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

Date:	**Wednesday, 11 April 2018**
Time:	**5.30pm**
Location:	**Council Chambers**
	Minlaton Town Hall
	57 Main Street
	Minlaton

AGENDA

Ordinary Council Meeting

11 April 2018

Andrew Cameron
CHIEF EXECUTIVE OFFICER

CONFLICT OF INTEREST

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 relation to a material conflict of interest in accordance with Section 73, or an actual or perceived conflict of interest in accordance with Section 75 of the Local Government Act in items listed for consideration on the Agenda. Section 74 and 75A 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. In relation to actual or perceived conflicts of interest a member has an obligation to outline how they propose to deal with the actual or perceived conflict of interest prior to consideration of that item on the Agenda.

This requirement does not apply to Ordinary Business Matters prescribed by regulation 8AAA Local Government Act (General) (Accountability and Governance) Variation Regulations 2016.

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 material conflict of interest.

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1 WELCOME BY MAYOR

Meeting declared opened

2 OPENING PRAYER

3 PRESENT

4 LEAVE OF ABSENCE

Nil

5 APOLOGIES

Cr Scott Hoyle and Cr Trevor Davey.

6 CONFLICT OF INTEREST

7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

Ordinary Council Meeting - 14 March 2018

8 MOTIONS ON NOTICE

Nil

9 QUESTIONS ON NOTICE

Nil

10 QUESTIONS WITHOUT NOTICE

11 PETITIONS

Nil

12 MAYOR

12.1 MAYOR'S MONTHLY REPORT MARCH 2018

Document #: 18/22442

Department: Executive Services

PURPOSE

To keep Elected Members updated on Mayoral activities during the month of March 2018.

RECOMMENDATION

That the report be received.

DISCUSSION

2 March	CEO, Andrew Cameron, and I attended the Adelaide 500 as a guest of Premier Jay Weatherill.
6 March	CEO, Andrew Cameron, and I met with Australian Conservatives candidates Robert Brokenshire, Nicolle Jachmann and Rebecca Hewett.
9 March	Attended a Council and Committee Meeting Procedures and Chairing Skills training session, hosted by the Local Government Association, with Deputy Mayor Hoyle and council governance staff.
10 March	Welcomed competitors and spectators to the Bowls SA Men's Prestige Medley Championships held at the Ardrossan Bowling Club.
11 March	Attended the Rotary Club of Maitland's 50 year Anniversary luncheon.
13 March	Met with Helen Tucker and Pat Barrand to discuss the Zone Garden Conference to be held at Minlaton in August.
	CEO, Andrew Cameron, and I met with Xavier Moore and Terry Visser from Statoil in relation to the company's upcoming exploration project in the Great Australian Bight.
14 March	Met with representatives of Edithburgh Golf Club to acknowledge the completion of their Community Grant funded project in their clubrooms.
	Monthly Council Meeting – Council Chamber.
15 March	CEO, Andrew Cameron, Cr Hoyle, Cr Bittner and I met with DPTI staff in relation to Road Train access within our Council area.
20 March	Attended the Elected Members training day presented by Norman Waterhouse Lawyers at the Minlaton Council Chamber.
22 March	Yorke Peninsula Council's Alliance meeting held at the Maitland Council office.
27 March	Monthly Elected Members Workshop – Council Chamber.
28 March	Attended the Audit Committee Meeting – Council Chamber.
	Attended and officially opened the Yorke Peninsula Art Exhibition at Ardrossan Town Hall.

ATTACHMENTS

Nil

13 COUNCILLORS' REPORT

Nil

INFORMATION AGENDA

INFORMATION AGENDA

14 ITEMS FOR EXCLUSION

15 RECEIPT OF INFORMATION REPORTS

16 CHIEF EXECUTIVE OFFICER

16.1 CEO ACTIVITIES MARCH 2018

Document #: 18/22469

Department: Executive Services

PURPOSE

To keep Elected Members informed of other meetings and activities during the month of March 2018.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

Strategy: 5.2 Effective leadership and informed decision making

BACKGROUND

The CEO activities report is provided to Council on a monthly basis to inform Elected Members of other meetings and activities during the preceding month.

DISCUSSION

1 March	Executive Services Team Meeting.
2 March	Along with Mayor Agnew I attended the Adelaide 500 as a guest of the Premier Jay Weatherill.
6 March	Along with Mayor Agnew we met with Australian Conservatives candidates Robert Brokenshire, Nicolle Jachmann and Rebecca Hewett in the lead up to the State Government Election.
8 March	Corporate Management Team Meeting.
13 March	Mayor Agnew and I met with Xavier Moore and Terry Visser from Statoil in relation to the company's upcoming exploration project in the Great Australian Bight (see separate report this agenda).
14 March	Monthly Council Meeting.
15 March	Mayor Agnew, Cr Hoyle, Cr Bittner and I met with DPTI staff in relation to Road Train access.
16 March	Attended the Local Government Professionals South Australian Chief Executives Officer's Network Forum.
19 March	Visit to the Minlaton Office and Inspection of the North Coast Road Point Turton.
	Proposed Capital Works Budget 2018/19 meeting in relation to Transport.
20 March	Attended the Elected Members training day presented by Norman Waterhouse Lawyers at the Minlaton Council Chamber, updating all present on changes to Code of Conduct and various other Risk Management and Governance matters.
21 March	Budget 2018/19 meeting with Directors and Finance Staff.

22 March	Yorke Peninsula Council's Alliance meeting held at the Maitland Council office.
27 March	Follow up Budget 2018/19 meeting with Directors and Finance Staff.
	Monthly Elected Members Workshop.
28 March	Audit Committee Meeting.
	Attended the Official Opening of the Yorke Peninsula Art Exhibition held at the Ardrossan Town Hall.

ATTACHMENTS

Nil

16.2 ACTION LISTING REPORT

Document #: **18/22451**

Department: **Executive Services**

PURPOSE

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

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

Strategy: 5.5 Undertake effective risk management

BACKGROUND

The Action List was implemented to keep Council informed about the current status and outcomes of Council decisions.

DISCUSSION

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

ATTACHMENTS

1. **Council Meeting Action List - April 2018** ⇩
2. **Council Meeting Completed Action List - April 2018** ⇩

Council Meeting Action List

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
13/05/2015	Development Services	DA/ DS/ R2		Council agreed to accept care, control and management of Lot 10 Moorowie Terrace Port Moorowie CR5323/554 Application to dedicate land submitted 22/11/2017	9/05/2018
14/09/2016	Corporate and Community Services	DA/ CCS/ MON		Staff to investigate ways to reduce the 3% sustainability rate increase - various strategies	14/11/2018
10/10/2016	Development Services	GB		Installation of RV dump point in the Minlaton Show Grounds	9/05/2018
14/12/2016	Corporate and Community Services	MON		Staff to conduct a review of Township Speed Limits and consult with affected communities in relation to their preferred option	12/12/2018
08/03/2017	Development Services	DA/ DS/ R5		Entrance ramp at Yorketown Office - Access Advisory Working Party Discussions with contractor underway	9/05/2018
12/04/2017	Executive Services	DA/ CEO/ R1		CEO to work through design and safety issues for the Black Point Boat Ramp Walkways with all stakeholders Project on hold. No action as yet.	12/12/2018
10/05/2017	Development Services	DA/ DS/ R1		Finalise the requirements for the proposed road process order for Adelbridge Pty Ltd Revised alignments being sought by Surveyor	9/05/2018
10/05/2017	Development Services	DA/ DS/ R2		Finalise the requirements for the proposed road process order for S T Johns Pty Ltd Revised alignments being sought by Surveyor	9/05/2018
12/07/2017	Development Services	DA/ DS/ R1		Review amendment to the Port Victoria (Gulf Haven) Caravan Park Lease once valuation has been undertaken.	9/05/2018
09/08/2017	Development Services	DA/ DS/ R4		Install access ramps at Stansbury and Edithburgh and a crossover in Main Street, Minlaton - Access Advisory Working Party Not commenced - discussions underway with contractors	9/05/2018
13/09/2017	Development Services	DA/ DS/ R2		Arrange for the Mayor and CEO to sign and seal the necessary documentation to finalise a road process order for an unmade road reserve at Wool Bay Documentation lodged with Minister	9/05/2018

13/12/2017	Executive Services	21.3	313/2017	Staff to progress a tender process to undertake an impacts assessment on the preferred model for the Marion Bay Boat Launching Facility upgrade.	11/07/2018
13/12/2017	Executive Services	21.5	315/2017	Proceed with the installation of the outdoor gym at Edithburgh in the approved location.	13/06/2018
14/02/2018	Executive Services	21.1	026/2018	Review Council's Process for Managing Complaints and Breaches under the Code of Conduct for Elected Members to make consideration of mediation or conciliation by an external, independent person a regular step before referral of complaints to the panel.	9/05/2018
14/03/2018	Corporate and Community Services	23.3	086/2018	Arrange for Mayor and CEO to sign and seal the necessary documentation execute the Deed of Indemnity for land in the area of Point Turton Caravan Park	9/05/2018

Council Meeting Completed Action List

Meeting	Responsible Department	Agenda Item	Minute Number	Task	Due Date
17/01/2018	Development Services	24.2	011/2018	Undertake public consultation in relation to the revocation of community land commonly known as Ardrossan Museum.	11/04/2018
14/02/2018	Corporate & Community Services	22.5	035/2018	Director Corporate and Community Services to communicate with DEWNR in relation to the proposed revocation of dedication over land commonly known as Pine Point Caravan Park and report back to Council.	11/04/2018
14/02/2018	Corporate & Community Services	22.6	036/2018	Undertake the public consultation process in relation to the possible closure of Council's Warooka branch office.	11/04/2018
14/02/2018	Corporate & Community Services	22.7	037/2018	Undertake the public consultation process in relation to Council's Minlaton branch office operating hours.	11/04/2018
14/02/2018	Development Services	24.4	045/2018	Arrange for the Mayor and CEO to sign and seal the necessary documentation to grant James Well and Rogues Point Progress association a lease over land at James Well.	14/03/2018
14/02/2018	Development Services	24.5	046/2018	Undertake the public consultation process in relation to proposed amendments to PO049 Mobile Food Vendor Policy.	11/04/2018
14/03/2018	Corporate & Community Services	23.1	084/2018, 085/2018	Arrange for finance staff to adjust down the debtor account for Stansbury Progress Association Inc. by $10,000	28/03/2018
14/03/2018	Corporate & Community Services	23.4	087/2018	Undertake the public consultation process in relation to Council's Draft Long Term Financial Plan 2019-2028	28/03/2018
14/03/2018	Development Services	25.1	089/2018	Arrange for finance staff to allocate $80,000 to the Bush Camping Working Party in the 2018/2019 budget considerations	28/03/2018
14/03/2018	Development Services	25.2	090/2018	$2,700 allocated to the Combined Anglican Vestries of SYP towards the construction of a disabled access ramp. Correspondence has been sent to the Combined Anglican Vestries advising the process and that the project completion date is 30 June 2018.	28/03/2018
14/03/2018	Development Services	25.3	091/2018	Arrange for the Mayor and CEO to sign and seal the necessary documentation to execute the revocation and transfer of land commonly known as Ardrossan Museum	28/03/2018
14/03/2018	Development Services	25.4	092/2018	Arrange for the Mayor and CEO to sign and seal the necessary documentation in relation to the revocation and transfer of land in the Hundred of Ramsay	28/03/2018

16.3 CORRESPONDENCE FROM PIRSA FISHERIES AND AQUACULTURE

Document #: 18/22397

Department: Executive Services

PURPOSE

To provide Elected Members with correspondence received from PIRSA Fisheries and Aquaculture in relation to the Blue Crab Fishery Seasonal Closure proposal from RecFish SA.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Goal: 1 Economically Prosperous Peninsula

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

BACKGROUND

After a report was presented to Elected Members at the February 2018 Council Meeting, outlining RecFish SA's Blue Crab Fishery seasonal and spatial closures proposal and seeking Council's support, a letter was sent to PIRSA Fisheries and Aquaculture informing them of Council's support of the proposal.

DISCUSSION

Correspondence has been received from PIRSA Fisheries and Aquaculture in response to Council's letter, outlining their position in relation to the matter and informing Council of their revised Management Plan for the South Australian Commercial Blue Crab Fishery which documents a process to work through the issues around Blue Crab Fishery seasonal closures.

ATTACHMENTS

1. **Advice - Blue Crab Fishery Seasonal Closure proposal from RecFish SA - PIRSA**
2. **Management Plan for the South Australian Commercial Blue Crab Fishery - January 2018 - PIRSA (under separate cover)**

Government of South Australia
Primary Industries and Regions SA

FISHERIES & AQUACULTURE
Level 14
25 Grenfell Street
Adelaide SA 5000
GPO Box 1625
Adelaide SA 5001
DX 210
Tel (08) 8226 0900
Fax (08) 8226 0330
www.pir.sa.gov.au

14th March 2018

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

Dear Mr Cameron

Thank you for your letter dated 23 February 2018 regarding Blue Crab Fishery seasonal and spatial closures.

Primary Industries and Regions South Australia (PIRSA) Fisheries and Aquaculture recently revised the *Management Plan for the South Australian Commercial Blue Crab Fishery,* which came into effect on 1 January 2018. This Management Plan documents a process to work through the issues around the Blue Crab Fishery seasonal closures, and other issues idientified when developing the Management Plan. A copy of the Management Plan is attached for your reference.

To facilitate this a planned review of the commercial fishery harvest strategy and closure arrangements will occur in 2018. This review will ensure equitable levels of access for all fishing sectors is maintained.

The information you have provided in your letter regarding your support for the RecFish SA proposal to implement commercial spatial closures is noted and will be considered as part of the future review.

If you have any queries in relation to the Blue Crab Fishery please contact Keith Rowling, Program Leader, Community Based Fisheries on 8429 0513.

Yours sincerely

Sean Sloan
EXECUTIVE DIRECTOR
FISHERIES AND AQUACULTURE

Objective ID: A3486238

16.4 STATOIL'S PROJECT IN THE GREAT AUSTRALIAN BIGHT

Document #: 18/22601

Department: Executive Services

PURPOSE

To provide Elected Members with information from Statoil in relation to their exploration project in the Great Australian Bight.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

Strategy: 5.2 Effective leadership and informed decision making

BACKGROUND

Statoil are the operator and 100% equity owner of two exploration permits in the Great Australian Bight, EPP39 and EPP40, approximately 400km south of Ceduna.

DISCUSSION

In the lead up to the above mentioned drilling operation, Statoil's representatives have been visiting South Australian communities and other stakeholders to introduce the company and the project. Xavier Moore, Commercial Advisor and Terry Visser, Senior Project Advisor, from Statoil recently visited Yorke Peninsula Council and met with CEO Andrew Cameron and Mayor Ray Agnew OAM. Attached is information in relation to their project on the Great Australian Bight that was discussed. During the visit they advised Council that they anticipated the exploration that Statoil will be undertaking will see them drilling one exploration well over a 30 – 45 day period prior to the end of October 2019.

Both the Mayor and CEO advised the representatives of Council's position in terms of opposing any drilling in the Bight and Council's concerns for all communities in South Australia should a spill and subsequent environmental disaster occur. (Please note that Statoil were aware of Council's resolution).

Statoil reaffirmed that the exploration drilling is not a major risk, in their opinion and that safe operating procedures are currently being developed. They have committed to keeping Council formally informed and involved in further consultation in relation to their exploration process and plans when they are finally developed, prior to lodging with the Regulator.

ATTACHMENTS

1. Advice - Statoil's Project in the Great Australian Bight - Statoil ⇩

Statoil's project in the Great Australian Bight

Updated July 2017

> Statoil has extensive experience working in similar conditions, which we will use to prepare for safe operations in the Great Australian Bight.

A great opportunity, which calls for great responsibility

We don't know yet if the Great Australian Bight holds oil. If it does, it could transform South Australia's economy.

So finding whether the oil is there has great value, but only if it's done safely.

Statoil has more than 40 years of global expertise operating in harsh, offshore environments. We will bring this experience to the Bight and work with the South Australian communities to make sure we understand and adapt fully to the local environment.

We will seek to collaborate in safeguarding the environment and other maritime industries in the region. We've done this successfully many times and many places before. We know South Australia has its own unique characteristics, so we will listen and learn from the community – to understand what it takes to safely operate in the Great Australian Bight.

Read more on Statoil.com.au

Statoil

Our exploration permits in Australia

The **WA-506-P** permit covers an area of more than 13,000 square kilometres, situated 300 kilometres off Carnarvon, Western Australia. We have completed a comprehensive data collection program in the permit and are currently evaluating this information to decide on the way forward.

Statoil entered the Great Australian Bight as a partner with BP in four offshore exploration permits. In June 2017 Statoil became operator and 100% equity owner in two of these exploration permits, **EPP39 and EPP40**. The two licences cover approximately 12,000 square kilometres of acreage.

The work program for these licences includes drilling one exploration well before the end of October 2019. Statoil will take the necessary time to prepare for safe operations, in consultation with relevant stakeholders and under regulatory oversight.

How will South Australia benefit?

The purpose of exploration is to safely find out if the oil is there. If it is, the Great Australian Bight holds the potential to create thousands of jobs, rich opportunities for local suppliers and contribute tax revenue, just as the Bass Straight has.

In the exploration phase, Statoil will rely mostly on expertise from our global work force and established suppliers, to ensure we apply world-leading best safety practices. To ensure we properly understand the local environment, we have already engaged local contractors to help us, and we will continue to use local experts throughout our exploration program. Even in the exploration phase, we expect to invest millions of dollars in South Australia on goods and services, like a supply base, helicopter transport and more.

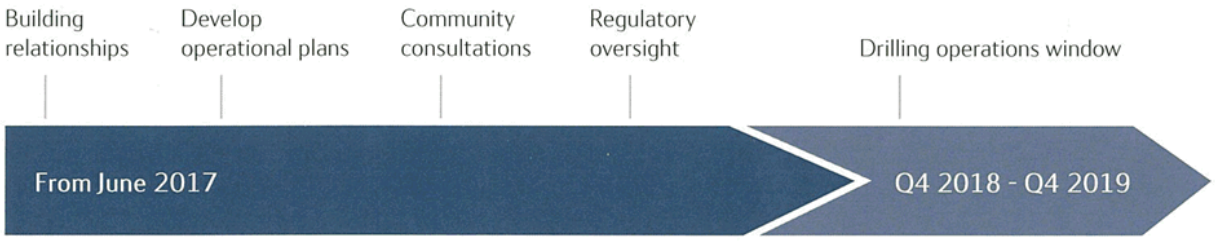
From our operations in Norway, the Oseberg Field. (Photo: Manfred Jahrisch)

How will Statoil engage with the South Australian community?

We will take the necessary time to systematically work through all the preparations needed to drill safely. We are building on the previous work done in these licences, however our operational plans will have to be re-developed. While this work is ongoing, we will establish relationships across South Australia, to introduce ourselves and the project - and listen and learn from local perspectives and expertise.

When our plans are ready, we will engage in formal consultation with stakeholders, presenting how we plan to operate safely.

Based on this feedback, we will submit our plans to the regulator NOPSEMA. In the end, it will be up to NOPSEMA to grant the necessary approvals for the activity to go ahead.



How to contact Statoil

Statoil seeks an open dialogue with the South Australian community and other stakeholders about this project. Our corporate Statoil Australia office is located in Perth, but we will travel extensively in South Australia to inform about our project and to learn from local perspectives and expertise.

Statoil will keep relevant project information updated on its Australian website statoil.com.au

Enquiries related to the project should be directed to GABproject@statoil.com or please call us on 0476 227 100.

Information about how to become a vendor to Statoil, career opportunities or sponsorship requests can be found at statoil.com.au. Under "How to contact Statoil" on the webpage, you will find direct link to the right resources.

Our team in Australia as of July 2017:

Jacques-Etienne Michel
Country manager

Xavier Moore
Advisor

Vegard Lyngmo
Safety Leader

Terry Visser
Advisor

From our operations in Norway, the Viking Vidar supply vessel. (Photo: Finn Hågensen)

Statoil's relevant experience

Statoil is a Norwegian-based energy company with operations in more than 30 countries. Since 1972 Statoil has explored, developed and produced oil and gas on the Norwegian continental shelf, where Statoil is a leading operator. We operate successfully alongside thriving fisheries and other maritime industries many places in the world.

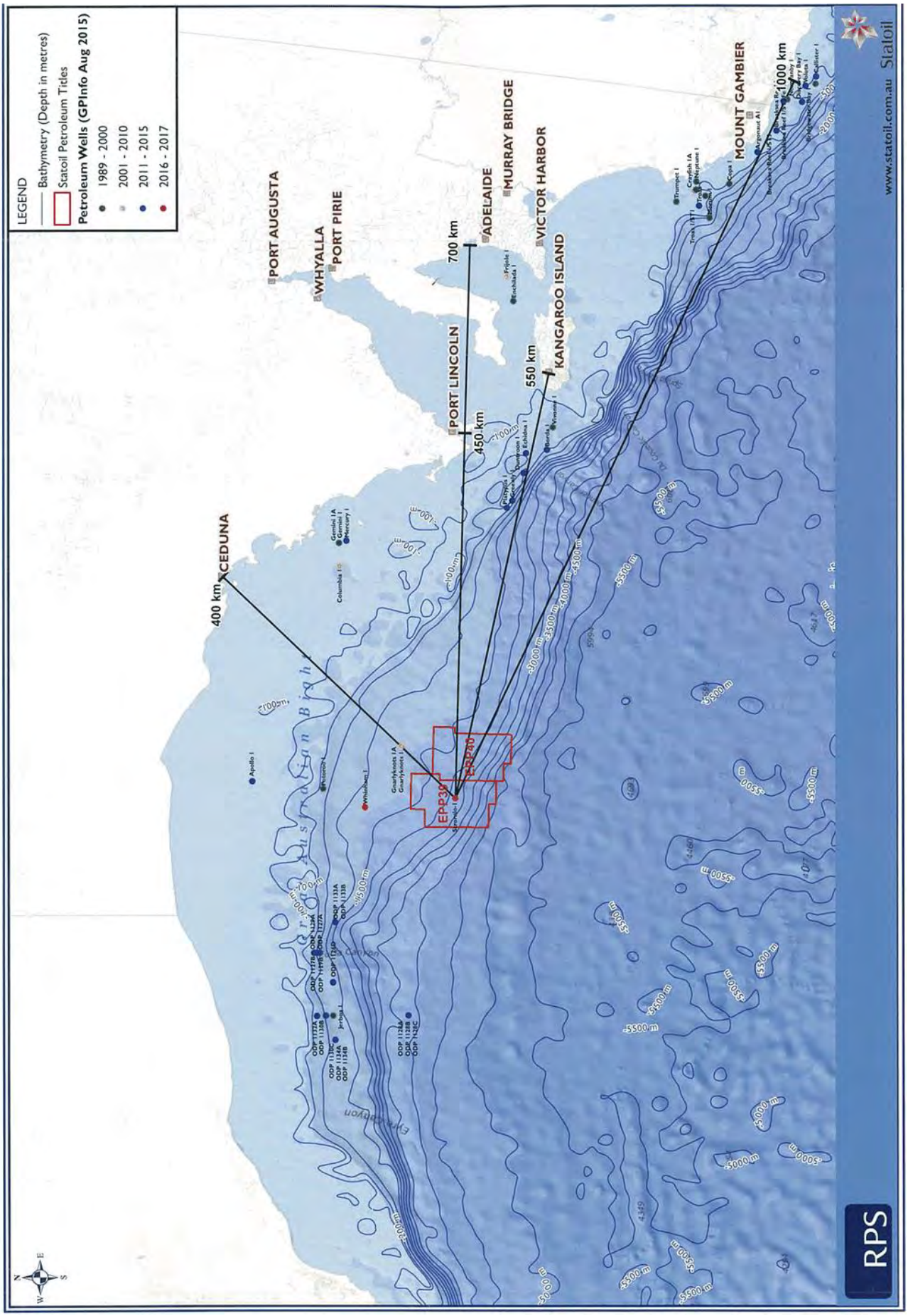
We will apply more than four decades' experience from the harsh environment of the Norwegian North Sea to the Great Australian Bight.

The metocean conditions in the Bight are well within what we've successfully operated before. Statoil has drilled more than 70 wells in water depths of more than 1.000 metres, without any environmental incidents.

Statoil is a major, international energy company with a total oil and gas production of approximately 2 million barrels per day. The company has also developed a portfolio of new energy solutions, currently delivering wind power to 650,000 British households.

Statoil strives to be recognised as an industry leader in safety, security and carbon efficiency, now and in the future. Underpinned by a culture of continuous improvement, we believe in responsible and safe exploration and production of energy and are committed to preventing harm to people and the environment.

Read more on Statoil.com.au


LEGEND
Bathymetry (Depth in metres)
Statoil Petroleum Titles
Petroleum Wells (GPInfo Aug 2015)
1989 - 2000
2001 - 2010
2011 - 2015
2016 - 2017
PORT AUGUSTA
WHYALLA
PORT PIRIE
ADELAIDE
MURRAY BRIDGE
VICTORIA HARBOR
KANGAROO ISLAND
PORT LINCOLN
MOUNT GAMBIER
CEDUNA
400 km
450 km
550 km
700 km
1000 km
EPP39
EPP40
RPS
www.statoil.com.au Statoil

17 CORPORATE AND COMMUNITY SERVICES

17.1 ART EXHIBITION WORKING PARTY MINUTES - 1 MARCH & 15 MARCH 2018

Document #: **18/22404**

Department: **Corporate and Community Services**

PURPOSE

The Art Exhibition Working Party is a Working Party of Council. A copy of the Minutes from their meetings held on 1 March and 15 March are attached.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Goal: 1 Economically Prosperous Peninsula

Strategy: 1.4 Support local events and help attract new events

1.5 Partner and build positive relationships with key stakeholders to progress tourism and business growth, including enabling the attraction of niche businesses

BACKGROUND

To keep Council and the community informed of progress in delivering the 2018 Yorke Peninsula Art Exhibition.

DISCUSSION

Business discussed at the meetings centred around:

- Invitations and Opening Night
- Alternative drop off point in Adelaide for Artists not on Yorke Peninsula, in lieu of Wheare's Transport providing freight
- Signage for Exhibition
- Media Release for Yorke Peninsula Country Times
- Radio Marketing Campaign
- Selling of raffle tickets
- Finalisation of catalogue for printing and final number of entries
- Budget update
- Photography Workshop – fully booked

ATTACHMENTS

1. **Minutes - Art Exhibition Working Party Meeting - 1 March 2018** ⇩
2. **Minutes - Art Exhibition Working Party Meeting - 15 March 2018** ⇩

Minutes of the Meeting of the Art Exhibition Working Party

held on Thursday 1st March 2018
in the Maitland Council Office
commencing at 2.00pm

(Subject to confirmation)

ITEM 1 OPEN

1.1 Welcome by Chairperson Cr Alan Headon declared the meeting open at 2.04pm and thanked everyone for attending.

1.2 Present – Cr Alan Headon, Cr Darren Braund (via phone link) Pam Headon, Bobbi Pertini, Carina Congdon, Lesley-Anne Swaans, Jennifer Robyn, Leanne Cane and Rachel Rich (minute taker).

1.3 Apologies/leave of absence – Richard Cane.

1.4 Minutes of previous meeting –

Bobbi Pertini moved **Carina Congdon seconded**

That the Minutes of the Art Exhibition Working Party (AEWP) meeting held on 15th February 2018, as circulated be confirmed as a true record.

CARRIED

1.5 Conflict of Interest - The Chairperson reminded members of their obligations in relation to Conflict of Interest provisions.

ITEM 2 CORRESPONDENCE IN

2.1 Confirmed incoming correspondence from the following:

- Email from Josh from James Well, querying the Art Exhibition Working Party (AEWP) allowing him to enter a painting that exceeds the maximum size. Bobbi has spoken to the artist Josh and advised of the extension for entry and discussed that if display it would not be eligible for judging. AEWP has agreed that larger entries can be displayed in separate area. Bobbi will liaise with Josh.
- Email from Anrdea Pryzgonski via Alan Headon, confirming availability to judge fine art.
- Email from Fuji Xerox seeking details for catalogue printing. Fuji representative will advise Bobbi if catalogue can be printed and what the in-kind cost/value.

- Alan was contacted by Ardrossan Information Centre asking if exhibition details were on the Australian Tourism Data Warehouse (ATDW) website. Alan advised Ardrossan Information Centre to promote via ATDW.
- Email from Brenda Bowman to say that art screens have been returned, and to remove her details from SF177. Rachel will update SF177 Art Screen Hire Form.

ITEM 3 CORRESPONDENCE OUT

3.1 Confirmed outgoing correspondence from the following:

- Email to Andrea Przygonski advising reimbursement details.
- Email to Antoinette Mclean regarding judging for sculpture at Edithburgh.

ITEM 4 BUSINESS ARISING

4.1 Invitations for opening night:

Invitations for opening night have been sent out. RSVP's are being received.

4.2 Report to Council for endorsement of sponsorship amount of $2,000:

CEO has agreed to sign off on $2,000 therefore a report does not need to go to March Council meeting.

4.3 Advertising update:

Write up in last week's YPCT and a media release for workshop in this week's YPCT. Social media advertising is going well. Photography workshop has been advertised and there are now only 3 places left for photography workshop.

4.4 Letters to go out to all confirmed judges advising details of when judging will occur. Rachel will send out the letters to confirm judging date and time, Tuesday 27th March 2018.

4.5 Review of Action List:

- Have started to receive bios and photos from artists, these will go in the catalogue.
- Workshops can be closed off as the photography workshop is going ahead.
- Participating artists - AEWP agreed to not pursue participating artists for this exhibition.
- Art screens have been returned. Council will need a set of keys to the shed.
- Art Screens for Yorketown Photography Exhibition - Yorketown Progress have sourced 10 screens from Stansbury Progress to utilise. Hart Bros are on standby to provide temp fencing if required.
- Selling of raffle tickets still ongoing.
- Square apps have been ordered for purchasing of art.
- Wine has been sourced.
- Speakers for opening night to be finalised.
- Food for opening night – Alan will provide a quote from Meraki Sole.
- Signs – Darren sent through proofs for signs. Bobbi has ordered 4 signs. 1 for each location and one to identify all areas. Discussion ensued around where they will be placed.
- Freight – CEO of City of Prospect has agreed to be a drop off point for paintings in Adelaide. Bobbi managing.
- Special event permit has been submitted.

- Receipts for artworks and stickers. Confirmed that artists will put their own identifying stickers on the artworks in accordance with the conditions of entry.
- Leanne has been contacted by a woman who has offered her assistance in hanging artworks. Bruce Davey will also assist with hanging.
- Volunteers confirmed for opening night from Ardrossan Progress and Ardrossan Community Club.

ITEM 5 NEW BUSINESS

5.1 Update on entries received to date:

- 95 paintings, 26 sculptures and 14 photos. 1 school identified for entry.

5.2 Lighting for exhibition:

- Rachel spoke to Scott Glazbrook to confirm booking. Bobbi will contact him to confirm times and dates for setting up. Check with Brenda Bowman to identify dates of when lighting is to be set up.

5.3 Confirmation of drop off point in Adelaide for artworks in lieu of Wheares Transport:

- Discussed under Action List – Bobbi managing drop offs to City of Prospect.

5.4 Receipt tickets for paintings when they are delivered and artist's sticker identification:

- Discussed under Action List.

5.5 Eftpos training still to be organised:

- Eftpos machines have been ordered, training date to be advised.

5.6 Contacted by Allyson Parsons Art querying if YP Art Exhibition is still keen to link into art trail for 2018:

- Details for Allyson Parsons Art Exhibition at Port Vincent will be added to the catalogue to link into the art trail.

5.7 Ordering of new signs:

- Bobbi has ordered new signs to incorporate Edithburgh and Yorketown. They will be ready to pick up early next week. Will need to liaise with Stephen Goldsworthy and Phil Herrmann in relation to placement of signage.

5.8 Confirmation from Yorke Valley Hotel:

- In-kind sponsorship of 1 doz white and 1 doz red wine for opening night.

5.9 Participating Artists Update:

- Not going ahead with participating artists due to running photography workshop.

5.10 Art Screens:

- Edithburgh Progress Association have paid deposit for screen hire and screens have been returned.

5.11 Opening times:

- To remain as advertised on website and conditions of entry. Darren will organise resizing of designed signs so they can also be printed on Council printer for signage outside of each exhibition, to attract foot traffic.

ITEM 6 NEXT MEETING

Thursday 15th March 2018, 2.00pm.

ITEM 7 MEETING CLOSE

The meeting closed at 3.20pm

.....
Chairperson – Alan Headon

Minutes of the Meeting of the Art Exhibition Working Party

held on Thursday 15th March 2018
in the Maitland Council Office
commencing at 2.00pm

(Subject to confirmation)

ITEM 1 OPEN

1.1 Welcome by Chairperson Cr Alan Headon declared the meeting open at 2.15pm and thanked everyone for attending.

1.2 Present – Cr Alan Headon, Cr Darren Braund, Pam Headon, Bobbi Pertini, Carina Congdon, Jennifer Robyn, Richard Cane and Rachel Rich (minute taker).

1.3 Apologies/leave of absence – Lesley-Anne Swaans, Leanne Cane.

1.4 Minutes of previous meeting –

Bobbi Pertini moved **Richard Cane seconded**

That the Minutes of the Art Exhibition Working Party (AEWP) meeting held on 1st March 2018, as circulated be confirmed as a true record.

CARRIED

1.5 Conflict of Interest - The Chairperson reminded members of their obligations in relation to Conflict of Interest provisions.

ITEM 2 CORRESPONDENCE IN

2.1 Confirmed incoming correspondence from the following:

- Email from Kylie Przibilla – Radio Marketing Campaign. Bobbi and Carina briefed the AEWP of what was suggested, including an interview with Brooke Leibelt in a designated time slot. Approximate cost is $535.00 excl GST.

Carina Congdon moved **Darren Braund seconded**

That Bobbi investigate whether it is financially viable to spend money on a radio campaign leading up to the Exhibition.

CARRIED

- Email from Dan Monceaux – Video of YP nature subjects. Dan has suggested a rolling visual display of images captured from YP. He would like to set up a loop at Yorketown as a demonstration. Bobbi will liaise with Dan regarding logistics of doing this.
- Email from Saatchi & Saatchi – They run the Bank SA Social Media – Request to promote Exhibition through their media channels.
- Email from Deb Myers – Arts and Culture Facilitator, CASA – will be attending the opening night and will then visit the other exhibitions on the Thursday.

ITEM 3 CORRESPONDENCE OUT

3.1 Confirmed outgoing correspondence from the following:

- Various correspondence has been going out, responding to queries from artists.

ITEM 4 BUSINESS ARISING

4.1 Advertising update:

Yorke Peninsula Country Times (YPCT) would like to do an editorial, which will go to print the week of the Exhibition. Bobbi and Carina will liaise with Darren Braund to finalise details before sending to YPCT early next week. Need confirmation of what size the editorial will be.

4.2 Budget review:

Budget review has been deferred and will be emailed out to the AEWP. Parsons Port Vincent Exhibition has been included in the art trail and printed in the catalogue.

4.3 Distribution and erecting of signs:

Signs have been put up at various locations. Some of the older ones will go up locally in Ardrossan. Alan will ask Tidy Towns to erect in the township.
Richard asked on behalf of Ardrossan Progress about the banners and set up times.

4.4 Raffle ticket sales:

Raffle tickets are ongoing. Suggestion to leave the draw until after the exhibition to allow for more sales. Books are still out at various locations. Jenny is leaving on Saturday and will drop her raffle books and money into the Yorketown office.

ITEM 5 NEW BUSINESS

5.1 Update on entries received to date: 260 entries in total

- 152 paintings, 43 sculptures and 64 photos. 105 school entries from 9 schools.

5.2 Update on catalogue:

- Samples of the catalogue have been handed out to AEWP members to view. Catalogue is currently being printed in Adelaide by Fuji Xerox.

5.3 Update on opening night:

- Finalisation of opening night will be discussed at next meeting, to include running sheet and format of the night.

5.4 Update on set up procedures:

- Bobbi briefed everyone on the receipts and ID slips for each exhibition location, which will handed out to members today.

5.5 Money handling training:

- Bobbi will organise training for next week, when finance staff are back in the building. This may mean travelling down to Edithburgh and Yorketown.

5.6 Discussion around whether photos can be taken in the gallery:

- Members agreed that photos may be taken at each exhibition location.

5.7 Photography Workshop:

- Photography workshop is fully booked, with a total of 11 spots booked.

ITEM 6 NEXT MEETING

Thursday 22nd March 2018, 2.00pm

ITEM 7 MEETING CLOSE

The meeting closed at 3.pm

.....
Chairperson – Alan Headon

18 ASSETS AND INFRASTRUCTURE SERVICES

18.1 CONSTRUCTION AND MAINTENANCE WORKS

Document #: **18/21987**

Department: **Assets and Infrastructure Services**

PURPOSE

To provide a summary of capital and maintenance works undertaken within Assets and Infrastructure Services throughout the month preceding the April 2018 meeting of Council.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Goal: 2 Community Connected through Infrastructure

Strategy: 2.5 Explore provision of new infrastructure

2.6 Install and upgrade appropriate traffic control device management

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

BACKGROUND

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

DISCUSSION

- Roadside vegetation clearance by contractor (Mechanical Vegetation Solutions Pty Ltd) has ceased with activities recommencing in mid-April 2018. The table below reflects the current status of this contract. The statuses are defined as follows:
  - **Not Commenced**
  - **Stage 1** – Bulk horizontal cut
  - **Stage 2** – Bulk horizontal cut / vertical removals / envelope widths
  - **Completed**

Road Name	Start Point	End Point	Status
South			
Hickman Road	Old Coast Road	Dans Road	Completed
Mulburra Park Road	Cemetery Road	Old Coast Road	Completed
Sheoak Flat Road	Old Coast Road	Cemetery Road	Completed
Main Road	Port Vincent Road	St Vincent Highway	Completed
Powerline Road	Yorke Highway	Port Vincent Road	Completed

Twelve Mile Road	St Vincent Highway	Yorke Highway	Completed
Vinecombe Road	St Vincent Highway	Twelve Mile Road	Completed
Sparrow Road	Yorke Highway	Redding Road	Completed
Bittner Road	Yorke Highway	Sparrow Road	Completed
North			
Porky Road	Yorke Highway	Germein Road	Completed
Boundary Road	St Vincent Highway	Sparrow Road	Not Commenced
Ross Road	St Vincent Highway	Yorke Highway	Not Commenced
Yorke Valley Road	Spencer Highway	Yorke Highway	Not Commenced
Black Bobs Road	Yorke Highway	Wauraltee Road	Not Commenced
Mount Rat Wells Road	Spencer Highway	Mount Rat Road	Completed
Nelligan Road	Spencer Highway	Wauraltee Road	Completed
Andrews Road	Spencer Highway	Davies Road	Not Commenced
McFarlane Road	Pine Point Road	Davies Road	Not Commenced
Davies Road	Yorke Valley Road	Boundary Road	Not Commenced
North South Road	Clinton Road	Germein Road	Not Commenced
Yarrum Road	Spencer Highway	Pine Point Road	Not Commenced
James Well Road	Yorke Highway	Pine Point Road	Not Commenced
Lodge Road	Standpipe Road	Piggery Corner Road	Not Commenced
Hasting Road	Piggery Corner Road	Pine Point Road	Not Commenced
Back Road	Maitland Road	Pine Point Road	Not Commenced
Lizard Park Road	Barley Stacks Road	Port Victoria Road	Completed
South Kilkerran Road	Spencer Highway	Balgowan Road	Completed
Miller Road	Port Victoria Road	Balgowan Road	Completed
Cross Road	Miller Road	Nalyappa Road	Completed

- Information regarding roadside vegetation maintenance activities undertaken by Council are detailed in the table below:

Road Name	Start Point	End Point	Status
South			
Balaklava Road	Little Sheoak Road	Levens Road	Completed
Gregor Road	Sparrow Road	Porky Road	Programed
North			
Dutschke Road	Port Victoria Road	Nalyappa Road	Completed
Bagshaw Road	Port Victoria Road	Urania Road	Completed
Kinnare Road	Urania Road	Mumford Road	Current
Mumford Road	Spencer Highway	Conservation Drive	Programmed

- Patrol Grading is ongoing throughout the district aligned with current circuit, technique and available resources. The following matrix provides percentage (%) output over the twenty-four (24) day period for respective areas (sectors):

Area	Output (%)	Factors Influencing Productivity
North	71	Operators – 4 days Annual Leave / 3 days Personal Leave
Maitland	75	Operators – 5 days Annual Leave / 1 day Training
Minlaton	73	Operators – 2 days Sick Leave / 2 days TOIL / 1 day Training Machinery – Downtime (½ day)
South	79	Operators – 4 days TOIL / ½ day Training / ½ day Alternate Duties (e.g. Magnet)

- The status of road construction and maintenance outcomes is summarised in the table below, complementing 2017/18 budget allocations:

Road	Description of Works	Work Status	Estimated Completion Date
Patch Sheeting			
Honner Road	2 sections of patch sheeting (total area 4,300m^2)	Completed	
Bowden Road	2 sections of patch sheeting (total area 8,480m^2)	Completed	
Harmer Road	5 sections of patch sheeting (total area 12,800m^2)	Completed	
Old Boundary Road	1 section of patch sheeting (total area 3,200m^2)	Completed	
Thompson Road	3 sections of patch sheeting (total area 4,240m^2)	Completed	

Pipeline Road	Patch sheeting (sections)	Current	
McCauley Road	Patch sheeting (sections)	Programmed	
Patch Work			
Feneley Road	Blow out patch work	Completed	
Corny Point Road	Blow out patch work	Completed	
Point Annie Road	Blow out patch work	Completed	
Reconstructing and Resheeting			
Brutus Road	Reconstruct and resheet a 2km section.	Completed	
South Coast Road	Reconstruct and resheet an estimated 14kms of identified sections.	Ongoing	End-June 2018
Constructing and Bituminising			
Grain Stack Road, Stansbury	Construct and bitumen seal a 400m section.	Completed	
Elliot Street, Coobowie	Construct and bitumen seal a 95m section.	Completed	
Daniell Street, Coobowie	Construct and bitumen seal a 140m section.	Completed	
Edithburgh Tidal Pool Car Park	Construct and bitumen seal defined car park	Completed	

- On Wednesday 7 March 2018, students from Prince Alfred College's (PAC's) Wambana Campus at Point Turton participated in a working bee as part of the Gum Flat Restoration Project, an initiative of the Minlaton and District Progress Association. Tasks undertaken by the PAC students included restoration of the horse dip fencing, removal of the declared weed Swamp Oak, and walking trail construction and maintenance. During the morning sixty-six (66) students from the Minlaton and District Early Learning Centre and Reception to Year Two classes of the Minlaton District School were involved in a nature play scavenger hunt, hosted by twelve (12) PAC student leaders. The Minlaton and District Progress Association, Natural Resources Northern and Yorke, and Council provided support on the day. The next working bee and nature play activities are scheduled for May.
- The construction documentation for the playspace component of the Point Turton Natural Playspace and Bike Track Project is at ninety percent (90%) completion, with a review against all relevant Australian Standards for Playgrounds by a Level Three Certifier currently in progress. Once completed the Request for Tender for a Lead Contractor for Construction of the Natural Playspace and Bike Track will be issued.
- Approximately thirty (30) Customer Service Requests (CSRs) have been attended to by operational staff throughout March with activities including:
    - Cemetery maintenance
    - Footpath maintenance
    - Maintenance to public buildings
    - Removal of illegal roadside dumping
    - Responding to acts of vandalism
    - Sealed road maintenance
    - Sign replacement and repairs

- Attention to parks, gardens and reserves is programmed in accordance with available resources and events.
- The status of works forming part of the Main Township Footpath Replacement Programme in Yorketown is summarised in the table below:

Location	Area	Work Status
Minlaton Road	Between Tonkin Street and Hermann Street (east side)	Completed
Minlaton Road	Between Hermann Street and Stansbury Road (east side)	Completed
Warooka Road	Between Charles Street and William Street	Completed
Warooka Road	Between William Street and the YP Ag Building	Current

- The following works/upgrades have been applied to Council's Community Wastewater Management Schemes (CWMS):

  CWMS

  - WWTP compound hardstand completed **Balgowan**
  - Earthenware gravity drain upgraded **Maitland**
  - New maintenance shaft installed **Maitland**
  - Manhole upgraded **Maitland**
  - Gravity drain blockages attended to **Maitland**
  - Irrigation check valves replaced **Point Turton**
  - Foreshore public toilets connected to CWMS **Stansbury**
  - Fall prevention railing installed to aeration tank **Sultana Point**
  - New light weight access hatches installed **Sultana Point**
  - Gravity drain reinstatement work **Yorketown**

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

- Surface rework has been completed upon identified sections of footpaths within the townships of Ardrossan, Maitland, Parsons Beach, Port Clinton, Tiddy Widdy Beach, Warooka and Yorketown.
- Jetpatching activities are ongoing within areas in the southern sector of the district.
- Street sweeping activities have been undertaken within the northern sector of the district.
- The Minlaton Powerline Undergrounding Project (PLEC) is progressing with the following update provided by the project manager:
  - Stobie pole excavation and pouring has been completed by Civil Tech.
  - Low voltage cable installation and terminations have been completed by Nilsen.
  - Nu-Gen Power & Storage have finished the AS3000 preparations, with the changeovers to be completed once the low voltage network has been energised.
  - The following activities will take place in the near future:
    - Civil Tech will finalise any outstanding works such as concrete kerbing, spoon drains, etc.
    - Nilsen will install the high voltage cables and switching cubicles.
    - The stobie poles, switching cubicles and junction pits will be earthed.

- Repairs have been completed to a boardwalk within the water reserve on the Port Vincent walking trail. A recycled plastic boardwalk replaced the existing wooden boardwalk, which was beyond repair.
- The replacement of some coastal stairs at Balgowan and Black Point has been completed.
- An enclosed shelter for e-waste storage has been constructed at the Ramsay Transfer Station.
- Cleaning up of campgrounds, pressure cleaning of BBQs, shelters and campground toilets, and the additional street bin rollout were completed prior to Easter.

ATTACHMENTS

Nil

19 DEVELOPMENT SERVICES

19.1 INSPECTORIAL REPORT

Document #: 18/20093

Department: Development Services

PURPOSE

To inform Council of the activities of the Inspectorial Team.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

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

BACKGROUND

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

DISCUSSION

During the past month Council's Inspectors have dealt with many routine matters including by-law compliance, nuisance complaints and dog and cat management issues.

Wandering Dogs

A dog was impounded as a result of it wandering at large in Port Julia, subsequently the person caring for the dog voluntarily surrendered it to Council.

Three dog owners have been contacted and requested to collect their dogs as a result of complaints being lodged.

Dog Attack

A person riding a gopher in Maitland was harassed by two dogs. One of the dogs bit him on his leg, which required medical attention. Council is in the process of issuing Nuisance Dog Control Orders on the two dogs and the owner of the dog is to be expiated as a result of the incident.

Bush Camping

Rangers have conducted regular patrols at the bush camping reserves. Those campers that had not obtained a bush camping permit prior to setting up camp were requested to obtain a permit in the normal manner. The Bush Camping locations were extremely popular over the Adelaide Cup weekend. Generally, all of the bush campers were well behaved during this period. It was noted that approximately 52 camp sites were set up at Gleesons Landing, on the long weekend. One person has been issued with an Expiation Notice for not obtaining a permit, after he had shifted from one camping location to another without first obtaining a permit, whilst another person received an expiation for camping in the vicinity of the Corny Point Light House.

Boat Ramps

Routine patrols of boat ramps have been performed to ensure that users are paying for the use of the facilities. Thirteen notices have been placed on vehicles where a launch permit/ticket could not be observed. Those who can produce a valid permit/ticket and reason why the ticket was not displayed are cautioned for failing to display the ticket.

As a result of our enquiries during the past month, ten Expiation Notices have been issued to persons for failing to purchase a launch permit/ticket. Three of these notices were as a result of persons observed launching their boat at the Black Point boat ramp and driving off without first obtaining a ticket.

Traffic Management

Council Rangers routinely patrol all townships for traffic management, including foot patrols, paying particular attention to disabled parking bays and vehicles parking on yellow lines. Three Expiation Notices were issued for vehicles parking on a continuous yellow line, two in Edithburgh and one in Yorketown.

Fire Prevention

Fuel loads continue to be monitored within townships. Contractors have been engaged to reduce the fuel loads at properties located at The Pines and Stansbury. One Expiation Notice has been issued to a property owner for failing to reduce the fuel loads on their land.

The burn-off season, whereby farmers can obtain a permit to burn off their land, commenced on 15 February 2018. Council's Fire Prevention Officers inspect burn-offs to ensure permit holders are complying with their permit. A fire escaped from a burn-off at Point Souttar after a fuel spillage caused a vehicle to catch on fire at the fire ground. A dog which was on the vehicle, also caught fire and ran from the fire ground to the adjacent grassland which caused the fire to escape. The firebreaks around the burn-off were of a very poor standard and as a result the permit holder was issued with an Expiation Notice for not having sufficient firebreaks in place.

At the meeting of the Flinders Mid North Yorke Bushfire Management Committee is was recommended that the Chief Officer of the Country Fire Service declare the end of the fire danger season on 30 April 2018.

Local Nuisance and Litter Control

Council Rangers are responding to complaints in Warooka and Coobowie in relation to trees and vegetation overhanging the footpath, creating a nuisance to pedestrians.

A property owner at Sultana Point has been advised to remove a mesh fence they had placed on the beach adjacent to their property.

Complaints are also being followed up in relation to unsightly premises in Port Vincent, Port Moorowie, The Pines and Tiddy Widdy Beach.

ATTACHMENTS

Nil

19.2 AMENDMENT TO YORKE PENINSULA COUNCIL DEVELOPMENT PLAN

Document #: 18/16609

Department: Development Services

PURPOSE

To inform Elected Members of correspondence received from the Minister for Planning advising approval of Council's request to Amend the Yorke Peninsula Council Development Plan.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Goal: 1 Economically Prosperous Peninsula

Strategy: 1.2 Deliver strategic and responsible land use planning

BACKGROUND

Prior to the Council undertaking its Better Development Plan conversion approved in November 2012, policy for the Rural Living Zone included limits on allotment sizes and dimensions and referred to in zone principle 16 which is listed non-complying development as follows;

Land Division creating an additional allotment or allotments:

(a) in the that part of the zone north of Sheaoak Flat, between "Cockle Beach" and Port Rickaby, at Minlaton, Port Clinton and between Pine Point and Black Point and in Policy Area RuL2 in Map YoP/101;
(b) of less than two hectares in that part of the zone south of Edithburgh;
(c) of less than 5000 square metres in that part of the zone at Marion Bay;
(d) of less than two hectares in that section of the zone at Ardrossan, and
(e) of less than one hectare in other parts of the zone
(f) where the depth of an allotment exceeds 3 times its average width in Policy Area RuL1 in Map YoP/101, other than where shared access is provided by way of Community Title.

When the Better Development Plan (BDP) conversion was approved (22 November 2012), the wording in the non-complying table for the Precinct area 6 at Port Victoria, provided for allotments with a depth that did not exceed 3 times the average width. The minimum size of the allotment (1Ha) had been lost in the conversion.

On 22 January 2018, a request was sent to the Minister pursuant to Section 29 of the Development Act, to correct the omission and amend the Development Plan to reflect a 1 hectare minimum allotment size for Precinct 6 Port Victoria, as was in place prior to the conversion being approved.

DISCUSSION

Correspondence dated 16 February 2018, was received from the Minister confirming approval of the amendment to the Yorke Peninsula Council Development Plan, dated 31 October 2017, pursuant to section 29 (b)(ii) of the Development Act 1993, in order to rectify the above mentioned issue.

In order for the Amendment to come into effect, the publication of the Section 29 notice will be published in the Government Gazette to officially consolidate the amendment into the Plan.

The amendment came into effect on 27 February 2018.

ATTACHMENTS

1. **Correspondence - DPTI - Advice of Amendment to Yorke Peninsula Council Development Plan** ⇩

RECEIVED
- 2 MAR 2018

In reply please quote #12367553
Enquiries to Abi Coad
Telephone 7109 7039

Government of South Australia
Department of Planning, Transport and Infrastructure

Development Division

50 Flinders Street
Adelaide SA 5000

GPO Box 1815
Adelaide SA 5001

Telephone: 08 7109 7007
ABN 92 366 288 135

http://www.dpti.sa.gov.au

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

Attention: Mr David Hutchison

Dear Mr Cameron

Section 29 request to amend the Yorke Peninsula Council Development Plan

Further to your request dated 22 January 2018, I wish to advise that I have (as the Delegate of John Rau, Minister for Planning) amended the Yorke Peninsula Council Development Plan (the Plan) dated 31 October 2017 pursuant to section 29 (b)(ii) of the *Development Act 1993* in order to rectify the issues raised.

To this end, I have instructed officers within the Department to coordinate the publication of the section 29 notice (refer attachment) within the Government Gazette and to consolidate the amendment into the Plan as soon as practicable.

If you require any further information regarding this matter, please contact Abi Coad on telephone 7109 7039 or email abi.coad@sa.gov.au.

Yours sincerely

Sally Smith
GENERAL MANAGER, PLANNING AND DEVELOPMENT
DEVELOPMENT DIVISION
DEPARTMENT OF PLANNING, TRANSPORT AND INFRASTRUCTURE
As Delegate for **John Rau**, Minister for Planning

16 / 2 /2018

Attach – section S29 Gazette Notice

AQUACULTURE ACT 2001

Grant of Aquaculture Lease

Pursuant to the provisions of section 22 of the *Aquaculture Act 2001*, notice is hereby given of the grant of the following leases for the purposes of aquaculture in the waters of the state:

LA00421
LA00422

Further details are available for the above leases on the Aquaculture Public Register; which can be found at http://www.pir.sa.gov.au/aquaculture/public_register or by contacting Aquaculture Leasing & Licensing on 8226 0900.

CHILALI PIEK
Aquaculture Leasing & Licensing Officer

DANGEROUS SUBSTANCES ACT 1979

Authorised Officer

I, Martyn Campbell, Executive Director, SafeWork SA, hereby appoint the following person as an Authorised Officer for the purposes of the *Dangerous Substances Act 1979* pursuant to section 7(1) of that Act:

- Timothy James RASCH

Dated: 19 February 2018

MARTYN CAMPBELL
Executive Director SafeWork SA

DEVELOPMENT ACT 1993

Alteration to the Building Code of Australia

Preamble

1. The Building Code of Australia being Volumes One and Two in the National Construction Code series as in force from time to time is adopted by the Development Regulations as part of the Building Rules under the *Development Act 1993*.
2. The *Development Act 1993* requires that notice of the alteration must be published before the alteration can take effect.

NOTICE

PURSUANT to section 4(7) of the *Development Act 1993*, notice is given of an amendment to the 2016 edition of the Building Code of Australia, as modified and adopted in South Australia on 1 May 2016. Volume One of the Building Code of Australia, which is part of the National Construction Code (NCC) series, has been amended by the Australian Building Codes Board and published as NCC 2016 Volume One Amendment 1.

NCC 2016 Volume One Amendment 1 will take effect on 12 March 2018.

Dated: 19 February 2018

JODIE EVANS AS MINISTER'S DELEGATE
Unit Manager
Building Policy

DEVELOPMENT ACT 1993

SECTION 29 (2) (B) (II)

Amendment to the Yorke Peninsula Council Development Plan

Preamble

It is necessary to amend the Yorke Peninsula Council Development Plan dated 31 October 2017, in order to correct an error.

NOTICE

PURSUANT to Section 29 (2)(b)(ii) of the Development Act 1993, I amend the Yorke Peninsula Council Development Plan dated 31 October 2017 as follows:

(a) Insert new Principle of Development Control 16 into the Precinct Specific Provisions of the Rural Living Zone under Precinct 6 Port Victoria Rural Living as follows:

16 Land division should not create an additional allotment with an area less than 1 hectare;

And renumber the following Principle accordingly

(b) Replace the non-complying list exceptions under Procedural Matters for the Rural Living Zone under the form of development of Land Division with Attachment A; and

(c) Fix the day on which this notice is published in the Gazette as the day on which the Amendment will come into operation.

Dated: 16 February 2018

SALLY SMITH
General Manager, Planning and Development
Development Division
Department of Planning, Transport and Infrastructure
As Delegate of John Rau, Minister for Planning

ATTACHMENT A

Except where it achieves either (a) or (b):

(a) it is located within **Precinct 3 Limited Subdivision** and no additional allotment is created wholly or partly within the precinct

(b) it results in the creation of an additional allotment either wholly or partly within:

(i) **Precinct 4 Edithburgh/Marion Bay Rural Living** and all allotments resulting from the division are at least 0.5 hectares

(ii) **Precinct 5 Ardrossan Rural Living** and all allotments resulting from the division are at least 2 hectares

(iii) **Precinct 6 Port Victoria Rural Living** and all allotments resulting from the division have a depth that does not exceed three times the average width of the allotment, other than where shared access is provided by way of community title, and all allotments resulting from the division are at least 1 hectare

(iv) land not covered by a precinct and all allotments resulting from the division are at least 1 hectare

(v) **Precinct 7 Bluff Beach Rural Living** and all allotments resulting from the division are at least 0.8 hectares.

DEVELOPMENT ACT 1993

SECTION 29

Amendment to the Onkaparinga Council Development Plan

Preamble

It is necessary to amend the Onkaparinga Council Development Plan (the Plan) dated 19 December 2017 and as amended by the approved Employment Lands Development Plan Amendment gazetted on 6 February 2018.

PURSUANT to section 29 (2)(b)(i) and (3)(c)(ii) of the *Development Act 1993*, I —

1. Amend the Plan as follows:
   a. Amend those items listed in Table Onka/8 – Contributory Items, which include inconsistencies or errors, with the specific details contained within the contents of '**ATTACHMENT A**'
   b. Amend those items listed in Table Onka/9 – Local Heritage Places, which include inconsistencies or errors, with the specific details contained within the contents of '**ATTACHMENT B**'.
2. Delete the following rows from Table Onka 9 - Local Heritage Table:

Main Road MCLAREN FLAT	Memorial Avenue of Pine Trees; All pine trees in memorial avenue				a e g	5387
Colville Road SELLICKS HILL	Cottage	Alt 43	D32327	CT 5234/481	a d	5563

3. Replace Overlay Map Onka/30—Heritage and Character Preservation District, Overlay Map Onka/43—Heritage and Character Preservation District, Overlay Map Onka/63—Heritage and Character Preservation District, Overlay Map Onka/75—Heritage and Character Preservation District; Overlay Map Onka/79—Heritage and Character Preservation District; Overlay Map Onka/80—Heritage and Character Preservation District; Overlay Map Onka/81—Heritage and Character Preservation District; Overlay Map Onka/82—Heritage and Character Preservation District; Overlay Map Onka/84—Heritage and Character Preservation District; Overlay Map Onka/91—Heritage and Character Preservation District; Overlay Map Onka/92—Heritage and Character Preservation District, Overlay Map Onka/93—Heritage and Character Preservation District, Overlay Map Onka/100—Heritage and Character Preservation District, Overlay Map Onka/103—Heritage and Character Preservation District, Overlay Map Onka/106—Heritage and Character Preservation District, Overlay Map Onka/108—Heritage and Character Preservation District, Overlay Map Onka/109—Heritage and Character Preservation District, Overlay Map Onka/112—Heritage and Character Preservation District with the contents of '**ATTACHMENT C'.**
4. Fix the day on which this notice is published in the Gazette as the day on which the section 29 Amendment will come into operation.

Dated: 15 February 2018

SALLY SMITH
General Manager
Planning and Development. Development Division
Department of Planning, Transport and Infrastructure
as Delegate of John Rau, Minister for Planning

ATTACHMENT A

Property Address	Description of Contributory item	Certificate of Title	DPLG ID
24 Chalk Hill Road CLARENDON	Dwelling	CT 5443/660	24476
282 Grants Gully Road CLARENDON	Dwelling	CT 5380/428	5163
Alt 51 Grants Gully Road CLARENDON	War Memorial	CT 6164/623	5172
15 Grants Gully Road CLARENDON	Dwelling	CT 5323/498	5164
80 Grants Gully Road CLARENDON	Hall	CT 6066/679	5179
81 Grants Gully Road CLARENDON	Bakery	CT 6099/597	5180
10 Harper Road CLARENDON	Dwelling	CT 5189/296	5186
37 Hollitt Road, Clarendon	Dwelling	CT 6133/274	5184
Pt Alt 27 Hollitt Road CLARENDON	Dwelling	CT 5480/830	24480
1608 Kangarilla Road CLARENDON	Dwelling - 'Rockbeare'	CT 5304/246	24481
41 Nicolle Road CLARENDON	Dwelling	CT 5942/381	5185
35 Nicolle Road CLARENDON	Pavilion	CT 5433/675	24482
244 Potter Road CLARENDON	Dwelling	CT 5852/473	5189
15 Appletree Lane CLARENDON	Dwelling	CT 6101/988	5192
15 Appletree Lane CLARENDON	Dwelling	CT 6101/988	5182
125 Turners Gully Road CLARENDON	Dwelling	CT 5845/411	5181

19.3 DEVELOPMENT APPLICATION DECISIONS

Document #: 18/23378

Department: Development Services

PURPOSE

To inform the Elected Members of Development Application decisions for the period 5 March to 29 March 2018.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Goal: 1 Economically Prosperous Peninsula

Strategy: 1.1 Provide easier, streamlined development approval application process

BACKGROUND

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

DISCUSSION

The following is a list of all Development Applications processed for the period 5 March to 29 March 2018.

Yorketown

544/1232/2016	544/1247/2016	544/1396/2017
544/1420/2017	544/1421/2017	544/1473/2017
544/1475/2017	544/1001/2018	544/1012/2018
544/1015/2018	544/1019/2018	544/1022/2018
544/1042/2018	544/1027/2018	544/1038/2018
544/1041/2018	544/1066/2018	

Maitland

544/1244/2017	544/1329/2017	544/1416/2017
544/1462/2017	544/1469/2017	544/1489/2017
544/1008/2017	544/1014/2018	544/1020/2018
544/1029/2018	544/1033/2018	544/1053/2018
544/1091/2018		

ATTACHMENTS

1. Approval Listing - Development Applications - March 2018 ⇩

LIST OF DEVELOPMENT APPLICATIONS & DECISIONS ISSUED BY THE ASSISTANT BUILDING SURVEYOR UNDER DELEGATION FOR THE PERIOD 5 MARCH TO 29 MARCH 2018

YORKETOWN

Dev. App. No.	Name & Address	Location	Proposal	Class	Area m^2	Cost $	Conditions Planning Building	Assessment / Valuation No	Decision Date	Builder & Licence No
544/1232/2016	G & T Heinrich PO Box 460 LYNDOCH	Lot 20 Klein Point Road STANSBURY	Store	10a	139.31	11,900	REFUSED	424622 5406163902	6 March 2018	BGI Building Group BLD178189
544/1247/2016	S Kneebone 13 Third Street MINLATON	(Lot 882) 13 Third Street MINLATON	Garage	10a	54	7,000	LAPSED	302745 5407744004	4 March 2018	Keegan Glover BLD246775
544/1396/2017	J Pritchard & E Mack 23a Anderson Tce YORKETOWN	Lot 2 School Road YORKETOWN	New Dwelling & Garage UMR	1a 10a	229.06 45.45	246,000	Planning 7 Building 3	200097 5403337330	9 March 2018	Rossdale Homes BLD8104
544/1420/2017	Yingwen Pty Ltd 10 Woodland Way TERINGIE	(Lot 4) 6 Clan Ranald Ave EDITHBURGH	Two Storey Dwelling, Balcony & Carport	1a 10a 10a	161.92 16.05 18	235,664	Planning 9 Building 1 Private Certifier	425355 5405119803	7 March 2018	Rivergum Homes GL113681
544/1421/2017	L Zhou 12 Eyre Street SEAVIEW DOWNS	(Lot 3) 4 Clan Ranald Ave EDITHBURGH	Two Storey Dwelling, Balcony & Carport	1a 10a 10a	170.5 16.49 19.8	249,123	Planning 8 Building 1 Private Certifier	425348 5405119854	7 March 2018	Rivergum Homes GL113681
544/1473/2017	M & S Weeding 5 The Loop HARDWICKE BAY	(Sec 278) 5 The Loop HARDWICKE BAY	Verandah	10a	20.52	11,500	Planning 1 Building 2	229047 5406454486	15 March 2018	M Delsar BLD6630
544/1475/2017	R Bowyer 5 Mingara Avenue STONEYFELL	(Sec 312) 1084 North Coast Road POINT SOUTTAR	Garage	10a	62	5,000	Planning 6 Building 2	116301 5400874412	8 March 2018	TBA
544/1001/2018	C Naylor C/- Post Office COOBOWIE	(Lot 3) 9 Parrington Street COOBOWIE	Garage	10a	54	8,975	Planning 7 Building 2	422626 5405657572	14 March 2018	TBA
544/1012/2018	L & M Toogood Lot 20 Trevor St MURRAY BRIDGE	(Lot 63) 3 Beach Road HARDWICKE BAY	Partially Enclosed Carport	10a	64.8	3,397	Planning 8 Building 2	322180 5408976552	21 March 2018	Owner Builder
544/1015/2018	P & P Farley PO Box 214 MINLATON	(Lot 78) 37- 39 Fourth Street MINLATON	Verandah	10a	8.5	2,000	Planning 4 Building 4	303305 5407795004	26 March 2018	Owner Builder
544/1019/2018	P Langhorn PO Box 419 MINLATON	(Lot 16) 9-11 Second Street MINLATON	Garage	10a	56.58	8,928	Planning 6 Building 2	302976 5407762106	21 March 2018	TBA

544/1022/2018	S Pascoe PO Box 213 STANSBURY	(Sec 159) 24 Coringle Road WOOL BAY	Carport & Garage	10a 10a	30.16 70.07	11,944	Planning 4 Building 2	219071 5406169781	9 March 2018	Owner Builder
544/1042/2018	M & G Mumford Brentwood Via MINLATON	(Lot 724) 8 Tucker Avenue BRENTWOOD	Pergola	10a	27.5	4,245	Planning N/A Building 2	319012 5408838002	29 March 2018	Owner Builder
544/1027/2018	P Langhorn PO Box 419 MINLATON	(Lot 16) 9-11 Second Street MINLATON	Verandah	10a	38.34	7,000	Planning N/A Building 2	302976 5407762196	5 March 2018	D T George Carpentry BLD206757
544/1038/2018	J & R Newbold PO Box 312 MINLATON	(Lot 1) 43 Esplanade POINT TURTON	Verandah & Deck	10a	22.75	5,000	Planning 4 Building 2	102913 5400458013	22 March 2018	TBA
544/1041/2018	G & K Bennett PO Box 425 MINLATON	(Lot 10) 592 Bublacowie Rd YORKETOWN	Machinery Shed	7b	315	37,440	Planning 4 Building 2	219857 5406206132	23 March 2018	A Haywood BLD58028
544/1066/2018	S Longbottom 20 Second Street MINLATON	(Lot 58) 20 Second Street MINLATON	Swimming Pool & Safety Fence	10b	37.8	44,176	Planning N/A Building 5 Private Certifier	303271 5407792006	14 March 2018	Freedom Pools
TOTAL						**$880,392**				

MAITLAND

Dev. App. No.	Name & Address	Location	Proposal	Class	Area m^2	Cost $	Conditions Planning Building	Assessment / Valuation No	Decision Date	Builder & Licence No
544/1244/2017	CS Calder & JE Harding 5207 Marine Drive WEST HOPE ISLAND	(Lot 115) 19 Black Point Road BLACK POINT	Demolish Dwelling; (Stage 1 only)	1a	164	10,000	Planning 7 Building 1 Private Certifier	28712 4604617157	2 March 2018	TBA
544/1329/2017	RB Cadzow & SH Cope 23 Port Ellen Court GREENWITH	(Lot 1) Pepper Road ARDROSSAN	Garage	10a	112.5	13,320	Planning 4 Building 2	417485 4604001504	19 March 2018	Owner Builder
544/1416/2017	JJ Parfitt 674 Morphett Road SEAVIEW DOWNS	(Lot 10) 112 Songvaar Road PORT VICTORIA	Extension of Verandah and Deck; Privacy Screen	10a	5.4	1,800	Planning 2 Building 2	432104 4604725246	2 March 2018	Owner Builder
544/1462/2017	RB Cadzow & SH Cope 31 Morey Drive SALISBURY HEIGHTS	(Lot 1) Pepper Road ARDROSSAN	New Dwelling, Verandah and Alfresco	1a 10a 10a	139.29 19.44 11.44	207,000	Planning 8 Building 2 Private Certifier	417485 4604001504	19 March 2018	Weeks Building Group G10238

544/1469/2017	Hicks Hotels P/L PO Box 835 PORT VINCENT	(Lot 11) 50A Bridge Road ARDROSSAN	Garage	10a	75.64	10,600	Planning 4 Building 2	3582 4600289379	28 March 2018	Owner Builder
544/1489/2017	DM & DD Carty 22 Clemintina St PRICE	(Lot 83) 22 Clemintina Street PRICE	Verandah and Carport	10a 10a	39 48	20,000	Planning 3 Building 2 Private Certifier	42010 4606365002	20 March 2018	Owner Builder
544/1008/2018	M McKibbin 4 Henderson Court ARDROSSAN	(Lot 40) 4 Henderson Court ARDROSSAN	Verandah	10a	60	6,000	Planning 1 Building 2	430686 4600388203	26 March 2018	Owner Builder
544/1014/2018	DJ Donnell 29 Grundy Terrace CHRISTIES BEACH	(Lot 8) 16 Jetty Road PORT JULIA	Domestic Shed	10a	6.3	500	Planning 5 Building 1	315069 5408663206	29 March 2018	Owner Builder
544/1020/2018	B Stubberfield 28 Main Street PORT VINCENT	(Lot 16) 28 Main Street PORT VINCENT	Swimming Pool, Spa Pool, Deck and Safety Fence	10b	78	8,000	Planning N/A Building 1	310367 5408399003	29 March 2018	Owner Builder
544/1029/2018	SJ Colliver PO Box 8 ARTHURTON	(Sec 49) 8658 Upper Yorke Road ARTHURTON	Variation to 544/1450/2016	7b	32	10,000	Planning 5 Building 1 Private Certifier	44727 4607170004	28 March 2018	TBA
544/1033/2018	G Sweetman & J Collins 2 Maurice Road PARA HILLS	(Lot 31) Chinaman Wells Rd CHINAMAN WELLS	Carport	10a	25.20	3,300	Planning 5 Building 1	24380 4604318018	20 March 2018	Owner Builder
544/1053/2018	M & J Campbell PO Box 75 GREENOCK	(Lot 5) 41 Grahn Road JAMES WELL	Verandah	10a	33	3,000	Planning N/A Building 2	413112 4604542255	27 March 2018	Owner Builder
544/1091/2018	Yarrawin Pty Ltd PMB 5 KADINA	(Lot 391) 708 Sunnyvale Road SUNNYVALE	Removal of Dwelling (Transportable)	1a	125	10,000	Planning N/A Building 7	46581 4607350005	28 March 2018	TBA
TOTAL						**$303,520**				

LAND DIVISION

Dev. App. No.	Name & Address	Location	Proposal	Conditions Planning Building	Assessment / Valuation No	Decision Date
544/D016/2017 544/1003/2018	Kemp Farming P/L C/- SKS Surveys P/L PO Box 325 STEPNEY	(Sec 30) 272 Quarry Road CURRAMULKA	Land Division	Planning Nil Land Division 3	312413 5408520002	8 March 2018

19.4 WASTEWATER SYSTEM APPLICATION DECISIONS

Document #: **18/23395**

Department: **Development Services**

PURPOSE

To inform the Elected Members of Wastewater Application decisions for the period 5 March to 29 March 2018.

RECOMMENDATION

That the report be received.

LINK TO STRATEGIC PLAN

Goal: 1 Economically Prosperous Peninsula

Strategy: 1.1 Provide easier, streamlined development approval application process

BACKGROUND

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

DISCUSSION

The following is a list of all Wastewater System applications processed for the period 5 March to 29 March 2018.

Maitland

050/095/2017

Yorketown

050/093/2017 050/100/2018 050/101/2017

050/108/2017

ATTACHMENTS

1. Approval Listing - Wastewater Systems - March 2018 ⇩

LIST OF WASTE CONTROL APPLICATIONS & DECISIONS ISSUED BY THE ENVIRONMENTAL HEALTH OFFICERS UNDER DELEGATION FOR THE PERIOD 5 MARCH TO 29 MARCH 2018

Maitland

Septic App. No.	Owner	Location	Proposal	Conditions	Assess. No	Decision Date	Plumber & Licence No
050/095/2017	R Cadzow & S Cope 23 Port Ellen Court GREENWITH	Lot 1 Pepper Road ARDROSSAN	Septic & Soakage	11	417485	19 March 2018	Toby Simmons Plumbing

Yorketown

Septic App. No.	Owner	Location	Proposal	Conditions	Assess. No	Decision Date	Plumber & Licence No
050/093/2017	J Pritchard & E Mack 23a Anderson Terrace YORKETOWN	Lot 2 School Road YORKETOWN	Septic & Soakage	11	200097	8 March 2018	Rossdale Homes
050/100/2017	Yingwen Pty Ltd 10 Woodland Way TERINGIE	(Lot 4) 6 Clan Ranald Avenue EDITHBURGH	Sewer Connection	11	425355	7 March 2018	Rivergum Homes
050/101/2017	L Zhou 12 Eyre Street SEAVIEW DOWNS	(Lot 3) 4 Clan Ranald Avenue EDITHBURGH	Sewer Connection	11	425348	7 March 2018	Rivergum Homes
050/108/2017	F Wilde 12 Harris Street NETLEY	(Sec 386) 126 Bayview Road POINT TURTON	Holding Tank	11	102152	7 March 2018	Aitchison Plumbing Services

20 VISITORS TO THE MEETING

Nil

DEBATE AGENDA

DEBATE AGENDA

21 MAYOR

Nil

22 CHIEF EXECUTIVE OFFICER

22.1 DELEGATIONS REGISTER ANNUAL REVIEW

Document #: **18/22791**

Department: **Executive Services**

PURPOSE

Council has conducted an annual review of its Delegation Register, in accordance with Section 44(6) of the Local Government Act 1999. There is a need to change or update existing delegations, as a result of legislative change. However, Council did undertake a minor review to update delegations in light of urgent legislative changes in December 2017.

RECOMMENDATION

That having conducted its annual review of the Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. Revocations

1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

1.1.1 Community Titles Act 1996

1.1.2 Development (Development Plan) Amendment Act 2006

1.1.3 Dog & Cat Management Act July 2013

1.1.4 Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 1994

1.1.5 Expiation of Offences Act 1996

1.1.6 Fences Act 1975

1.1.7 Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005

1.1.8 Food Act 2001

1.1.9 Freedom of Information Act 1991

1.1.10 Housing Improvement Act 1940

1.1.11 Land & Business (Sale and Conveyancing) Act 1994

1.1.12 Liquor Licensing Act 1997

1.1.13 Intentionally left blank

1.1.14 Intentionally left blank

1.1.15 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005

1.1.16 SA Public Health Act 2011 and Public and Environmental Health (Wastewater) Regulations 2013 and Public and Environmental Health (Legionella) Regulations 2013, Public Health (General) Regulations 2013

1.1.17 Roads (Opening & Closing) Act 1991

1.1.18 Intentionally left blank

1.1.19 Safe Drinking Water Act 2011

1.1.20 Supported Residential Facilities Act 1992 & Regulations 2009

1.1.21 Unclaimed Goods Act 1987

1.1.22 Water Industry Act 2012 and Water Industry Regulations 2012

1.1.23 Intentionally left blank

1.1.24 Real Property Act 1886

1.1.26 Strata Titles Act 1988

1.1.27 Intentionally left blank

1.1.28 Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014

1.1.29 Permits and Penalties By-Law

1.1.30 Local Government Land By-Law

1.1.31 Roads By-Law

1.1.32 Moveable Signs By-Law

1.1.33 Nuisances Caused by Building Sites By-Law

1.1.34 Port Vincent Marina By-Law

1.1.35 Dogs and Cats By-Law 2013

2. Delegations made under Local Government Act 1999

2.1 In exercise of the power contained in Section 44 and 101 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation are hereby delegated this 11th day of April 2018 to the person occupying the office of Chief Executive Officer, or any person acting in the position of Chief Executive Officer, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instruments of Delegation;

2.1.1 Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014

2.1.2 Community Titles Act 1996

2.1.3 Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008

2.1.4 Dog & Cat Management Act

2.1.5 Environment Protection Act 1993

2.1.6 Expiation of Offences Act 1996

2.1.7 Expiation of Offences Act 1996 (commences 30 April 2018)

2.1.8 Fences Act 1975

2.1.9 Fines Enforcement and Debt Recovery Act 2017 (commences 30 April 2018)

2.1.10(1) Chief Executive Officer - Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005

2.1.10(2) Fire Prevention Officers - Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005

2.1.11 Intentionally left blank

2.1.12 Freedom of Information Act 1991 and Freedom of Information (Fees and Charges) Regulations 2003

2.1.13 Intentionally left blank

2.1.14 Land & Business (Sale and Conveyancing) Act 1994

2.1.15 Liquor Licensing Act 1997

2.1.16 Intentionally left blank

2.1.17 Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017

2.1.18 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2004

2.1.19 Intentionally left blank

2.1.20 Real Property Act 1886

2.1.20(1) Electronic Conveyancing National Law (South Australia) Act 2013

2.1.21 Roads (Opening & Closing) Act 1991

2.1.22 Intentionally left blank

2.1.23 Safe Drinking Water Act 2012

2.1.24 SA Public Health Act 2011 and Regulations as at 30 June 2015

2.1.25 Strata Titles Act 1988

2.1.26 Supported Residential Facilities Act 1992 & Regulations 2009

2.1.27 Unclaimed Goods Act 1987

2.1.28 Water Industry Act 2012 and Water Industry Regulations 2012

2.1.29 Intentionally left blank

2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation.

3. Delegations made under Food Act 2001

3.1 In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the proposed Instrument of Delegation annexed to the Report dated 11 April 2018 and entitled Delegations Register are hereby delegated this 11th day of April 2018 to the person occupying the office of Chief Executive Officer, or any person acting in the position of Chief Executive Officer, ('the head of the enforcement agency' for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.

3.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.

4. Delegations made under Public and Environmental Health Act 1987

Deliberately left blank

5. Delegations made under Supported Residential Facilities Act 1992

5.1 In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992

contained in the proposed Instrument of Delegation annexed to the Report dated 11 April 2018 and entitled Delegations Register are hereby delegated this 11th day of April 2018 to the person occupying the office of Chief Executive Officer or any person acting in the position of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

5.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

6. Delegations under Safe Drinking Water Act 2011 (of enforcement agency)

6.1 In exercise of the power contained in Section 43 of the Safe Drinking Water Act 2011 the powers and functions of the Council as a relevant authority under the Safe Drinking Water Act 2011 contained in the proposed Instrument of Delegation annexed to the Report dated 11 April 2018 and entitled Delegations Register are hereby delegated this 11th day of April 2018 to the person occupying the office of Chief Executive Officer or any person acting in the position of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Safe Drinking Water Act 2011.

6.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Safe Drinking Water Act 2011.

7. Delegation under Council By-Laws

7.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following By-Laws and specified in the proposed Instruments of Delegation for By-Laws for this report are hereby delegated this 11th day of April 2018 to the person occupying the office of Chief Executive Officer, or any person acting in the position of Chief Executive Officer, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instruments of Delegation for the By-Laws:

7.1.1 Permits and Penalties By-Law 2013

7.1.2 Local Government Land By-Law 2013

7.1.3 Roads By-Law 2013

7.1.4 Moveable Signs By-Law 2013

7.1.5 Nuisances Caused By Building Sites By-Law 2013

7.1.6 Port Vincent Marina By-Law 2013

7.1.7 Dogs & Cats By-Law 2013

7.2 The Chief Executive Officer is authorised to sub-delegate these powers to other employees of the Council as the Chief Executive Officer considers fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation for the By-Laws.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

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

BACKGROUND

Appropriate delegations to the Chief Executive Officer and subsequent sub-delegations to staff enable officers to undertake their duties effectively and without hindrance whilst enabling legislative compliance.

Council is required to review the Delegations once in every financial year and historically this occurs in March/April of each year.

DISCUSSION

Section 44 of the Local Government Act 1999 ("the Act") provides that the Council may delegate a power or function vested or conferred under this or another Act. Some other Acts also contain a specific power of delegation. The Act requires that the Council review the delegations made once in each financial year.

Section 101 of the Act also allows the Chief Executive Officer to delegate (or sub-delegate) a power or function vested or conferred in or on the Chief Executive Officer. A delegation made by the Chief Executive Officer can be made to an employee of the Council or to the employee for the time being occupying a particular office or position, a committee comprising employees of the Council, or an authorised person.

The Local Government Association delegations templates have been utilised to review the delegations register.

Council may recall that urgent changes to legislation required a minor delegations review in December 2017 incorporating the following Acts:

1. Local Government Act 1999
2. Work Health and Safety Act 2012
3. Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014
4. Heavy Vehicle National Law (South Australia) Act 2013
5. Planning, Development and Infrastructure Act 2016
6. Development Act 1993, Development Regulations 2008

Any changes to legislation occurring during the past year will be incorporated into the annual delegations register review unless identified as urgent. Urgent changes to delegations advised by the LGA will be taken to Council at the next available opportunity when required.

All Authorised Officer and/or Authorised Person appointments continue to remain valid.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

A copy of the delegations register is placed on the Council's website for public information.

CONSULTATION PROCESS

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

- CEO
- Governance Officer
- Senior Compliance Officer
- Executive Assistant to CEO and Mayor
- HR Officer

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

- LGA Delegations Templates

POLICY IMPLICATIONS

Relevant to various Council and Administrative Policies

BUDGET AND RESOURCE IMPLICATIONS

Not applicable

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

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

Burial and Cremation Act 2013
Burial and Cremation Regulations 2014
Community Titles Act 1996
Council By-laws 2013
Development Act 1993
Development Regulations 2008
Development (Development Plan) Amendment Act 2006
Dog and Cat Management Act 2013
Electronic Conveyancing National Law (South Australia) Act 2013
Environment Protection Act 1993
Environment Protection (Waste Management) Policy 1994
Expiation of Offences Act 1996
Fences Act 1975
Fines Enforcement and Debt Recovery Act 2017 (commences 30 April 2018)
Chief Executive Officer - Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
Fire Prevention Officers - Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
Food Act 2001
Freedom of Information Act 1991 and Freedom of Information (Fees and Charges) Regulations 2003
Heavy Vehicle National Law (South Australia) Act 2013
Housing Improvement Act 1940
Land and Business (Sale and Conveyancing) Act 1994
Liquor Licensing Act 1997
Local Government Act 1999
Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017
Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2004
Planning, Development and Infrastructure Act 2016
Real Property Act 1886
Road Traffic Act 1961
Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999
Roads (Opening and Closing) Act 1991

Safe Drinking Water Act 2011
Safe Drinking Water Act 2011 (of enforcement agency)
SA Public Health Act 2011 and Regulations as at 30 June 2015
Strata Titles Act 1988
Supported Residential Facilities Act 1992 and Regulations 2009
Unclaimed Goods Act 1987
Water Industry Act 2012 and Water Industry Regulations 2012
Work Health and Safety Act 2012

ATTACHMENTS

Nil

23 CORPORATE AND COMMUNITY SERVICES

23.1 FINANCIAL REPORT AS AT 31 MARCH 2018

Document #: 18/21720

Department: Corporate and Community Services

PURPOSE

For Council to consider the financial report and capital projects update report as at 31 March 2018.

RECOMMENDATION

That Council receive the financial report and capital projects update report as at 31 March 2018.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

Strategy: 5.1 Openness and transparency of reporting Council's performance

5.2 Effective leadership and informed decision making

BACKGROUND

A financial report and a capital projects update report (projects over $25,000) is presented monthly for Council's consideration in accordance with Policy PO142 Budget Reporting and Amendment. These reports encompass results to the end of each calendar month preceding each scheduled Council meeting.

DISCUSSION

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

- Actuals included in the Uniform Presentation of Finances (UPF) are as incurred at close of business on the last day of the month being reported and may be subject to end of month adjustments. Any such adjustments will be incorporated in the following monthly report.
- The reports do not include year-end income and expense accruals.
- Both reports include year to date Commitments i.e. orders raised but not yet paid for.
- **Attachment 1 - Uniform Presentation of Finances (UPF)**
    - Note 1 - Rates, Service Charges (Waste, CWMS and Water), NRM Levy and Rate Rebates, totalling approximately $22m, have been raised for the entire 2017/2018 financial year but are due and payable either in full in September 2017 or by quarterly instalments in September 2017, December 2017, March 2018 and June 2018.
    - Note 1 - grants, subsidies & contributions of $2.9m received to date.
    - Note 1 - dog registration income totalling approximately $110k has been collected.
    - Note 1 - income from building and planning activity of approximately $139k and septic tank registration fees of approximately $27k is included.
    - Note 1 - also included here are approximately $601k of reimbursements and miscellaneous income.
    - Note 1 - $2.6m collected for user charges (boat ramps, caravan parks, cemetery fees, hall hire, etc.) are included in the total income.

- Note 2 - the following major expenditure has been paid in advance at the start of the 2017/2018 financial year as per the required payment terms included in the figures is:
    - Memberships/Subscriptions/Contributions/Donations: $510k;
    - Licence Fees: $251k;
    - Plant & Equipment Registration: $124k.
- Note 2 - commitments of approximately $1.8m include orders worth approximately $905k for waste management and refuse collection and disposal services in 2017/2018.
- Note 2 - finance costs (interest on loans) of approximately $219k are included.
- Note 2 - depreciation for nine months of the financial year (being 3/4ths of the 2017/2018 budget estimate) has been included in the YTD expenditure.
- Notes 3 & 4 - commitments of approximately $3.5m for various capital projects, details of which can be found in Attachment 2 of this report.
- It should be noted that the Elizabeth Street Kerb and Water table budget of $122k and associated budget adjustments, endorsed by Council at its February 2018 meeting has been included in the attached UPF. This has resulted in the attached UPF being different to that endorsed as part of the 2nd quarterly budget review.

- **Attachment 2 – Capital Projects Update Report**
    - All Year to Date expenditure in this report includes invoices paid to date and orders outstanding. The total of this amount is then compared against the current budget to provide the budget remaining.
    - It should be noted that the month end balances in the capital report are different to those in Attachment 1 – UPF. This is due to the UPF reflecting the actuals as at the last day of the month, whereas the capital report includes some month end adjustments, correction to existing purchase orders and raising of new ones, backdated journals and correction of incorrectly allocated amounts. Making these adjustments means the report shows expenditure incurred as well as expenditure forecast for the remainder of the year along with budget remaining against each project.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Corporate Management Team
- Manager Financial Services
- Budget and Project Managers
- Accountant – Financial Management
- Accountant – Financial Operations

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

- Nil

POLICY IMPLICATIONS

PO 142 Budget Reporting and Amendment Policy

BUDGET AND RESOURCE IMPLICATIONS

This is the ninth update since the endorsement of Council's 2017/2018 Budget adopted in June 2017. After nine (9) months of the financial year financial performance remains on track against the revised Budget. Elected members should note that the third quarterly review of Council's 2017/2018 budget as at 31st March 2018 has commenced. All proposed adjustments will be considered by Council at its May 2018 meeting.

Expenditure on capital projects including commitments continues to increase as projects progress towards completion. After nine (9) months of the year 20% of budgeted capital funds remain to be committed. A number of projects carried forward from 2016/2017 are complete or nearing completion. Budgets for projects completed to date and requiring adjustments will be included in the March quarterly budget review which is currently under way.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Monthly financial reporting provides a transparent and comprehensive reporting regime that allows Council to track performance against financial targets established in its annual budget.

Council risks being seen as not being transparent if financial performance is not reported periodically and Elected Members could be asked to make decisions without knowing the impact on Council's financial position.

There is a significant risk that non-achievement of agreed milestones for grant funded capital projects could result in a delay in Council receiving grant funds, not receiving funds or having to return funds already received. This would have a significant negative impact on Council's budget and cash flow.

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

ATTACHMENTS

1. **Uniform Presentation of Finances as at 31 March 2018** ⇩
2. **Capital Projects Update as at 31 March 2018** ⇩

YORKE PENINSULA COUNCIL
UNIFORM PRESENTATION OF FINANCES
AS AT 31ST MARCH 2018

	2017/18 YTD Actuals $'000	2017/18 Commitments $'000	2017/18 YTD Expenditure (incl Commitments) $'000	Notes	2017/18 Full Year Revised Budget $'000	2017/18 Full Year Budget Revisions $'000	2017/18 Full Year Adopted Budget $'000
Income	28,691		28,691	1	29,684	(234)	29,918
Less Expenses	(22,600)	(1,762)	(24,361)	2	(32,586)	(456)	(32,130)
Operating Surplus/ (Deficit) before Capital Amounts	**6,091**	**(1,762)**	**4,329**		**(2,902)**	**(690)**	**(2,212)**
Less Net Outlays on Existing Assets							
Capital Expenditure on renewal and replacement of Existing Assets	4,228	2,733	6,962	3	8,586	300	8,286
Less Depreciation, Amortisation and Impairment	(7,096)		(7,096)		(9,461)		(9,461)
Less Proceeds on Sale of Assets	(290)		(290)		(410)	(34)	(376)
	(3,157)	**2,733**	**(424)**		**(1,285)**	**266**	**(1,551)**
Less Net Outlays on New and Upgraded Assets							
Capital Expenditure on New and Upgraded Assets	1,727	422	2,149	4	2,835	1,405	1,430
Less Amounts received specifically for New and Upgraded Assets	(14)		(14)		(206)	(29)	(177)
Less Proceeds for Sale of Surplus Assets							
	1,713	**422**	**2,135**		**2,629**	**1,376**	**1,253**
NET(LENDING) / BORROWING FOR FINANCIAL YEAR	**7,535**	**(4,917)**	**2,618**		**(4,246)**	**(2,332)**	**(1,914)**

Yorke Peninsula Council
Monthly Capital Projects Update
as at 31 March 2018

*** Only projects $25,000 and greater are individually listed below, however the totals shown are for the entire asset class.***

LEGEND		
1		Activity currently **completed** or **on** schedule
2		Activity currently **upto 2 months behind** schedule
3		Activity currently **more than 2 months behind** schedule
0		Activity currently **not started**
NA		Activity **not applicable** to the project

PROJECT DETAILS BY ASSET CLASS	Responsible Directorate	Expected Finish Date	Project Management Stages Complete: Planning	Design	Approvals	Services	Procurement	Delivery	YTD Expenditure (incl Commitments) ($)	Total Revised Budget ($)	Budget Remaining ($)	Budget Remaining (%)	Comments
									$9,109,256	$11,421,106	$2,311,850	20%	TOTAL
Buildings & Other Structures													
49044 - Warooka Town Triangle Shade Sails	AIS	Dec-17				N/A			$29,900	$30,000	$100	0%	Contractor appointed, awaiting approvals, work to commence May 2018.
49045 - Public Toilet - Maitland Hall	AIS	Dec-17				N/A			$92,988	$90,000	-$2,988	-3%	Completed, awaiting final invoices. Budget adjustment required at third quarter review.
49046 - Yorketown Oval Grandstand	DS	Jun-18			N/A	N/A			$47,076	$50,000	$2,924	6%	Commenced and ongoing.
60107 - Port Vincent Caravan Park - New Cabin	CCS	Jun-16							$223,838	$226,283	$2,445	1%	Completed. Budget adjustment required at third quarter review.
60314 - Point Turton Caravan Park- New Cabins	CCS	Jun-16							$470,921	$390,645	-$80,276	-21%	Completed. Potential for budget adjustment subject to April 2018 Council report.
60212 - Point Turton Caravan Park - Fencing	CCS	Jun-18			N/A	N/A			$0	$50,000	$50,000	100%	Scheduled to commence in May-18, subject to April 2018 Council report.
60317 - Marion Bay Caravan Park - Fencing	CCS	Jun-18			N/A	N/A			$19,640	$25,000	$5,360	21%	Site preparation under way, fencing to be installed after peak season in May-18.
60410 - Bush Camping - Capital	DS	Jun-17				N/A			$51,622	$98,883	$47,261	48%	Carry forward $48,883 from 2016-2017. Projects ongoing throughout year.
Total Buildings & Other Structures									**$1,008,467**	**$1,026,999**	**$18,533**	**2%**	
CWMS Infrastructure													
44250 - Ardrossan CWMS (Manhole refurbishment)	AIS	Nov-17			N/A	N/A			$31,129	$34,760	$3,631	10%	Commenced, contractor engaged.
44253 - Yorketown CWMS (Minlaton Road Drainage, Flow Meter)	AIS	Apr-18			N/A	N/A			$18,853	$70,000	$51,147	73%	Commenced, contractor engaged.
44254 - Maitland CWMS (Pump Station Alarm Renewal, Gravity Drain)	AIS	Apr-18			N/A	N/A			$22,326	$41,500	$19,174	46%	Commenced and ongoing.
44256 - Stansbury CWMS (Foreshore Public Toilet Connection)	AIS	Dec-17				N/A			$22,167	$26,000	$3,833	15%	Awaiting wastewater application approval.
44261 - Hardwicke Bay CWMS (Property Connections)	AIS	Mar-18			N/A	N/A			$0	$50,000	$50,000	100%	Projected delayed pending further information.
44264 - Point Turton CWMS (Caravan Park Connection)	AIS	Jun-17				N/A			$219,069	$208,370	-$10,699	-5%	Completed. Budget adjustment to be requested at third quarter.
Total CWMS Infrastructure									**$122,585**	**$468,130**	**$137,175**	**29%**	
Other Assets													
40046 - Balgowan Northern Beach Access	ES	Jun-18				N/A			$386,272	$386,000	-$272	0%	Council decision 193/2017. Commenced and ongoing.
44622 - Edithburgh Boat Ramp extension	AIS	Dec-16				N/A			$58,055	$57,539	-$516	-1%	Carry forward from 2016-2017. Completed.
45041 - Point Turton Nature Play Playground	AIS	Jun-17							$18,901	$206,354	$187,453	91%	Carry forward from 2016-2017. Construction documents received, due to tender in April/May 2018.
Total Other Assets									**$523,790**	**$713,599**	**$189,809**	**27%**	
Plant & Equipment													
40035 - Information Technology - Servers and Switches	CCS	Mar-18		NA	NA	NA			$167,240	$133,000	-$34,240	-26%	Commenced. Budget adjustment required at third quarter review.
40043 - Information Technology - Intranet Stage 2	CCS	Feb-18			NA	NA			$532	$25,000	$24,468	98%	Commenced and ongoing.
40044 - Aerial Photography	CCS	Apr-18		NA	NA	NA			$34,518	$40,000	$5,482	14%	Contract awarded, project underway.
61200 - Fleet Vehicles	CCS	Jun-18		NA	NA	NA			$358,500	$444,643	$86,143	19%	Fleet purchases scheduled throughout the year per rolling fleet renewal program.
62008 - Major Plant Purchase - Prime Mover	AIS	May-18		NA	NA	NA			$354,484	$354,484	$0	0%	Order has been placed, anticipated delivery Apr-18. Budget adjusted per Council decision 039/2018.
62009 - Major Plant Purchase - Side Tipper	AIS	May-18		NA	NA	NA			$224,500	$224,500	$0	0%	Order has been placed, anticipated delivery Apr-18. Budget adjusted per Council decision 039/2018.
62010 - Major Plant Purchase - Sweeper	AIS	May-18		NA	NA	NA			$301,393	$301,393	$0	0%	Order has been placed, anticipated delivery now Jun-18. Budget adjusted per Council decision 039/2018.
Total Plant & Equipment									**$1,524,422**	**$1,674,329**	**$149,907**	**9%**	
Road Infrastructure													
44663 - Edithburth Tidal Pool Car Park Upgrade	AIS	Dec-17			N/A	N/A			$31,385	$52,672	$21,287	40%	Completed, awaiting final plant allocation. Budget adjustment to be undertaken at third quarter review.
49042 - Footpath Replacement Programme	AIS	Jun-18			N/A	N/A			$1,503,180	$1,500,000	-$3,180	0%	Commenced and ongoing.
49500 - Reseal Allocation	AIS	Apr-17			N/A	N/A			$83,634	$100,000	$16,366	16%	Completed, awaiting final invoice. Budget adjustment required at third quarter review.
53519 - Unsealed - South Coast Road	AIS	Jun-18			N/A	N/A			$1,425,404	$1,531,685	$106,281	7%	Commenced and ongoing.
54008 - Unsealed - Brutus Road	AIS	Apr-18			N/A	N/A			$75,289	$102,687	$27,398	27%	Completed, awaiting final plant and wages allocation. Budget adjustment to be undertaken at third quarter review.
54027 - Unsealed - Nalyappa Road	AIS	Nov-17			N/A	N/A			$452,102	$554,311	$102,209	18%	Completed, budget adjustment to undertaken at third quarter review (Council decision 009/2018).
54029 - Unsealed - Weetulta Road	AIS	May-18			N/A	N/A			$201,515	$321,399	$119,884	37%	Completed, budget adjustment to undertaken at third quarter review (Council decision 009/2018).
54045 - Unsealed - Sturt Bay Road	AIS	Dec-17			N/A	N/A			$344,759	$197,865	-$146,894	-74%	Completed, budget adjustment to undertaken at third quarter review (Council decision 009/2018).
57109 - Patch Sheeting	AIS	Jun-18			N/A	N/A			$293,429	$1,156,691	$863,262	75%	Commenced and ongoing.
57524 - Pine Point Road (Maitland Seal to Hasting Rd)	AIS	Dec-17			N/A	N/A			$517,172	$620,863	$103,691	17%	Completed, budget adjustment to undertaken at third quarter review (Council decision 009/2018).
57525 - Grainstack Road East - Stansbury	AIS	Dec-17			N/A	N/A			$111,439	$121,044	$9,605	8%	Completed, awaiting final plant allocation. Budget adjustment to be undertaken at third quarter review.
57526 - Daniel Street, Coobowie	AIS	Dec-17			N/A	N/A			$41,428	$57,181	$15,753	28%	Completed, awaiting final plant allocation. Budget adjustment to be undertaken at third quarter review.
57527 - Elliott Street, Coobowie	AIS	Dec-17			N/A	N/A			$23,899	$28,745	$4,846	17%	Completed, awaiting final plant allocation. Budget adjustment to be undertaken at third quarter review.
57528 - Fuller Road	AIS	Jun-18			N/A	N/A			$8,459	$37,549	$29,089	77%	Commence in May-18.
57529 - Pine Point Road (3km north-west of Yorke highway)	AIS	Apr-17			N/A	N/A			$267,262	$449,996	$182,734	41%	Completed, budget adjustment to undertaken at third quarter review (Council decision 009/2018).
59419 - Disabled Access (Townships)	DS	Jun-17			N/A	N/A			$14,378	$33,000	$18,622	56%	Carry forward $8,000 from 2016-2017.
59426 - Elizabeth Street - Kerbing	AIS	Jun-18			N/A	N/A			$0	$122,000	$122,000	100%	Council decision 039/2018. Contractor road works to commence in April 2018.
59650 - Yorketown Airstrip	AIS	Dec-17			N/A	N/A			$203,601	$202,000	-$1,601	-1%	Completed, budget adjustment required at third quarter review.
60315 - Marion Bay Caravan Park - Upgrade of Park Roads	AIS	Jun-18			N/A	N/A			$52,691	$100,000	$47,309	47%	Contractor appointed, work to commence after Easter.
Total Road Infrastructure									**$5,651,025**	**$7,289,688**	**$1,638,662**	**22%**	
Stormwater Infrastructure													
59440 - Ardrossan Stormwater Harvest Project	AIS	Dec-17							$13,131	$191,000	$177,869	93%	Carry forward from 2016-2017. Tender awarded; project scope to be adjusted to fit budget.
Total Stormwater Infrastructure									**$13,131**	**$191,000**	**$177,869**	**93%**	

Yorke Peninsula Council
Monthly Capital Projects Update
as at 31 March 2018

PROJECT DETAILS BY ASSET CLASS	Responsible Directorate	Expected Finish Date	Project Management Stages Complete						YTD Expenditure (incl Commitments) ($)	Total Revised Budget ($)	Budget Remaining ($)	Budget Remaining (%)	Comments
			LEGEND										
** Only projects $25,000 and greater are individually listed below, however the totals shown are for the entire asset class.			1	Activity currently **completed** or **on** schedule									
			2	Activity currently **upto 2 months behind** schedule									
			3	Activity currently **more than 2 months behind** schedule									
			0	Activity currently **not started**									
			NA	Activity **not applicable** to the project									
			Planning	Design	Approvals	Services	Procurement	Delivery	$9,109,256	$11,421,106	$2,311,850	20%	TOTAL
Furniture & Fittings													
Total Furniture & Fittings									**$18,018**	**$25,361**	**$7,343**	**29%**	
Water Scheme Infrastructure													
44284 - Marion Bay Desalination Plant	AIS	Mar-18	●	●	N/A	N/A	●	●	$28,750	$30,000	$1,250	4%	Completed, unused funds may be applied to further minor works.
Total Water Scheme Infrastructure									**$28,750**	**$32,000**	**$3,250**	**10%**	

23.2 LONG TERM FINANCIAL PLAN 2019 - 2028

Document #: 18/21554

Department: Corporate and Community Services

PURPOSE

For Council consideration of public submissions and feedback received regarding the Draft Long Term Financial Plan 2019 – 2028 (LTFP) which was advertised for public consultation from Thursday, 15th March 2018 closing on Wednesday, 4th April 2018.

RECOMMENDATION

That Council receive and consider all public consultation feedback and adopt the Long Term Financial Plan 2019 – 2028 as presented.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

Strategy: 5.1 Openness and transparency of reporting Council's performance

5.2 Effective leadership and informed decision making

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

5.4 Seek alternate income streams and ensure financial sustainability

BACKGROUND

As required by the Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011, Council must regularly review its Long Term Financial Plan (LTFP) in accordance with actual and budgeted financial results with the updated plan used as a tool in the decision making and annual budget process.

As part of this process Council consults with the community and considers all feedback prior to adoption of the revised LTFP. Council currently has a LTFP (adopted in May 2016) however it is outdated and does not reflect current income and expenditure trends and indicators, internal and external factors impacting Council operations, the current political and economic environment and available asset information. As a result a comprehensive review of Council's LTFP has been undertaken using a new, fully integrated model, which is considered by Council to be more accurate and sophisticated than the model used to derive the previous LTFP.

At its meeting on Wednesday, 14th March 2018 Council endorsed the Draft LTFP 2019 – 2028 for public consultation.

This report provides the results of that public consultation and requests, after Council's consideration of public submissions and comments received, endorsement of the Draft LTFP 2019 – 2028 to be adopted as Council's LTFP 2019 - 2028. A copy of the Draft LTFP is provided under separate cover for Elected Members reference.

DISCUSSION

During the public consultation period from 15th March 2018 to 4th April 2018, three (3) written submissions were received. At this stage the Draft LTFP document remains unchanged from the time it was endorsed by Council for public consultation.

The following three (3) submissions were received (refer attachments 1 – 3):

1. Black Point Progress Association – no additional input into the plan at this point.

2. Coobowie Progress Association – unable to comment at this stage as the next Progress meeting is after the closing date.
3. Balgowan Progress Association – outlined proposed plans Progress have in consultation with Council for the future development of Balgowan over the next 10 years.

While the principals of financial sustainability previously adopted by Council remain relevant, the draft LTFP as presented has been built from the ground up using as a base, the 2017/2018 September Quarter revised Budget estimates and the 2016/2017 audited Annual Financial Statements.

In the preliminary stages of development Council's Corporate Management Team (CMT) provided input and direction on the key objectives and outcomes expected of the LTFP. They endorsed key financial strategies and income and expenditure parameters for Council to achieve financial sustainability in the medium to long term (5 – 10 years).

Various models were developed to arrive at the draft model which was then presented to CMT where it was endorsed for presentation to Elected Members. The draft LTFP was presented to EM's at the February 2018 workshop and any concerns and questions addressed. The detailed presentation touched on all aspects of the Plan and also included modelling to show the impact of removing the additional "Financial Sustainability Levy'' general rate increase (i.e. limiting the general rate increase to CPI from which results clearly showed that Council would not be financially sustainable under this scenario).

Goals and Desired Outcomes

The objective of the draft LTFP for the financial year commencing 2018/2019 through to 2027/2028, is to ensure that Council is financially sustainable in the medium to long term (5 – 10 years) and able to provide at least the current level of services over the ten (10) years of the plan in line with Council's five (5) goals as stated in its 2016 – 2020 Strategic Management Plan (SMP).

This LTFP builds on the current version adopted by Council on Wednesday, 11th May 2016 and will replace it should Council adopt this version. This LTFP has been developed taking into account current data (financial and service level), cost indices, internal and external factors, forecast trends, current political environment, revenue streams, limitations and community needs.

The key targets in this LTFP are:

- Positive Operating Surplus Ratio (OSR) i.e. operating surplus, in the medium to long term (5 – 10 years);
- Spending on asset renewal consistent with Asset Management Plan (AMP) identified needs, depreciation levels and Local Government recommended Asset Sustainability Ratio (ASR) minimum (90%) and maximum (110%) targets from Year 1 (2018/2019) of the Plan;
- Net Financial Liabilities Ratio (NFLR) to be within the recommended Local Government target of 100% of Operating Income from Year 1 (2018/2019) of the Plan;
- No new services or assets or increases to existing services to be introduced without consideration of the impact on the LTFP.

Outcomes Achieved

This Plan recommends a rating strategy that seeks to achieve a degree of stability and predictability over the next ten (10) years, while ensuring current levels of service and infrastructure are maintained for the Community. Rates will be set at affordable levels having regard to Council's strategic direction and its social and economic goals balanced against the Community's ability to pay and its desire for services and infrastructure.

Rate revenue forecasts are based on Consumer Price Index (CPI) (All groups CPI, Adelaide) plus a 'financial sustainability' increase over and above CPI. This increase over and above CPI is 2.5% in Year 1, followed by 2.85% per annum in Years 2 – 4, then reducing to 1.35% per annum in Years 5

and 6. From Years 7 – 10 this increase is no longer required based on current income and expenditure forecasts.

With the exception of caravan park operations (forecast at CPI + 1%), other sources of income continue to remain stagnant or diminish with reliance on rate revenue increasing as the biggest source of revenue for Council. Grants and subsidies from various levels of Government continue to remain uncertain due to the volatile political environment.

Continuing with the increased focus on renewal of existing assets, Council over the life of this LTFP, is proposing to allocate $94 million towards renewal of existing assets, with 80%, or $75.5 million, specifically for transport assets (mainly roads). An additional $2 million over ten (10) years is allocated for upgrades to existing assets and acquisition of new assets.

Based on the proposed income and expenditure forecasts in the LTFP and a 'business as usual' approach, Council will achieve a small positive Operating Surplus Ratio in Year 4 (2020/2021) and maintain that for the rest of the Plan. The minimum Asset Sustainability Ratio target of 90% is achieved in Year 1 (2018/2019) and maintained for the rest of the Plan, however, the average over the Plan is 95% which is below the desired 100% average. Council's forecast Net Financial Liabilities Ratio continues to be well below sector recommended maximum limits.

While there has been significant financial improvement in the last five (5) years, Council is still not financially sustainable in the long term if it continues its current level of service. If the draft LTFP is adopted and annual Budgets are in line with the adopted LTFP, Council will achieve its aim of financial sustainability in the medium to long term. This is clearly demonstrated by the attached LTFP. Council must continue to increase the funds it invests in asset renewal and continue to review its operations to realise savings resulting from increased productivity, efficiency and effectiveness.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

Public consultation was undertaken as per the Community Engagement Plan endorsed by Council at its March 2018 meeting.

If the recommendation above is endorsed by Council the LTFP will be made available to the public via Council's website.

CONSULTATION PROCESS

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

- Corporate Management Team
- Accountant – Financial Management
- Accountant – Financial Operations

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

- Community

POLICY IMPLICATIONS

PO142 Budget Reporting and Amendment Policy

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

BUDGET AND RESOURCE IMPLICATIONS

The budget and resourcing implications are as detailed in the attached draft LTFP. As mentioned earlier the LTFP is developed on a 'business as usual' model.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

1. Local Government Act 1999
2. Local Government (Financial Management) Regulations 2011

3.
Not having an LTFP or having one that is outdated could result in Council making decisions without knowing the impact on its long term financial position. Further there is a risk that Council may not know what financial strategies it needs to adopt and implement to achieve financial sustainability.

ATTACHMENTS

1. **Black Point Progress Association - Submission**
2. **Coobowie Progress Association - Submission**
3. **Balgowan Progress Association - Submission**
4. **Long Term Financial Plan 2019 - 2028 (under separate cover)**

BLACK POINT PROGRESS ASSOCIATION INC.

2 April 2018
63 Barker Road
Prospect SA 5082

Director Corporate and Community Services
Mr. David Harding
RE; Public Consultation – Long Term Financial Plan

Dear David.

Thank you for the opportunity to provide feedback to the Long Term Financial Plan of the Yorke Peninsula Council.

The BPPA has no additional input into the plan at this point.

Regards
Kym Woolford.
Secretary BPPA.

RECEIVED
- 3 APR 2018

COOBOWIE PROGRESS ASSOCIATION INC
C/O POST OFFICE COOBOWIE
COOBOWIE SA 5583
ABN 13722343859

28 March 2018

Mr David Harding
Yorke Peninsula Council
PO Box 57
MAITLAND SA 5573

Dear David

We acknowledge receipt of your letter of 26 March 2018 regarding public consultation on the Long Term Financial Plan for the Council.

We are unable to comment at this stage because the time frame is very short – submissions closing on 4 April and Progress meet on the third Monday of the month.

Yours sincerely

Glennis Couprie

Glennis Couprie
Executive Officer

BALGOWAN PROGRESS ASSOCIATION INC.

President
Mr. Jeff Adams
Ph. 0409673219

Treasurer
Mr. David Clasohm
0409091063

Secretary
Dot Marschall
0400695563

Email: balgowanshoreline@gmail.com

PO 54
Maitland SA 5573

4th April 2018

Mr David Harding
Director Corporate and Community Services.
Yorke Peninsular Council
8 Elizabeth St
Maitland SA 5573

Dear David,
Please find outlined below proposed plans that Balgowan Progress Association have in consultation with Council for the future development of Balgowan over the next 10yrs.

2 years plan:

- Speed bumps on entry to Balgowan
- wave attenuators at boat ramp.(In process of putting to Council)
- Additional parking for boat trailers.
- Upgrade clifftop walk (drain water away from cliff face as this is causing the erosion)
- Green waste dump bin for items not fitting into wheelie bins.
- Expansion of camping ground (redevelopment)
- Extend clifftop walk to Tippera Rocks.
- Access to Lot 1 (no 10) Moody Rd, so there is clear vision to traffic.
- Replace shelter shed lost by storm on South beach.
- Shelter shed at tennis court area on Lot 1,Moody Rd
- Practise wall for tennis players, Moody Road
- Basketball area and ring (Moody Road)

5 year plan:

- Recreation Shed area Lot 1 (No 10) Moody Rd to be zoned Industrial.
  - boat storage
  - caravan storage
  - mechanic/marine auto
- Community bus for locals to do shopping Dr's once a week.
- Tavern
- Expansion of camping ground (Caravan Park) to South Terrace.
- Viewing platform above steps at Welfare Street
- South beach access for prams and wheel chair.

[Pick the date]

10 year Plan

- Facilities for Dr's rooms
- Due to expansion of residential areas in Balgowan councils planning for upgrade of power and water supply.
- Effulents system for Balgowan
- Land available for future development of housing in Balgowan

Dorothy Marschall
Secretary
Balgowan Progress Assoc Inc.

23.3 LOAN FOR MAIN TOWNSHIP FOOTPATH REPLACEMENT PROGRAMME

Document #: **18/2346**

Department: **Corporate and Community Services**

PURPOSE

For Council to endorse the drawdown of a $1.2m loan approved as part of the 2017/2018 adopted Budget to fund the Main Township Footpath Replacement Programme and apply the common seal of Council.

RECOMMENDATION

That Council:

1. pursuant to Section 134 of the Local Government Act 1999, the Yorke Peninsula Council does hereby order that the said Council shall borrow by means of a debenture loan on the security of the general revenue of the Council, the sum of $1,200,000 (One Million, Two Hundred Thousand Dollars) from the Local Government Finance Authority and that the said loan shall be for a period of ten (10) years. The said loan will be for the funding of the Main Township Footpath Replacement Programme; and
2. authorise the Mayor and Chief Executive Officer to sign and seal any documentation necessary to give effect to this resolution.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

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

5.5 Undertake effective risk management

BACKGROUND

Council has previously approved capital expenditure of $1.5m for the replacement of footpaths in its main townships under a deed with State Local Government Infrastructure Partnership (SLGIP) - refer motion **191/2017 (09/08/2017).**

This project was included in Council's adopted 2017/2018 Budget funded via a $1.2m loan and a $300k State Government SLGIP grant.

Loan documentation to be executed requires the signatures of the Mayor and the CEO under seal. The Local Government Act 1999 (Section 38) provides that the common seal of a Council must not be affixed to a document except to give effect to a resolution of the Council and that it must be attested to (signed) by the CEO and the Principal Member.

DISCUSSION

The grant of $300k for this project was received in early 2018 and work is progressing currently.

Originally the plan was to drawdown the loan in 2017/2018 (prior to 30th June 2018), however due to the progress of the project, the subsequent timing of progress payments and a reassessment of cash flows, the drawdown of the loan is not required in 2017/2018. In considering all of the above staff have determined that the drawdown will not need to occur until July 2018 i.e. 2018/2019 financial year.

Conditions of the SLGIP grant included a special discounted interest rate (lower than current market rates) for a ten (10) year, fixed rate, credit foncier loan from the Local Government Finance Authority (LGFA) for projects funded by this grant.

Upon recent inquiry (23rd March 2018) with the LGFA, the current applicable discounted interest rate is 3.64% p.a. with the actual rate to be confirmed closer to the drawdown of the loan. The current non-discounted interest rate available from the LGFA is 4.5% p.a.

Should the recommendations be adopted by Council, all paperwork will be completed prior to 30th June 2018 and the loan will be drawn down on Monday, 16th July 2018.

COMMUNITY ENGAGEMENT PLAN

Not applicable

CONSULTATION PROCESS

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

- Chief Executive Officer
- Director Corporate and Community Services
- Manager Financial Services
- Accountant – Financial Management

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

- Local Government Finance Authority

POLICY IMPLICATIONS

PO142 Budget Reporting and Amendment Policy

BUDGET AND RESOURCE IMPLICATIONS

The capital project funded by this loan, commenced in December 2017 with completion expected in the first half of 2019. Council's adopted 2017/2018 Budget included the drawdown of this loan, however, after reassessment of cash flow requirements the loan will now be drawn down in 2018/2019 (July 2018). Council's 2017/2018 Budget was adjusted at the December 2017/2018 quarterly budget review to reflect this change.

Repayment of this loan over a ten (10) year term has been included in Council's draft LTFP and draft 2018/2019 Budget.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Local Government Act 1999

Local Government (Financial Management) Regulations 2011

ATTACHMENTS

Nil

23.4 POINT TURTON LUXEPOD PROJECT - ADDITIONAL FUNDS REQUESTED

Document #: 18/21534

Department: Corporate and Community Services

PURPOSE

To request additional funds to balance an over spend following the completion of the Upper Level Luxepod Cabin project at the Point Turton Caravan Park.

RECOMMENDATION

That Council either:

a) approve $80k additional funds to cover the 2017/18 budget shortfall at the Point Turton Caravan Park, enabling all previously approved 2017/2018 capital projects to proceed;

or

b) approve $11k additional funds to cover the 2017/18 budget shortfall and not continue with the specified previously approved 2017/2018 capital projects.

LINK TO STRATEGIC PLAN

Goal: 1 Economically Prosperous Peninsula

Strategy: 1.3 Improve visitor experiences, infrastructure, signage, information and support

BACKGROUND

The Upper Level Cabin "LuxePod" project at the Point Turton Caravan Park cost more than initially budgeted for several reasons resulting in a budget shortfall of $80,000.

DISCUSSION

In 2015 a business case was endorsed by Council whereby it was planned to remove the 6 very old and substandard Jayco Cabins and replace them with 4 new high end cabins. For a variety of previously reported reasons, this plan was revised and subsequently Council approval was received to place 3 LuxePods on the Upper Level. Refer below.

Cr Bittner moved Cr Hoyle seconded

That Council accept the tender of $363,400 (GST exclusive) from Luxepod for the construction of two (2) disabled compliant, two bedroom cabins and one (1) three bedroom cabin installed at Point Turton Caravan Park

CARRIED 202/2017 (09/08/2017)

When the contract was awarded for the LuxePod project, and due to the tenders being significantly higher than initially anticipated, it was identified at that time that there would be an expected budget shortfall however the Tender Evaluation Panel agreed that the project should still continue.

A breakdown of known costs at the time of letting the contract is as below:

- The original budget set for the project was $400,000.
- Expenses (outside of our control) prior to awarding tender $9,355
- LuxePod tendered build cost $363,400

- Wastewater holding tank and plumbing $22,000.

At the time, that left $5,245 for furniture and ad hoc/unexpected costs and it was resolved that further funds would be required once the project was completed. At the time these costs were unknown and it was determined that funds would either be added to the project or re-allocated from other planned projects once the final cost was known.

Increased and unexpected costs which eventuated were as follows;

- $6,558 Building Variations – Glazing and Additional Footing requirements due to rock clause
- $1,328 Lighting Upgrade
- $1,500 Disconnect / reconnect Power Supply
- $16,471 Rock Breaking / removal of rocks / site reinstatement
- $2,000 TV Connections
- $2,978 Additional Labour required to finish in time for Christmas bookings due to project delays caused mainly by rock breaking issues
- $19,510 Plumbing and Wastewater holding tank
- $33,473 Furniture, whitegoods, linen, cutlery, crockery, televisions, miscellaneous items

Total project cost: $456,573 *($56,573 over budget)*.

Further to this, the original business case did not take into consideration the need to relocate three (3) upper level powered sites which was required to appease those customers with long standing summer bookings. If this work had not been completed longstanding bookings were in danger of being cancelled. Five (5) sites were created at the new location thus increasing the capacity of the park.

The unplanned expenses associated with the development of these sites are outlined as follows;

- $1,800 Additional Plumbing
- $7,618 Earthmoving and Loam
- $7,270 Associated electrical costs
- $1,900 Television connections
- $4,872 Instant turf

Total cost of upper level site installation $23,460 *(non-allocated funds)*

At the completion of both of these projects, there is approximately an $80,000 shortfall which is required to balance the budget.

As part of the 2017 / 2018 adopted Annual Business Plan and Budget, the following capital projects were approved;

- $11,670 Solar Lighting, Whitegoods and Mattresses
- $50,000 Replacement Fencing
- $10,000 Replacement Ride-On Mower

All of these projects were placed on hold in anticipation of the expected shortfall in the Upper Level Cabin project. Following minimal spending from those capital accounts, $69,280 remains available.

If the approved budgets from these three projects were redirected to the Upper Level Cabin project, the overall shortfall would be $11,000.

However, if these projects are not undertaken this financial year, they will need to be funded in future budgets, particularly the replacement fencing, as this was deemed a high risk hazard as the result of a Workplace Health and Safety Risk Assessment.

Some Elected Members were able to personally assess the safety of perimeter fencing during the "Assets Tour" conducted in April 2016.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

Community will be informed via publication of minutes of this meeting

CONSULTATION PROCESS

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

- Manager Business and Public Relations
- Corporate Services Officer
- Point Turton Caravan Park Managers

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

- Nil

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

- Current budget shortfall $80,000
- Capital Funds currently available $69,280
- Outstanding Capital works required $69,280

Should option a) be approved additional funds of $80,000 will be required in 2017/2018 to complete all approved projects.

Should option b) be approved the requirement for extra funding in 2017/2018 will be reduced to $11,000 however allowances will need to be made in future budgets for projects previously approved.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Should the fencing project not be completed there is a high risk that the fence may fail and a significant injury may occur.

Should the lawn mower not be replaced there is a risk that the mower may stop working at any time and an alternative will need to be found.

Should the solar lighting, whitegoods and mattress replacement not progress, there is a risk that customer satisfaction, and therefore future occupancy, may be impacted.

ATTACHMENTS

Nil

23.5 PUBLIC CONSULTATION FEEDBACK - PROPOSED CLOSURE OF COUNCIL'S WAROOKA OFFICE

Document #: 18/22025

Department: Corporate and Community Services

PURPOSE

For Council to receive and consider community feedback on the proposed closure of the Warooka office before making a decision on the matter.

RECOMMENDATION

That Council receive and consider public consultation feedback and either:

(a) approve the closure of Council's Warooka office effective from 30 June 2018;

or

(b) determine to continue the current opening hours of Council's Warooka office until further notice.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

Strategy: 5.4 Seek alternate income streams and ensure financial sustainability

5.5 Undertake effective risk management

5.8 Continuous improvement of Council processes

BACKGROUND

At its meeting held on 14th February 2018 Council endorsed a public consultation process in relation to the proposed closure of Council's Warooka office.

Council were provided with relevant information in that report and an Information Sheet was made available as part of the consultation process.

DISCUSSION

The opening hours of Council's Warooka office was reviewed by staff following Council's formal request to undertake a Service Level Review.

As it has now been almost five years since the reduction of Warooka office hours and given the recent decision of Council to review service levels, it was considered timely to re-examine the most appropriate level of service that will yield benefits for the entire community.

With continuing cost pressures on Council and almost no utilisation of the services provided at the Warooka office over an extended period (average 1 visit per week) there is no longer financial justification that the continued operation of the Warooka office is in Council's or ratepayer's best interests.

"Community spirit" issues will impact the Warooka community if the closure of the Warooka office was to proceed. These concerns have long been recognised by Council and the opportunity to present on these grounds was made available as part of the community consultation process.

Potential savings of $20,000 per annum were identified and Council was presented with relevant criteria in my report to the February meeting.

As approved by Council at its February Council meeting the Public Consultation process in regard to the proposed closure commenced on 19 February 2018 and concluded on 23 March 2018. The consultation was made available on Council's web site and social media pages, a notice appeared in the Country Times, letters were sent to all Progress associations and 2,011 personalised letters were sent to all residents of the former Warooka Council area.

At the close of the consultation period a total of fourteen (14) responses had been received and are provided to Elected Members under separate cover for their consideration.

A summary of these submissions is presented in the following table:

In Support of Closing	Neutral	Against Closing
3	1	10

Many submissions referred to the "Community Spirit" associated with the Council office decision and asked that Council consider the impact on the area prior to making a decision. One submission against was submitted as a Letter to the Editor of the Country Times as well as sent to Council.

The local Progress Association made it clear it did not want to lose its local office but also offered to engage with Council to assist in finding a way for more diligent use of Council resources.

Those who supported the closure either offered suggestions for the ongoing community use of the building or requested that savings be spent on North Coast Road. One individual, in support, also suggested Council close both Warooka and Minlaton offices to save further funds.

Another supporting submission came from a Progress Association representing a southern community – the same group did not support changes to the Minlaton office business hours.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

The community will be advised of Council's decision via the minutes of this meeting and by postings on Council's web site and social pages.

CONSULTATION PROCESS

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

- Corporate Management Team

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

- Community Members

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

Potential savings were outlined in previous report to February 2018 Council Meeting.

Costs associated with this public consultation are as follows:

- Personalised letters to Warooka residents - $2,088 excl. GST (printing and postage of 2,011 letters)
- Letters to Progress Associations across the District - $150 excl. GST
- Staff time in preparation and taking queries - $1,000

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Detailed in previous report at February meeting.

ATTACHMENTS

1. Public Consultation Feedback - Warooka Office (under separate cover)

23.6 PUBLIC CONSULTATION FEEDBACK - PROPOSED CHANGE TO OPENING HOURS OF COUNCIL'S MINLATON OFFICE

Document #: 18/22026

Department: Corporate and Community Services

PURPOSE

For Council to receive and consider community feedback on the proposed change of office hours at Council's Minlaton office before making a decision on the matter.

RECOMMENDATION

That Council receive and consider public consultation feedback and either:

(a) approve the alteration to the opening hours of Council's Minlaton office, as advised during the consultation, effective from 01 July 2018;

or

(b) determine to continue the current opening hours of Council's Minlaton office until further notice.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

Strategy: 5.4 Seek alternate income streams and ensure financial sustainability

5.5 Undertake effective risk management

5.8 Continuous improvement of Council processes

BACKGROUND

At its meeting held on 14th February 2018 Council endorsed a public consultation process in relation to the proposed change of the opening hours of the Council office at Minlaton.

Council were provided with relevant information in that report and an Information Sheet was made available as part of the consultation process.

DISCUSSION

The opening hours of Council's Minlaton office was reviewed by staff following Council's formal request to undertake a Service Level Review.

It is now approaching 3 years since the relocation of staff from the Minlaton office and while the Minlaton office visitation rates certainly justify the existence of the branch office, the recent service level review has shown that the engagement of two officers is only necessary to cover breaks and out of office services such as banking and mail runs. One officer is considered sufficient to service all visits and provide back-up telephone assistance to the Principal office at Maitland at all other times with staff located at Minlaton able to provide short periods of coverage for rest room breaks etc.

The proposal to be reviewed via the public consultation process suggested opening at 9.00am until 5.00pm with a one (1) hour closure during the day to facilitate lunch for Customer Service Officers and complete banking and mailing tasks.

In order to establish the community reaction to this suggestion it was recommended that Council undertake public consultation on this proposal prior to consideration of any change to the opening hours and staffing arrangements.

As approved by Council at its February Council meeting the Public Consultation process in regard to the proposed changes commenced on 19 February 2018 and concluded on 23 March 2018. The consultation was made available on Council's web site and social media pages, a notice appeared in the Country Times, letters were sent to all Progress associations and 2,295 personalised letters were sent to all residents of the former Minlaton Council area.

At the close of the consultation period a total of twenty one (21) responses had been received and are provided to Elected Members under separate cover for their consideration.

A summary of these submissions is presented in the following table:

In Support of Proposed Hours	Neutral	Against Proposed Hours
9	1	11

Many of the eleven (11) submissions against the change of office hours cited access to Council services all day as their major concern and often stated that anything else was not meeting their needs as rate payers. A large proportion of those against the changes (5) specifically stated they were not in opposition to opening at 9.00am but all opposed a one (1) hour closure during the day. One submission blamed the decision to build Council's head office at Maitland for the proposed changes. A couple of submissions stated that businesses in Minlaton would only suffer further and suggested that all finance staff should be transferred back to the Minlaton office to overcome the problem.

One of the submissions against the change was from a Progress Association representing a southern settlement but did not state how many persons it was purporting to represent. Another submission against the changes came from the local Business Group representing businesses in Minlaton itself. Each of these submissions have been counted only once in the above table.

Many of the ten (10) submissions agreeing to the change stated that financial savings were their main reason for supporting the proposal. All such submissions were from individuals not groups.

One submission would only support the change if similar % cuts to expenses were to be realised in other offices at Yorketown and Maitland.

Another submission, a Minlaton based business against the changes, requested to attend this Council meeting to answer any questions the Elected Members may have in regard to his opposition to the changes.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

The community will be advised of Council's decision via the minutes of this meeting and by postings on Council's web site and social pages.

CONSULTATION PROCESS

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

- Corporate Management Team

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

- Community Members

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

Potential savings were outlined in previous report to February 2018 Council Meeting.

Costs associated with this public consultation are as follows:

- Personalised letters to Minlaton residents - $2,354.55 excl. GST (printing and postage of 2,295 letters)
- Letters to Progress Associations across the District - $150 excl. GST
- Staff time in preparation and taking queries - $1,000

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Detailed in previous report at February meeting.

ATTACHMENTS

1. Public Consultation Feedback - Minlaton Office (under separate cover)

24 ASSETS AND INFRASTRUCTURE SERVICES

Nil

25 DEVELOPMENT SERVICES

25.1 POLICY REVIEW AND COMMUNITY ENGAGEMENT OUTCOME - PO049 MOBILE FOOD VENDOR

Document #: 18/20054

Department: Development Services

PURPOSE

To consider submissions received in relation to the public consultation process for the proposed amendments to PO049 Mobile Food Vendor Policy, including of the proposed locations (Location Rules) and fee structure.

RECOMMENDATION

That Council:

1. receive and consider written submissions in response to the amendments to PO049 Mobile Food Vendor Policy, including the proposed locations (Location Rules) and fee structure.
2. endorse the PO049 Mobile Food Vendor Policy as per the amendments presented in the community engagement process.
3. endorse the Mobile Food Vendor monthly permit fee of $200 and the annual permit fee of $2,000 to Council's Fees and Charges Register.
4. endorse the Location Rules as contained in Attachment 1 as approved Mobile Food Vending sites.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

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

5.8 Continuous improvement of Council processes

BACKGROUND

Significant legislative changes to the Local Government Act 1999 were implemented in relation to Mobile Food Vending businesses, commencing 1 March 2018. Councils are required to grant a permit for the purposes of mobile food vending and must adopt location rules that set designated locations where a mobile food vending business may operate within a councils district area.

A report was presented to the 14 February 2018 meeting of Council on the legislative changes and proposed amendments to the Mobile Food Vendors Policy PO049. At this meeting it was resolved that Council endorse the undertaking of a Community Engagement process for proposed amendments to the PO049 Mobile Food Vendor Policy.

DISCUSSION

Council's Mobile Food Vendors Policy PO049 was adopted in 2013 as a result of increasing requests by mobile food vendors to set up in strategic locations during peak tourism times. In order to protect local businesses, Council endorsed that mobile food vendors should not replicate the service of an existing fixed business premises and their permit conditions required the vendor to be transient (only allowing them to stop to serve a customer).

The draft amended Mobile Food Vendors Policy PO049 has undergone extensive changes, to reflect the new legislation, 'tracked' changes to the existing policy were not used.

The changes to legislation include:

- Councils must grant a permit to mobile food vending businesses
- Councils must prepare and adopt rules (location rules) that set out locations within the council area in which mobile food vending businesses may operate and must comply with any requirement specified by the Minister
- Councils are prohibited from restricting the kind of food that may be sold by a mobile vending business
- Councils must allow a permit holder to elect to pay either an annual or monthly fee
- Councils must not impose a feed exceeding $2000 in the case of an annual fee or $200 per month in the case of a monthly fee
- Councils must ensure that a copy of its location rules is published on their web site.

When adopting Location Rules a council must take into account:

- Consideration should be given to provide a reasonable distance between mobile food vendors and a fixed food business during the operating hours of fixed food business
- The effect on the operation of the mobile food business on
    - Vehicle and pedestrian traffic, access to buildings and persons with disabilities
    - The availability of parking spaces in the vicinity
    - Residents and Businesses at the locations where a mobile food vending business may operate under the location rules and;
- Any other relevant requirement or legislative provision.

Aggrieved “bricks and mortar” businesses that are adversely impacted by the location rules and mobile food vendors can request a review of the location rules by the Small Business Commissioner (SBC). The SBC can recommend that Council amend the location rules. If a Council chooses not to amend the location rules as recommended by the SBC, Council needs to supply reasons as to why the location rules are not being amended. If the SBC is not satisfied with the reasons, Council may be directed to amend the location rules.

The following locations were proposed as part of the consultation process:

- Federation Corner car park, Yorke Highway, Port Arthur
- Port Giles Carpark
- East Terrace, Ardrossan, car park adjacent playground
- O’Halloran Parade, Edithburgh, adjacent to Tidal Pool
- Slow Street, Marion Bay, adjacent Community Centre
- Curramulka Road, Minlaton, car park Harry Butter Memorial
- Esplanade Point Turton, adjacent playground
- Edwardes Terrace, Port Victoria, reserve just south of Marshall Road
- Marine Parade, Port Vincent, car park adjacent jetty
- Anzac Parade Stansbury, car park adjacent old boat ramp
- Stansbury Road, Yorketown, car park Weaners Reserve
- Yorke Highway, Ardrossan – adjacent Viterra
- Spencer Highway, Maitland – adjacent Australian Wheat Board Grainflow
- Black Point Drive, Harvey Crescent – adjacent Caravan Park

- Marine Parade, Port Moorowie
- Tiddy Widdy Beach Road, Tiddy Widdy
- Esplanade, Wool Bay
- Rogues Point Road, James Well
- Jetty Road Port Julia
- 19 designated bush camping locations

As a result of the public consultation, six written submissions were received. All of these submissions are contained in Attachment 5.

One of these submissions was from the Black Point Progress Association requesting that they be given until 6 April 2018 to provide feedback as their Annual General Meeting is being held on 31 March 2018. They were advised that any feedback they provide will be passed onto the Elected Members for consideration.

Peter Godwin, prospective mobile food vendor has indicted some other possible locations, whilst the Port Victoria Progress Association suggested adopting the maximum fees for mobile food vendors.

Sue Caddy, proprietor of a business in Port Vincent was very concerned on the impacts that these mobile food vendors will have on the local bricks and mortar businesses.

The Friends of Port Moorowie responded with concerns that mobile food vendors would severely impact on the fundraising activities of small local communities.

The Stansbury Progress Association raised some concerns in relation to any impact that the mobile food vendors will have on organised events. The Location Rules do not apply to an organised event. The organisers of any event stipulate who is allowed to attend their event and this is then endorsed by Council as part of the event application. They were also concerned that a mobile food vendor could set up in a location and impact on a local adjoining event. At times an event may also be organised within a permitted location where a mobile food vendor may operate from, or in very close proximity to the event, which may impact the organisation of the event. Council staff have delegated authority to place conditions on a mobile food vendor's permit as they consider appropriate. The permit will have many conditions which will address such things as a risk assessment, insurance, litter and alcohol. To address this concern, a condition will also include a condition that will prohibit a mobile food vendor setting up in a location that is within 500 metres of an organised event endorsed by Council, even if it is an approved location for a mobile vendor. This condition will reduce the likelihood of any interference between a mobile food vendor and organisers of a local event.

On 14 February 2018 in Circular 7.8 issued by the Local Government Association it was advised that councils are unable to authorise a business such as a food truck to operate on a highway unless the council has an agreement in place with the authority responsible for the care, control and management of the highway or is acting under, or in accordance with, a notice by the Commissioner of Highways.

As a result of this, it is suggested that the following proposed sites that are adjacent to roads not under Council's care and control not be endorsed as locations where mobile food vendors can operate:

- Port Giles truck park, Hickeys Drive Coobowie
- Yorke Highway, Ardrossan, adjacent to Viterra
- Spencer Highway, Maitland, adjacent to Australian Wheat Board Grainflow

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

The Level 2 Community Engagement process commenced on 20 February to 20 March 2018, providing a four week opportunity for the public to make comment.

Two Public Notices were advertised in the Yorke Peninsula Country Times and appeared on Council Council's website and Facebook page. Written correspondence was sent to all Progress Associations, the Yorke and Mid North Regional Development Board and relevant business groups.

CONSULTATION PROCESS

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

- Corporate Management Team
- Manager Business & Public Relations
- Manager Development Services
- Senior Compliance Officer

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

- Local Progress Associations and business groups

POLICY IMPLICATIONS

PO049 Mobile Food Vendors

BUDGET AND RESOURCE IMPLICATIONS

Not applicable

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

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

Local Government Act 1999

ATTACHMENTS

1. **Location Rules**
2. **Draft - PO049 Mobile Food Vendor Policy**
3. **Mobile Food Vendor Community Engagement Report**
4. **Mobile Food Vendor Community Engagment Plan**
5. **Submissions - Mobile Food Vendor Public Consutation**

YORKE PENINSULA COUNCIL

PRINCIPAL OFFICE:
8 Elizabeth Street, Maitland
Telephone (08) 8832 0000
ALL CORRESPONDENCE TO:
PO Box 57, MAITLAND, SA 5573
Fax (08) 8853 2494
Email: admin@yorke.sa.gov.au
Website: www.yorke.sa.gov.au

Mobile Food Vendors

Proposed Locations

(Location Rules)

Federation Corner

Yorke Highway, *PORT ARTHUR*

Playground Carpark

East Terrace, *ARDROSSAN*

Tidal Pool

O'Hallaron Parade, *EDITHBURGH*

Community Centre

Slow Street, *MARION BAY*

Harry Butler Memorial
Curramulka Road, *MINLATON*

Edwardes Terrace

PORT VICTORIA

Esplanade

POINT TURTON

Black Point Road

BLACK POINT

Jetty Road

PORT JULIA

Marine Parade

PORT MOOROWIE

Tiddy Widdy Beach Road

TIDDY WIDDY BEACH

Esplanade

WOOL BAY

Rogues Point Road

JAMES WELL

Old Boat Ramp Car Park
Anzac Parade, STANSBURY

Wharf Car Park

Marine Parade, PORT VINCENT

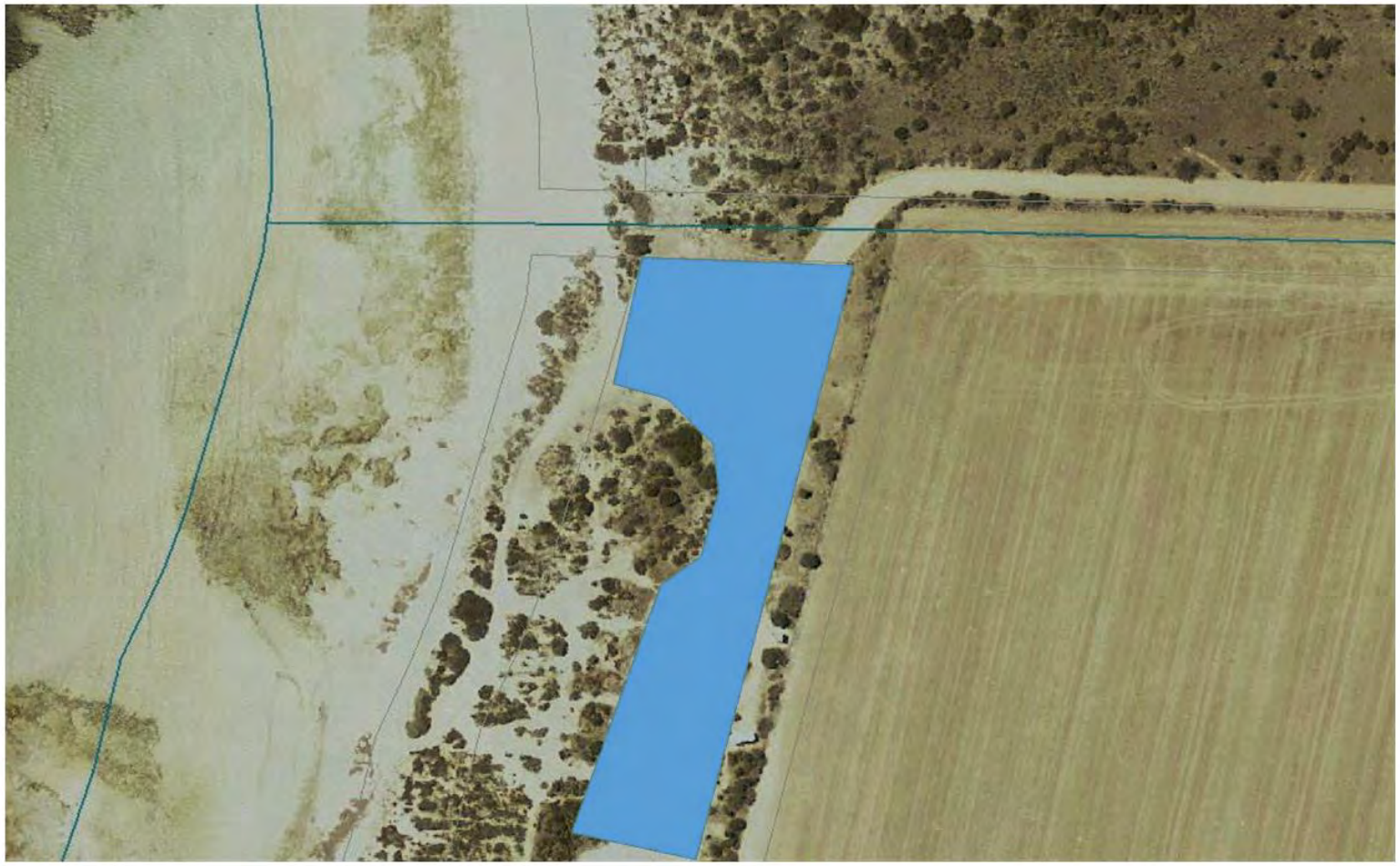
Weaners Flat Reserve

Stansbury Road, Yorketown

Council's Designated Bush Camping Locations

The Gap Camp Ground

Gap Road, Balgowan



The Bamboos Camp Ground

HD. Tiparra

Tiparra Rocks Camp Ground

HD. Kilkerran

Wauraltee Beach Camp Ground

Conservation Drive, Wauraltee

Barkers Rocks Camp Ground

Barkers Rocks Road, Bluff Beach

Port Minlacowie Camp Ground

Beegoodye Wells Road, Minlaton

Len Barker Reserve Camp Ground

North Coast Road, Point Souttar

Gleesons Landing Camp Ground

Gleesons Road, White Hut

Swincer Rocks Camp Ground

Wurlie Road, Corny Point

Gravel Bay Camp Ground

Light House Road, Corny Point

Goldsmith Beach Camp Ground

Troubridge Point Drive, Honiton

Wattle Point Camp Ground

Heel Road, Edithburgh

Mozzie Flat Camp Ground

Mozzie Flat Road, Port Moorowie

Sturt Bay Camp Ground

South Coast Road, Warooka

Foul Bay Camp Ground

South Coast Road, Foul Bay

Foul Bay Boat Ramp Camp Ground

Boat Ramp Road, Foul Bay

Daly Head Camp Ground

Daly Head Road, White Hut

Burners Beach Camp Ground

Eastern End
North Coast Road, Point Souttar

Burners Beach Camp Ground

Western End

North Coast Road, Point Souttar

COUNCIL POLICY

Mobile Food Vendors

Policy Number:	PO049		
Strategic Plan Objective	Meet all legislative and compliance responsibilities		
Policy Owner:	Director Development Services	**File Number:**	5.63.1
Responsible Officer:	Senior Compliance Officer	**Minute Reference:**	.....
Date Adopted:	.....	**Next Review Date:**	January 2020

1. POLICY OBJECTIVES

To allow for the operation of mobile food vending businesses within the legislative requirements of the Local Government Act in a manner that does not interfere or conflict with the permanent local business operators and service traders. The policy will ensure that these activities are appropriate for the area and do not cause any public safety issues or nuisance to the surrounding residents or businesses and that the amenity of the area is protected while enhancing the area's vibrancy, which will encourage visitors and residents to the Yorke Peninsula.

2. SCOPE

This policy covers all applications made to Council for the use of Council land, including roads and footpaths for mobile vendors, with the exception of mobile vendors engaged as part of local events, which will be managed in accordance with Council's Event Management Guidelines. This policy does not apply to the setting up of a stall on Council footpaths.

3. DEFINITIONS

Mobile food vending is defined as a business involving the sale of food or beverages from a vehicle (within meaning of the Road Traffic Act 1961) either free of charge or at a cost.

4. POLICY STATEMENT

Mobile food vendors should enhance the vibrancy of the Council area and have an offering that encourages visitors and residents.

Council will adopt location rules as to where mobile food vendors may operate from with a permit. Council will take into consideration the following whilst setting the permitted location rules:

- Location
- Permanent retail and service traders
- Benefit to the community
- Ambience created by the trader

DRAFT

PO049 – Mobile Vendors

The location and general information about the mobile food vending can accessed on Councils website and Information Sheet.

The location rules do not apply to a mobile food vending business primarily engaged in the sale of ice cream.

Mobile trading must comply with the *Local Government Act 1999* and relevant Council by-laws. The Permit holder must agree to comply with all the conditions which Council may impose. Council can modify or revoke a mobile trading permit if it does not comply with the conditions.

The permit is to be carried at all times while trading and produced upon request by an authorised Council representative or SAPOL.

Permanent retail and service traders and the amenity of the Council area must not be adversely affected by mobile trading.

Mobile Trading Operations:

- No fixed infrastructure, tables, chairs or signage or amplified sound are permitted.
- All advertising must be fixed to the food vehicles and not encroach on the public realm.
- Exclusive use of an area is not permitted and areas are not able to be reserved.
- The mobile vending area must be maintained at a high level of cleanliness. No waste or litter from the vendors operation may be disposed of in Council rubbish bins. All waste water associated with the activities of the food vendor must be contained within the vendor's vehicle. All refuse generated as part of the operation must be continuously removed by the mobile trader.
- Where the Council has to undertake any cleaning or tidying of the area, the mobile trader will be liable to reimburse the Council for costs incurred.
- Mobile Traders are not permitted to park on Council owned reserves.

Provision of permits:

- The permit holder takes full responsibility for the care, appearance, maintenance and operation of their activity area and is responsible for abiding by all legislative requirements relating to the activity.
- Applicants will need to demonstrate an appropriate level of public liability insurance as per the conditions.

Safety:

- Safety measures required by mobile traders will be assessed on a case-by-case basis.
- Mobile traders must comply with all legislative requirements relating to business operations, occupational health and safety, employment conditions and any other relevant requirements.
- All mobile food traders must comply with all health and food safety aspects as contained within the *Food Act 2011* and food Safety Standards. All mobile food traders will be subject to an inspection from the Environmental Health team and will endure an annual fee as per the fees schedule.
- Safety of the public must be the primary consideration. Mobile traders must not compromise the safety of pedestrians, any road users or any other users of the space.

A fee in accordance with Council's Fees and Charges Register will apply. Permits are either issued annually or monthly.

5. COMPLAINTS

Complaints relating to the mobile vendors can be made in writing to Council's Senior Compliance Officer. All complaints will be investigated in accordance with Council's Complaints Policy - PO147 Complaints.

If an operator of a food business or a mobile food vendor is directly or adversely affected by the locations, then the operator may apply to the Small Business Commissioner for a review of the location rules.

6. REVIEW

This policy will be reviewed every three years and also as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

7. TRAINING

Training needs will be reviewed as part of Council's Training Plan and as necessary in consideration of performance reviews, changes to legislation and relevant standards, codes and guidelines.

8. RELATED COUNCIL POLICIES AND DOCUMENTS

PO091 Risk Management Policy
PO141 Enforcement Policy
YPC Fees and Charges Register
YPC Community Land Register
YPC SF074 Application to License Vehicle for Sale of Food
YPC Event Management Guidelines

9. REFERENCES AND LEGISLATION

Food Act 2001
Local Government (Mobile Food Vendors) Amendment Act 2017
Local Government Act 1999
Development Act 1993
South Australian Public Health Act 2011
Environment Protection Act 1993
Local Nuisance and Litter Control Act 2016
Motor Vehicle Act 1959 and the Road Traffic Act 1961

9. COUNCIL DELEGATION

Details of Delegation:	In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Local Government Act, 1999, were delegated by Council, on the 13th of December 2017 to the person occupying the office of Chief Executive Officer.
Delegate:	Chief Executive Officer
Sub Delegate:	Director Development Services, Manager Development Services, Senior Compliance Officer, Ranger
Minute Number:	.....

10. VERSION HISTORY

Archived Policy Name	Policy Number	Date Adopted	Last Reviewed
Mobile Ice cream van permits [V1]	PO049	07/04/2003	08/06/2010

PO049 – Mobile Vendors

Mobile Vendors [V2]	PO049	13/02/2013	02/06/2017
Mobile Vendors [V3]	PO049	13/02/2016	17/01/2018
Mobile Vendor [V4]	PO049	.....	.....

Agriculturally rich~Naturally beautiful

COMMUNITY ENGAGEMENT REPORT

DRAFT MOBILE FOOD VENDORS POLICY P0049 AND PROPOSED LOCATIONS FOR MOBILE FOOD VENDORS (LOCATION RULES)

February 2018

COMMUNITY ENGAGEMENT REPORT

Purpose of report

To provide information to the public and seek public feedback in relation to the draft Mobile Food Vendors Policy and the introduction of locations where Mobile Food Vendors can operate from.

Background

Council's Mobile Vendors Policy PO049 was adopted in 2013 as a result of increasing requests by mobile food vendors to set up in strategic locations during peak tourism times. In order to maintain continuity between brick and morter businesses and mobile vendors, Council endorsed that mobile vendors should not replicate the service of an existing fixed business premises and their permit conditions required the vendor to be transient (only allowing them to stop to serve a customer).

Legislation regarding Mobile Food Vendors was recently reviewed by the State Government mainly as a result of the angst amongst mobile food vendors in Adelaide. As a result of the significant changes to the legislation, Council's PO049 Mobile Food Vendors Policy has been completely rewritten.

The changes to legislation include:

- Councils must grant a permit to mobile food vending businesses
- Councils must prepare and adopt rules (location rules) that set out locations within the council area in which mobile food vending businesses may operate and must comply with any requirement specified by the Minister
- A council must amend its location rules in order to comply with any direction given by the Small Business Commissioner
- All disputes in relation to the location rules can be reviewed by the Small Business Commissioner
- Councils are prohibited from restricting the kind of food that may be sold by a mobile vending business
- Councils must allow a permit holder to elect to pay either an annual or monthly fee
- Councils must not impose a feed exceeding $2,000 in the case of an annual fee or $200 per month in the case of a monthly fee
- Councils must ensure that a copy of its location rules is published on their web site.

Discussion

The draft Mobile Food Vending Policy has been re written to comply with legislative requirements.

When adopting Location Rules a council must take into account:

- Consideration should be given to provide a reasonable distance between mobile food vendors and a fixed food business during the operating hours of fixed food business
- The effect on the operation of the mobile food business on:
    - Vehicle and pedestrian traffic, access to buildings and persons with disabilities
    - The availability of parking spaces in the vicinity
    - Residents and Businesses at the locations where a mobile food vending business may operate under the location rules
- Interference with vehicles and road related infrastructure

- Any other relevant requirement or legislative provision.

Currently, Council has a set annual fee of $365 for mobile vendor permits. In line with the legislative changes, it is proposed that a new fee of $200 be applied for a monthly mobile vendor permit and $2,000 an annual permit.

In order to commence the community engagement process, this report contains suggested sites that could be adopted by Council for this type of activity. It is anticipated once Council has adopted Location Rules for mobile food vendors, further requests maybe received to consider adding other endorsed locations to the list.

The following locations are being proposed for the consultation:

- Federation Corner Car Park, Yorke Highway, Port Arthur
- Port Giles Carpark
- East Terrace, Ardrossan, car park adjacent playground
- O'Halloran Parade, Edithburgh, adjacent to Tidal pool
- Slow Street, Marion Bay, adjacent Community Centre
- Curramulka Road, Minlaton, car park Harry Butter Memorial
- Esplanade Point Turton, adjacent playground
- Edwardes Street, Port Victoria, reserve just south of Marshall Road
- Marine Parade, Port Vincent, car park adjacent jetty
- Anzac Parade Stansbury, car park adjacent old boat ramp
- Stansbury Road, Yorketown, car park Weaners Reserve
- Yorke Highway, Ardrossan – adjacent Viterra
- Spence Highway, Maitland – adjacent Australian Wheat Board Grainflow
- Black Point Drive, Black Point
- Marine Parade, Port Moorowie
- Tiddy Widdy Beach Road, Tiddy Widdy Beach
- Esplanade, Wool Bay
- Rogues Point Road, James Well
- 19 designated bush camping locations

Maps of these proposed locations can be located in a separate document "Mobile Food Vendors – Proposed Locations – (location Rules). Council is also seeking public comment in relation to the suitability of these sites and seeks public comment on other suitable sites that may be considered by Council. All public feedback will be considered by Council, who will then adopt the Mobile Food Vendors Policy and Location Rules as to where Mobile Food Vendors may operate from.

For further enquiries about the Policy and Location Rules contact Phil Herrmann, Senior Compliance Officer of 8832 0000.

Written submissions are to be receive no later than 20 March 2018, addressed "Mobile Food Vendors and Location Rules" and can be forwarded to:

Yorke Peninsula Council
PO Box 57 MAITLAND SA 5573
Or via email admin@yorke.sa.gov.au

Public Notice

YORKE PENINSULA COUNCIL

COMMUNITY ENGAGEMENT

DRAFT MOBILE FOOD VENDORS POLICY AND LOCATION RULES

In line with Council's commitment to engaging the community, Council is seeking written comments from the public in relation to the draft Mobile Food Vendors Policy PO049 and the proposed locations where Mobile Food Vendors can operate from.

A consultation report and the draft Policy is available at Council offices and on Council's website at www.yorke.sa.gov.au

For further enquiries about the Policy and Location Rules contact Phil Herrmann, Senior Compliance Officer of 8832 0000.

Written submissions are to be receive no later than 20 March 2018, addressed "Mobile Food Vendors and Location Rules" and can be forwarded to:

Yorke Peninsula Council
PO Box 57 MAITLAND SA 5573
Or via email admin@yorke.sa.gov.au

Andrew Cameron
Chief Executive Officer

COMMUNITY ENGAGEMENT PLAN

SF215
Responsible Officer: Business Improvement Officer
Issue Date: 10th June 2015
Next Review Date: June 2019

PROJECT NAME: Moble Food Vendors Policy

Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status	Evaluation Method
Entire community	Public Notice	Senior Compliance Officer	20/02/2018	20/03/2018	C	
Entire community	Website	Senior Compliance Officer	20/02/2018	20/03/2018	C	Report back to Council at the end of the PC process for Elected members to make a decision based on any submissions received from the PC process
Progress Associations	Personalised Letter	Senior Compliance Officer	20/02/2018	20/03/2018	C	
Other	Personalised Letter	Senior Compliance Officer	20/02/2018	20/03/2018	C	

Tue 20/03/2018 3:18 PM

Grant & Sue <carcad2@bigpond.com>

Mobile Food Vendors and Location Rules"

To Corporate Email Address

Mobile Food Vendors and Location Rules

It is with great concern to me that this Law is coming in.

So we will have vans coming in at the busiest time of the year, taking the cream of sales for our local shops. Most seaside shops on the Peninsula rely on the Summer and LWE trade to make their profits and then just sit it out during winter hoping to cover costs.

By allowing vans into the town, it will mean bricks and mortar shops will not make their summer profits and have to eventually close down altogether, meaning less rates for our Council.

If that occurs, it means that the rest of the businesses will suffer and we will end up a ghost town – it may take time, but it will happen. As a permanent resident, I want to be able to get takeaway food and coffees any time of the year, but if our local businesses close down because of the food vans which only support the town in the very busy times, then our choices will be very limited.

It is beyond my thinking that this was thought to be a good idea. Why on earth would anyone want a bricks and mortar business? Why don't we all just pay the annual fee and open when the busy times come around. OK for us but not good for the town, or for jobs in the town.

Yours faithfully
Sue Caddy
GIFTS PORT VINCENT

Fri 9/03/2018 3:14 PM

fatnav@bigpond.com <pejen2@gmail.com>

food vending van locations

To Corporate Email Address

Peter Godwin
Edithburgh
0405071733
Having an understanding that small towns need tourists to survive So with that in consideration the following sights are outside their concerns
Wool bay jetty during summer months and on long week ends
Sultana Point along side the public amenities
Port Jiles during grain season
Federation park at the top of Yorke peninsula
Pt Morrowie at the top of boat ramp
Parsons beach
Pt Julia on jetty road
Black Point
Rogues Point turn off
Davit drive Bluff Beach
White hut Rd and Yorke hwy intersection
Gleesons Landing and Marion Bay intersection
Sporting events that have requested the attendance of a van
ALL SUBJECTIVE TO PROFIT AND TIME
These sights may only be for One day a week and weather permitting Then the viability of running the van must be considered
Using existing car park areas where public safety is paramount As a help to vendors a pet enclosure to enable pets to relieve themselves In a shaded area
I notice Yorke Council have not got truck stops or toilet amenities out side any town for the grain carters or public to use could that be a problem for the vending vans

Friends of Port Moorowie Inc
PO Box 189 Yorketown SA 5576

23 March 2018

Mr Phil Herrmann
Senior Compliance Officer
Yorke Peninsula Council
PO Box 57
MAITLAND SA 5573

Dear Sir

I apologise for being a few days late in replying to this but due to circumstances beyond my control I have been unable to email it until today.

On behalf of the Friends of Pt Moorowie I wish to register our disapproval of food vans being permitted onto Marine Parade, Pt Moorowie especially at peak tourist times when we would be looking to hold our fundraisers.

Firstly, it is difficult enough today for any association/business to survive throughout the year particularly in regional areas and we rely on the tourist season to be able to make a profit to carry us through the rest of the year.

Secondly, for businesses to operate they are bound by endless government rules, regulations and taxes and yet Mobile Food Vans either do not have as many restrictions and/or they are able to bypass them.

We are such a small town (max 60 residents), as many are on the Yorke Peninsula, and whilst we do not disapprove of mobile vans per se, however, it would be extremely difficult for us to maintain our proposed Community Centre if our fundraising activities were impacted by these mobile vans particularly during the Easter & October long-weekend when we currently hold our major fundraising events.

When Council does formulate its policy it is hoped that it will see fit, within reason, to protect small holiday settlements.

Yours sincerely

Jo Daniels-Wilson

Jo DANIELS-WILSON
Chairperson

Port Victoria Progress Association Inc.

P.O. Box 182 Port Victoria SA 5573

ABN 72884947645

President: Wendy Brusnahan 08 88342234

0407718573

Secretary: Raelene Irlam 08 342175

0428642000.

16th March 2018

Phil Hermann

Senior Compliance officer

Yorke Peninsula Council

Re: The Mobile Food Vendors Police and Location Rules.

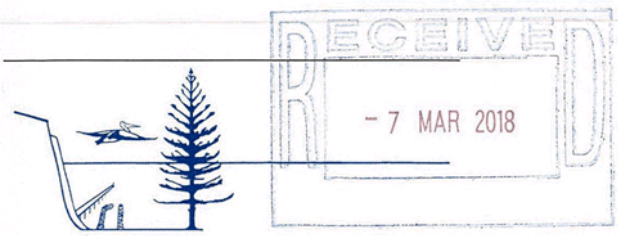
Dear Phil,

The Port Victoria Progress Assn. members have agreed that the location for the vendors is okay and that the fees be $200 per month and/or $2,000 per annum.

Regards

Raelene Irlam

PVPA Secretary.



Stansbury Progress Association Incorporated
PO Box 13, Stansbury SA 5582
Phone: 08 88524577 Fax: 08 88524511
Email: progress@stansburysa.com

2nd March 2018

Att: Phil Hermann
Yorke Peninsula Council
PO Box 57
MAITLAND SA 5573

Dear Phil,

RE: Draft Food Vendors Policy and Location Rules

In response to your letter, dated 15th February 2018, requesting public feedback in regards to the "Mobile Food Vendors Policy and suggested Location Rules", the Stansbury Progress Association Incorporated (SPAI) would like the present the following concerns:

- The Mobile Food Vendors Permits granted by the YP Council must not override the permits granted for the Stansbury Seaside Markets (SSM), Dusty and Rusty, Saltwater Classic or other SPAI sponsored and organised events. That is, a Mobile Food Vendor cannot set up in the event area without first applying for and obtaining a permit for the SSM or for another Progress Association subsidized event.

  Without this stipulation, a Mobile Food Vendor could possibly set up on the site the night before to capitalize on the event crowd and thus impacting the safety and organisation of the event, and disadvantaging those stall holders who have followed the event application process.

- Likewise, those stall holders who have applied to attend a SPAI sponsored event with Mobile Food Vendor vans, should not be subjected to applying for an additional permit from YP Council. The increased paperwork and fees will likely deter many stall holders from attending, and thus impact on the success of the event.

- The Draft Policy also mentions a separate document called 'Mobile Food Vendors – Proposed Locations – (location Rules). This was obtained on 2nd March 2018 from the YP Council website at https://yorke.sa.gov.au/community-services/public-consultation/draft-mobile-food-vendors-policy-and-location-rules/

  This document shows maps of some of the locations listed in the Draft Policy but not Stansbury. We would like to see a map showing exactly where the proposed area will be (currently described as 'car park adjacent old boat ramp'). This area is used during Dusty & Rusty and Saltwater Classic events.

Yours sincerely,

Ted Buttfield
Chairperson
Stansbury Progress Association Inc.

RECEIVED
- 1 MAR 2018

BLACK POINT PROGRESS ASSOCIATION INC.
c/o 63 Barker Road,
Prospect SA 5082.
26th February 2018.

Draft Mobile Food Vendors Policy and Location Rules

Dear Phil Herrmann
Senior Compliance Officer
Yorke Peninsula Council

Dear Phil,

Thank you for the opportunity for our Association to provide feedback on the Mobile Food Vendors Policy draft.

We acknowledge that Black Point has potentially been allocated a designated vendor location on the corner of Black Point Drive and Harvey Crescent, Black Point.

At this stage, we are unable to provide a view without first communicating with our members. We expect we will be able to provide feedback after the distribution of our Newsletter and the holding of our Annual General Meeting which will be held on the 31st March.

Therefore we request that you will accept late correspondence from us on this matter by the close of business on Friday 6th of April.

Kind Regards,
Kym Woolford.
Secretary of the BPPA.

K A Woolford

25.2 APPLICATION TO LIFT AND RE-APPLY LAND MANAGEMENT AGREEMENT, BUSH TRACK - PARSONS BEACH

Document #: 18/14753

Department: Development Services

PURPOSE

The purpose of this report is to seek approval from Council to have a Land Management Agreement lifted from the Certificate of Title of a property so that new Titles can be issued. The Land Management Agreement is then to be endorsed onto the new Titles.

RECOMMENDATION

That Council:

1. consent to the Land Management Agreement being lifted from the Certificate of Title for land contained in Certificate of Title Volume 6083 Folio 313 (Allotment 112 Compass Road, Edithburgh), and
2. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal on the relevant documents relating to;
   a) extinguishment of the Land Management Agreement over land identified as allotment 112, created by land division Development Application number 544/D016/2007, and
   b) the endorsement of the Land Management Agreement over land identified as allotment 28 and 113, created by land division Development Application number 544/D016/2007.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

Strategy: 5.2 Effective leadership and informed decision making

BACKGROUND

When the Subject Land (Lot 112 Compass Road, Edithburgh) was subdivided in 2007 a Land Management Agreement (LMA) was taken out over a portion of the land identified as allotment 112 Compass Road to provide for portion of the land to be made available for free and unrestricted access at all times for the users (including Council vehicles and members of the general public) of the Road in order to drive through between Compass Road and Parsee Street.

The longer term intention being when the adjoining land to the north is subdivided a suitable turn around area would be captured within this land. At this time the LMA in question can be extinguished and removed from the Titles of the land however until such time, the LMA needs to remain in place to allow an effective turn-around facility for local traffic.

Any alterations to the Title requires the LMA to be lifted and as the LMA is with Council, the consent of Council is required before this can be actioned.

DISCUSSION

The owner of the Subject Land now wishes to further divide allotment 112 so as to create one residential allotment (Lot 28) with the balance remaining in a larger allotment (Lot 113).

As a result of the proposed division, Council consent is required to lift the LMA from the existing Title (Lot 112) and then agree to have it endorsed on the Titles of the new allotments (Lots 28 and 113).

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Manager Development Services

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

- Nil

POLICY IMPLICATIONS

Not applicable

BUDGET AND RESOURCE IMPLICATIONS

No cost to Council. All costs associated with the lifting and re-applying of the LMA are to be borne by the land owner.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

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

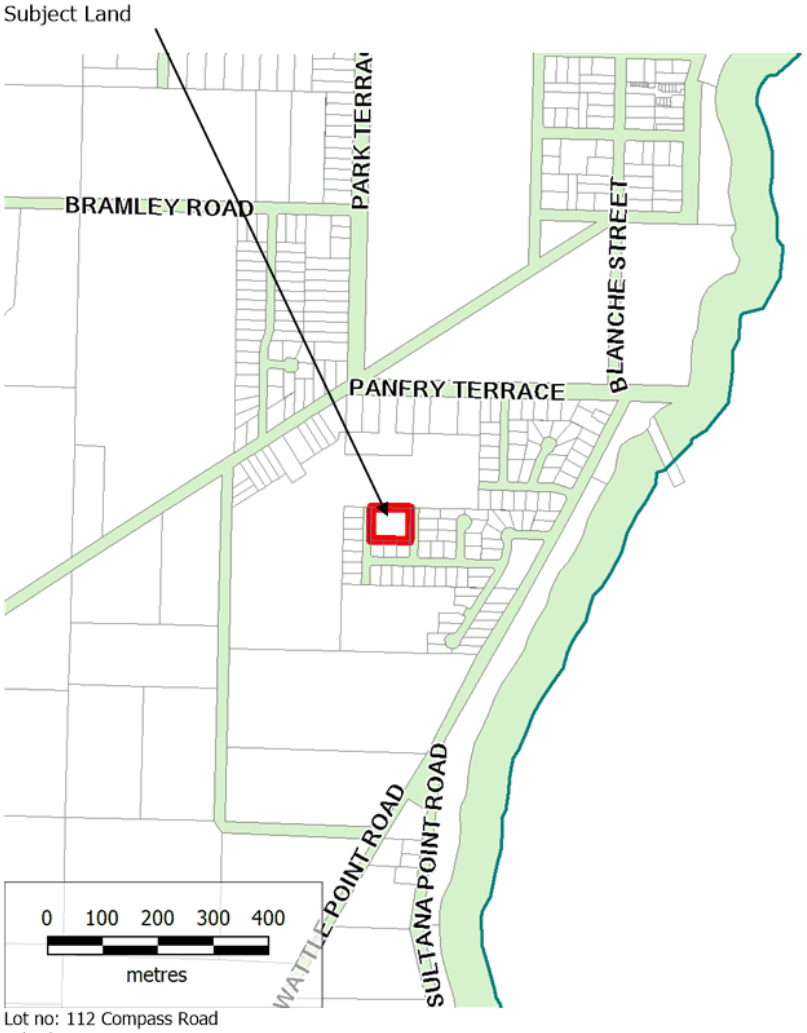
Section 57(2) of the Development Act provides that a council may enter into an agreement relating to the development, management, preservation or conservation of land within the area of council with the owner of the land.

ATTACHMENTS

1. **Locality Plans** ⇩
2. **Plan of Division** ⇩
3. **Land Management Agreement** ⇩
4. **Correspondence** ⇩

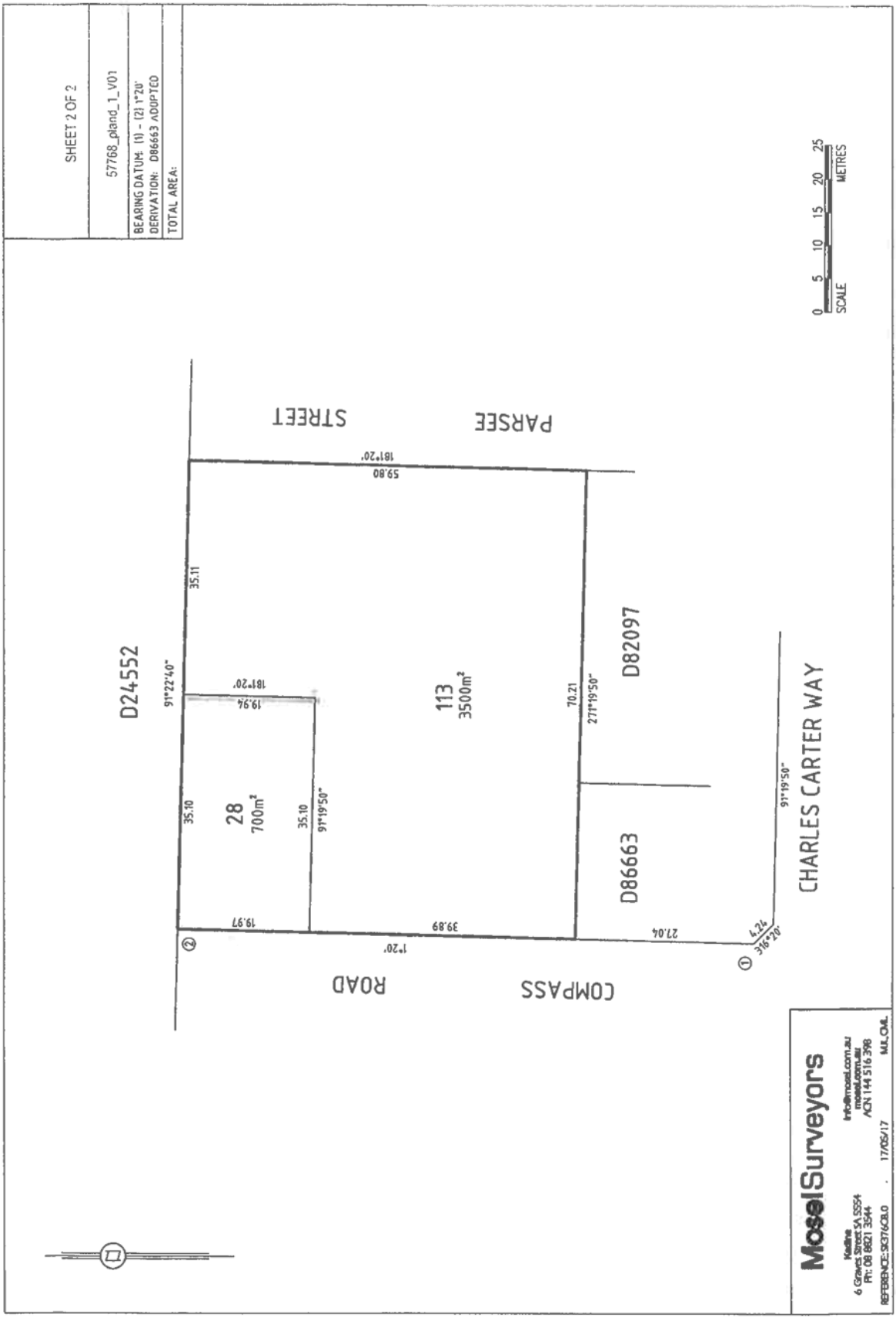
Locality Plan

Subject Land



Lot no: 112 Compass Road
suburb: EDITHBURGH

Thursday, 8 February 2018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113
3500m²
28
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19.97
39.89
27.04
4.24
316°20'
1°20'
MoselSurveyors
Kadina
6 Graves Street SA 5554
Ph: 08 8821 3544
info@mosel.com.au
mosel.com.au
ACN 144 516 398
REFERENCE: SK376CB.0
17/05/17
MJL.CML

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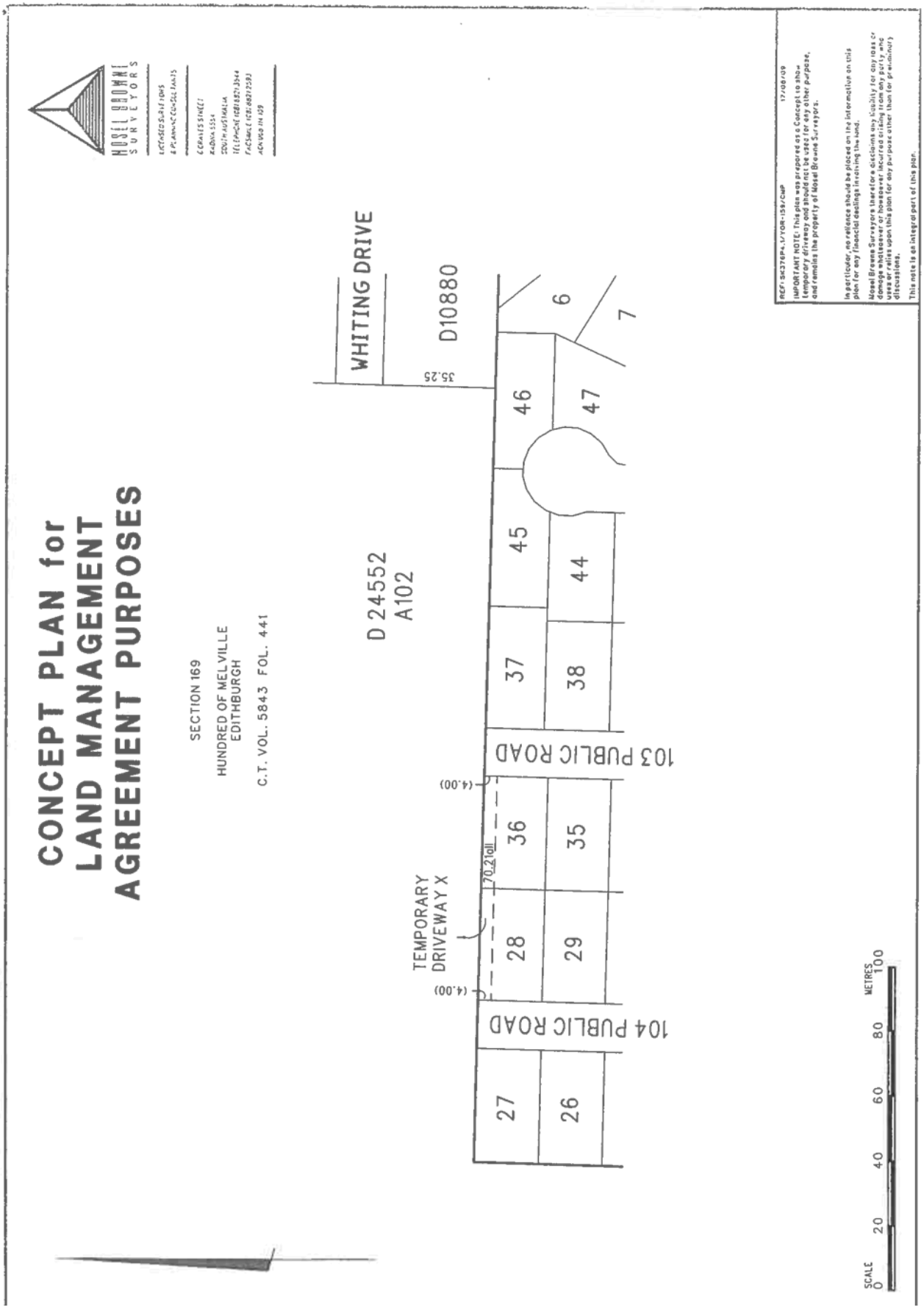
CONCEPT PLAN for
LAND MANAGEMENT
AGREEMENT PURPOSES
SECTION 169
HUNDRED OF MELVILLE
EDITHBURGH
C.T. VOL. 5843 FOL. 441
MOSEL BROWNE
SURVEYORS
WHITING DRIVE
D10880
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D 24552
A102
103 PUBLIC ROAD
104 PUBLIC ROAD
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DRIVEWAY X
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METRES

LAND MANAGEMENT AGREEMENT

Glenn Gordon Sutherland and Staples and Associates Developments Pty Ltd **(the Owner)**
District Council of Yorke Peninsula **(the Council)**

LAND MANAGEMENT AGREEMENT

Details		**3**
Agreed Terms		**4**
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2.	**Owner's obligations**	5
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10.	**Registration**	7
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Signing Page		**8**

Form B2

APPLICATION TO NOTE LAND MANAGEMENT AGREEMENT

(Pursuant to s 57(5) of the *Development Act 1993*)

To the Registrar General:

1. ~~THE~~ **DISTRICT COUNCIL OF YORKE PENINSULA (the Council)** of PO Box 88 Minlaton SA 5575 has entered into the attached Land Management Agreement dated 18/2/2010 **(the Deed)** with **GLENN GORDON SUTHERLAND** of 10 Martindale Place Walkley Heights SA 5098 and **STAPLES AND ASSOCIATES DEVELOPMENTS PTY LTD (A.C.N. 123 087 918)** OF 12 Streiff Road Wingfield SA 5013 pursuant to s 57 (2) of the *Development Act 1993* ***(the Act)***.

2. The Deed relates to the whole of the land in Pieces ~~106, 107, 108 and 109~~ 110 & 111 comprising one Allotment in DP ~~8338~~ 82997 being portion of the land comprised in Certificate of Title Volume ~~5843~~ 6044 Folio ~~441~~ 226 **(the Land)**. NOW THE WHOLE OF THE LAND IN C/T 6053/F 321

NOW THEREFORE the Council applies pursuant to s 57(5) of the Act to note the Deed against the Land.

DATED the 18th day of ~~January~~ FEBRUARY 2010

THE COMMON SEAL OF
~~THE~~ DISTRICT COUNCIL OF YORKE PENINSULA
IS HEREUNTO AFFIXED
IN THE PRESENCE OF:-

.....

MAYOR/C~~HAIRPERSON~~

.....

CHIEF EXECUTIVE OFFICER

DISTRICT COUNCIL OF YORKE PENINSULA
COMMON SEAL
ESTABLISHED 1997

NB: This form may be used only when no panel form is suitable. A penalty of up to $2000 or 6 months imprisonment applies for improper witnessing.

Orig. AG 11345281

11:47 18-Feb-2010
1 of 1 Fees $117.00

Prefix
Series No.

LANDS TITLES REGISTRATION OFFICE
SOUTH AUSTRALIA

FORM APPROVED BY THE REGISTRAR-GENERAL

BELOW THIS LINE FOR OFFICE & STAMP DUTY PURPOSES ONLY

BELOW THIS LINE FOR AGENT USE ONLY

CERTIFIED CORRECT FOR THE PURPOSES OF THE REAL PROPERTY ACT 1886

Solicitor/Registered Conveyancer/Applicant

AGENT CODE

Lodged by:
Ref:
Correction to: CARRINGTON CONVEYANCERS CARR64

TITLES, CROWN LEASES, DECLARATIONS ETC. LODGED WITH INSTRUMENT (TO BE FILLED IN BY PERSON LODGING)

1. 6053/321
2. .....
3. .....
4. .....

PLEASE ISSUE NEW CERTIFICATE(S) OF TITLE AS FOLLOWS

1. .....
2. .....
3. .....
4. .....

F/N 28176

DELIVERY INSTRUCTIONS (Agent to complete)
PLEASE DELIVER THE FOLLOWING ITEM(S) TO THE UNDERMENTIONED AGENT(S)

ITEM(S)	AGENT CODE
6053/321	BSAB 76

RNGS

CORRECTION	PASSED
30 MAR 2010	
REGISTERED - 7 APR 2010	

pro REGISTRAR-GENERAL

© LAWSOFT PTY LTD (June 2009) Lic No.1

Revenue SA -- Stamp Duty
ABN 19 040 349 865

Doc Code		A
RevNetID		123470269
Consid/Val/Sec	$	0.00
SA Proportion	$	0.00
Stamp Duty	$	0.00
LTO Fees	$	0.00
Interest	$	0.00
Pen/Add Tax	$	0.00
Date		18/02/2010

Original with 0 Copies
------- End of Receipt -------

Details

Date 18th FEBRUARY 2010

Parties

Name	**Glenn Gordon Sutherland and Staples and Associates Developments Pty Ltd (A.C.N. 123 087 918)**
Short form name	**The Owner**
Role	Owner
Notice Details	12 Streiff Road Wingfield SA 5013

Name	**District Council of Yorke Peninsula**
Short form name	**The Council**
Role	Council
Notice Details	PO Box 88 Minlaton SA 5575

BACKGROUND

A. The Owner is the registered proprietor of the Allotment comprising Pieces 110 and 111 in DP 83319 being portion the land in Certificate of Title Volume 6044 Folio 226 **(the Land)**. NOW THE WHOLE OF THE LAND IN CT VOLUME 6053 FOLIO 834

B. The Council has granted Development Application numbered 544/D016/07/02 **(the Application)** Provisional Development Plan Consent and Land Division Consent under the *Development Act 1993* **(the Act)** to undertake a division of the whole of the land in Certificate of Title Volume 6044 Folio 226 **(the Development Site)**..

C. This Deed only applies to the Land.

D. The Council and the Owner wish to ensure that there is sufficient space on the Land to allow vehicles accessing Compass Road and or Parsee Street on the Development Site to turn at the point where that road terminates at the Land.

E. Pursuant to the provisions of section 57(2) of the Act, the Owner has agreed with the Council to enter into this Deed relating to the development and management of the Land subject to the terms and conditions set out below.

3

Agreed Terms

1. Defined terms & Interpretation

1.1 Defined terms

In this Deed unless the context otherwise requires:

Council means The District Council of Yorke Peninsula with its successors and assigns.

Development has the meaning ascribed to it in the *Development Act 1993.*

Land includes any part or parts of the Land.

Land Management Agreement Plan means the Plan attached to this Deed as Annexure B.

Owner means the owner of the Land. The term 'the Owner' where the Owner is a company includes its successors, assigns and transferees and where the Owner is a person, includes their heirs, executors, administrators and transferees and where the Owners consists of more than one person or company the term includes each and every one or more of such persons or companies jointly and each of them severally and their respective successors, assigns, heirs, executors, administrators and transferees of the companies or persons being registered or entitled to be registered as the proprietor of an estate in fee simple to the Land or to each and every one of all separate allotments into which the Land may be divided after the date of this Deed.

Person shall include a corporate body.

Road means the road on the Development Site that terminates at the boundary between the Development Site and the Land as shown on the diagram attached to this Deed as Annexure A and known as Compass Road and Parsee Street.

1.2 Interpretation

(a) The parties acknowledge that the matters recited above are true and accurate and agree that they shall form part of the terms of this Deed;

(b) In the interpretation of this Deed unless the context shall otherwise require or admit;

(i) words and phrases used in this Deed which are defined in the *Development Act 1993* or in the Regulations made under the Act shall have the meanings ascribed to them by the Act or the Regulations as the case may be;

(ii) reference to a statute shall include all amendments for the time being in force and any other statute enacted in substitution therefore and the regulations or by-laws and the expression 'statute', 'Act' and 'Act of Parliament' shall mean any State or Federal statute and the regulations or by-laws for the time being in force there under and any notice demand

order direction requirement or obligation issued made given or imposed under or pursuant to any statute regulation or by-law;

(iii) words importing the singular shall embrace the plural and words importing one gender shall embrace the other genders and vice versa respectively;

(iv) any reference to a person shall be deemed to include a corporate body and vice versa;

(v) where two or more persons are bound under this Deed to observe or perform any obligation or Deed whether express or implied then they shall be bound jointly and each of them severally; and

(vi) anything which the Owner is required to do under this Deed shall be done at the cost of the Owner.

(c) Clause headings are provided for reference purposes only and shall not be resorted to in the interpretation of this Deed.

(d) The requirements of this Deed are at all times to be construed as additional to the requirements of the Act and any other legislation affecting the Land.

2. Owners obligations

(a) The Owner shall ensure that:

(i) the Land marked Temporary Driveway X, as delineated on the Land Management Agreement Site Plan, is made available and kept available for free and unrestricted access at all times for the users (including Council vehicles and members of the general public) of the Road in order to drive through between Compass Road and Parsee Street;

(ii) no barriers or fences are erected restricting access from the Road or the Development Site to the area marked Temporary Driveway X on the Land Management Agreement Site Plan; and

(iii) no Development is carried out on the land marked Temporary Driveway X on the Land Management Agreement without the express written waiver of the requirements of this Deed by the Council.

3. Council's obligations

a) The Council agrees with the Owner not to unreasonably refuse to:

(i) approve any matter that is required to be approved under this Deed, and

(ii) approve and execute a rescission of this Land Management Agreement upon issue of a Section 51 clearance by the relevant planning authority to enable the Owner to lodge the rescission in series with the other required documents for the Deposit of a Plan of Division to divide the land as set out in Clause 5 (c) herein.

b) The Council will treat the area marked Temporary Driveway X in terms of risk in the same manner it deals with its normal risks for Public Roads under its control.

4. Restriction on leasing and other dealings

The Owner shall not grant any lease licence easement or other right of any nature whatsoever which may give any person the right to possession or control of or entry on to the Land which right would enable such person to breach any of the obligations imposed on the Owner by this Deed unless such grant:

(a) is expressed in writing; and

(b) contains as an essential term a covenant by the grantee not to do or omit to do) any act matter or thing which would constitute a breach by the Owner of the Owner's obligations under this Deed.

5. Review and rescission

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

(b) The Council may waive compliance by the Owner with the whole or any part of the Owner's obligations provided that no such waiver shall be effective unless expressed in writing and signed by the Council.

(c) The Owner and the Council Agree that the Council shall rescind this Deed and procure the removal of the registration of this Deed in the event that future development of the Land is approved by the Council and that development provides either, suitable space for vehicles using the Road to turn around, or that there is a continuation of the Road on to the Land for use as part of the future development.

(d) In the event that the Owner and Council agree that the Land is to be divided into two or more allotments by way of an approved land division then the Council shall rescind this Deed and procure the removal of the registration of the Deed over the new allotment/s which is/are created provided no portion of the new allotment/s includes portion of the Temporary Driveway X.

6. Breach

(a) The Council and any employee or agent of the Council authorised by the Council may at any reasonable time enter the Land for the purpose of:

(i) inspecting the Land;

(ii) exercising any other powers of the Council under this Deed or pursuant to law.

(b) If the Owner is in breach of any provision of this Deed, the Council may, by notice in writing served on the Owner, specify the nature of the breach and require the Owner to remedy the breach within such

time as may be nominated by the Council in the notice (being not less than twenty eight (28) days from the date of service of the notice) and if the Owner fails so to remedy the breach, the Council or its servants or agents may carry out the requirements of the notice and in doing so may enter and perform any necessary works upon the Land and recover any costs thereby incurred from the Owner.

(c) If in a notice referred to in clause 6(b) the Council requires the removal of a building or structure from the Land the Council and its servants or agents are hereby authorised and empowered by the Owner to enter and remove the building or structure from the Land and to dispose of it in any manner determined by the Council provided that if the building or structure shall have any monetary value then the Council shall use its best endeavours to realise that monetary value and shall after the disposal account to the Owner and pay to him the realized value less all expenses incurred.

(d) The Council may delegate any of its powers under this Deed to any person.

7. Notices

Notice shall for the purposes of this Deed be properly served on the Owner if it is:

(a) posted to the Owner's last address known to the Council; or

(b) affixed in a prominent position on the Land.

8. Governing law

(a) The requirements of this Deed are at all times to be construed as additional to the requirements of the Act and any other legislation affecting the Land.

(b) This Deed is governed by and is to be construed in accordance with the laws from time to time in force in South Australia and the parties submit to the non-exclusive jurisdiction of the Courts of this State.

9. Entire agreement and variation

(a) This Deed constitutes the entire agreement between the parties with respect to its subject matter.

(b) This Deed must not be changed or modified in any way subsequent to its execution except in writing signed by all parties.

10. Registration

Each party shall do an execute all such acts documents and things as shall be necessary to ensure that as soon as is possible after the execution of this Deed this Deed is registered and a memorial thereof entered on the Certificates of Title for the Land pursuant to the provisions

execution of this Deed this Deed is registered and a memorial thereof entered on the Certificates of Title for the Land pursuant to the provisions of section 57(5) of the Act in priority to any other registrable interest in the Land save and except for the estate and interest of the Owner therin.

11. Costs

(a) The Owner Agrees to bear the costs of and incidental to the negotiation and preparation of this Deed and the cost of and incidental to the stamping and registration of this Deed.

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

12. General Provisions

(a) If any provision of this Deed shall be found by a court of competent jurisdiction to be invalid or unenforceable in law then and in such case the parties hereby request and direct such court to sever such provision from this Deed.

(b) This Deed contains the whole Deed between the parties in respect of the matters referred to herein.

Signing Page

EXECUTED as a land management agreement pursuant to section 57 of the *Development Act 1993*.

.....
GLENN GORDON SUTHERLAND

.....
Signature of WITNESS

ANNE-MARIE BARTEL
Print Full name of Witness (BLOCK LETTERS)

5 SEVASTINE CRT

LEWISTON 5501
Address of Witness
Business Hours Telephone Number X 8243-2533.

EXECUTED BY
STAPLES AND ASSOCIATES PTY LTD
(A.B.N. 27 123 087 598)
IN THE PRESENCE OF
ITS DULY AUTHORISED OFFICERS:

.....
DIRECTOR – GLENN GORDON SUTHERLAND

.....
DIRECTOR/SECRETARY – ARTHUR JONATHON STAPLES

9

Signing Page

EXECUTED as a land management agreement pursuant to section 57 of the *Development Act 1993.*

THE COMMON SEAL OF
THE DISTRICT COUNCIL OF YORKE PENINSULA
WAS HEREUNTO AFFIXED
IN THE PRESENCE OF:-

DISTRICT COUNCIL OF YORKE PENINSULA
COMMON SEAL
ESTABLISHED. 1997

R G Agnew /
Signature of Mayor/~~Chairperson~~

RAYMOND GEORGE AGNEW
Name of Mayor/~~Chairperson~~ (print)

Ricki Bruhn /
Signature of Chief Executive Officer

RICKI KEVIN BRUHN
Name of Chief Executive Officer (print)

10

Consent of parties with interest in land

St George Bank Ltd as Mortgagee under Mortgage No. 11100279 consents to this Deed.

St.George Bank Limited
Of 97 King William St Adelaide

ACN 055 513 070

By its Attorney
Bryan James O'Shaughnessy

who certifies that he is the
Commerical Securities Officer
of the Bank

Power of Attorney No. 845903

Signature of Witness

Rian Leslie London
Full Name of Witness
97 King William Street, Adelaide
Address

8424 4919.
Telephone No.

11

Consent of parties with interest in land

Peter Wesley Mathwin and Traci Suzette Mathwin as Mortgagee under Mortgage No. 10816246 consents to this Deed.

12

CARRINGTON CONVEYANCERS

REGISTERED CONVEYANCERS • ABN 11 105 380 372

30 JAN 2018

ENTERED 10/7414

23 January, 2018

Our ref: P180045

DISTRICT COUNCIL OF YORKE PENINSULA
PO BOX 57
MAITLAND SA 5573

Dear Sir/Madam,

RE: APPLICATION FOR DIVISION OVER ALLOT 112 COMPASS ROAD EDITHBURGH GULF DEVELOPMENTS PTY LTD (PREVIOUSLY STAPLES & ASSOCIATES) & G G SUTHERLAND

This office has been instructed to prepare an RTU application on behalf of the above clients over the land contained in Certificate of Title Volume 6083 Folio 313 on which Land Management Agreement No. 11345281 is registered in favour of Yorke Peninsula Council.

Please find enclosed an annexure to be executed in the usual manner by the Council in conjunction with a plan of division to be lodged in the Lands Titles Office on behalf of the above clients.

A copy of the RTU document and plan are also enclosed.

If you should have any queries please do not hesitate to contact me.

Yours faithfully,
Carrington Conveyancers Pty Ltd

Sarah Ebert
for
Paul Edwards
Registered Conveyancer

100 Carrington St Adelaide
PO Box 6193
Halifax St Adelaide
South Australia 5000
LTO DX: 58152
T » 08 8223 2988
F » 08 8224 0600
info@ccproperty.com.au
www.ccproperty.com.au

APPLICATION FOR DEPOSIT OF A PLAN OF DIVISION

(Pursuant to Part 19AB of the Real Property Act 1886)

PRIVACY COLLECTION STATEMENT: The information in this form is collected under statutory authority and is used for maintaining publicly searchable registers and indexes. It may also be used for authorised purposes in accordance with Government legislation and policy requirements

D..... **Development No** 544: D016 : 07

LAND DESCRIPTION

THE WHOLE OF THE LAND IN CT **VOLUME 6083 FOLIO 313**

I/We the undersigned Applicant(s) hereby apply to have the accompanying plan of division deposited in the Lands Titles Registration Office and request that certificates of title issue for each allotment formed by the plan.

DATED .....

APPLICANT(S)

EXECUTED by
GULF DEVELOPMENTS PTY LTD
in accordance with the *Corporations Act 2001*
in the presence of:

.....
Director – S ROSADA

.....
Signature of APPLICANTS- G S SUTHERLAND

.....
Signature of WITNESS - Signed in my presence by the APPLICANT who is either personally known to me or has satisfied me as to his or her identity. A penalty of up to $5000 or 1 year imprisonment applies for improper witnessing.

.....
Print Full name of Witness (BLOCK LETTERS)

.....

.....
Address of Witness
Business Hours Telephone No

Consent FORM RTU (Version 1)

CERTIFICATE OF CONSENT FOR THE DEPOSIT OF A PLAN OF DIVISION

CONSENTING PARTY (Full Name and Address)

DISTRICT COUNCIL OF YORKE PENINSULA OF PO BOX 88 MINLATON SA 5575

NATURE OF ESTATE OR INTEREST HELD

BENEFITTING PARTY TO LAND MANAGEMENT AGREEMENT – UNDER PLANNING ACT 1982

STATEMENT OF EFFECT ON ESTATES OR INTERESTS OF CONSENTING PARTIES

ESTATE / INTEREST AFFECTED	EFFECT ON ESTATE OR INTEREST HELD OR CLAIMED	CONSIDERATION / VALUE
AG11345281	*Adjusted to cover the parcels as set out on the accompanying plan / Mode of Issue ~~*Extinguishment*/Variation*/Creation* of easements as set out on the accompanying plan~~	NIL

I/We the consenting party

(1) certify my/our consent to the deposit of the accompanying plan of division in the Lands Titles Registration Office.

(2) acknowledge that the deposit of the plan will affect my/our estate or interest to the extent set out in the the above Statement of Effect panel.

EXECUTION BY CONSENTING PARTY

DATED .....

Signed as deligates for the Yorke Peninsula Council under section 44 of the Local Government Act 1999/ under Section 20 of the Development Act 1993

.....
Signature – Chief Executive Officer as delegate

.....
(print full name)

.....
Signature – Mayor as delegate

.....
(print full name)

I of
Yorke Peninsula Council PO Box 57 Maitland SA 5573
Certify that the requirements of section 57(2) of the Development Act to varyAgreement 11345281 have been complied with.

.....
Signed by certifying person

Page_____of_____

25.3 POLICY UPDATE - CEMETERY MANAGEMENT PO132

Document #: 18/18867

Department: Development Services

PURPOSE

To seek endorsement and approval from Council for the updated PO132 Cemetery Management Policy.

RECOMMENDATION

That Council endorse and adopt the updated PO132 Cemetery Management Policy for inclusion in Council's Policy Manual and on Council's website.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

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

BACKGROUND

PO132 Cemetery Management policy is due for review after last being reviewed and updated in 2010.

DISCUSSION

Management of Council's cemeteries is governed by the Burial and Cremations Act 2013.This policy provides the management framework for Councils cemeteries and general legislative information for the public. The policy is accessible to the public via Council's website.

No legislative changes have been made to the policy, therefore only minor amendments and grammatical changes have been made.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Corporate Management Team
- Property Tenure Officer

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

- Nil

POLICY IMPLICATIONS

PO132 Cemetery Management

BUDGET AND RESOURCE IMPLICATIONS

Not applicable

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Burial and Cremations Act 2013

Local Government Act 1999

ATTACHMENTS

1. Draft PO132 – Cemetery Management – Council Agenda – 11/04/2018 ⇩

COUNCIL POLICY

Cemetery Management

Policy Number:	PO132		
Strategic Plan Objective	Efficient, effective and professional organisation		
Policy Owner:	Director Development Services	**File Number:**	~~16.63.1~~16/14423[V4]
Responsible Officer:	Corporate Services Officer	**Minute Reference:**	~~228/2015 (09/09/2015)~~
Date Adopted:	09/09/2015	**Next Review Date:**	~~September 2018~~September 2020

1. POLICY OBJECTIVES

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

2. SCOPE

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

3. DEFINITIONS

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

DRAFT

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

4. POLICY STATEMENT

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

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

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

GENERAL

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

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

PO132 –Cemetery Management

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

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

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

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

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

OPENING HOURS

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

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

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

Council must ensure the cemetery is fenced at all times.

FEES

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

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

ISSUE OF INTERMENT RIGHTS

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

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

Council do not issue interment rights in perpetuity.

Prior to 1 July 2013

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

Effective 1 July 2015

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

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

Scattering of Ashes

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

RENEWAL OR TRANSFER OF INTERMENT RIGHTS

Renewal

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

Transfer / Relinquishment

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

Lost documentation

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

INTERMENTS

Documentation

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

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

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

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

Outside a Cemetery on rural land

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

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

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

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

REUSE OF INTERMENT SITES

Council encourages the interment right holder and/or relative to extend an interment right once it has expired and will make every reasonable effort to contact the interment right holder, and/or relatives of the interment right holder to advise them of the expiry of the interment right.

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

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

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

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

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

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

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

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

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

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

CONTROL OF ANIMALS

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

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

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

GENERAL CONDUCT IN THE CEMETERIES

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

a. Any building, memorial, other fixture or structure in a cemetery; or

b. Any part of the cemetery grounds including a tree, shrub, plant, flower or lawn.

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

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

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

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

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

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

MAINTENANCE

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

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

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

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

TRANSPORT OF BODILY REMAINS WITHIN THE CEMETERY

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

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

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

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

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

Ownership of memorials remains with the interment right holder.

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

PO132 –Cemetery Management

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

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

Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version. Updated 22/04/15

LANDSCAPING

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

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

TRAFFIC REGULATIONS

All South Australian general road rules apply within the cemetery.

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

DRIVERS TO COMPLY WITH DIRECTIONS OF COUNCIL

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

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

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

ESTABLISHING A NEW CEMETERY

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

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

CLOSURE AND CONVERSION OF CEMETERIES

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

STATE HERITAGE REGISTER

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

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

WAR GRAVES

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

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

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

NEGLECTED CEMETERIES AND NATURAL BURIAL GROUNDS

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

AUTHORISED OFFICERS

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

5. COMPLAINTS

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

6. REVIEW

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

7. TRAINING

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

8. RELATED COUNCIL POLICIES AND DOCUMENTS

PR079	Administering new cemetery plans
PR080	Administering a new cemetery interment right
PR081	Administering a new cemetery interment
PR082	Requirement for additional cemetery interment sites
PR083	Transfer of a cemetery interment right – existing applicant
PR084	Relinquishment of an existing cemetery interment right
PR085	Transfer of a cemetery interment right - legal incapacity of existing applicant
PR095	Grave digging at Council cemeteries - Guidelines
SF018	Cemetery Interment Right
SF018A	Cemetery Interment Right Terms and Conditions
SF172A	Application for new cemetery Interment Right
SF172B	Interment Authority
TBA	Grave digging at Council cemeteries - Checklist
SF173	Transfer of cemetery interment right declaration
SF217	Interment Authority – Permission to inter bodily remains on private land other than a cemetery

9. REFERENCES AND LEGISLATION

Burial and Cremation Act 2013

Burial and Cremation Regulations 2014

Local Government Act, 1999 – Schedule 2 Subsidiaries.

Local Government (Exhumation of Human Remains) Regulations 2005

OHSW Regulations 1995 Division 5.5

Australian Standard for Monuments AS204-1994

Coroners Act 2003

Cremation Act 2000

Cremation Regulations 2001

Births, Deaths and Marriages Registration Act 1996

Births, Deaths and Marriages Registration Regulations 1996

10. COUNCIL DELEGATION

Delegate:	Chief Executive Officer.
Sub Delegate:	Director Development Services

11. VERSION HISTORY

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

25.4 POLICY UPDATE - REBATE VIA DONATION DEVELOPMENT APPLICATION FEES PO098

Document #: 18/18991

Department: Development Services

PURPOSE

To seek endorsement and approval from Council for the updated PO098 Rebate Via Donation Development Application Fees Policy.

RECOMMENDATION

That Council endorse and adopt the updated PO098 Rebate Via Donation Development Application Fees Policy for inclusion in Council's Policy Manual and on Council's website.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

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

BACKGROUND

PO098 Rebate Via Donation Development Application Fees Policy is due for review after last being reviewed and updated in 2010.

DISCUSSION

This policy provides the framework and scope for Council to assist community groups to remit, via donation, part of the development application fees payable by community groups to Council for development applications.

No major or legislative changes have been made to the policy, only minor amendments, in line with Councils Strategic Plan. The Policy is accessible to the public via Council's website.

COMMUNITY ENGAGEMENT PLAN

Level 1 - Inform

CONSULTATION PROCESS

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

- Corporate Management Team

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

- Nil

POLICY IMPLICATIONS

PO098 Rebate Via Donation Development Application Fees

BUDGET AND RESOURCE IMPLICATIONS

Not applicable

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS

Local Government Act 1999

Development Act 1993

ATTACHMENTS

1. PO098 Rebate Via Donation Development Application Fees ⇩

COUNCIL POLICY

Rebate Via Donation Development Application Fees

Policy Number:	PO098		
Strategic Plan Objective	~~1.1 Provide infrastructure assets that are sustainable and safe~~Economically Prosperous Peninsula.		
Policy Owner:	Chief Executive Officer	**File Number:**	~~7.63.1~~16/14145[V3]
Responsible Officer:	Director Development Services	**Minute Reference:**	~~130/2013 (12/06/2013)~~
Date Adopted:	12/06/2013	**Next Review Date:**	~~June 2018~~June 2023

1. **POLICY OBJECTIVES**

Council is committed to assisting community groups to provide improved building facilities for use by residents and visitors. To assist in these endeavours, Council has resolved to provide the opportunity to remit, via donation, part of development application fees payable by the community group to Council for development applications.

2. **SCOPE**

This policy applies to all not for profit organisations and community groups within the ~~District Council of~~ Yorke Peninsula Council undertaking development in accordance with the Development Act 1993.

3. **DEFINITIONS**

Not for Profit Organisations/Community Groups	All not for profit organisations and community groups within the ~~District Council of~~ Yorke Peninsula Council.
Development Application Fees	75% of lodgement fees, 95% of planning assessment fees and 93% of building assessment fees payable under the schedule 6 of the Development Regulations 2008.

4. **POLICY STATEMENT**

When a community group has undertaken a building project that requires development and / or planning approval from Council, it is a legal requirement that the full, legislated fees be charged.

Given the limited ability of community groups to raise funds, and the desire to ensure that all funds raised are devoted to the development, Council has often been requested to waive these fees.

Community groups seeking a rebate via donation must write to the Councils' Chief Executive Officer quoting the relevant development application number referred to in the documentation.

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5. **COMPLAINTS**
Complaints in relation to this policy should be made in writing to the Director Development Services.

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

7. **TRAINING**
Training needs will be reviewed as part of Council's Training Plan and as necessary in consideration of performance review, changes to legislation, and relevant standards, codes and guidelines.

8. **RELATED COUNCIL POLICIES AND DOCUMENTS**
Strategic Plan ~~2012-2015~~2016 -2020- ~~Sustainable Infrastructure – delivering and facilitating the provision of Infrastructure that is sustainable and supports our growth.~~Economically Supported Peninsula

~~9.~~ 9. **REFERENCES AND LEGISLATION**
Local Government Act 1999
Development Act 1993
Strategic Plan
~~Key Theme: Sustainable Communities~~
~~1. Sustainable Infrastructure~~
~~Strategic Goal: 1.1 Provide infrastructure assets that are sustainable and safe.~~

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~~10.~~ 10. **COUNCIL DELEGATION**

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Delegate:	Chief Executive Officer 8/6/2010
Sub Delegate:	Director Development Services 8/6/2010

11. VERSION HISTORY

Archived Policy Name	Policy Number	Date Adopted	Last Reviewed
Rebating via donation development application fees	PO098	15/9/2004	8/6/2010

26 GENERAL BUSINESS

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

CONFIDENTIAL AGENDA

27 CONFIDENTIAL ITEMS

Nil

28 NEXT MEETING

Wednesday 9 May 2018

29 CLOSURE