the field, business capacity and preparedness in regard to set up and preparation for a 2016 start-up date which is yet to be determined.

Advising of the intention to provide the future lease option now will allow Mrs Donlevy sufficient time to prepare for an anticipated opening in the 16/17 financial year immediately the facilities become available.

This recommendation is in no way a reflection of others ability or inability to set up and operate a business such as this opportunity presents but merely a reflection that only one opportunity currently exists and a decision is required.

The Director Corporate and Community Services also recommends to Council that further opportunities to provide this type of service across the Council area should be investigated and that staff will, as time permits, look in to any further opportunities and discuss these with qualified providers in the district and bring these opportunities to Council's attention..

The Director Corporate and Community Services is happy to provide further detail in regard to the comparison of the expressions of interest.

COMMUNITY ENGAGEMENT PLAN

Not Applicable

CONSULTATION PROCESS

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

- Director Corporate and Community Services

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

- Mrs Patricia Donlevy
- Ms Kristin Holdsworth
- Mr David Field

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

There is no impact for Council on the 2015/2016 Adopted Budget. It is anticipated that a suitable lease will be negotiated in time for inclusion in the 2016/2017 Adopted Budget.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999.

There are no risk issues for Council with the premises being occupied under a commercial lease for the purpose of provision of child care services.

ATTACHMENTS

Nil

DIRECTOR DEVELOPMENT SERVICES

DA/ITEM 6.4

1. REASSIGNMENT OF MINLATON HOSTEL FOR THE AGED INC. LEASE

(File Ref: 9.24.1.1)

PURPOSE

To give consideration to the reassignment of the Minlaton Hostel for the Aged Inc. (Southpark) lease to Eldercare Inc. (Eldercare).

RECOMMENDATION

That Council

1. approve the reassignment of the Minlaton Hostel for the Aged Inc. lease over the property of 1 South Terrace, Minlaton, Allotment 50 PLN 36587, Crown Record: Volume 5753 Folio 187 to Eldercare Inc., on the same terms and conditions as the current lease.
2. authorise the Mayor and Chief Executive Officer to sign and affix Council's seal to the relevant documents necessary to execute the Deed of Assignment and Lease documents.

LINK TO STRATEGIC PLAN

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

BACKGROUND

Correspondence has been received from the Southpark Board, notifying Council of their intention to transfer the management of Southpark to Eldercare, effective 27 January 2016. By reassigning the Southpark lease to Eldercare, the transition process will be finalised.

DISCUSSION

Eldercare has written to Council requesting consent to the reassignment of the Southpark lease. The reassignment is subject to Eldercare obtaining final agreement of the Deed of Transfer, from Southpark, and written approval from the Secretary of the Department of Social Services, for the transfer of all Southpark aged care places. Eldercare will not be purchasing the Southpark service as the proposal is to only transfer the assets and liabilities.

The current Southpark 21 year lease is due to be extended for a further 21 years, from 21 March 2016 to 20 March 2037.

Given that the current lease was executed on 22 March 1995 and will be very old by the 2037 expiry, Council's solicitor has advised that the current lease should be surrendered and a new lease be entered into, with Eldercare.

The new lease would -

- be in line with modern drafting terms;
- update Lessor details from District Council of Minlaton to Yorke Peninsula Council;
- refer to current Legislation; and
- require a \$20,000,000 Public Liability policy, to replace a \$5,000,000 requirement.

Southpark however, is on Crown land and a new lease or lease extension is subject to Crown consent to lease dedicated land, from the Department for Environment, Water and Natural Resources (DEWNR). It is unlikely however, that Council would receive the consent by the lease expiry date, of 21 March 2016.

It is proposed therefore that -

- a new five year draft lease with two, five year and one six year extension (21 years), be submitted to DEWNR for consent to lease to Eldercare;
- a Deed of Assignment from Southpark to Eldercare for the current terms and conditions, be prepared, effective 27 January 2016; and
- the Deed of Assignment remains in place until such time as Crown consent, for the new lease, be received by Council.

COMMUNITY ENGAGEMENT PLAN

Not required

CONSULTATION PROCESS

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

- Chief Executive Officer

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

- Solicitors Lempriere Abbott McLeod
- Department of Environment, Water & Natural Resources
- Minlaton Hostel for the Aged Inc.
- Eldercare Inc.

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

The solicitor's Deed of Assignment and lease document preparation cost is to be 100% responsibility of Eldercare Inc., who have received, and agreed to, a copy of a Cost Agreement from the solicitor.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999 Section 202 – Alienation of community land by lease of licence

ATTACHMENTS

Attachment 1: Current lease between Council and Minlaton Hostel for the Aged Inc.

B E T W E E N:

DISTRICT COUNCIL OF MINLATON

Lessor - of the one part

- and -

MINLATON HOSTEL FOR THE AGED INCORPORATED

Lessee - of the other part

MEMORANDUM FOR AGREEMENT TO LEASE



LEMPRIERE ABBOTT MCLEOD
93 CARRINGTON STREET
ADELAIDE S.A. 5000
AUSTRALIA
TELEPHONE (08) 223 3999
INTERNATIONAL +618 223 3999
DX 334 ADELAIDE S.A.
FACSIMILE (08) 224 0986

LEMPRIERE
ABBOTT
McLEOD

BARRISTERS & SOLICITORS

MEMORANDUM OF AGREEMENT made the 22nd day of March 1994

BETWEEN DISTRICT COUNCIL OF MINLATON of 18 Main Street

Minlaton in the State of South Australia (hereinafter together

with its successors and permitted assigns referred to as "the

Lessor") of the one part and MINLATON HOSTEL FOR THE AGED

INCORPORATED of Minlaton aforesaid (hereinafter together with

its successors and permitted assigns referred to as "the

Lessee") of the other part

WHEREBY IT IS AGREED as follows:

1. The Lessor hereby leases to the Lessee the whole of Allotment 50 of Deposited Plan No. 36587, Hundred of Minlacowie, County of Fergusson, exclusive of all necessary roads for a term commencing on the 1st day of March 1995 and terminating on the 31st day of December 2015, SUBJECT TO a meeting of electors being called as required by Section 457 of the Local Government Act, for the purpose of considering and if thought fit passing, a resolution approving the granting of a lease to the lessee for the term specified herein.
2. The rental payable by the Lessee to the Lessor shall be TWENTY DOLLARS (\$20.00) per annum payable (if demanded) in advance on the 1st day of January in each and every year during the term hereof.

THE LESSEE HEREBY COVENANTS AND AGREES with the Lessor as follows:

3. In this Lease, unless the contrary intention appears:-
 - (a) "the land" is the whole of Allotment 50 of Deposited Plan No. 36587, Hundred of Minlacowie, County of Fergusson, exclusive of all necessary

roads, dedicated pursuant to Section 5 of the Crown Lands Act 1929 as an Aged Persons Accommodation Reserve and by a declaration published in the Government Gazette of the 23rd day of September 1993 at page 1325, the care, control and management was passed to the District Council of Minlaton;

- (b) "the Lessor" shall mean, where the context so requires or admits, the District Council of Minlaton as constituted pursuant to the Local Government Act 1934 or any legislation enacted in substitution therefor and shall be the council, by whichever name is assigned to it for the area which is substantially the same as the area proclaimed to be the area of the District Council of Minlaton at the date hereof and if the said District Council shall cease to exist as described, then the Lessor shall be an association of residents of the Council area as above described PROVIDED the said association shall be declared by the Minister to have the care, control and management of the land;
- (c) "the Lessee" shall where the context so requires or admits mean the Minlaton Hostel for the Aged Incorporated, ("the Association") being the Association which adopted its constitution at the Annual General Meeting held on the 27th day of October 1993 and the permitted assigns and if

more than one jointly and severally or in the event of winding up pursuant to the said constitution, the lessor or an association having objects similar to the Association, constituted by residents of Southern Yorke Peninsula, either of which transferee shall continue to operate on the land as a Commonwealth Funded Hostel for the aged;

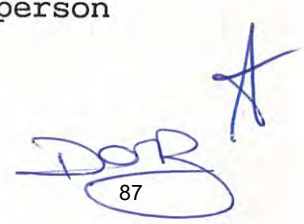
- (d) "the demised premises" shall, where the context so requires or admits, mean and include the buildings and improvements erected or to be erected on the land above described and all the fixtures fittings plant and equipment installed or to be installed in or on such buildings or improvements including, but without limiting the generality of the foregoing, all electrical and plumbing installations light fittings carpets and floor coverings and any alterations or additions thereto;
- (e) words importing the singular shall include the plural and words importing the masculine gender shall include the feminine and neuter genders and vice versa respectively;
- (f) any reference to a person shall be deemed to include a corporate body and vice versa; and
- (g) any covenant or agreement on the part of two or more persons shall be deemed to bind them jointly and severally.

4. The obligations of the Lessee hereunder shall continue throughout the term hereby granted and throughout any period during which the Lessee shall hold over or be or remain a tenant or be in occupation of the demised premises.
5. The Lessee shall pay the rent hereby reserved, if demanded by the Lessor, on the days and in the manner more particularly set forth in the covenant appearing on page 1 hereof under the heading "Rent and Manner of Payment", free from any exchange deduction or abatement, to the Lessor at the Lessor's address hereinbefore appearing, or to such other person and/or at such other place as the Lessor may notify the Lessee in writing from time to time.
6. The Lessee shall pay and discharge all assessments duties charges impositions licence fees gas telephone and electricity charges and all other outgoings imposed or charged upon the demised premises or upon the owner or occupier in respect thereof or payable by either the owner or occupier in respect thereof.
7. The Lessee will pay the reasonable solicitor's costs of and incidental to the preparation and execution of this Lease together with registration fees (if any) payable thereon, such solicitor's costs not to exceed the amount which a solicitor shall be entitled to charge as between solicitor and client pursuant to the Supreme Court Scale of Costs (Fourth Schedule).
8. The Lessee shall not assign transfer demise sub-let or

 86

part with possession of the demised premises or any part thereof or by any act or deed procure the demised premises or any part thereof to be assigned transferred demised sub-let or put into possession of any person without the prior consent in writing of the Lessor (which shall not be unreasonably withheld) such consent being conditional on the Lessee not then being in default in the performance or observance of any covenant or obligation on the Lessee's part herein contained or implied AND PROVIDED that:-

- (a) any under-lease or sub-letting agreement entered into by the Lessee shall include similar provisions to those contained or implied herein relating to the premises under-leased or sub-let; and
 - (b) such reasonable costs as are incurred by the Lessor in satisfying the Lessor as to the Lessee's compliance with this covenant shall be borne by the Lessee.
9. The Lessee shall not use the land or the demised premises or cause or permit the same to be used otherwise than for the purpose of accommodation for aged persons or such other purposes approved by the Lessor as being compatible therewith, and the Lessee shall not do or cause suffer or permit to be done anything which may be or become unlawful or immoral or an annoyance or nuisance or damage to the Lessor or to any other person in the neighbourhood.


87

10. The Lessee shall keep the demised premises and fixtures and additions in good and tenantable repair and condition throughout the term hereby granted and without any alteration except such as shall be previously sanctioned in writing by the Lessor such sanction not to be unreasonably withheld and to yield up the same in such repair and condition (except as aforesaid) at the determination of this Lease. The Lessee shall keep the interior and exterior paintwork and decoration of the demised premises in good order and condition at all times and will whenever the same shall be necessary (and in any event not less than every eight (8) years during the said term) repaint and redecorate the same.
11. The Lessee shall keep and maintain at all times, at the cost of the Lessee, any parking areas pathways yards lawns shrubs gardens and landscaping appurtenant to or comprised in the demised premises neat and tidy and well trimmed and pruned and shall water and nurture the same on such occasions as such lawns shrubs plants and gardens shall require to subsist, and shall yield up the same in a like condition at the expiration of this Lease.
12. Without affecting the generality of the foregoing, the Lessee, at the Lessee's expense, shall:-
 - (a) cause the demised premises to be cleaned regularly in a proper and workmanlike manner and kept clean and free from dirt and rubbish;
 - (b) comply with all statutes ordinances proclamations

88
DJB
★

orders or regulations (present or future) affecting or relating to the Lessee's use of the demised premises and with all requirements which may be made or notices or orders which may be given by any governmental district council or other authority over or in respect of the use of the demised premises and shall keep the Lessor indemnified in respect of all such matters as are set forth in this covenant.

- (c) The Lessee shall take all reasonable precautions to keep the demised premises free of rodents, vermin, insects or other pests and in the event of failing to do so shall if so required by the Lessor employ from time to time or periodically pest exterminators approved by the Lessor but at the cost of the Lessee in all things.

13. The Lessee shall not permit or suffer the demised premises or any part thereof to be or to become in an insanitary condition within the meaning of, or to be or to become in such condition as shall not comply with the provisions as regards public health and safety contained in, any legislation for the time being in force in the State of South Australia (including, but without limiting the generality thereof, the Public and Environmental Health Act, Food Act, Local Government Act, Development Act or Occupational Health, Safety and Welfare Act, and at the Lessee's cost and expense in all things shall perform and fulfil or cause to be performed

89
DoB

or fulfilled all the duties and obligations with regard to the demised premises or the use thereof imposed by any such legislation and any other statutes affecting the demised premises or the occupation or condition or use thereof for the time being in force in the State of South Australia, and shall carry out promptly and efficiently the proper requirements from time to time lawfully made by any local government authority or board or person pursuant to any such legislation, and shall indemnify the Lessor from and against all actions proceedings claims demands charges penalties and expenses arising from the non performance or non observance of any such duties and obligations or the non compliance with any such requirements as aforesaid PROVIDED THAT nothing contained in this covenant shall impose upon the Lessee any obligations with respect to any matter not deriving from the Lessee's use of the demised premises or from any default by the Lessee in the observance or performance of any duty or obligation incumbent upon the Lessee under or by virtue of this Lease.

14. The Lessee shall give to the Lessor prompt notice in writing of any circumstances, including any accident to or defect or want of repair in any service to or fittings in the demised premises, which, had the Lessor known of such circumstances, the Lessor might reasonably have considered might cause any danger risk or hazard to the demised premises or to any person therein.

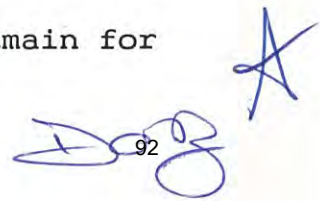
90
D B

15. The Lessee shall not, without the prior approval in writing of the Lessor and, where necessary, the approval in writing of the local government authority for the time being having jurisdiction or control over the use of the demised premises or any part thereof, erect display affix or exhibit on in or to the demised premises any sign advertisement name or notice PROVIDED THAT the consent of the Lessor shall not be unreasonably withheld in any such case, and upon vacating the demised premises or otherwise at the request of the Lessor, the Lessee shall forthwith remove any signs advertisements names or notices erected displayed painted affixed or exhibited upon to or within the demised premises by or on behalf of the Lessee and shall make good any damage or disfigurement caused by reason of the erection painting displaying affixing placing exhibiting or removal of any such signs advertisement names or notices.
16. The Lessee shall not bring upon the demised premises any heavy machinery or other plant or equipment not reasonably necessary or proper for the conduct of the Lessee's use of the demised premises as herein provided, and in no event shall the Lessee bring upon the demised premises any heavy machinery or other plant or equipment of such nature of size as to cause or (in the reasonable opinion of the Lessor) be likely to cause any structural or other damage to the floors or walls or any other parts of the demised premises, and such machinery or

plant and equipment shall not be of such construction or manufacture as to cause to emanate therefrom any noise vibration noisome or noxious odour fume or gas which could pervade the demised premises or escape therefrom to the discernible notice of any person without the demised premises, and the Lessee shall not bring cause to be brought upon the demised premises any dangerous noxious toxic volatile explosive or inflammable substance or compound whatsoever, whether in solid liquid or gaseous form, without the prior written consent of the Lessor.

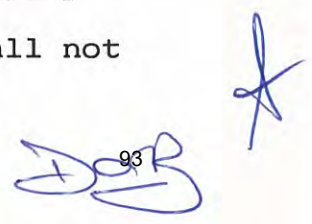
17. The Lessee shall permit the Lessor and the Lessor's agent at all reasonable times upon giving to the Lessee reasonable notice (except in the case of emergency, when no notice shall be required) to enter upon the demised premises and to view the state of repair thereof in the company of an officer of the Lessee, and the Lessor may thereupon serve upon the Lessee a notice in writing of any defect, the repair of which is within the Lessee's obligations hereunder, requiring the Lessee within a reasonable time to repair the same, and in default of the Lessee so doing it shall be lawful for the Lessor (without any obligation on the part of the Lessor so to do) for the time being to enter and execute the required repairs as if the Lessor were the Lessee, and for that purpose the Lessor and the Lessor's architects contractors workmen and agents may enter upon the whole or any part of the demised premises and there remain for

92



the purpose of doing erecting or effecting any such thing, and any reasonable expenses and costs of and compensation for carrying out such work shall be payable by the Lessee to the Lessor forthwith upon demand in writing made by the Lessor.

18. The Lessee acknowledges and confirms that all improvements fixtures and fittings now or hereafter erected installed or affixed on the demised premises will be adequately insured at the Lessee's expense against all usual risks and all necessary public liability insurance cover will be obtained.
19. If the Lessee shall sub-let all or any part of the demised premises, it shall be a condition of the Underlease or sub-tenancy agreement that the following provisions shall apply from the date of such sub-letting:-
 - (a) If requested by the Lessor by notice in writing, the Underlessee or Subtenant shall effect and keep current in respect of the demised premises a public risk insurance policy, in a sum of not less than the sum FIVE MILLION DOLLARS (\$5,000,000.00) or such other sum as the Lessor may fix from time to time by notice in writing to the Lessee, at all times during the continuance of this Lease in the joint names of the Lessor and of the Underlessee or Subtenant and for their respective rights and interests with a company approved by the Lessor (which approval shall not

93


be unreasonably or capriciously withheld), and the Underlessee or Subtenant shall, on demand, deliver the policy of such insurance to the Lessor and shall produce to the Lessor forthwith upon demand a receipt or certificate of currency for every premium in respect of such insurance.

- (b) The Underlessee or Subtenant shall not, at any time during the continuance of this Lease, do or permit or suffer to be done any act matter or thing upon the demised premises whereby any insurance in respect of the demised premises may be vitiated or rendered void or voidable or whereby the rate of premium on any insurance shall be liable to be increased, and shall repay to the Lessor all expenses incurred by the Lessor in or about any renewal of such insurance rendered necessary by a breach of this Lease by the Underlessee or Subtenant.

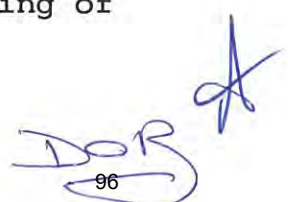
20. The Lessee shall indemnify the Lessor from and against any and all actions claims demands losses damages costs and expenses for which the Lessor shall or may be or become liable with respect to or arising from:-

- (a) the negligent use misuse waste or abuse by the Lessee or by any servant agent contractor sub-tenant or employee of the Lessee or by any other person claiming through or under the Lessee or by any person on the demised premises by lawful licence of the Lessee of the water gas

electricity oil lighting and other services and facilities of the demised premises;

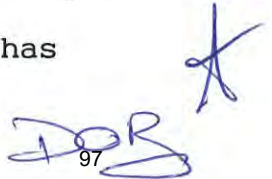
- (b) the overflow or leakage of water (including rainwater) in or from the demised premises, but having origin within the demised premises, caused or contributed to by any act or omission on the part of the Lessee or of any servant agent contractor sub-tenant or employee of the Lessee or by any other person claiming through or under the Lessee or by any person on the demised premises by lawful licence of the Lessee;
- (c) the loss damage or injury from any cause whatsoever to property or persons caused or contributed to by the use of the demised premises by the Lessee or by any servant agent contractor sub-tenant or employee of the Lessee or by any other person claiming through or under the Lease or by any person on the demised premises by lawful licence of the Lessee; and
- (d) the loss damage or injury from any cause whatsoever to property or persons within the demised premises occasioned or contributed to by any act omission neglect breach or default of the Lessee or of any servant agent contractor sub-tenant or employee of the Lessee or of any person claiming through or under the Lessee or of any person on the demised premises by lawful licence of the Lessee.

21. The Lessee shall occupy use and keep the demised premises at the risk of the Lessee, and the Lessee hereby releases to the fullest extent permitted by law the Lessor and the Lessor's servants agents and contractors from any and all claims demands and damages of every kind resulting from any accident damage or injury occurring therein except where deriving from any wilful or negligent act or omission of the Lessor or of any agent of the Lessor, and the Lessee expressly agrees that the Lessor shall have no responsibility or liability for any loss or damage to the fixtures fittings or personal property of the Lessee.
22. The Lessor shall not be liable to the Lessee in any circumstances notwithstanding any implication or rule of law to the contrary for any loss or damage suffered by the Lessee from any malfunction, failure to function or interruption of or to the water, gas or electricity services, the air-conditioning equipment, fire control equipment or any of the appurtenances contained in the demised premises or for the blockage of any sewers, wastes, drains, gutters, downpipes or storm water drains from any cause whatsoever.
23. Notwithstanding anything herein contained or any implication or rule of law to the contrary, the Lessor shall not be liable for any damage or loss the Lessee may suffer which may be related to the occupation or use of the demised premises by the Lessee or the granting of this Lease.


96

24. The Lessee shall cause any business or activity permitted to be carried on in the demised premises under this Lease to be conducted in a proper reputable and businesslike manner, and with proper and adequate supervision, and shall cause the same to be adequately staffed.
25. The Lessor covenants with the Lessee that, if the Lessee shall pay the rent hereby reserved and duly and punctually observe and perform all and singular the covenants obligations and provisions in this Lease on the part of the Lessee to be observed and performed, the Lessee shall and may peaceably possess and enjoy the demised premises during the continuance of this Lease without any interruption or disturbance from the Lessor or from any other person lawfully claiming through from or under the Lessor.
26. The Lessor covenants with the Lessee that the Lessee may, at or prior to the expiration of this Lease, take remove and carry away from the demised premises all fixtures fittings plant equipment and other articles upon the demised premises in the nature of trade or Lessee's fixtures brought upon the demised premises by the Lessee, but the Lessee shall, in so removing such items, do no damage to the demised premises and shall forthwith make good any damage which the Lessee may occasion thereto.
27. If there shall be an existing substantial breach of any of the Lessee's covenants which substantial breach has

97



been in existence for at least two (2) calendar months the Lessor may give notice in writing to the Lessee requiring it to rectify any such breach which is capable of rectification within two (2) calendar months of the date of such notice and if the Lessee or any Underlessee of the Lessee fails to rectify any such breach or make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited then and in any of the said cases the Lessor may at any time thereafter re-enter upon the Land or any part thereof in the name of the whole and thereupon this Lease shall absolutely cease and determine but without prejudice to any right of action of the Lessor in respect of any antecedent breach of the Lessee's covenants herein contained.

28. If the Lessee shall vacate the demised premises, leaving thereon items the property of the Lessee, without adequate direction or provision for the disposal or preservation of such items, subject to the provisions of the Unclaimed Goods Act 1987, the Lessor shall be entitled to sell or store the same at the Lessor's discretion at the cost and expense of the Lessee in all things, and in the event of sale, to hold the proceeds pending a lawful claim or claims thereto by the Lessee or by any other person, and to have a lien or charge on such items and proceeds to reimburse the Lessor for the Lessor's reasonable costs and expenses of and incidental to any such sale or sales or storage or for any other

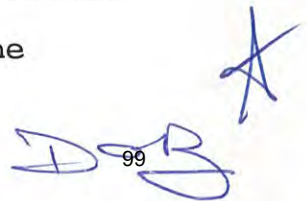
lawful claim which the Lessor may have against the Lessee under or arising out of this Lease or upon any other lawful grounds whatsoever.

29. The Lessor's costs and expenses incurred in remedying or attempting to remedy any breach of the Lessee's covenants herein contained or implied (including, but without limiting the generality thereof, professional charges workmen's wages and the amount paid by the Lessor by way of damages and penalties resulting from such breach whether by law or otherwise) shall be deemed to be and shall be treated by the Lessor and the Lessee as additional rent falling due and payable on the date on which such interest costs expenses wages charges damages or penalties shall become due and owing, attaching thereto the Lessor's rights and remedies contained in this Lease or implied by law or statute for the recovery of rent.

30. (a) If the demised premises or any part thereof shall be substantially damaged so as to be unfit for occupation and use the Lessee within six months of such damage shall:-

- (i) give written notice to the Lessor that it desires to rebuild the same and shall commence such rebuilding within twelve months of such notice without cost to the Lessor; or
- (ii) give written notice to the Lessor that it desires to terminate this Lease. The

99

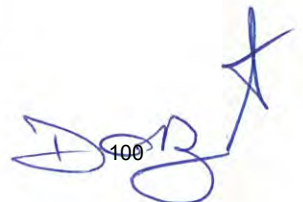


Lessee shall then at its expense and within a reasonable time clear the demised premises of all debris and rubble and leave the same safe and clear to the reasonable satisfaction of the Lessor. Upon the demised premises being cleared of all debris and rubble and made safe and clear by the Lessee this Lease shall terminate.

- (b) If the Lessee has not give such notice as required by sub-clause (a) of this clause or commenced rebuilding or clearance of the demised premises within a reasonable time as required by sub-clause (a) of this clause then the Lessor may give notice in writing to the Lessee requiring it at its expense to clear the demised premises of all debris and rubble and leave the same safe and clear to the reasonable satisfaction of the Lessor within such period as is specified in the said notice. Upon the demised premises being cleared of all debris and rubble and made safe and clear by the Lessee this Lease shall terminate.

31. On the request of the Lessee made not less than six (6) nor more than nine (9) months before the expiration of the initial term hereby granted, and provided that there shall not at the time of such request and upon the date of expiration of the initial term hereby granted, be any existing breach of non-observance of any of the

400

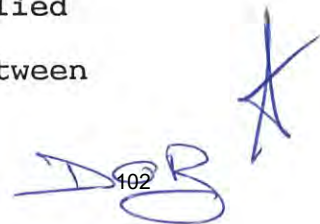


covenants, terms and conditions herein contained or implied and on the part of the Lessee to be observed and performed, the Lessor will, at the Lessee's expense, extend or renew this Lease for a further term of twenty one (21) years ending at midnight on the ^{22nd} ~~31st~~ day of ^{March 2037} ~~December, 2036~~ at the same annual rental payable during the initial term hereby granted and upon the same terms and conditions as are herein contained or implied (save and except this covenant for renewal).

32. No waiver by the Lessor of any one breach by the Lessee of any of the Lessee's covenants, obligations or provisions contained or implied in this Lease shall operate as a waiver of another breach by the Lessee of the same or of any other covenant, obligation or provision contained or implied in this Lease.
33. Without prejudice to any other means of giving notice, any notice required to be served hereunder shall be sufficiently served on the Lessee if served at the Lessee's address herein appearing or if left addressed to the Lessee on the demised premises or if forwarded to the Lessee by prepaid post to the last known place of abode or business of the Lessee, and shall be sufficiently served on the Lessor if addressed to the Lessor and left at or sent by prepaid post to the Lessor's usual or last known address or place of business, and any notice sent by post shall be deemed to have been given at the expiration of forty-eight (48) hours from the time of such posting as aforesaid.

34. Any covenant or provision herein contained which is not applicable to the demised premises or which is repugnant to the general interpretation of this Lease or which is invalid unlawful void or unenforceable shall be capable of severance without affecting any other covenant or provision herein contained or implied or any other obligation of parties pursuant hereto.
35. (a) The Lessee hereby expressly acknowledges and agrees with the Lessor that prior to the execution of this Lease by the Lessee the Lessor served upon the Lessee a Notice pursuant to Regulation 7 of the Landlord and Tenant (Commercial Tenancies) Regulations, 1986 and in consequence thereof the Lessor does not warrant that the demised premises are structurally suitable for the business to be conducted therein by the Lessee;
- (b) Without limiting the generality of the foregoing the Lessee further ACKNOWLEDGES AND DECLARES that no promise representation warranty assurance or undertaking has been given by the Lessor in respect of the suitability of the demised premises for any purpose to be carried on therein or to the fittings finish facilities and amenities of the said demised premises otherwise than in this Lease contained.
36. The terms and conditions herein contained or implied cover and comprise the whole of the agreement between

102



the parties hereto, and it is expressly agreed and declared that no further or other terms or conditions, whether in respect of the demised premises or otherwise, shall be deemed to be implied herein or to arise between the parties hereto by way of collateral or other agreement by reason of any promise representation warranty or undertaking given or made by either party hereto to the other on or prior to the execution hereof, and the existence of any such implication or collateral or other agreement is hereby negatived.

37. The Lessee acknowledges and declares that, notwithstanding anything herein contained or implied, the Lessor reserves unto the Lessor the right to have upon such parts of the demised premises as do not consist of buildings, pipes wires and conduits to permit the passage of water air electricity sewerage telephone and other services through in or under the demised premises and the right to enter upon the demised premises for the purpose of repairing and servicing the same PROVIDED THAT any such works shall be carried out by the Lessor subject to such reasonable conditions as shall be set by the Lessee.
38. The parties hereto confirm that the Lessor has the care control and management only of the land and it is expressly hereby agreed that in the event that the declaration referred to in Clause 3 (a) hereof is revoked and the land resumed such that care control and management is no longer vested in the Lessor, the Lease

shall terminate at the date of publication of the
revocation of the aforesaid declaration without
prejudice to the rights of the parties accrued to the
date of termination.

IN WITNESS whereof the parties hereto have executed this Lease
the day and year first above written.

THE COMMON SEAL of)
DISTRICT COUNCIL OF)
MINLATON was affixed)
hereto the 22nd day)
of MARCH 1994 1995)
in the presence of:)

.....Chairman

.....District Manager

CHIEF EXECUTIVE OFFICER

FORM 4

LANDLORD AND TENANT (COMMERCIAL TENANCIES) REGULATIONS 1986

Regulation 7

IMPORTANT NOTICE

THE LESSOR DOES NOT WARRANT THAT THE PREMISES YOU ARE ABOUT TO
RENT WILL, FOR THE DURATION OF YOUR COMMERCIAL TENANCY
AGREEMENT, BE STRUCTURALLY SUITABLE FOR THE TYPE OF BUSINESS
YOU INTEND TO CARRY ON.

THE COMMON SEAL of)
MINLATON HOSTEL FOR)
THE AGED INCORPORATED)
was hereunto affixed)
in the presence of:)



Y.....Authorised Signatory

X.....Authorised Signatory

DIRECTOR DEVELOPMENT SERVICES

DA/ITEM 6.4

2. REVOCATION OF COMMUNITY LAND - WAROOKA

(File Ref: 9.24.1.1)

PURPOSE

To consider submissions received in relation to the public consultation process for the revocation of Community Land classification, for the purpose of transferring ownership of Council property to Warooka Progress Association Inc. (Progress).

That Council

1. receive and consider written submissions in response to the public consultation on the proposed revocation of the Community Land classification for Allotment 47, PLN 453, 22 Brentwood Road, Warooka, Certificate of Title: Volume 5748 Folio 585 (Consulting Rooms) and Allotment 1, PLN 14529, 6 Brentwood Road, Warooka, Certificate of Title: Volume 5749 Folio 718 (Museum), for the purpose of transferring ownership of the properties to Warooka Progress Association Inc., for no monetary cost.
2. give approval to proceed with seeking Ministerial approval for the revocation of the Community Land classification.
3. allow for a 100% rebate only on Council rates over the properties once transferred to Warooka Progress Association Inc., in accordance with the Local Government Act 1999 Section 166(1) – Discretionary rebates of rates.
4. authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal to the relevant documents necessary to execute the revocation and transfer of properties.

LINK TO STRATEGIC PLAN

Key Theme/s: Community Engagement
2. Sense of Ownership
Strategic Goal/s: 2.2 Our Communities are well informed

BACKGROUND

A report was presented to the 14 October 2015 Council meeting, requesting approval to go to public consultation for the proposed revocation of the community land classification over the Warooka Consulting Rooms and Museum properties. The revocation would then enable Council to transfer both properties to Progress. As a result of the report, a resolution was carried to commence the public consultation process.

DISCUSSION

A Public Consultation notice was advertised in the YP Country Times and Council's website, with a detailed report available at Council's offices and website. The public notice was also posted to neighbouring property owners of the Warooka Consulting Rooms and Museum properties.

The public consultation period was extended for a further two weeks to 24 November 2015, to ensure all neighbouring property owners received a copy of the public notice.

At the close of the public consultation period on 24 November 2015, no submissions had been received.

If the resolution is carried to continue with the revocation process, Council is required to also pass a resolution to proceed with seeking Ministerial approval for the revocation of the community land classification, in accordance with the Local Government Act 1999 Section 194(3)(a).

An application seeking approval for the revocation will be prepared for submission to the Minister for Local Government, outlining details of the steps taken by Council, regarding consultation with the community, on the revocation proposal.

A letter was received from Progress requesting Council to consider the remission of the annual Waste & Recycling Service Charges, on the transfer of both properties to Progress. Their alternative request for consideration is to apply one single Waste & Recycling Service Charge for the two properties combined.

Consideration may be given for Council rates and service charges to be rebated 100% under the Local Government Act 1999 Section 166(1) – Discretionary rebates of rates;

- (c) Where the rebate will conduce to the preservation of buildings or places of historic significance; and/or
- (j) Where the land is being used by an organisation which, in the opinion of Council, provides a benefit or service to the local community.

COMMUNITY ENGAGEMENT PLAN

Community Engagement Plan Level 1 - Inform.

CONSULTATION PROCESS

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

- Corporate Management Team
- Cr John Rich

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

- Warooka Progress Association Inc. Committee

POLICY IMPLICATIONS

PO057 Community Engagement Policy

PO072 Disposal of Land and other Assets

BUDGET AND RESOURCE IMPLICATIONS

Transfer properties for no monetary cost.

Council 100% responsible for transfer cost of \$8,249 being –

Stamp Duty –

Allotment 47 - \$2,655 for valuation of \$95,000

Allotment 1 - \$ 2,690 for valuation of \$96,000

Lands Titles Office fee –

Allotment 47 & 1 - \$652 for each = \$1,304

Legal services – approximately \$1,600

Council has a budget allocation of \$12,500 for Legal Fees associated with property transfers leaving a remainder of \$4,251 for the 2015 – 2016 budget.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999 Section 194(2)

Local Government Act 1999 Section 201(1)(2)

Local Government Act 1999 Section 166 (1)(c)(j)

ATTACHMENTS

Attachment 1: Correspondence from Warooka Progress Association Inc.



WAROOKA PROGRESS ASSOCIATION INC.

PO BOX 212

WAROOKA SA 5577

ABN: 53215489719

Incorporation Number: A36630

24 SEP 2015

23rd September 2015

Marilyn Mensforth
Property Tenure Officer
Yorke Peninsula Council
PO Box 57
MAITLAND SA 5573

Dear Marilyn

re: Remission of Waste & Recycling Service Charges – Warooka Museum & Consulting Rooms

Further to our discussions at the meeting of the 9th Sept and recent correspondence, the suggestion was put forward that the Waste & Recycling Service Charges on these two properties be waived by Council, on the basis that, as community facilities (as opposed to private properties), they generate together negligible or no waste weekly. Current usage verifies this.

The saving of the waste and recycling charges would free up the money for the Association to spend on other costs related to the properties, which would be appreciated.

Therefore, I formally request that you include the proposal for the remission of the annual Waste & Recycling Service Charges for both properties in your report to Council.

As we are aware, Council may not see its way clear to granting such a request. Failing Council's approval, we would seek a second option, requesting Council to levy one single Waste & Recycling Service Charge for the two properties combined.

Thank you for attending to this for us.

Yours sincerely,

Andrew Bannon
Secretary

Item Number
7388-2015-4
GDS Number
16.30.1.2
Distribution

DIRECTOR ASSETS & INFRASTRUCTURE SERVICES

ITEM 8 – CONFIDENTIAL

1. ROADSIDE VEGETATION MAINTENANCE TENDER 146/2015

(File Ref: 9.24.1.1)

PURPOSE

For Elected Members to consider awarding the tender for roadside vegetation maintenance requirements (tender number 146/2015).

RECOMMENDATION

Section 90(3)(k) Order

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

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

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

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

Section 91(7) Order

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

LINK TO STRATEGIC PLAN

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

BACKGROUND

As per Yorke Peninsula Council's PO058 Purchasing and Procurement Policy, this report is called for as a supplier is to be recommended to Council for selection, following an open tendering purchase method for roadside vegetation maintenance requirements.

DISCUSSION

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

COMMUNITY ENGAGEMENT PLAN

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

CONSULTATION PROCESS

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

- Chief Executive Officer

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

- Nil

POLICY IMPLICATIONS

Sections 90 and 91 - Local Government Act 1999

BUDGET AND RESOURCE IMPLICATIONS

Not applicable

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Sections 90 and 91 - Local Government Act 1999

DIRECTOR ASSETS & INFRASTRUCTURE SERVICES

ITEM 8 – CONFIDENTIAL

2. CLINTON ROAD CONSTRUCTION TENDER 143/2015

(File Ref: 9.24.1.1)

PURPOSE

For Elected Members to consider awarding the tender for road construction requirements on the Clinton Road (tender number 143/2015).

RECOMMENDATION

Section 90(3)(k) Order

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

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

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

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

Section 91(7) Order

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

LINK TO STRATEGIC PLAN

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

BACKGROUND

As per Yorke Peninsula Council's PO058 Purchasing and Procurement Policy, this report is called for as a supplier is to be recommended to Council for selection, following an open tendering purchase method for road construction requirements on the Clinton Road.

DISCUSSION

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

COMMUNITY ENGAGEMENT PLAN

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

CONSULTATION PROCESS

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

- Chief Executive Officer

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

- Nil

POLICY IMPLICATIONS

Sections 90 and 91 - Local Government Act 1999

BUDGET AND RESOURCE IMPLICATIONS

Not applicable

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Sections 90 and 91 - Local Government Act 1999

DIRECTOR DEVELOPMENT SERVICES

ITEM 8 - CONFIDENTIAL

3 CONCRETE REPAIRS AND ASSOCIATED WORKS, MAITLAND TOWN HALL (File

Ref: 9.24.1.1)

PURPOSE

For Elected Members to consider awarding the tender for concrete repairs and associated works, Maitland Town Hall (tender number 142/2015).

RECOMMENDATION

Section 90(3)(k) Order

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

The Council is satisfied that, pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to agenda item 8 Concrete Repairs and Associated Works, Maitland Town Hall Tender is confidential information relating to –

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

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

Section 91(7) Order

2. That having considered agenda item 8 Concrete Repairs and Associated Works, Maitland Town Hall Tender in confidence under section 90(2) and (3)(k) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the agenda report, and supporting documentation relevant to agenda item 8 titled Concrete Repairs and Associated Works Tender be retained in confidence for a period of 12 months.

LINK TO STRATEGIC PLAN

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

BACKGROUND

As per Yorke Peninsula Council's PO058 Purchasing and Procurement Policy, this report is called for as a supplier is to be recommended to Council for selection, following an open tendering purchase method for concrete repairs and associated works, Maitland Town Hall Capital Works requirements.

DISCUSSION

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

COMMUNITY ENGAGEMENT PLAN

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

CONSULTATION PROCESS

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

- Chief Executive Officer

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

- John Woodside, Consulting Engineer

POLICY IMPLICATIONS

Sections 90 and 91 - Local Government Act 1999

BUDGET AND RESOURCE IMPLICATIONS

Within Capital Halls budget 2015/2016

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Sections 90 and 91 - Local Government Act 1999

ATTACHMENTS

Nil