



MEMBERSHIP

Mayor Clare McLaughlin

Cr Irene Adair
Cr Joanne Marshall
Cr Rick Santucci
Cr Soto Stuppos
Cr Zia Westerman

Cr David Knox
Cr Tamy Pond
Cr Bill Simpson
Cr Phill Stone

NOTICE OF COUNCIL MEETING

TO HER WORSHIP THE MAYOR AND MEMBERS OF COUNCIL

NOTICE is hereby given pursuant to Section 83 of the Local Government Act that the next Ordinary **COUNCIL MEETING** will be held in the Council Chamber, Darling Terrace, Whyalla on **MONDAY 15 FEBRUARY 2021** commencing at 5.30 pm.

A copy of the Agenda for the above meeting is supplied as required.

JUSTIN COMMONS
CHIEF EXECUTIVE OFFICER

Dated: 11 February 2021

AGENDA

COUNCIL MEETING – MONDAY 15 FEBRUARY 2021

1. ACKNOWLEDGEMENT

“We acknowledge that this meeting is held on Barngarla Land and we give thanks for the use of this Land.”

2. OPENING PRAYER AND WELCOME

“Almighty God, we humbly beseech thee to grant thy blessing upon the works of this Council; to direct and prosper its deliberations to the advancement of this City; and for the true and lasting welfare of the people of this municipality.”

3. OBITUARY NOTICES

4. ATTENDANCE RECORD

Apologies – Nil
Leave of Absence

5. DECLARATION OF MEMBERS’ CONFLICT OF INTERESTS

6. MINUTES OF PREVIOUS MEETINGS

6.1 *Confirmation of the Minutes of the previous Ordinary Council Meeting held on Monday 18 January 2021*

Recommendation

That the Minutes of the previous Ordinary Council Meeting held on Monday 18 January 2021, as per copies supplied to Members, be adopted as a true and correct record to that meeting.

7. PRESENTATIONS – Nil

8. PETITIONS

9. MATTERS ADJOURNED / DEFERRED

9.1 *Resubmission of Report – Former WHYTEC Building*

(Item 19.2.1 of the Council Meeting held on Monday 18 November 2019; resolution C539-2019)

10. PUBLIC QUESTION TIME*Public Question Time Protocol*

The Mayor will read submitted Questions (*on the Public Question Time Template*) at the time of the meeting and will give an officer's response at the time of the meeting. (*A written response will be given if an officer's response is not available.*)

11. ELECTED MEMBERS ACTIVITIES**12. REPORTS – COUNCIL OFFICERS****12.1 Office of the Chief Executive – Ordinary Reports**

12.1.1	<i>Foreshore Master Plan – Award Contract</i>	<i>Page 5</i>
12.1.2	<i>Chief Executive Officer's Action Report – February 2021</i>	<i>Page 42</i>
12.1.3	<i>Clean Seas</i>	<i>Page 50</i>

12.2 Corporate Services – Ordinary Reports

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12.2.2	<i>Rate Remission Update – February 2021</i>	<i>Page 121</i>
12.2.3	<i>Engagement of Contract Service Provider for the Development and Delivery of an Economic Development Strategy</i>	<i>Page 124</i>
12.2.4	<i>Foreshore Cafe</i>	<i>Page 127</i>
12.2.5	<i>Annual Review of Confidential Orders</i>	<i>Page 195</i>

12.3 City Growth – Ordinary Reports

12.3.1	<i>Whyalla Child Care Centre Review</i>	<i>Page 250</i>
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12.3.3	<i>Community Grants</i>	<i>Page 268</i>
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12.3.6	<i>Whyalla Sports Advisory Group Meeting Minutes – Information Only</i>	<i>Page 291</i>

12.4 City Infrastructure – Ordinary Reports

12.4.1	<i>Point Lowly Cottages</i>	<i>Page 298</i>
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13. INFORMATION REPORTS

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14. NOTICES OF MOTION – Nil**15. QUESTIONS ON NOTICE – Nil**

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20.	CLOSE	
21.	DATE OF NEXT MEETING	
	Elected Members Informal Gathering – Monday 1 March 2021	
	Ordinary Council Meeting – Monday 15 March 2021	

12.1 OFFICE OF THE CHIEF EXECUTIVE**12.1.1 Foreshore Master Plan – Award Contract****Council Meeting:** 15 February 2021**Author's Title:** Chief Executive Officer**File No.:** 3-116**Directorate:** Office of the Chief Executive**Annexures:**

A – Request for Proposals / Consultants Briefing Document

Officer Direct or Indirect Conflict of Interest:*In accordance with Local Government Act 1999, Section 120*☐

Yes

☒

No

Status:*Information classified confidential under Section 90(2) of the Local Government Act*☐

Yes

☒

No

Reason – Not applicable**PURPOSE**

To seek Council approval to award the tender, to develop a master plan for the Whyalla Foreshore Precinct.

SUMMARY

As reported at the 16 November 2020 Ordinary Meeting, Council has a need to commence master planning for the Whyalla Foreshore precinct.

The Whyalla Foreshore Precinct is a key asset for the local community and with appropriate planned investment over time, will deliver significant social, economic and environmental outcomes for coming decades. The following are key drivers for the Council to undertake master planning of this precinct at this time:

- the success of the new jetty;
- the potential hotel development at the site of the existing Foreshore Motor Inn;
- the potential development of a new Surf Life Saving facility;
- the potential upgrade, renewal or new café facility; and
- the impending closure of the Whyalla High School site at the end of 2021.

Requests for Proposal have been called and received for the Development of a Whyalla Foreshore Revitalisation Master Plan. Council officers have evaluated responses received with details of this evaluation provided under separate confidential cover.

RECOMMENDATION

That Council approve for the Chief Executive Officer to negotiate with _____ **[insert preferred tender]** for the development of the Whyalla Foreshore Revitalisation Master Plan, in accordance with the Tender Evaluation Report, up to a maximum Lump Sum fee not exceeding \$ _____ **[insert amount]**, ex GST.

12.1.1 Foreshore Master Plan – Award Contract

REPORT

BACKGROUND

Council, at its meeting held 16 November 2020, resolved:

C3886-2020

“That Council:

- 1. endorse the vision and suggested engagement strategy regarding the future use of the Edward John Eyre High School and Whyalla High School sites, as outlined in the Briefing Paper: A Future Plan for Civic Park, Foreshore and Northern Coast Precincts (refer Annexure “B”);*
- 2. write to the State Government to formally request a roundtable meeting with relevant State Government Ministers, agencies and key stakeholders regarding the future use of these two sites, prior to the formal PC114 process being initiated;*
- 3. commence discussions with key stakeholders to socialise Council’s vision for the two sites; and*
- 4. call for expressions of interest from consultants/consortia to develop a master plan for the Whyalla Foreshore, with the subject area for this master plan to include the land currently occupied by the Whyalla High School.”*

DISCUSSION

On 18 December 2020, prospective companies and/or consortiums were invited to submit a proposal for the Development of a Whyalla Foreshore Revitalisation Master Plan via a select tender process (refer **Annexure “A”**).

The submission for proposals closed on Friday 29 January 2021, with six responses received.

A review panel comprising Justin Commons, Chief Executive Officer; Kristen Clark, Director City Infrastructure and Shanti Ditter, Planning Consultant, undertook the evaluation of the responses received against the evaluation criteria listed below.

As the evaluation was not completed at the time of writing this report, the final recommendation regarding the preferred tenderer is not included in the agenda papers. This information will be tabled at the Council meeting to inform Council decision making.

The responses received, together with the evaluation results once finalised will be provided to Council under separate confidential cover. The evaluation results will underpin the officer’s final recommendation(s).

Summary Criteria	Detailed Criteria	Weighting
Capability	An understanding of the key issues identified in the scope of work	30%
	Degree of innovation and creativity	
	Experience in similar tasks	
	Possession of any additional or unique skills or resources for use in the project	
	Experience with identification and management of stakeholders	
Capacity	Calibre of professional expertise of project personnel	25%
	Range of professional expertise offered	
	Implications of Assumptions on Council resources	
Methodology	Suitability of the methodology	30%
	Approach to engaging with council	
	Approach to engaging with the Whyalla community	
	Suitability of the Project Plan	
	Suitability of timelines	
	Implications of Assumptions on Project outcomes	
	Value Add	
Cost	Suitability of the fee estimate (inclusive of GST)	15%

Based on this evaluation, it is recommended that negotiations are undertaken with _____ **[insert preferred tenderer]** to finalise the scope and cost of works, with total costs expected to be lower than the tendered amount.

Financial Implications

The total tender amount exceeds the current budget allocation for master planning in the current financial year. Whilst there are financial impacts associated with awarding the tender, the investment in planning for the future development of the Whyalla Foreshore Precinct is of strategic importance to Council and the community.

It is proposed that a budget allocation of up to \$**[insert amount]** is required to ensure that the process is undertaken with the required level of rigour. It is proposed that this allocation occur over both 2020/21 and 2021/22, with the current year to be funded from existing budget and next year's allocation to be included through the 2021/22 Annual Business Plan and Budget process. For this reason, there are no impacts on Council's budget and Long Term Financial Plan from proceeding with this course of action.

Strategic Plan

Council's Strategic Plan identifies the following master plans that will be impacted (positively or negatively) by future land uses of the Whyalla Foreshore precinct and the Whyalla High School site.

- **ECONOMIC DEVELOPMENT PLAN Aim:**
To create a diversified economy through the development of, and investment in, the city including leveraging economic opportunities in the region and expanding the visitor experience through new and diverse tourism.
- **WHYALLA BEACH ROAD AND MARINA MASTER PLAN Aim:**
To revitalise and improve functionality of the foreshore area to provide an iconic space for residents and visitors that promotes our unique city.

Legislation

Various sections of the *Local Government Act, 1999* apply.

Officer Direct or Indirect Interest – Nil

Risk Assessment

There are considerable risks to Council and the community, both present and future, should appropriate planning of the Foreshore precinct not be undertaken at this time.

Social Considerations

The Master Plan will appropriately consider social outcomes now and into the future that can be derived from the Whyalla foreshore precinct if appropriately planned and developed over time.

Community Engagement

Extensive Community engagement will occur through public consultation on the Whyalla Foreshore Master Plan during various stages of its development, with the results of this consultation to be considered at a future Council Meeting.

Environmental Implications

The Master Plan will appropriately consider environmental outcomes now and into the future that can be derived from the Whyalla foreshore precinct if appropriately planned and developed over time.

Communication

Communication regarding the Whyalla Foreshore Master Plan process will be undertaken both externally and internally to ensure good community and staff participation during this important planning stage.

Conclusion

The Whyalla Foreshore Precinct is a key asset for the local community and with appropriate investment, will deliver significant social, economic and environmental outcomes for coming decades. The success of the new jetty; the potential hotel development at the site of the existing Foreshore Motor Inn; the potential development of a new Surf Life Saving facility; potential upgrade, renewal or new café facility; as well as the impending closure of the Whyalla High School site are all key drivers for the Council to undertake master planning of this precinct at this time.



CORPORATION OF THE CITY OF WHYALLA

SELECT REQUEST FOR PROPOSAL FOR SERVICES

REQUEST FOR PROPOSAL FOR	Development of a Whyalla Foreshore Revitalisation Master Plan
PROJECT SHORT DESCRIPTION	The Whyalla Foreshore Revitalisation Master Plan is a transformative master planning project that will catalyse the rejuvenation of Whyalla and environs.
REQUEST FOR PROPOSAL NUMBER	Request for Proposal RFP 2021-001
PROPOSALS CLOSE (TIME/DATE)	5:00pm on Friday 29 January 2021
PROPOSALS TO BE LODGED TO	council@whyalla.sa.gov.au
CONTACT PERSON	Justin Commons Email: justin.common@whyalla.sa.gov.au

Document Approvals:

Prepared & Approved by:
Justin Commons (Chief Executive Officer)

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Structure of this Request for Proposals

This Request for Proposals is comprised of three sections:

- Section A - Proposal Parameters
- Section B – Service Specifications
- Section C – Proposal Forms

Section A – Proposal Parameters

1. Definitions

In this Request for Proposal:

- 1.1 **Closing Date** means the time and date specified in clause 2.4, or such later time and date as may be notified in writing to Respondents by the Council.
- 1.2 **Form of Proposal** means the form contained in Sections B and C of this Request.
- 1.3 **Respondent** refers to any party who responds to this Request.
- 1.4 **GST** means the Goods and Services Tax payable pursuant to the *A New Tax System (Goods and Services Tax) Act 1999*.
- 1.5 **Request** means this document outlining the Request for Proposal.
- 1.6 **Proposal** means a Proposal submitted by a Respondent pursuant to this Request.
- 1.7 **Schedules** means the schedules contained in Section C of this Request.
- 1.8 **Services** means the services sought to be purchased by the Council pursuant to this Request.
- 1.9 **Specifications** means the specifications specified in Section B of this Request.

2. Request for Proposals

- 2.1 The Council seeks Proposals from Respondents for the provision of the Services.
- 2.2 Proposals may be made by one Respondent, or by the collaborative effort of more than one Respondent. In the circumstance of a collaborative effort, a lead Respondent should be identified for the purposes of contractual arrangements.
- 2.3 Refer to Sections B and C of this Request for further information on the required content of Proposals.
- 2.4 **Lodgement of Proposals**
 - 2.4.1 *Proposals can be lodged to council@whyalla.sa.gov.au before the Closing Date of 5:00pm on Friday 29 January 2021 with a subject line of the email being: "Request For Proposal RFP 2021-001 for Development of a Whyalla Foreshore Revitalisation Master Plan."*
 - 2.4.2 If Respondents experience any difficulties emailing their Proposal, please contact the contact person prior to the Closing Date.
 - 2.4.3 A Proposal is deemed to have been lodged by the Respondent when the Proposal has been received by Council's server.
 - 2.4.4 Any enquiries or requests for information or clarification regarding this Request can be made in writing and addressed to.

Justin Commons

Email: justin.common@whyalla.sa.gov.au

- 2.5 Proposals received after the Closing Date will **NOT** be considered.
- 2.6 The Council will not accept any responsibility if a Proposal is not received by the Closing Date.
- 2.7 Extension of time for the lodgement of Proposals:
 - 2.7.1 The Council may, at its discretion, no less than two business days before the Closing Date, extend the Closing Date by notice in writing to prospective Respondents.
 - 2.7.2 A Respondent may request the Council to extend the Closing Date for Proposals in writing to the Nominated Contact Person.
 - 2.7.2.1 Any such requests are to be received by the Nominated Contact Person at least five business days prior to the Closing Date and provide reasons to support the request.
 - 2.7.2.2 It is at Council's discretion as to whether an extension is granted.

3. Acceptance of Proposals and Fee Estimates

- 3.1 The Respondent agrees that the Proposal and fee estimate remains open for a minimum period of 60 days after the Closing Date.
- 3.2 This Request, together with the Council's written acceptance of the Proposal and the issue of a Council purchase order, constitute the contract between the Council and the successful Respondent. If the services are over \$33,000 (GST inclusive) a Professional Services Agreement will be entered.

4. No Legal Requirement

The issue of this Request or any response to it does not commit, obligate or otherwise create a legal requirement on the Council to acquire the Services from a Respondent.

5. Council's Rights

The Council reserves the right to:

- 5.1 amend, vary, supplement or terminate this Request at any time;
- 5.2 accept or reject any Proposal and fee estimate, including the lowest price Proposal and fee estimate;
- 5.3 negotiate with any service provider on all or any part of the Services to be supplied pursuant to this Request;
- 5.4 postpone or abandon this Request;
- 5.5 add or remove any Respondent;
- 5.6 accept or reject any Quotes;
- 5.7 accept all or part of any Quote;
- 5.8 negotiate or not negotiate with one or more Respondents;

- 5.9 discontinue negotiations with any Respondent; and
- 5.10 include the Respondents' names in Council reports and make them public. This may include the order of Respondents on the basis of quoted price but without the specific amount quoted.

6. Proposal Evaluation

In assessing Proposals, the Council will have regard to, but not necessarily be limited to, the following criteria (not listed in any order of priority):

- 6.1 An understanding of the key issues identified in the scope of work;
- 6.2 Suitability of the methodology; Project Plan and anticipated timelines
- 6.3 Calibre and range of professional expertise offered by project personnel
- 6.4 Suitability of the fee estimate (inclusive of GST), and value for money;
- 6.5 Experience in similar tasks
- 6.6 Possession of any additional or unique skills or resources for use in the project
- 6.7 Experience with identification and management of stakeholders, and
- 6.8 Any other factors the Council considers relevant.

7. Respondent's Confidential Information

- 7.1 Subject to clauses 7.2 and 8.1, the Council will treat as confidential all Proposals submitted by Respondents in connection with this Request.
- 7.2 The Council will not be taken to have breached any obligation to keep information provided by Respondents confidential to the extent that the information:
 - 7.2.1 is disclosed by the Council to its advisers, officers, employees or subcontractors solely in order to conduct the Request process or to prepare and manage any resultant agreement;
 - 7.2.2 is disclosed to the Council's internal management personnel, solely to enable effective management or auditing of the Request process;
 - 7.2.3 is disclosed by the Council to the responsible Minister;
 - 7.2.4 is authorised or required by law to be disclosed; or
 - 7.2.5 is in the public domain otherwise than due to a breach of the relevant obligations of confidentiality.

8. Governing Law

- 8.1 This Request is governed by the law in South Australia.
- 8.2 The parties irrevocably submit to the exclusive jurisdiction of the courts in South Australia.

9. ICAC

Respondents acknowledge that if they enter into a contract with the Council they will be considered to be public officers for the purposes of the *Independent Commissioner Against Corruption Act, 2012* (SA) (ICAC Act) and will be obliged to comply with the ICAC Act and the Directions and Guidelines issued pursuant to the ICAC Act.

Section B – Service Specifications

SERVICES

Project brief - Development of a Whyalla City Council Foreshore Revitalisation Master Plan

City of Whyalla is seeking a proposal from experienced consultants in master planning, traffic and urban design to develop a Master Plan to realise Council's vision for a revitalised Whyalla Foreshore precinct consistent with this consultant's brief.

The Whyalla Foreshore Revitalisation Master Plan is a transformative master planning project that will catalyse the rejuvenation of Whyalla and environs.

Refer to [APPENDIX 1](#) for a Detailed Service Specifications.

Approach

Proposals should include:

- Fee estimate outlining:
 - Estimated fixed lump sum inclusive of GST and all disbursements as well as all applicable levies, duties, taxes and charges.
 - A breakdown of the lump sum into cost estimates for each key step to deliver the project outcomes.
 - Schedule of fees (hourly rates and time allocated) of the key personnel to be used in providing the Service and to be applied where additional work on an 'as needs' basis is required.
 - Type and cost of disbursements, noting there is no obligation to pay additional expenses, unless these are expressly agreed.
- An outline of the methodology to undertake the Services.
- A timetable to indicate how the proposed scope of works will be managed, noting that Council wishes for the best endeavours to be applied for an expeditious study.
- Project plan based on the proposed methodology, broken down into key steps and tasks, anticipated timeframes, and the key personnel to be involved in each of the steps.
- Personnel to be involved, their relevant expertise and experience and the components of the work program to which the personnel will be allocated, a breakdown of tasks, timing and personnel is required so that it is clear which personnel will be performing the various tasks.
- List of assumptions made in estimating the total time required for completion of the key steps and tasks.
- List of assumptions made regarding the input of resources and information by Council.
- At least two contact names (telephone numbers etc) of customers for which the respondent has conducted similar work.

TIMING OF WORKS

This project will commence in early February 2021 and is anticipated to be complete by 30 April 2021, including community consultation.

PROJECT MANAGEMENT:

The project will be managed on behalf of City of Whyalla by:

Justin Commons

Email: justin.common@whyalla.sa.gov.au

It is expected that project update and progress will be held regularly during the process of the study period and involve key Council staff.

Section C – Proposal Forms

Schedule 1 Proposal Overview

Proposal

Request for Proposal number	RFP 2021-001
Request for Proposal Name	Development of a Whyalla City Council Foreshore Revitalisation Master Plan

Respondent Name

Fee Estimate

We confirm that we have read, understood and fully informed myself/ourselves/itself of the contents, requirements and obligations of this Request, and hereby provide a fee estimate for the Services.

Total fee inclusive of GST in Dollars	\$
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Contractors Nominated Contacts for this Request for Proposal

1.	Name of Respondent State in full the name(s) of the Respondent(s) and trading names ABN	
2.	Contact Person	
3.	Registered Address	
4.	Postal Address	
5.	Telephone	
7.	Email	

Resourcing

We confirm that we have the necessary resources to complete the Services outlined in this Proposal in the time specified in this Request.

Authorisation:

Authorised to sign on behalf of Respondent

Signed:	Name:
Date:	

Schedule 2 Fee Estimate

Total fee estimate:

Description	Units (if applic)	Price (ex GST) \$
Development of a Whyalla City Council Foreshore Revitalisation Master Plan	Lump Sum	\$
Other (please specify):		\$
Other (please specify):		\$
TOTAL (GST EXCLUSIVE):		\$
GST COMPONENT:		\$
TOTAL (GST INCLUSIVE):		\$

Detailed fee estimate: please provide a breakdown of the estimated lump sum for the delivery of key steps to achieve the project outcomes:

Description of key step	Rate/Hour (if applic)	Price (ex GST) \$
Key step #1 (please specify)	Hourly Rate	\$
Key step #2 (please specify):	Hourly Rate	\$
Key step #3 (please specify):	Hourly Rate	\$
Key step #4 (please specify):	Hourly Rate	\$

Schedule of fees (hourly rates and time allocated): of the key personnel to be used to provide the service and to be applied where additional work on an 'as needs' basis is required

Description of employee or nature of work e.g. administration; principle; associate	Total est. time allocated	Rate/Hour	\$
Employee #1 (please specify)	Est hours	Hourly Rate	\$
Employee #2 (please specify):	Est hours	Hourly Rate	\$
Employee #3 (please specify):	Est hours	Hourly Rate	\$
Employee #4 (please specify):	Est hours	Hourly Rate	\$

Type and cost of disbursements:

Description of employee or nature of work e.g. administration; principle; associate	Unit (if applicable)	\$
Disbursement (please specify)		\$
Disbursement (please specify):		\$
Disbursement (please specify):		\$
Disbursement (please specify):		\$

Schedule 3 Timeframe, Methodology and Milestones

Timetable

Please provide a timetable to indicate how the proposed scope of works will be managed, noting that Council wishes for the best endeavours to be applied for an expeditious study

Methodology

Please provide an outline of the methodology in which you will undertake the Services:

Project Plan:

Please provide a project plan based on your proposed methodology, anticipated timeframes and the key personnel to be involved in each of the steps:

Assumptions: List of assumptions made in estimating the total time required for completion of nominated tasks

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Assumptions: List of assumptions made regarding input of resources and information by Council

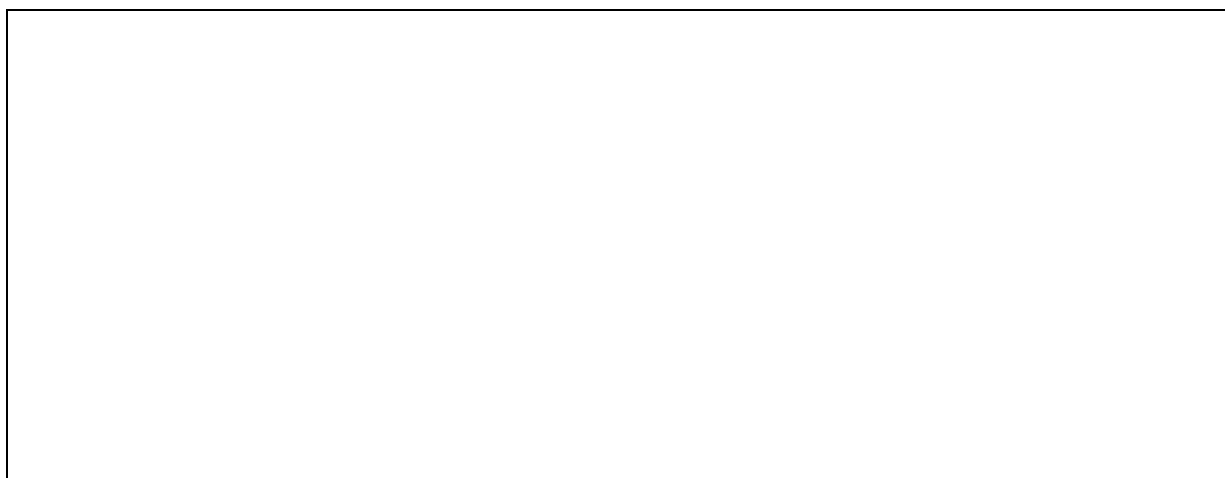
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Schedule 4 Personnel involved in the Services

1. Organisation Structure

Respondents should provide details of the employees and the organisation structure proposed to be used for the Services. Details must include but not be limited to:

- Company structure to be used to support the Services including size and location of office, organisation structure



2. Employees

Employees who will be involved in performing the Services in particular relevant expertise and experience and the components of the work program to which the personnel will be allocated, a breakdown of tasks, timing and personnel is required so that it is clear which personnel will be performing various tasks.



Schedule 5 Referees

Please provide details of at least three references for similar services and information on the approximate date when services were completed, and the approximate value of work undertaken.

Reuse this page if more than three references are provided.

Client Name:
Address:
Contact Name:
Telephone:
Date of Work:
Value of Work:

Client Name:
Address:
Contact Name:
Telephone:
Date of Work:
Value of Work:

Client Name:
Address:
Contact Name:
Telephone:
Date of Work:
Value of Work:

Schedule 6 Insurance

Provide details of insurance currently held by you (and any subcontractors you will be utilising) that would be extended to provide cover for the Services.

Insurance type	Policy no	Extent of cover		Expiry date	Name of insurer
		Per incident \$A	In aggregate \$A		
Public and products liability					
Professional indemnity					
Workers compensation (if required)					
Directors and officers (if applicable)					
Other					

Copies of the above insurances (and those of the sub contractors) must be provided with your quote or it will be deemed non-conforming.

Schedule 7 Conflict of Interest

Please provide details of any interest, relationship or clients which may or do give rise to a conflict of interest and the issue about which that conflict or potential conflict does or may arise.

Note - if nothing indicated it will be taken that no conflicts of interest exist.

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Schedule 8 Value Added Services

Provide details of any other benefits you can offer to improve the level of service or value of your proposal.

The undersigned undertakes that if selected as the successful Respondent, I/we/it will be bound by the conditions provided.

If the Respondent is a company, the Proposal must be executed as follows:

Executed by [Insert Company name] pursuant to section 127 of the <i>Corporations Act 2001</i>	
_____ Signature of Director	_____ Signature of Director/Company Secretary <i>(Please delete as applicable)</i>
_____ Name of Director (print)	_____ Name of Director/Company Secretary (print)
_____ Date	_____ Date
OR _____ Signature of Sole Director and Sole Company Secretary	
_____ Name of Sole Director and Sole Company Secretary (print)	_____ Date
OR Signed for [Insert Representative's name] by an authorised representative in the presence of:	
_____ Signature of witness	_____ Signature of authorised representative
_____ Name of witness (print)	_____ Name of authorised representative (print)
_____ Date	_____ Position of authorised representative (print)

If the Respondent is an individual, the Proposal can be executed as follows:

Signed by [insert name] in the presence of:	
<hr/> Signature of witness	<hr/> Respondent
<hr/> Name of witness (print)	<hr/> Date

If the Respondent is a partnership, the Proposal can be executed as follows:

Add extra execution clauses for additional partners as necessary

Partner 1:

Signed by [insert name] in the presence of:	
<hr/> Signature of witness	<hr/> Signature of partner
<hr/> Name of witness (print)	<hr/>
<hr/> Address of witness (print)	<hr/> Date

Partner 2:

Signed by [insert name] in the presence of:	
<hr/> Signature of witness	<hr/> Signature of partner
<hr/> Name of witness (print)	<hr/>
<hr/> Address of witness (print)	<hr/> Date

Appendix 1 – Detailed Service Specifications



Consultant's Brief

Whyalla Foreshore Revitalisation Master Plan

18 December 2020

PROJECT BRIEF

Whyalla City Council Foreshore Revitalisation Master Plan

The Whyalla City Council is seeking a proposal from experienced consultants in master planning, traffic and urban design to develop a Master Plan to realise Council's vision for a revitalised Whyalla Foreshore precinct consistent with this consultant's brief.

Request for Proposal will be open from Friday 18 December 2020 and close at 5pm on Friday 29 January 2021.

1.1 Background

Whyalla is located 396km northwest of South Australia's capital, Adelaide. The city is the largest in the Upper Spencer Gulf region, and is located on the western shores of Spencer Gulf. Founded in 1901 as the town of Hummock Hill and renamed Whyalla in 1914, it was established as a port to ship iron ore extracted from the nearby Middleback Ranges.

Whyalla is the major population, industry and service centre of the Upper Spencer Gulf with an Estimated Resident Population of 21,501 persons in 2016. It contains a large number of educational, retail and commercial facilities and services, including a regional campus of the University of South Australia.

Whyalla became a key South Australian centre of steelmaking at the start of the 20th century, with the start of ship construction and the Whyalla Steelworks in the early 1940s. Following the closure of the shipyards in the late 70s, the viability of the steelworks before it was purchased by GHG Liberty experienced increasing pressure and uncertainty. Notwithstanding the continued development of the Steelworks by GHG, the City of Whyalla has recognised that diversification is required to sustain the local economy.

With the recent completion of the new Whyalla Jetty, the impending closure of the State Heritage Listed Whyalla High School site by the Department of Education in late 2021, and the opportunity to realise the potential for a reimagined foreshore precinct, the City of Whyalla has identified the Whyalla foreshore as being an area to harness economic recreational and tourism development opportunities. Accordingly, this consultant's brief to prepare a Master Plan has been developed by Council.



The Whyalla Foreshore has undergone extensive redevelopment since the adoption of a comprehensive master plan in 2006. Major stages of works have been undertaken since detailed planning and costings were completed in 2008. This includes the central activity spine, comprising feature promenade, beach entries and initial boardwalk, upgrade to Foreshore Building, redesigned carpark and boardwalk extension and reworking of landscaping, beach sand replenishment and enhancement of perimeter roadways and access. The new Whyalla Jetty has also recently been completed.

1.2 Project Introduction

The Whyalla Foreshore Master Plan will provide a vision and direction for the future development of the Whyalla Foreshore and surrounding precinct. It will explore a range of opportunities, directions and options, focusing on the Whyalla Foreshore, and prospects to unlock the potential of the foreshore, coast, Main Street precinct, Whyalla High School site and the surrounding neighbourhoods.

The Whyalla Foreshore Revitalisation is a project of regional significance that will provide the tourism, events, and recreational infrastructure required to support development of Whyalla as a tourist destination, generate economic development and jobs, and be a major catalyst and driver for private sector investment and increased business confidence in the city.

From a short, medium and long-term perspective this project seeks to fully activate the Foreshore recreation and tourism precinct and provide full connectivity with the main street precinct and Whyalla High School site, unlocking future development and retail opportunities.

With the State Government currently considering potential future uses of the Whyalla High School site and adjacent ovals, and planning underway for the private sector development of the proposed Destination Resort Hotel, both within this precinct, it is critical that the Whyalla Foreshore Master Plan fully considers and plans for the development of a 'reimagined' integrated, activated precinct that unlocks the best short and long-term outcomes for Whyalla.

The interdependency and relationship of the Whyalla Foreshore to the main street and future Whyalla High School land uses, as well as the interdependency and relationship of the various elements within the Foreshore precinct is critical to the future functionality and amenity of the foreshore and main street. Consequently, a key measure of success for this project will be the effectiveness of urban design, landscaping and place-making to maximise both functionality and the visitor experience.

It is anticipated that the Master Plan will include:

- the development of a wide mix of relaxed, passive, casual oriented activities as well as active recreational, leisure and sporting facilities and gathering places, that cater to a diverse range of ages, uses and interests
- the provision of new recreational and tourism facilities, ideally with an iconic tourism drawcard attraction(s)
- provision of integration with and full connectivity with the town centre, Whyalla High School and proposed resort hotel development, unlocking future development and retail opportunities, both within the precinct and in the city more broadly
- Identification of a land use mix for the precinct and the Whyalla High School site, including opportunities to realise the potential for conservation and adaptive reuse of the State Heritage listed buildings associated with the Whyalla High School site
- identify place-making themes, linkages and opportunity for public art, Barngarla culture and Heritage and event and cultural development opportunities
- provision of a safe and more relaxed shared zone(s) to enhance both the visitor experience and community amenity
- the enhancement of existing facilities
- foreshore and public realm enhancements supported by infrastructure that delivers both immediate and long-term benefits
- realisation of the Foreshore Revitalisation will be required to maximise place making outcomes that have regard for the **Urban Design Principles listed in [APPENDIX 2](#)**.
- transforming the profile of Whyalla that will realise its potential and identity as a tourism destination, as well as being the recreational and entertainment 'heart' for the region. This will form the fundamental basis that will attract economic, commercial and social investment
- influence the future development of the city, providing the inspiration and vision for future architects, engineers, landscape architects and developers to translate the unique Whyalla lifestyle and identity into the City's future offices, shops, apartments, streets and park lands.

Project proposals are sought from tenderers with proven experience in design and master plan development of similar projects such as precinct master plans, land use plans and urban design. Each proposal will be reviewed against a predetermined assessment criteria (see section 5).

2. Project Details

2.1 Project Goal

The overall objective of this project is to create and revitalise existing public spaces and tourism, recreation and commercial land uses within the Whyalla Foreshore precinct, which contribute to the social, cultural and economic wellbeing of the Whyalla community.

This project seeks to transform the profile of Whyalla as a tourism destination with an integrated tourism and recreational foreshore precinct and provide improved amenity and facilities to service our existing and anticipated growth in population over coming decades.

The project will also provide a catalyst that facilitates effective cross sector partnerships between various State Government agencies, private sector partners and Whyalla City Council.

The Whyalla Foreshore Revitalisation Master Plan seeks to undertake research, identify and assess options and incorporate into a plan of action that will maximise Whyalla's foreshore area recreational, economic development and tourism potential.

The project output will be a comprehensive Master Plan for the future development of the foreshore and environs that will form the base for longer term revitalisation of the foreshore, the historic main street and surrounding hinterland. The long-term aim is to identify and develop high quality land use opportunities, recreational and tourism infrastructure and activities that will increase utilisation of the precinct by residents of Whyalla and visitors to the region and catalyse private sector development within the city.

2.2 Outcomes

Council expects that the study to:

- Detail contextual information pertaining to the locality to assist with the identification of issues and assessment of future land use options for the locality
- Inform and stimulate discussion within Council's elected body
- Enable council to influence the establishment of quality public realm and built form outcomes for the locality through the establishment of strategic drivers and policy statements for the site and the wider precinct
- Establish connections in the form of land use, transport, open space, community facilities and the like within the wider precinct to ensure that this part of the Council area functions at optimal capacity from a built form, economic, movement, social, tourism and environment perspective; and

- Identify opportunities for Council to proactively enter into partnerships to facilitate development projects that would benefit the community, character, appearance and function of the wider precinct.

2.3 Study Scope

The scope of the primary project area is provided in [APPENDIX A](#). The project area will need to have regard for the broader Whyalla Main Street area and the surrounding hinterland to ensure that the Foreshore is appropriately connected to the broader Whyalla Council area.

In preparing the Master Plan options and undertaking the study, the consultant should:

- Identify:
 - site constraints and opportunities including issues such as EPA buffer distances, access arrangements, adjoining development opportunities and constraints, including opportunities to undertake partnership arrangements with adjoining landholders to influence long term development of the precinct;
 - competitive advantages and limitations of the locality including transport networks, open space facilities and networks, community facilities;
- Review and consider the implications of:
 - all available material pertaining to the sale and future development of Whyalla High School site, including opportunities and constraints associated with its listing as a State Heritage asset;
 - major landform, coastal and vegetation within the precinct;
 - all correspondence, including Council reports and internal Council documents pertaining to the study area;
 - the potential role the precinct could play in response to emerging issues and opportunities;
 - the potential nature and level of community, recreational and commercial land uses that might be appropriate for the precinct;
 - the future role and options for major facilities in the locality such as residential and hotel development on the foreshore;
 - potential opportunities that may be presented to connect the precinct with the Whyalla Main Street precinct;
 - Relevant Council Asset Management and Infrastructure Plans.

- Liaise and consult with:
 - Key stakeholders;
 - Council staff regarding stormwater and achievement of best practice Water Sensitive Urban Design, and Council's bike plan and pedestrian access, and review sustainable transport options and links within the Whyalla environs;
 - representatives from the Department of Education, Skills and Employment and Renewal SA regarding the future of the Whyalla High School site, and in particular investigate opportunities to maximise development and access options and outcomes of the school site, including opportunities for partnerships (both public and private);
 - key staff and the elected body of Council on the potential development scenarios.
 - The Whyalla community at large to consolidate a shared vision, and future needs and aspirations of the community, regarding the Foreshore and its surrounds.

- Assess, examine and establish:
 - the implications of various development scenarios on community facilities/services, tourism opportunities, built form, ecological footprint and other related functions;
 - the potential for reinforcing the links to and viability of the Whyalla Main Street Centre and associated retailing and office development;
 - the implications of the State heritage listing of the Whyalla High School;
 - development scenarios and design options and their respective design merits in terms of opportunities to support population growth, environment, sustainability, access, community integration etc.

2.4 Study Outputs

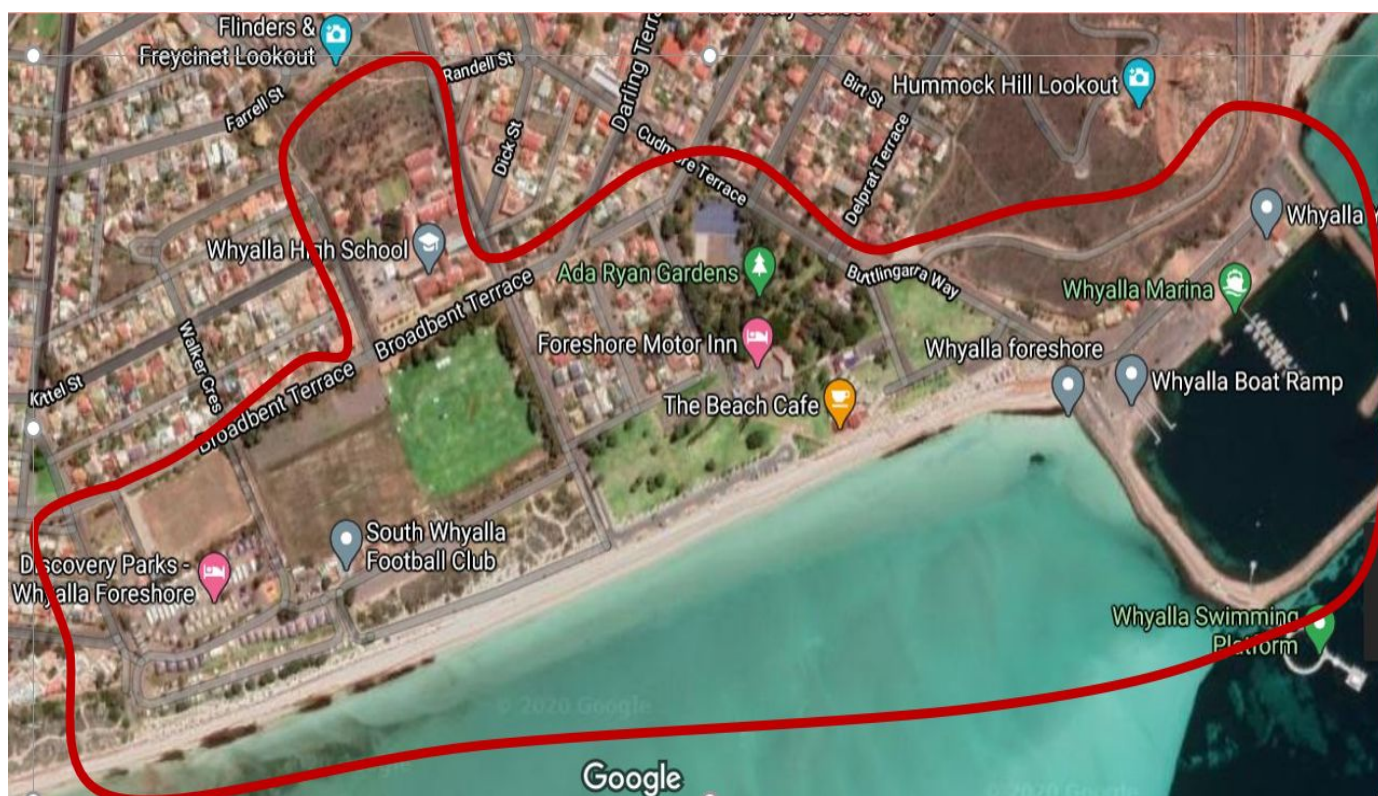
The final outputs from the study should include a development plan for the Whyalla Foreshore and its environs. It should include a series of policy statements / directions that are based on the future development of the locality based on best practise urban design and economic development outcomes.

The study is expected include a report detailing the research basis upon which the development plan and policy statements / directions are founded, and recommended actions to be taken by Council to progress the developed Master Plan.

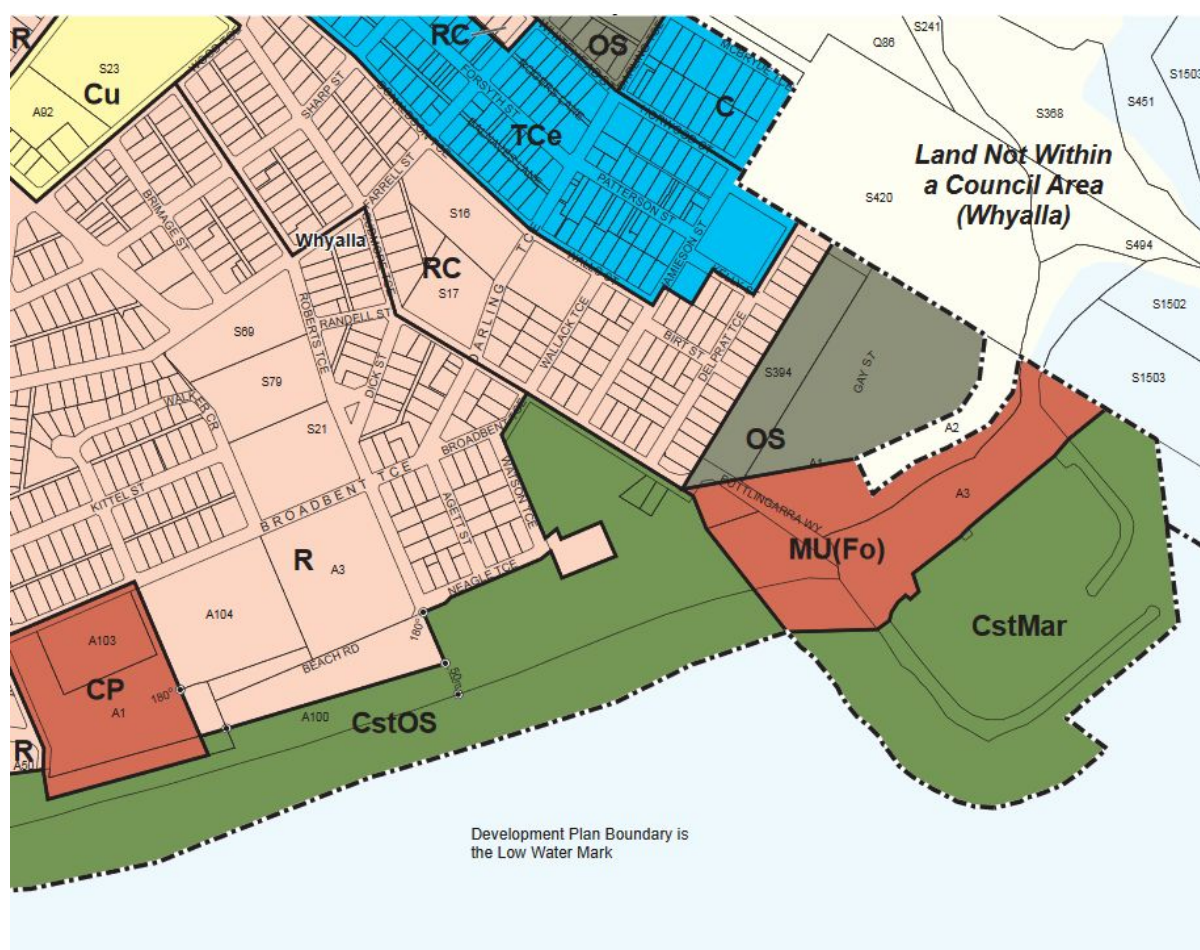
The Master Plan will:

- Investigate current land tenure and planning policy;
- Investigate and quantify expected increased demand, current capacity and costs of infrastructure;
- Investigate the provision of services and infrastructure for current and future users;
- Identify specific locations within the precinct which might support more intensive development;
- Ensure that the area's coastal environments are appropriately managed;
- Ensure that transport and traffic movements (pedestrian, bicycle and motor vehicle) to, from and within the precinct are analysed and networks appropriately planned and managed to minimise impacts;
- Include high level cost estimates and economic impact analysis to assist with considering the viability and potential return on investment from alternative land uses.

Appendix A: Land to be integrated into the Whyalla Foreshore Master Plan to ensure integrated planning for the entire precinct



Study Area



Zone Map

Appendix B Urban Design Principles

Principle 1: *Establish 'green' corridors, useable open space and vistas through the precinct.*

Principle 2: *Develop walking and cycling networks and improve connections to adjacent communities.*

Principle 3: *Create sustainable, quality communities with housing choice and places for people.*

Principle 4: *Improve access and safety and discourage through traffic.*

Principle 5: *Create a community that builds on local identity and is outward looking, welcoming and visually accessible.*

Principle 6: *Respond appropriately to adjacent urban form (land use, character and structure).*

Principle 7: *Reinforce and connect with the existing Town Centre and create a revitalised focus for economic and community activity.*

Principle 8: *Manage the impacts of adjacent land use and transport.*

12.1 OFFICE OF THE EXECUTIVE**12.1.2 Chief Executive Officer's Action Report – February 2021****Council Meeting:** 15 February 2021**Author's Title:** Executive Co-ordinator – CEO and Mayor**File No.:** 1-0**Directorate:** Office of the Chief Executive**Annexures:**

A – Chief Executive Officer's Action Report – February 2021

B – Committee/ Working Party/ Workshop/ Sub-committee Meetings Listing

Officer Direct or Indirect Conflict of Interest:*In accordance with Local Government Act 1999,
Section 120*☐

Yes

☒

No

Status:*Information classified confidential under
Section 90(2) of the Local Government Act*☐

Yes

☒

No

Reason – Not applicable**PURPOSE**

This report details the specific actions taken by administration, in respect to resolutions of Council.

SUMMARY

Council resolutions to be actioned are listed within **Annexure "A"**. This enables the Elected Body to view outstanding resolutions and gives advice as to the timeframe for the completion and outcome of the said resolutions.

Annexure "B" lists Elected Member representation at meetings held during the month and meetings to be held over a period of three (3) months.

RECOMMENDATION

That Council receive and note the Chief Executive Officer's Action Report – February 2021.

12.1.2 Chief Executive Officer's Action Report – February 2021

REPORT

BACKGROUND

This report details the specific actions taken by administration, in respect to resolutions of Council.

DISCUSSION

Annexures "A" and "B" list outstanding Council resolutions and meetings with Elected Member representation, held over the month and meetings to be held over a period of three (3) months.

Each outstanding resolution item has been allocated to a relevant Director / Council officer. This report, and annexures, provides a description of the process which is to be followed and timeframe allocated to outstanding resolutions.

Financial Implications – Nil

Strategic Plan

Objective 1.1 – Unearth community pride within the city

Strategy 1.1.1 – Regularly inform the community of Council activities, decisions and actions by promoting positive stories and positive images

Legislation – Nil

Officer Direct or Indirect Interest

The Executive Management Team are aware of their obligations in declaring a 'conflict of interest' regarding any items discussed within this report.

Risk Assessment – Nil

Social Considerations – Nil

Community Engagement – Not applicable

Environmental Implications – Not applicable

Communication – Not applicable

Conclusion

Council administration ensures that all outstanding Council resolutions are completed within an appropriate timeframe. The Elected Body are advised through the attached annexures of the process to be followed and timeframes to be applied.

Council Meeting Date	Outstanding Action	Actioned by	Expected Completion Date	Amended Completion Date	Percentage Complete	Comments
C3839-2020 19/10/20	Point Lowly Lighthouse Cottages – Operating Costs and Alternative Management Options That Council: <ol style="list-style-type: none"> 1. receive and note the Point Lowly Lighthouse Cottages operating costs, income and forecast estimates of structural work; and 2. engage a consultant to prepare an Investment Prospectus and begin the process to undertake an “Expressions of Interest for Redevelopment (potentially including the camping ground, cafe/ shop /museum/ crafts”, as recommended in the Northern Coastline Masterplan. 	CEO	February 2021		10%	<i>Awaiting quotes from consultants.</i> <i>Estimated time of arrival on Draft Prospectus – mid December.</i>
C3918-2021 18/01/21	Beach Café That Council: <ol style="list-style-type: none"> 1. note the community feedback provided at the community forum held by Council on 13 January 2021, relating to the future of the foreshore; 2. receive the petition submitted by Senator Rex Patrick on behalf of 1,642 signatories, urging Council to reverse its decision and keep the ‘Whyalla Beach Café’ open; 	DCS	February 2021			<i>Refer to report Item 12.2.4 contained within this Agenda.</i>

Acronyms:

CEO – Chief Executive Officer, DCS – Director Corporate Services; ADCG – Acting Director City Growth; DCI – Director City Infrastructure; MPC – Manager People and Culture; MCPR – Manager Communications and Public Relations; EDM – Economic Development Manager

Chief Executive Officer's Outstanding Actions Report – February 2021

Council Meeting Date	Outstanding Action	Actioned by	Expected Completion Date	Amended Completion Date	Percentage Complete	Comments
	<p>3. in response to community feedback received during December 2020 and January 2021, including feedback received at the community forum held by Council on 13 January 2021 and via the petition presented by Senator Rex Patrick on behalf community members, undertake a survey to gather more detailed feedback from the wider Whyalla community concerning the short to medium term utilisation of the premises currently known as the Beach Café;</p> <p>4. requests a report, detailing the outcomes of the community survey, be presented to Council at the 15 February 2021 meeting, together with a recommended option for the premises in the short term; and</p> <p>5. in the meantime, in noting community feedback received to date, endorse investigations into, and if feasible, immediate implementation of short term activation of the premises through Whyalla's (not for profit) community groups, with such activation to be reviewed at the 15 February 2021 Council Meeting.</p>					

Acronyms:

CEO – Chief Executive Officer, DCS – Director Corporate Services; ADCG – Acting Director City Growth; DCI – Director City Infrastructure; MPC – Manager People and Culture;
MCPR – Manager Communications and Public Relations; EDM – Economic Development Manager

Chief Executive Officer's Outstanding Actions Report – February 2021

Council Meeting Date	Outstanding Action	Actioned by	Expected Completion Date	Amended Completion Date	Percentage Complete	Comments
C3925-2021 18/01/21	<p>Pedestrian Access to Patterson Street from Walls Street Carpark</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. authorise the Chief Executive Officer to undertake all actions necessary to effect the withdrawal of the caveat over 37-41 Patterson Street, Whyalla and the registration of an appropriate unrestricted right of way on the title to this land before the transfer of the land occurs; 2. authorise the Chief Executive Officer to undertake all actions necessary to effect the withdrawal of the caveats over 35 Patterson Street and 43-49 Patterson Street, Whyalla and the registration of appropriate unrestricted right of way on the titles to the land; and 3. authorise the affixation of Council's Common Seal, to any documents necessary to effect 1 and 2 above. 	ADCG				<i>Paperwork prepared and forwarded to Whyalla Conveyancers – awaiting lodgement of the plan.</i>

Acronyms:

CEO – Chief Executive Officer, DCS – Director Corporate Services; ADCG – Acting Director City Growth; DCI – Director City Infrastructure; MPC – Manager People and Culture;
MCPR – Manager Communications and Public Relations; EDM – Economic Development Manager

Chief Executive Officer's Outstanding Actions Report – February 2021

Council Meeting Date	Outstanding Action	Actioned by	Expected Completion Date	Amended Completion Date	Percentage Complete	Comments
C3926-2021 18/01/21	CHOW Energy/Sustainable Power Partners – Agreement to Lease That Council delegates authority for the Chief Executive Officer to negotiate the Agreement to Lease between Council and CHOW Energy and Sustainable Power Partners for Part Lot 3 Lincoln Highway, for the development of agritech/greenhouse and solar farm.	ADCG				<i>Lease has been prepared.</i>
C3929-2021 18/01/21	Local Government Infrastructure Partnership Program – Application to Implement the Northern Coastline Master Plan – “Cuttlefish Coast Sanctuary Tourism and Environmental Management Project” That Council endorse: <ol style="list-style-type: none"> the list of projects for the Northern Coastline Master Plan, included at Annexure “A” to this report; the application to the Local Government Infrastructure Partnership Program for funding for \$2,066,500 to be matched by Council to undertake the projects listed within Annexure “A”; and the Chief Executive Officer to undertake all necessary steps to secure funding through the Local Government Infrastructure Partnership Program. 	CEO				

Acronyms:

CEO – Chief Executive Officer, DCS – Director Corporate Services; ADCG – Acting Director City Growth; DCI – Director City Infrastructure; MPC – Manager People and Culture; MCPR – Manager Communications and Public Relations; EDM – Economic Development Manager

Chief Executive Officer's Outstanding Actions Report – February 2021

Council Meeting Date	Outstanding Action	Actioned by	Expected Completion Date	Amended Completion Date	Percentage Complete	Comments
C3932-2021 18/01/21	Proposed New Whyalla Hotel That Council release a statement, providing its unequivocal position that the land along the foreshore is Crown Land, that it is not part of any development proposed by any third party.	MCPR				
C3933-2021 18/01/21	Seating on the New Whyalla Jetty That a report be presented to the March Council Meeting, with suggestions and costings for seating at the end of the jetty.	DCI	March 2021			

Acronyms:

CEO – Chief Executive Officer, DCS – Director Corporate Services; ADCG – Acting Director City Growth; DCI – Director City Infrastructure; MPC – Manager People and Culture;
MCPR – Manager Communications and Public Relations; EDM – Economic Development Manager

COMMITTEE / WORKING PARTY / WORKSHOP / SUB-COMMITTEE MEETING(S)**Meetings held during the past month: 18 January – 14 February 2021**

<i>Meeting Date</i>	<i>Name of Meeting</i>	<i>Quorum</i>
18 January	Ordinary Council Meeting	Y
1 February	Audit Committee Meeting	Y
8 February	Elected Members Informal Gathering	N/A

Meetings to be held during the next two (3) months: February – June 2021

<i>Meeting Date</i>	<i>Name of Meeting</i>
15 February	Ordinary Council Meeting
1 March	Elected Members Informal Gathering
15 March	Ordinary Council Meeting
6 April	Elected Members Informal Gathering (<i>Note, Monday 5 April is a public holiday</i>)
19 April	Ordinary Council Meeting
3 May	Elected Members Informal Gathering
17 May	Ordinary Council Meeting
7 June	Elected Members Informal Gathering
21 June	Ordinary Council Meeting

12.1 OFFICE OF THE CHIEF EXECUTIVE**12.1.3 Clean Seas****Council Meeting:** 15 February 2021**Author's Title:** Chief Executive Officer**File No.:** 1-302**Directorate:** Office of the Chief Executive**Annexures:**

A – Clean Seas Council Informal Workshop Presentation

B – Concept Design Report for New Facilities North of Point Lowly

C – Point Lowly Safety Management Plan

D – Letter from Minister for Infrastructure and Transport

E – Consultants Brief for Independent Assessment of Capability to Support Commercial Aquaculture Operations

Officer Direct or Indirect Conflict of Interest:*In accordance with Local Government Act 1999, Section 120*☐

Yes

☒

No

Status:*Information classified confidential under Section 90(2) of the Local Government Act*☐

Yes

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No

Reason –**PURPOSE**

To seek Council support for the Chief Executive Officer to negotiate a suitable agreement for Clean Seas to access and operate from a marina(s) within our Local Government area. A number of options exist for Council's consideration, including:

- Clean Seas to operate out of Point Lowly Marina;
- Clean Seas to operate out of Whyalla Marina;
- Clean Seas to operate recreational size vessels out of Point Lowly Marina, and large vessels out of Whyalla Marina; or
- Not to allow Clean Seas to access either marina.

SUMMARY

Clean Seas have made numerous approaches to Council throughout 2019 to now, seeking approval to access either the Point Lowly Marina and/or Whyalla Marina for the purpose of accessing their king fish farms located in Fitzgerald Bay.

Clean Seas have various State approvals to operate king fish farms at the Fitzgerald Bay location. Clean Seas do not currently have access to a marina from which to operate from.

Clean Seas has State Government support to operate on the Gulf and from the Point Lowly Marina. The State Government owns the Point Lowly Marina, Whyalla City Council has care and control.

The Minister for Infrastructure and Transport have recently written to Council (refer **Annexure “D”**) seeking confirmation that mutually agreeable arrangements have been put in place between Clean Seas and Council for the use of Point Lowly.

Clean Seas preference is to operate fully from the Point Lowly marina, as this marina was originally established to support commercial operations and it is closer to their Fitzgerald farm sites that have been approved by the State Government.

Whilst Clean Seas preference is to utilise the Point Lowly marina to access their fish farms, Clean Seas is aware of, and understands, both Council’s and the Point Lowly’s community concerns regarding the legacy left by previous management and their historic operations at this site 10+ years ago.

Clean Seas are actively seeking to reach an agreement with Council through constructive dialogue and compromise with local stakeholders. In response to feedback received previously, Clean Seas have now modified their proposed access arrangements to limit use of Point Lowly to smaller (recreational sized vehicles/boats) and to conduct heavier operations out of the Whyalla Marina.

Clean Seas have been consulting with residents at Point Lowly and recently held a community information meeting at the Westlands Hotel on 4 February 2021, to present their new plans to both Point Lowly and Whyalla residents.

Following this community forum, Clean Seas presented their most recent plans to Whyalla City Council at the Informal Workshop on 8 February.

Clean Seas are now seeking a formal decision from Council regarding which marina(s) they can use to access their fish farms located in Fitzgerald Bay, and the terms of use.

RECOMMENDATION

That Council:

- 1. authorise the Chief Executive Officer to negotiate a suitable draft agreement with Clean Seas to operate at the Point Lowly Marina for up to five (5) years, following receipt of, and having regard to, the independent marine engineering assessment of the suitability of Clean Seas proposed operations with existing Point Lowly infrastructure; and**
- 2. requests any negotiated draft agreement, be presented to Council for approval.**

12.1.3 Clean Seas

REPORT

BACKGROUND

Clean Seas are seeking Council approval to utilise the Point Lowly and/or Whyalla Marina marinas to access their Fitzgerald Bay fish farms.

DISCUSSION

Clean Seas have made numerous approaches to Council throughout 2019 to now, seeking approval to access either the Point Lowly Marina and/or Whyalla Marina for the purpose of operating king fish farms located in Fitzgerald Bay.

Clean Seas have various State approvals to operate king fish farms at the Fitzgerald Bay location. Clean Seas do not currently have access to a marina from which to operate from.

Clean Seas has State Government support to operate on the Gulf and from the Point Lowly Marina. The State Government owns the Point Lowly Marina, Whyalla City Council has care and control.

Clean Seas have been consulting with residents at Point Lowly and recently held a public information meeting at the Westland Hotel on 4 February 2021, to present their new plans to both Point Lowly and Whyalla residents.

Following this community forum, Clean Seas presented their most recent plans to Whyalla City Council at the Informal Workshop on 8 February.

Clean Seas are seeking to reach an agreement with Council through constructive dialogue and compromise with local stakeholders. In response to feedback received previously, Clean Seas have now modified their proposed access arrangements to limit use of Point Lowly to smaller (recreational sized vehicles/boats) and to conduct heavier operations out of the Whyalla Marina.

Clean Seas are now seeking a formal decision from Council, regarding which marina(s) they can use to access their fish farms located in Fitzgerald Bay, and the terms of use.

The following is considered new from previous Clean Seas approaches:

- higher level of commitment to consultation and compromise;
- active engagement with the Point Lowly and Whyalla community;
- Clean Seas have engaged with Council on a number of different options they could operate under;
- Clean Seas have acquired land to the North of Point Lowly and commissioned engineering work of a phased build for a new marina facility within the next five years; and
- independent marine engineers will assess the types of vessels Point Lowly and Whyalla marinas can service to ensure they are appropriate for each facility.

The Clean Seas presentation to the informal workshop meeting held on 8 February is attached at **Annexure "A"**. This presentation was very similar (albeit has additional details) to what was presented at the Whyalla community consultation forum on 4 February.

The presentation summaries some of the economic and social benefit Clean Seas proposes to bring to our City as a result of their operations locally.

The specific provisions of the revised Clean Seas proposal include:

- Short term agreement of five years to access Point Lowly marina for specific and agreed operations, with no obligation on the Council to extend.
- Access to the main Whyalla marina to construct a safe and appropriate feed store and loading wharf for the transfer of feed to sea and the return of harvested fish to shore.
- Full and detailed traffic management plan for the vehicle movements to and from the Point Lowly and Whyalla marinas.
- Independent marine engineers' assessment of the proposed vessels use of the Point Lowly and Whyalla marinas to ensure they are appropriate for each facility.
- An upfront \$40,000 contribution to repair and upgrade the Point Lowly marina, plus \$10,000 per annum (total fees of \$90,000).
- Bank guarantee of \$50,000.
- Commitment that Senior Management will meet with Point Lowly residents and other stakeholders every quarter.
- Dispute resolution framework to be established using an appropriate independent person or body.
- Commitment to all environmental protections and public reporting.

The purpose of this report is not to consider the merits of fish farming as this is the State Governments responsibility, with approvals already granted to Clean Seas by the State Government to operate fish farms in Fitzgerald Bay. This report focuses on access arrangements for use of marinas located at Point Lowly and Whyalla for Clean Seas to access their fish farms.

Critical to Council's decision making is the independent assessment of the suitability/capability of the Whyalla and/or Point Lowly Marinas to support the commercial aquaculture operations proposed by Clean Seas. The Department for Infrastructure and Transport has confirmed that they can commission (and fund) for a suitably qualified and experienced external service provider to undertake this scope of work the work (refer **Annexure "E"**) and have it undertaken with a view to a final report by early March 2021.

Clean Seas have also provided a Safety Management Plan for the Point Lowly operations (refer **Annexure "C"**) and will prepare a similar plan for the Whyalla Marina site operations prior to commencing operations at this site.

Whilst it appears that most/all stakeholders support the development of new facilities North of Point Lowly to be constructed to support the operations of Clean Seas, it will take a number of years to get such a facility approved, funded and constructed. Clean Seas have commissioned a Concept Design Report for the new facilities (refer **Annexure “B”**) and have made a commitment to progress with Stage 1 of this new facility within the first five years. Subject to approvals and funding, it is proposed that Stage 2 would occur in years 6 – 10. It is suggested that any arrangement for use of marina(s) requires ongoing demonstration of commitment to new facilities north of Point Lowly.

The Minister for Infrastructure and Transport has recently written to Council (refer **Annexure “D”**) seeking confirmation that mutually agreeable arrangements have been established between Clean Seas and Council for Clean Seas use of the Point Lowly marina.

Financial Implications

- \$50,000 additional revenue over 5 years via the annual license fee.
- \$40,000 to undertake marina works which have not been identified or costed.

Strategic Plan

Strategy 3.2.1 Collaborate with Spencer Gulf Cities and other relevant industry groups to generate and leverage economic opportunities for Whyalla and the region.

Legislation – Nil

Officer Direct or Indirect Interest – Nil

Risk Assessment

Council will need to ensure appropriate legal representation and advice is sought in the drafting of any agreements; to provide appropriate protection to our Council, our City, and our community.

Risk Matrix

	No approval for Whyalla or Point Lowly Marina	Approval for Whyalla but not Point Lowly	Approval for Point Lowly but not Whyalla	Approval for Point Lowly up to recreation size vessels, Whyalla marina for larger vessels
For				
	Sections of the community happy with the decision	New industry in Whyalla Potential to attract additional aquaculture businesses to Whyalla Assists with diversification of economy	New industry in Whyalla Potential to attract additional aquaculture businesses to Whyalla Assists with diversification of economy	New industry in Whyalla Potential to attract additional aquaculture businesses to Whyalla Assists with diversification of economy
		State Government views Whyalla positively	State Government views Whyalla positively	State Government views Whyalla positively
		Potential for marina upgrade	Potential for marina upgrade	Potential for marina upgrade
		Potential for new marina North of Pt Lowly	Potential for new marina North of Pt Lowly	Potential for new marina North of Pt Lowly
		Independent review of boat ramp service levels	Independent review of boat ramp service levels	Independent review of boat ramp service levels
			No impact on Whyalla Foreshore Master Plan vision (to be developed in coming months)	
		Increase local/regional GDP and employment	Increase local/regional GDP and employment	Increase local/regional GDP and employment
Against				
	No new industry in Whyalla	Sections of the community unhappy with the decision	Sections of the community unhappy with the decision	Sections of the community unhappy with the decision
	State Government views Whyalla negatively	Trucks/semi-trailers accessing Whyalla beach area	Trucks/semi-trailers accessing Pt Lowly marina area	Trucks/semi-trailers accessing Pt Lowly and Whyalla marina areas
	Marinas remain in poor condition	Potential impact on Whyalla Foreshore Master Plan vision (to be developed in coming months)		Potential impact on Whyalla Foreshore Master Plan vision (to be developed in coming months)
	State Government may resume control of Point Lowly marina which may not be best long-term outcome for Council/our community			
	Loss of potential for new marina North of Point Lowly			

Social Considerations

Clean Seas have strongly made representations that their historic processes and behaviours have changed. They have made numerous statements that they will not behave as they did previously. This statement refers to behaviours over ten years ago. Without a short-term agreement such as the one proposed, they are not able to demonstrate a changed approach.

Community Engagement

Clean Seas have engaged with the Point Lowly Shackowners Association and the Whyalla community since 20 September 2021. Clean Seas commit to ongoing consultation and collaboration with the Whyalla council and community and have proposed developing a dispute resolution framework with the aim of identifying a suitable independent person to assist with addressing and resolving any issues that may arise in future.

Environmental Implications

Clean Seas must abide by Regulations imposed on them via their operations and licences through Primary Industries and Regions South Australia ("PIRSA").

Communication

Relevant information will be communicated as per Council's Communications Policy.

Conclusion

Clean Seas have acknowledged the legacy issues created by some of their practices/behaviours 10+ years ago. Clean Seas appear to have made a genuine attempt to redress some of the legacy issues and have demonstrated a commitment to work with council and the community to find a workable arrangement that will enable them to access their fish farms and make a positive contribution to our community and economy.

Clean Seas have all the relevant approvals from the State Government to operate their fish farms, with the purpose of this report to seek Council's preference regarding which marina Clean Seas can operate from (if any) and the potential terms associated with use.

Whilst Council's and our communities 'lived experience' with Clean Seas in past years has been less than satisfactory, it is suggested that on balance, there is more merit in enabling Clean Seas to operate from the Point Lowly marina compared to the other options presented (including denying access). Further it is suggested that working collaboratively with the State Government and negotiating suitable arrangements with Clean Seas to ensure their operations are compatible with facilities, can afford us protection that was not in place in the past, and may assist with securing support/funding for new facilities north of Point Lowly in the medium-longer term.

Annexure "A"

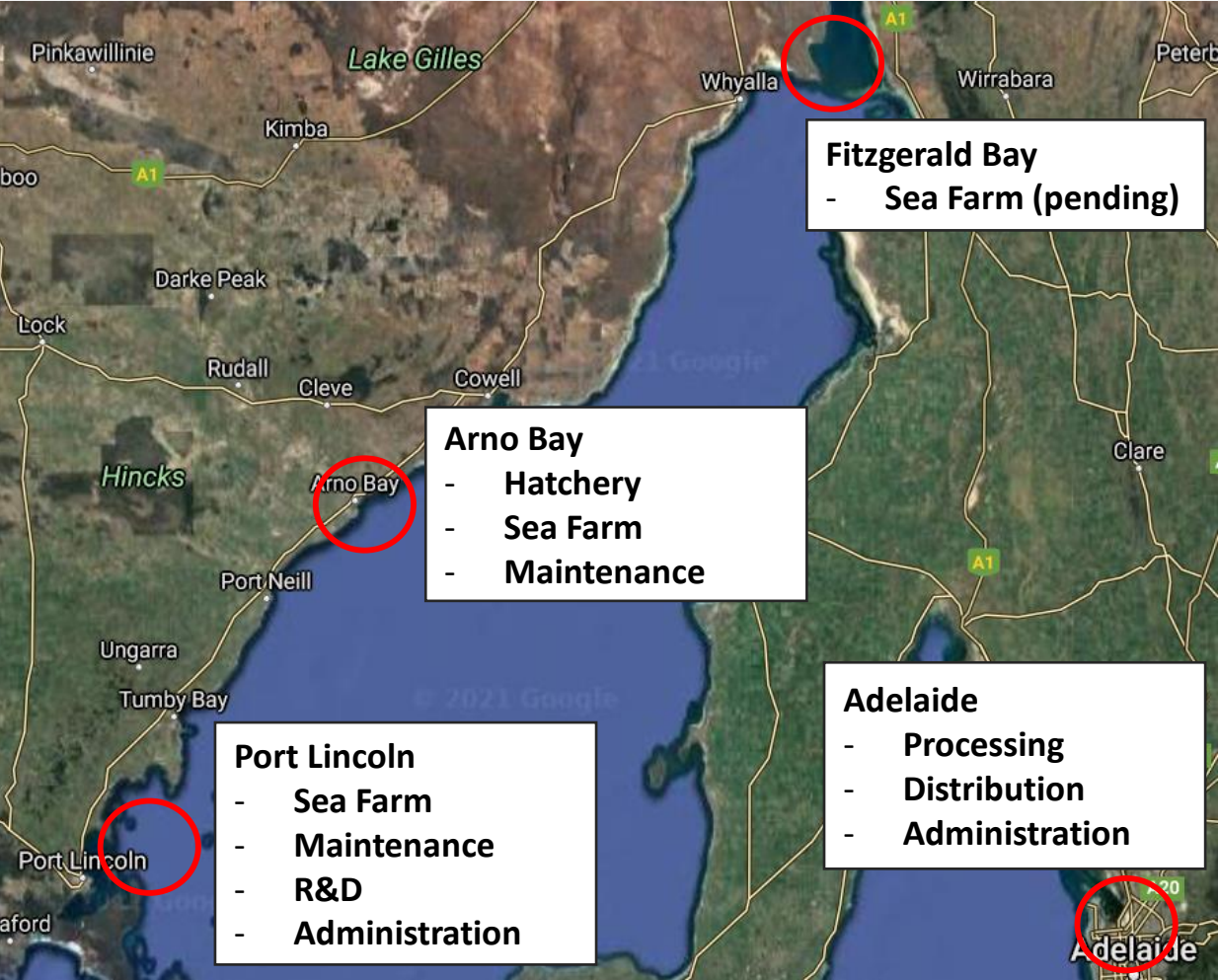
CLEAN SEAS SEAFOOD LIMITED

Whyalla Council Meeting

8th February 2021

Video Overview

<https://youtu.be/llu9h1Z1Tg8>

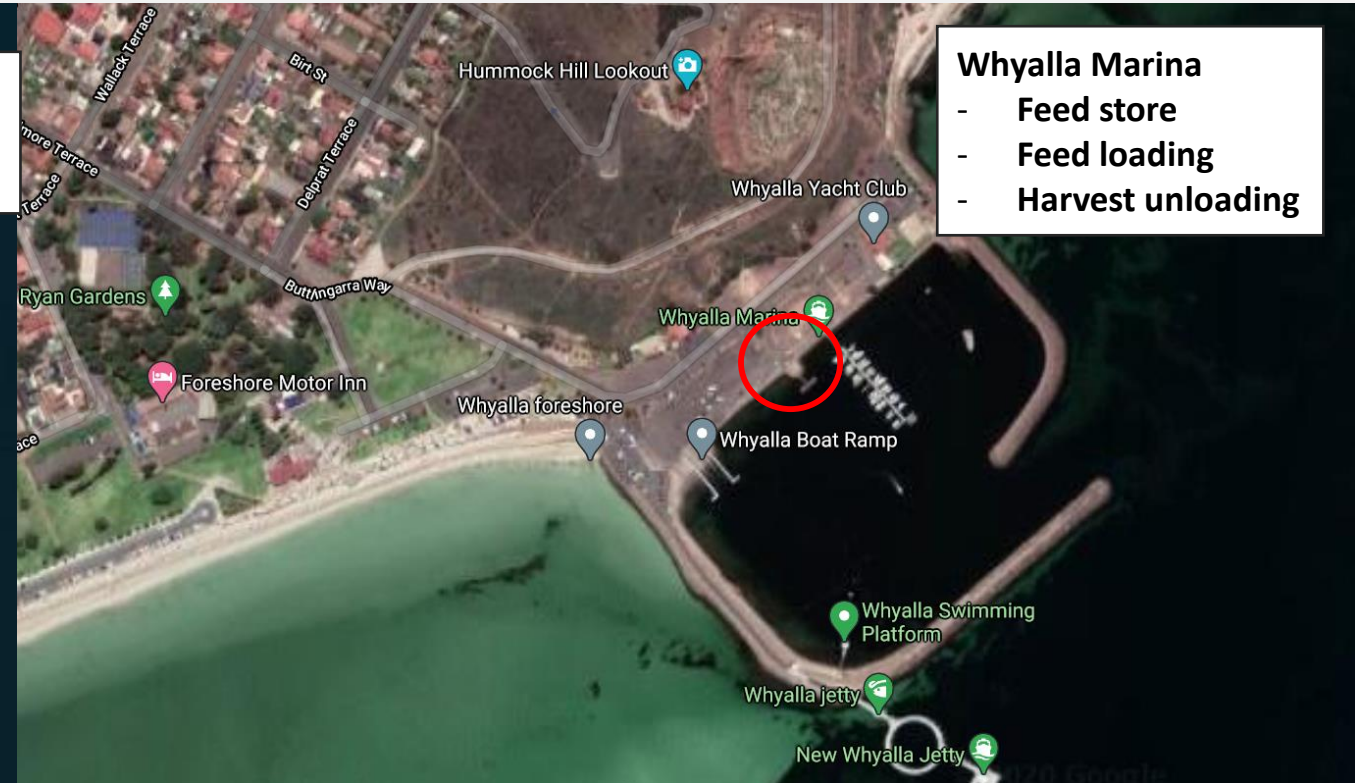


- Clean Seas is deeply committed to the Eyre Peninsula, where we support 72 direct and many indirect jobs. More than 55% of our total workforce on the Eyre Peninsula
- We have signed Heads Of Terms whereby Climate Capital will engage DCD Electric (Whyalla based) to source 100% of Clean Seas electricity needs from the McIntyre Road Solar Farm (5MW) in Whyalla Barson. This project will create local construction jobs and on-going maintenance and operations which will support Whyalla's diversification into the solar/generation industry.
- We reconfirm our commitment to restarting the aquaculture program at the new Whyalla High School, and to provide career pathways
- We state our desire to make a positive contribution to the local community – for example, to support reopening of the beach cafe as a showcase of Spencer Gulf produce
- We have had positive discussions with State Government, and believe we have the support of the Premier, relevant Ministers and the local State and Federal Members
- Our clear preference is to reach an agreement with the Whyalla Council through constructive dialogue and compromise with local stakeholders

- Clean Seas expects to spend circa \$55 million over the 5 years growing fish to harvest weight in Fitzgerald Bay, with this money being spent on infrastructure, recruitment, logistics, freight, as well as fish feed. Clean Seas have already recruited locals from Whyalla for our staffing needs and utilising local contractors.
- The project will bring new people and families with specialist skills into the Whyalla community
- An aquaculture industry will be developed, bringing diversification, education opportunities and career pathways
- Further development of local young people in management and marine science based technical roles
- The flow-on effects to the Whyalla economy through job creation, purchasing and use of contractors will boost all aspects of the community.
- Clean Seas to provide emergency support to other vessels in the Fitzgerald Bay and Point Lowly waters
- A marine and beach cleaning regime for the region will be in place as part of our regular operations.
- Regular environmental monitoring for chronic and potential acute issues that may challenge the water ways
- Support 'technical tourism' through fish farm education activities

- Clean Sea has all of the regulatory and environmental approvals in place required to commence farming in Fitzgerald Bay, and seeks to communities support in accessing suitable marina facilities through which to operate this farm
- We have listened to the community's concerns and scheduled various briefings to provide updates, to listen to feedback, and to take questions
- From these discussions we believe the main item of contention is the use of larger vehicles and vessels in and around the Point Lowly facility.
- We have developed a plan whereby our investment in a large vessel with shallow landing capabilities will facilitate the rerouting of larger vehicles and vessels away from Point Lowly, and instead use the main Whyalla marina
- We have acquired the required land and commissioned engineering work on a phased build of a new facility at Stuart's Landing that will facilitate the transfer of all operations away from the Point Lowly and Whyalla marinas to this new facility
- Seek the community's support of this plan, which would over time limit the operations in Point Lowly to approved vehicles and vessels, comparable to those used by recreational users
- Support would include a licence to conduct the specific and agreed operations out of Point Lowly, the use and development of infrastructure in the Whyalla marina, and cooperation to, over time, build out the Stuarts Landing facility

- The specific provisions of the revised proposal are:
 - Short term agreement of 5 years to access Point Lowly marina for specific and agreed operations, with no obligation on the Council to extend
 - Access to the main Whyalla marina to construct a safe and appropriate feed store and loading wharf for the transfer of feed to sea and the return of harvested fish to shore
 - Full and detailed traffic management plan for the vehicle movements to and from the Point Lowly and Whyalla marinas
 - Independent marine engineers assessment of the proposed vessels use of the Point Lowly and Whyalla marinas to ensure they are appropriate for each facility
 - An upfront \$40,000 contribution to repair and upgrade the Point Lowly marina, plus \$10,000 per annum (total fees of \$90,000)
 - Bank guarantee of \$50,000
 - Commitment that Senior Management will meet with Point Lowly residents and other stakeholders every quarter
 - Dispute resolution framework to be established using an appropriate independent person or body
 - Commitment to all environmental protections and public reporting
- The minimum requirement for Clean Seas to proceed is to have a 5 year licence to access to Point Lowly Marina for those vessel movements identified by the independent marine assessment as being appropriate for this location
- Clean Seas can be flexible on all other provisions and arrangements, subject to negotiation and agreement

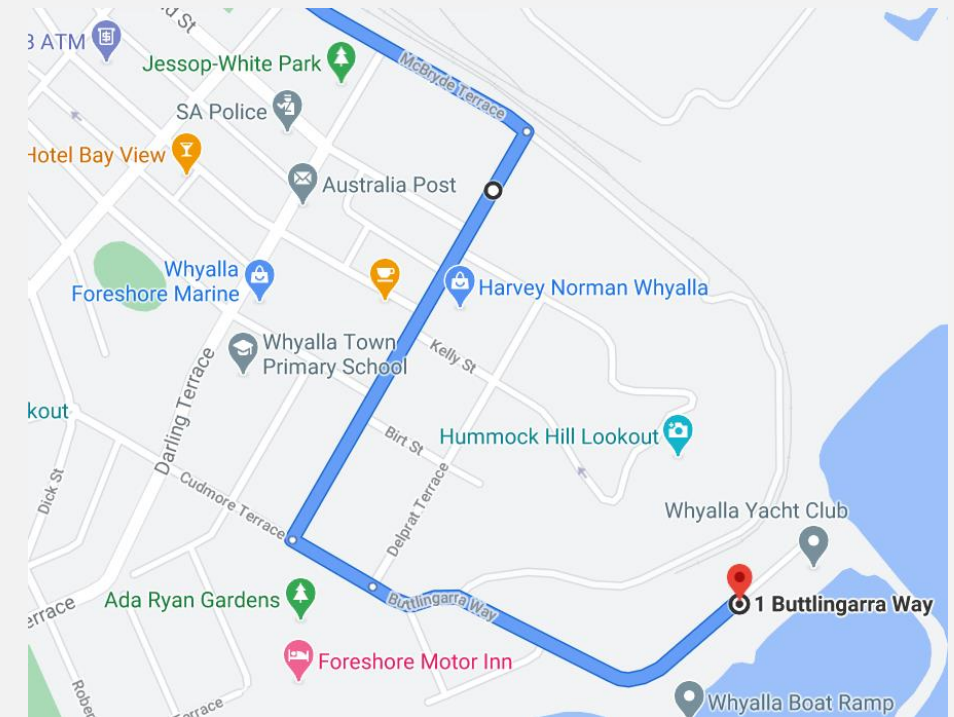




- Ramp access to be as per previous usage, with commercial vessels on the left hand side
- Vehicle movements to be focused on the southern end of the carpark
- Investigate alternate access to the carpark off Lighthouse Drive to avoid marina residents



- Wharf development to use the existing footprint
- Vehicle movements to be contained within a secure area adjacent to the wharf
- Storage shed to be built within the secure area
- Vehicle traffic to be routed away from schools, roundabouts and residences along McBryde Terrace and Jamieson Street to Buttlingarra Way





- Phase 1 development at Stuart's Landing to include a ramp and rock wall, which would divert Point Lowly operations away from that facility on most days, depending on the weather
- Point Lowly would still be required if weather conditions on specific days made the Stuart's Landing facility unsafe
- Whyalla Marina would still be used for heavy vehicles and vessels
- To be completed within the initial 5 year lease, subject to relevant approvals and community consultation
- Refer Concept Design for details



- Phase 2 development at Stuart's Landing to extend the rock wall, provide loading and mooring facilities which would divert all operations from Point Lowly and Whyalla marinas
- Timeline for completion to be agreed within the initial 5 year lease, with building to occur within the timeframe of a subsequent lease
- Refer Concept Design for details

- This proposal will enable Clean Seas to farm two cohorts of Kingfish (Year Class 22 and Year Class 24) from juvenile stage to harvest weight.
 - The juvenile fish of the Year Class 22 cohort will be placed on Clean Seas West Fitzgerald Bay lease from August 2021 to February 2022 and are expected to be harvested at 4KG+ from March 2023 until March 2024
 - The juvenile fish of the Year Class 24 cohort will be placed on Clean Seas East Fitzgerald Bay lease from August 2023 to February 2024 and are expected to be harvested at 4KG+ from March 2025 until March 2026
- This period will allow Clean Seas, the Council and the local community to assess and refine the manner of Clean Seas operations before any longer term agreement is negotiated or an alternative location is found
- This agreement will not compel the Council to grant any further licence or extension upon expiry
- This revised proposal diverts heavy vehicle and heavy vessel operations from the Point Lowly marina, and allows all parties to offset the stakeholder concerns and risks associated with granting Clean Seas a longer term licence.
- Clean Seas will be highly motivated to ensure it makes a positive contribution to the Whyalla community in order to ensure it's licence at Point Lowly is renewed.

Annexure "B"

CONCEPT DESIGN REPORT

BOAT HARBOUR FACILITY

at

STUARTS LANDING

EYRE PENINSULA

for

CLEAN SEAS SEAFOOD LIMITED

INDEX

- 1. General**
- 2. Facility Requirements**
- 3. Survey Information**
- 4. Water Level Variation**
- 5. Wind Roses and Wave Fetch Data**
- 6. Breakwater Siting and Orientation**
- 7. Wharf Requirements**
- 8. Boat Ramp(s)**
- 9. Vessel Mooring**
- 10. Cost Estimation**

Attached: Site Layout Concept Drawings

1. GENERAL

Clean Seas currently utilise the Pt Lowly Marina, located east of Whyalla, north of Port Bonython, for their shore operations in the Whyalla area. This generally consists of loading feed for the fish pens and vessel access to shore.

The Pt Lowly Marina is not well suited to these operations, due to restricted wharf access and conflict with local residents. Clean Seas wish to establish a new boat harbour facility north of the current Pt Lowly Marina to service their requirements at Stuarts Landing.

The Stuarts Landing site is currently not developed. It is located 1.6km north of the Pt Lowly Marina and approximately 33km by road north east of Whyalla.

It is proposed that the new facility be considered as a staged construction, being:

Stage 1, being the construction of a protective, low level breakwater and boat ramp which will allow:

- Large vessels to be moored offshore on swing moorings generally
- Access to and from the larger vessels by way of a smaller launch (nominally 10m), which is to be launched and retrieved off the boat ramp on as needed basis
- For feed loading, the existing 24m vessel is to nose onto the boat ramp and load feed via a ships crane from the boat ramp or breakwater adjacent
- General hardstand storage area on shore

Stage 2, being:

- Full construction of the breakwater to full height, wrapping around the boat harbour area to the eastern side, with a wharf facility on the outer arm section
- Wharf suitable for 40m long vessel with draft to 4m, with suitable fendering
- Roadway on top of breakwater for truck/vehicle/forklift access to wharf area
- Boat turning area for 40m long, 4m draft vessel
- On shore facilities including:
 - office
 - storage shed (nominally 10 x 50m with clear forklift access each side)
 - truck access to storage shed and breakwater/wharf
 - general hardstand areas
- Ensure good road access to site

Stage 3, being:

- relocate boat ramp to north, but within the boat harbour
- install floating pontoon berths for up to 10 vessels to 12m long
- install fuel storage and fuel dispensing facilities to floating pontoons and/or wharf
- install ice machine as 2 x 40' sea containers

The area of the proposed site for the boat harbour consists of:


- hills of red shale/sandstone, poorly vegetated, sloping down towards the coast
- rocky beach, with little or no sand evident. No apparent long shore sand drift on the beach
- a steeply sloping beach reaching approximately 5m of water depth in around 50m, or a 1 in 10 beach slope.

No information on the geomorphology of the area or the seabed was available at the time of the concept design.

2. FACILITY REQUIREMENTS

The facility requires the following features:

- Access by large articulated trucks to site, storage shed and wharf
- Vessel access and tie up for:
 - Ulysses II (current harvest vessel)
30.6m length, 8m beam, 2.97m draft
 - Heavy works vessel (unnamed)
24m length, 8m beam, 1.8m draft
 - Net cleaning vessel (Contractor)
20m length, 6m beam, 2.0m draft
 - Dive vessel (Contractor)
10m length, 3m beam, 1.0m draft
 - Crew transfer vessel to access swing moorings
6m length, 2.5m beam, 0.5m draft
 - Future vessel to 40m length, 4m draft
- Undercover storage shed, with unrestricted access from each side
- Truck and forklift access to wharf area
- General hardstand area
- Boat ramp suitable for 24m, 200t vessel
- Office
- Fuel storage and dispensing
- Provision for ice machine

 BOAT BUILDERS • NAVAL ARCHITECTS • MARINE SURVEYORS	23.98M WORK BARGE SPECIFICATION SHEET
GENERAL	© 2020 GN Marine <i>The design and information represented on this document is the exclusive property of GN Marine and must not be used or reproduced in any way without written permission of GN Marine</i>

GENERAL

Function	Workboat / Utility Vessel
Survey	Class 3C
Complement	6 persons

CONSTRUCTION

Material	welded steel structure throughout
Bottom plating	6 mm
Side plating	6 mm
Working deck plating	10 mm

PRINCIPAL DIMENSIONS

L.O.A	24.93 m
Length (measured)	23.98 m
Beam	8.00 m
Draft	1.80 m
Depth at sides	2.54 m
Gross tonnage	TBC

TANK CAPACITIES

Fuel Oil Bunker	10 m ³
Long Range Fuel Oil	20 m ³
Fresh Water	2 m ³
Lubrication Oil	0.5 m ³
Hydraulic Oil	0.5 m ³
Sewage	0.5 m ³

PROPULSION SYSTEM

Main engines	2x Cummins QSL9 243kW, keel cooled
Gear box	2x ZF W325 RR 3.407:1 w/ electric control
Propeller	Fixed pitch open water propellers
Propeller shaft	O.D. 88.9mm, 316 S.S, water cooled c/w PSS shaft seals & Tufnol bearings

AUXILIARY MACHINERIES

Gen-sets	2x Cummins 6B-CP 100 kVa, keel cooled
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STEERING SYSTEM

Rudder	Single plate conventional rudder
Steering	hydraulically driven w/ emerg'y tiller arm

ELECTRICAL SYSTEM

Voltage	415V / 240V / 24V
Emergency	24V
Shore power	415V 32A
Lighting	LED throughout
Flood lights	2x roof mounted
Search light	1x handheld

DECK EQUIPMENT

Anchor winch	1x dual gypsy hydraulically driven
Anchors & chains	2x 245 kg anchor, 2x 150m of 20mm chains
Deck crane	Hiab 422 EP-5 CLX, hydraulically driven lifting capacity 1.28t @ 18.7m fitted with 750 mm high pedestal
Capstans	2x 3t vertical type, hydraulically driven

PROTECTIVE COATING

Type	International paint
Coverage	internal and external steel surfaces

WHEELHOUSE ACCOMMODATION

The wheelhouse is located on the upper deck and combined with a saloon equipped with a stove, bench top & sink, fridge, table and settee suitable for day usage.

There is a wash room located in the aft starboard corner of the main deck provided with a toilet, shower and wash basin.

PUMPS & BILGE SYSTEM

GS/Fire Pumps	2x 415V electric, capacity 11 m ³ /hr
Deck wash	1x 2.5" hose
Submersible pump	1x electric (24V) in E.R.
Bilge level sensor	1x electric (24V) in E.R. w/ alarm in whse
Fuel transfer pump	20 m ³ /hr capacity

FIRE FIGHTING EQUIPMENT

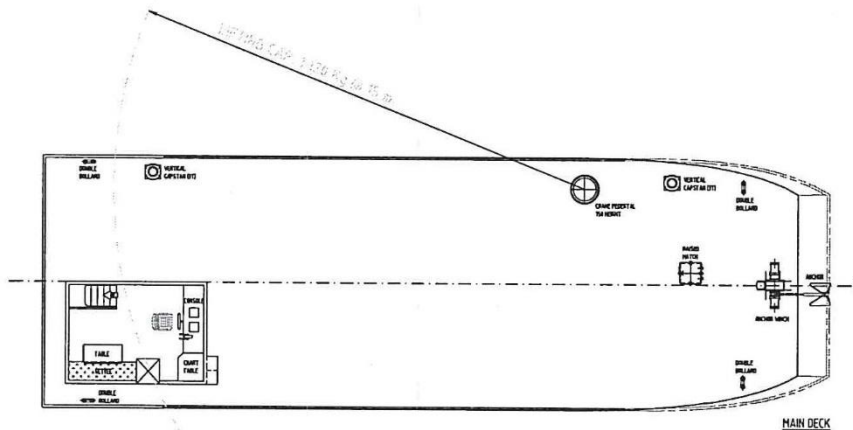
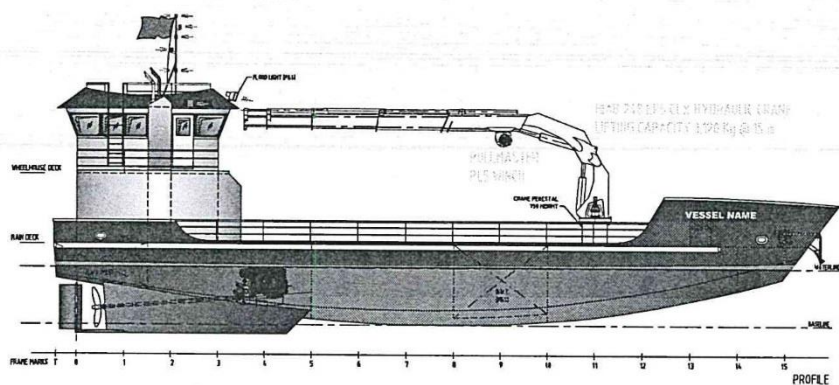
Fire suppression	fixed CO ₂ fire suppression system
Fire detection	fitted in E.R
Fire alarm	fitted in E.R with alarm panel in Wheelhouse
Fire buckets	2x 8L bucket
Fire extinguishers	E.R: 1x 4.5kg DCP, 1x 9L foam Main deck: 1x 4.5kg DCP Wheelhouse: 1x 4.5kg DCP, 1x 3kg CO ₂

SAFETY EQUIPMENT (PER CLASS 3C REQUIREMENTS) INCLUDING

Life raft	1x 6-man coastal type
Life rings	1 with self-activating light, 1 with rope
Life jackets	6x coastal life jackets w/ self-activating lights
Pyrotechnics	3x parachute distress rockets, 2x red hand held flares, 1x orange smoke signal
Torches	6x battery operated torches
First aid	Scale F

COMMUNICATION & NAVIGATIONAL EQUIPMENT

Compass	magnetic type, card diameter 125mm
GPS	Furuno/JMC
Echo sounder	Furuno/JMC
Chart plotter	Furuno/JMC c/w paper chart of home port
Rudder angle indicator	
VHF radio	ICOM
EPIRB	406 Mhz
NAV lights	Port, Stbd, Anchor, Masthead, Stern, NUC
Day shapes	2x black balls, 1x diamond shape
Horn	1x portable air horn
Binoculars	1x pair with neck strap and carrying case
Bell	1x brass bell of 300mm diameter
Int'l Code flags	N&C flag
Books & Publication	Radio handbook, log book, Handbook of symbols & abbreviations.



3. SURVEY INFORMATION

Site survey information used for the concept design was limited. It consists of:

- A hydrographic survey, undertaken to Chart Datum which extends 200 to 400m offshore, out to water depths 8m CD. The survey was undertaken by Hydro Survey for City of Whyalla in 2009.
- No land based survey information was available, however:
 - The cut platform at the end of the road is at approximately +5m AHD
 - The road intersection just inside the land boundary is at approximately +11m AHD
- A nearmaps aerial photo was overlaid onto the hydrographic survey as a basis for the concept design.

4. WATER LEVEL VARIATION

Relevant current water levels in the area are:

	AHD	CD
1:100 year ARI high water	2.52m	4.22m
Highest Astronomical Tide (HAT)	1.48m	3.18m
Mean Sea Level (MSL)	-0.17m	1.53m
Lowest Astronomical Tide (LAT)	-1.75m	-0.05m

CD is chart datum, which is nominally the lowest water level at site. AHD is Australian Height Datum which is a universal datum used on land based survey across Australia.

Note that chart datum at one location may not be the same as chart datum at another location.

Note that the lowest water level which occurs may below LAT due to northerly wind pushing water south, out of the gulf.

Ocean water levels in the area vary with tides and by other atmospheric influences. The combination of a high tide with a low atmospheric pressure system and storm surge can create a water level above the predicted tide level. Tide records are analysed and a prediction is made for the highest water level reached on average in 100 years, otherwise known as the 100 year Annual Recurrence Interval (ARI) high water event. This 1:100 year ARI level has a 1% chance of being exceeded in any year. This does not include effects for wave action or predicted sea level rise.

The predicted sea level rise at the site from 2020 to 2100 due to climate change is 1.0m with negligible sea bed scour occurring, this results in an increased 1:100 year ARI high water event of approximately 3.52m AHD.

5. WIND ROSE AND WAVE FETCH DATA

Wind roses taken for monthly average wind speeds at 9am and 3pm were reviewed and show that winds from the northerly direction greater than 10 knots occur mainly in the winter and early spring months. Winds greater than 10 knots from the north easterly direction seldom occur.

The annual wind roses for 9am and 3pm are attached, and show that winds from the north and north easterly directions over 10 knots occur approximately 5% of the time.

The wind roses were sourced from Whyalla Airport, at Norrie.

The site is open to wave action from the north through to the south via the east. The fetch lengths (length of water which the wind blows across to develop local sea waves) varies.

North	7.5 km
North east	18.2 km
East	16 km
South east	26 km

The site is protected by Pt Lowly to some extent from wave action from the south, however, southerly waves will refract around the shallowing water north of Pt Lowly and bend in towards the site.

Ocean swell waves travelling north up Spencer Gulf may impact the site. Similarly waves locally generated in the gulf from southerly winds may also impact the site.

A locally generated wind wave due to winds blowing across the open fetch of water for different directions is calculated and presented below, based on:

- water depth taken to 1 in 100 ARI current water level
- 65 km/hr (35 knots) average wind speed blowing over the water.

This calculation is undertaken as presented in the US Army Corp of Engineers Shore Protection Manual (1984).

<i>Direction</i>	<i>N</i>	<i>NE</i>	<i>E</i>	<i>SE</i>	<i>S</i>
<i>Fetch</i>	7.5 km	18.2 km	16 km	26 km	215 km
<i>Typical water depth</i>	10m	20m	20m	20m	35m
<i>Wave height Hs</i>	0.75m	1.25m	1.25m	1.5m	4.2m
<i>Wave period Ts</i>	3 secs	4.3 secs	4.3 secs	4.8 secs	9.5 secs
<i>Still water level CD</i>	5.2m	5.2m	5.2m	5.2m	5.2m
<i>Wave crest level CD</i>	5.6m	5.8m	5.8m	6.0m	7.2m

Hence, the final breakwater crest level protecting from southerly waves needs to be in the order of 7.5 to 8m CD, or 5.8m to 6.3m AHD. This does not allow for sea level rise.

Rose of Wind direction versus Wind speed in km/h (01 Jan 1957 to 06 Jul 2001)

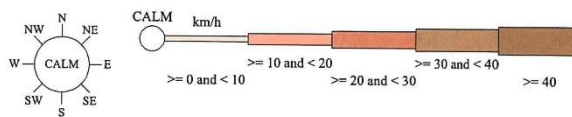
Custom times selected, refer to attached note for details

WHYALLA (NORRIE)

Site No: 018103 • Opened Jan 1906 • Closed Jul 2001 • Latitude: -33.0303° • Longitude: 137.5328° • Elevation 13.m

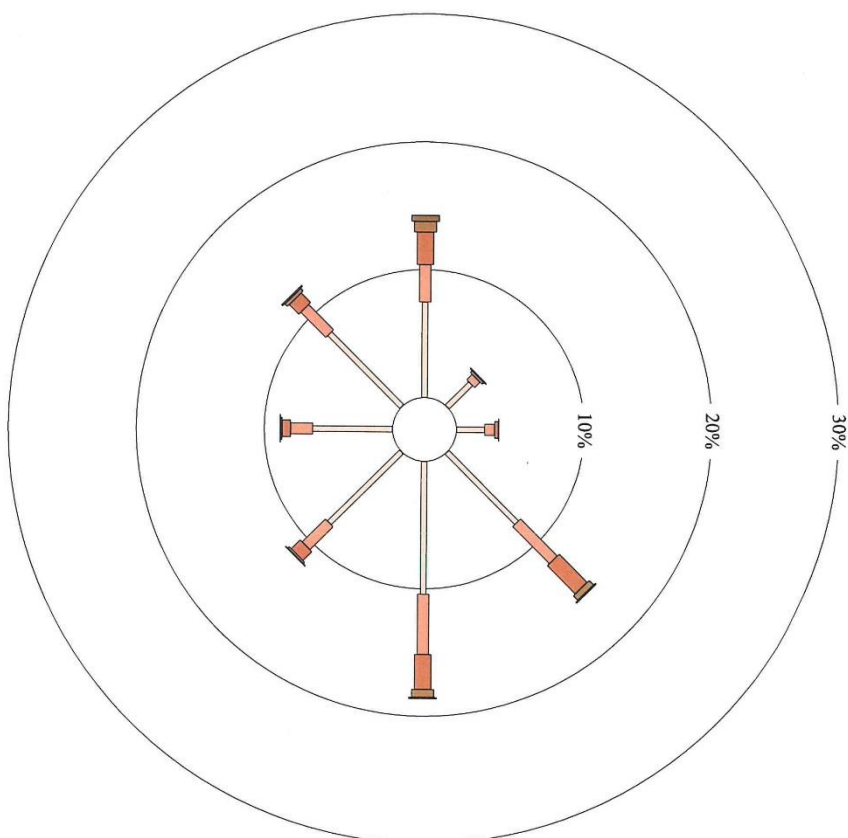
An asterisk (*) indicates that calm is less than 0.5%.

Other important info about this analysis is available in the accompanying notes.



9 am
15984 Total Observations

Calm 13%



Rose of Wind direction versus Wind speed in km/h (01 Jan 1957 to 06 Jul 2001)

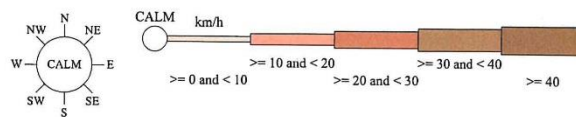
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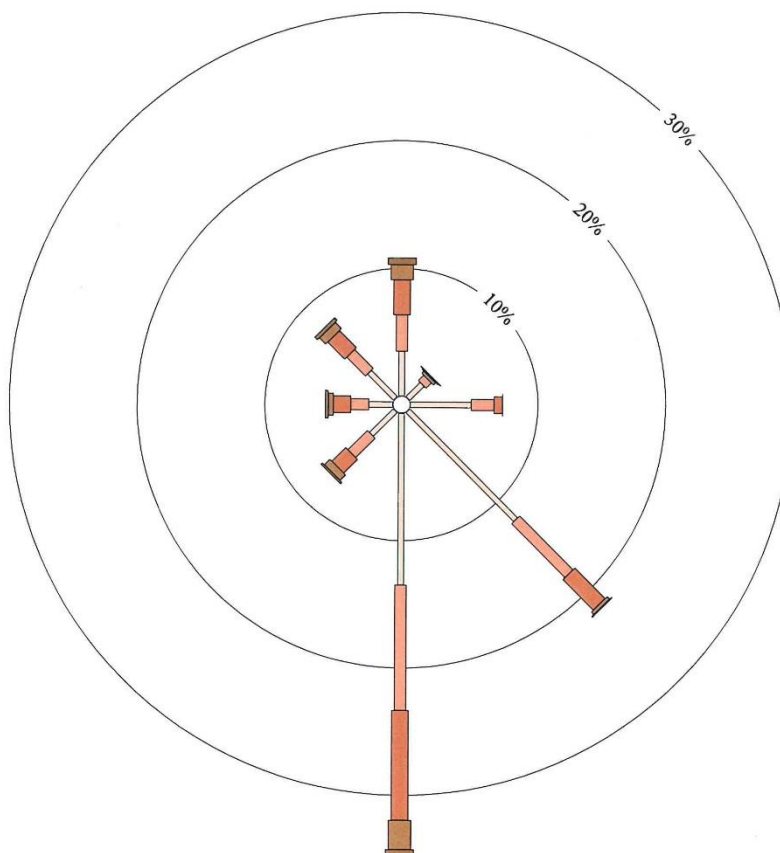
An asterisk (*) indicates that calm is less than 0.5%.

Other important info about this analysis is available in the accompanying notes.



3 pm
15795 Total Observations

Calm 3%





6. BREAKWATER SITING AND ORIENTATION

Based on current water levels and some limited wave overtopping for waves from the south, the breakwater crest needs to be at around 6m AHD. This increases to 7m AHD in 2100 to allow for predicted sea level rise.

The site has limited exposure to the north due to the shape of the coast and the final breakwater configuration gives protection to all wave action with the exception of the north.

The Stage 1 breakwater extends out to the east only, and provides protection from wave action from the south east and south only. Hence, the facility would be limited in its use depending on wind direction and strength.

The outer arm of the breakwater in stage 2 is orientated 10° east of north, to provide more complete protection to the boat harbour.

The breakwater will have an outer slope of 1:1.75 (V:H), and be rock armoured.

There is no Geotech information available for the land or seabed, so detailed design of the base of the breakwater cannot be considered at this stage.



7. WHARF REQUIREMENTS

The wharf is to cater for the current vessels:

- Ulysses II (30.6m long, 2.97m draft)
- Heavy works vessel (24m long, 1.8m draft)

and a future harvest vessel to 40m long, 4m draft.

Hence, a wharf length of 50m has been allowed for, with a boat manoeuvring basin providing 4m water depth at low water.

The water level varies -0.07 to 4.22m CD (-1.77 to 2.52m AHD) for 1 in 100yr ARI (2020). Allowing 2.5m waterline to deck level on the vessel, gives the deck level at approximately 2.5 to 4.7m CD. A wharf level of 6m CD (4.3m AHD) is nominated, which will also be useable in a 1 in 100yr ARI high water event in 2100.

A wharf level of 6m CD will present a 2m difference between wharf level and vessel deck level at mean sea level, based on 2020 water levels and 2.5m from water line to deck level on the vessel.

The wharf will require:

- vertical face with fendering suitable for all vessels using it
- recessed ladder access to vessels
- bollards
- concrete deck suitable for forklifts, trucks and cranes
- services (water, power, fuel)
- area lighting
- 6m width, with small truck turning area at outer end.

8. BOAT RAMP(S)

A boat ramp is required in all phases of the build.

The stage 1 build has the boat ramp placed close in the lee of the breakwater to afford it maximum protection of the initial breakwater.

When the small vessel floating pontoon moorings are built in stage 3, it will be required to relocate the boat ramp further to the north, away from the pontoons.

In both cases the ramp should be suitable for:

- general small vessels
- 24m long, 200t vessel

Hence, the ramp is shown as 10m wide and extending down to a depth at low water of 2.5m. The ramp is at a slope of 1:8, but may be installed steeper depending on the equipment/vehicle used to retrieve the vessels. The ramp extends from +5.8 to -2.8m CD.

9. VESSEL MOORING

The larger vessels are currently moored on swing moorings off shore, and accessed when required by small vessels launched for the Pt Lowly Marina boat ramp.

Stage 1 of the new Stuarts Landing Facility will allow:

- Larger vessels to be moored on swing moorings off shore, accessed by smaller boats launched from the new ramp as required. The new ramp will be in the lee (for wave action from the south and south east) of the new stage 1 breakwater.
- Loading of feed via the bow of the large vessel when nosed into the new boat ramp, or by crane from the side of the vessel off the breakwater.

Stage 2 will allow wharf mooring of the larger vessels, and protection from all wave action with the exception of due northerly.

Stage 3 will allow the mooring of smaller vessels (up to 12m) at the new floating pontoons.

10. COST ESTIMATE

A cost estimate is presented below for each stage. These are based on the removal of rock at the site to create the fill for the breakwater and ramp, and the import of local armour onto site.

Costs are indicative only. Prices are taken from Rawlinson's Cost Construction Guide and indexed 120% for Whyalla area.

The main cost of the project is the earthworks to cut a new platform for the buildings, hardstands and roads, and use this rock/fill to build the breakwater. This is priced as:

General excavation	\$30.60/m ³	\$30.60/m ³
Add extra for rock	\$16.60/m ³	\$16.60/m ³
Truck and place (extra for inwater placement)		<u>\$20.00/m³</u>
Total		\$67.50/m ³

The cost of rock armour is heavily dependant on the source location and length of cartage to site. The site is generally rock, and it has been assumed that most rock armour (both primary and secondary) can be sourced from site, or nearby.

A summary of the cost estimates for the stages is below:

Stage 1	Limited short breakwater	
	Boat ramp	
	Hardstand	\$ 2.2M
Stage 2	Full breakwater & wharf	
	Warehouse	
	Roads	
	Office	
	Power supply, lights	
	Fence site	\$ 9.1M

Stage 3	Floating pontoon	
	Relocate boat ramp	
	Fuel facility	
	Ice machine	
	Carpark/hardstand	<u>\$ 1.5M</u>
	Total	\$12.8M

These prices do not include GST.

Stage 2 Cost Estimate

Allow water quality monitoring program		\$ 15,000.00
Sediment curtain around site		
450m long @ \$70/m		\$ 31,500.00
Erosion/Sediment control on site		
100m @ \$30/m		\$ 3,000.00
Breakwater		
Excave and place core	35,000m ³ @ \$67.50/m ³	\$2,362,500.00
Geotextile	6500m ² @ \$15/m ²	\$ 97,500.00
Secondary armour	1000m ³ @ \$100/m ³	\$ 100,000.00
Primary armour	10,000m ³ @ \$150/m ³	\$1,500,000.00
Wharf 70m x 12m		
Footing beam at seabed	70m @ \$1000/m	\$ 70,000.00
Precast concrete panels at wharf face		
	70x12x0.2m @ \$430/m ²	\$ 361,200.00
Place 35 panels @ \$1000 each		\$ 35,000.00
Fendering allow		\$ 50,000.00
Bollards allow		\$ 20,000.00
Geogrid tie back in fill	5No.x10x70m @ \$15/m	\$ 52,500.00
Roadway on wharf 6m x 110m	660m ² @ \$200/m ²	\$ 132,000.00
Road on breakwater 6m x 100m	600m ² @ \$150/m ²	\$ 90,000.00
Warehouse 50x10m @ \$675/m ²		\$ 337,500.00
Warehouse Slab 50x10 @ \$150/m ²		\$ 75,000.00
Roadways in bitumen 250mx10m @ \$50/m ²		\$ 125,000.00
Office – Transportable building	100 sqm x \$ 1000	\$ 100,000.00
Deliver to site	Allow	\$ 10,000.00
Power supply to site 900m of 100amp service @ \$100/m		\$ 90,000.00
Allow	45 poles @ \$1000 each	\$ 45,000.00
Area lights - Allow	20 @ \$700 each	\$ 14,000.00
Allow	10 poles @ \$1000 each	\$ 10,000.00
Water storage tank – 27,000 l, allow		\$ 6,000.00
Fence site	340m @ \$85/m	\$ 28,000.00
Stormwater control, treatment, and disposal		<u>\$ 20,000.00</u>
	Subtotal	\$5,781,600.00
	Allow site index 120%	<u>\$1,156,320.00</u>
	Subtotal	\$6,937,920.00
	Preliminaries 10%	\$ 693,792.00
	Builders margin 10%	\$ 693,792.00
	Contingencies	<u>\$ 693,792.00</u>
Say \$9.1M + GST	Total	\$9,019,296.00

Stage 3 Cost Estimate

Pontoon mooring

Main walkway 30m x 2m

Fingers 6 off 10m X 0.9m

Piles 6 No.

Gangway 12m x 1.2m

\$ 320,000.00

Boat ramp

Rebuild boat ramp to north

(as for stage 1)

\$ 271,250.00

Fuel

Fuel tank

27,500l

\$ 30,000.00

Fuel bund

4mx10m

Concrete slab

40m² @ \$200/m²

\$ 8,000.00

Blockwork walls

28m² @ \$200/m²

\$ 5,600.00

Fuel piping (double piped)

200m allow \$100/m

\$ 200,000.00

Fuel dispenser

Allow

\$ 50,000.00

Ice machine 2 x 40' sea containers

Allow

\$ 50,000.00

General hardstand area (rubble)

300m² @ \$20/m²

\$ 6,000.00

Carpark (rubble)

300m² @ \$20/m²

\$ 6,000.00

Erosion/Sediment control on site

\$ 3,000.00

Subtotal

\$ 949,580.00

Allow site index 120%

\$ 189,970.00

Subtotal

\$1,139,820.00

Preliminaries 10%

\$ 113,982.00

Builder's margin 10%

\$ 113,982.00

Contingencies 10%

\$ 113,982.00

Total

\$1,481,766.00

Allow \$1.5M + GST

Annexure "C"



Safety Management Plan

for
Point Lowly

Printed copies of this document are uncontrolled

About this release

Document Number: SMP: 1
 Title: Safety Management Plan
 Author: Ross Hay & Dan Fisk

Issue	Date	Revision Description	Authorised by

Management Review

This Plan will be reviewed with the Safety Incident Plan as required.

Planned Review Date	Scope	Review By	Review Record Ref no. Date

Endorsement of Safety Management Plan

/ /
Date

/ /
Date

/ /
Date

This document covers a range of potential WHS applications that may arise in Clean Seas operations at Point Lowly Marina. In developing this specific SMP Clean Seas may adopt only the sections of this document that are relevant to their own works.

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1. Overview

Scope of this Plan

This document defines the work health and safety processes and practices that Clean Seas will observe at Point Lowly Marina.

This Plan has been developed under the umbrella of Clean Seas Integrated Management System (WHS, Environment, Quality and Risk Management) which provides the framework of the system.

Clean Seas WHS Objectives

Clean Seas WHS objectives with respect to the Point Lowly operations are to:

- Ensure the Health and Safety of Clean Seas workers, subcontractors and agents, all users of the marina, the general public who may be in the area of operations, as far as reasonably practicable,
- Comply with, and ensure Clean Seas workers, subcontractors and agents comply with, any Acts, Regulations, local laws and by-laws, Codes of Practice, Australian Standards and Clean Seas policies and procedures which are in any way applicable to our operations.
- Ensure Clean Seas Safety Management Plan and Safe Operating Procedures (SOP's) are implemented in accordance with:
 - Clean Seas Integrated Management System (IMS)
 - All the duties as required under the Work Health and Safety Act and associated Regulations; and
 - Any other Acts, regulations, local laws and by-laws, Codes of Practice, Australian Standards and Clean Seas policies, practice and procedures which are in any way applicable to the work being performed; and
- Maintain trust, good faith and cooperation between Whyalla Council and the Clean Seas.

Clean Seas objectives will be met through good leadership, commitment and continual training.

Purposes of Clean Seas Safety Management Plan

The purposes of this Clean Seas, Safety Management Plan ("SMP") are to:

- Define Clean Seas management of WHS when working in and around the marina,
- Provide guidance to Clean Seas workers on the obligations that must be met; and
- Assure the Whyalla Council and nearby residents that Clean Seas is fulfilling its obligations regarding the WHS,
- Define the responsibilities of Clean Seas, Safety Management Representative (Site Supervisor) and
- Set down the frequency and responsibilities for management review of this Plan

Practice of Safety Management

Clean Seas will:

- Assess risks and plan work activities to eliminate or control foreseeable hazards or risks,
- Comply with relevant WHS, workplace injury management and workers rehabilitation and compensation legislation,

- Establish measurable objectives and targets for continuous improvement,
- Consult with workers, subcontractors and disseminate WHS information,
- Make this SMP available to all workers,
- Make available relevant parts to any subcontractors working at the site,
- Maintain the marina in a safe condition,
- Maintain plant and equipment in a safe condition,
- Provide appropriate instruction and training for workers and subcontractors to assist them in avoiding unsafe situations, unsafe work practices and the use of defective equipment,
- Provide adequate facilities for outdoor workers and
- Provide sufficient resources to achieve all the above.

2. Management of the Safety Management Plan

Clean Seas will provide its workers, materials, resources and systems to properly perform the work.

Clean Seas will ensure that workers are competent, experienced and qualified to carry out the work.

3. WHS Responsibilities

The principle responsibilities and authorities of Clean Seas workers with respect to WHS are:

General Manager Aquaculture

The General Manager has responsibilities under the Work Health and Safety Act (2012) and Associated Regulation 2012 to ensure the health, safety and welfare of all Clean Seas workers, contractors and visitors in its workplaces, as far as reasonably practicable.

The General Manager's responsibilities remain with him, however, the General Manager has delegated authority and concomitant responsibility as shown overleaf:

Responsibility	Who is Responsible and to Whom	Type(s) of Actions
Overall responsibility for health and safety management for the Clean Seas	Managing Director & CEO to the General Manager Aquaculture	Ensure Workplace injury management as required by Return to Work SA
		Deliver Clean Seas SMP to Whyalla Council for its approval
		Regular safety reviews, periodic safety audits and monitoring compliance with Clean Seas Safety Management Plan
		Authorise, when appropriate, any special skills (e.g. electrical) required to conduct Audits and Work site Safety Inspections
		Ensure that the design of works addresses safety both during the work and when the works are in use
		Determine the WHS requirements for the selection of subcontractors and suppliers
		Ensure both Clean Seas and subcontractors' plant and equipment meet regulatory standards.
		Provide health and safety resources, services and facilities on work sites to comply with the AMSA and WHS legislation requirements
		Ensure WHS training takes place as required by this Plan
		Encourage the active involvement of all workers in the management of WHS
		Ensure corrective/preventive action notifications concerning health and safety are raised when appropriate and are closed out before the process or equipment is used again
		Ensure a Hold Point is raised immediately upon any process which results in: <ol style="list-style-type: none"> 1. an incident or accident which requires SafeWork SA be notified, 2. a Notice of Fine from SafeWork SA, 3. a Lost Time Incident or 4. any dangerous occurrence
		Ensure WHS Records are kept in accordance with Clean Seas due diligence requirements

Responsibility	Who is Responsible and to Whom	Type(s) of Actions
Manage hazards and risks at Point Lowly operations on water. Oversee systems.	Marine Operations Manager to the General Manager Aquaculture	Procure, when appropriate, any special skills (e.g. electrical) required to conduct Audits and Work site Safety Inspections
		Authorise and co-sign SOPs
		Implement emergency procedures
		Ensure Work Site Safety Checks are applied and acted upon and SOP's are followed with CARs being raised when required.
		Review safety control measures while work is in progress to ensure that marina hazards or risks are adequately addressed
		Address safety non-conformances should they arise
		Ensure the Aquaculture employees have appropriate WHS instruction and training to work and know their responsibilities
		Arrange the supply and installation or use of protective clothing and equipment ("PPE"), fire extinguishers, warning signs - all to Australian Standards
		Arranging necessary training
		Obtaining safe work permits if needed.
		Safety assessment of subcontractors and their plant and equipment
		Arranging the installation of adequate ablution facilities for outdoor workers these being at the Clean Seas worksite
		Act as an Emergency Contact 24 hours / day contact for Safety Incidents or any other incident relating to Marine Operations.
		Ensure adequate first aid kits are in place for the treatment of injuries. (As required by the WHS Regulations)
		Arranging WHS induction for personnel from all service providers that may be required to use the marina
		Facilitating consultation between all service providers on work sites (and their workers)
		Holding 'tool box' meetings weekly to discuss the WHS issues that are or possibly emerging
		Providing a copy of Clean Seas, Safety Management Plan, Safety Rules and Safe Operating Procedures to all applicable service providers before they begin work. E.g. Divers

Responsibility	Who is Responsible and to Whom	Type(s) of Actions
Making workplaces safe Checking safety of Plant and Equipment Checking Safety of Trucks Taking fire precautions	Aquaculture Employees to the Marine Operations Manager	Applying hazard and risk controls in marina activities and work areas
		Ensuring work site personnel (including subcontractors and visitors) are appropriately trained in, inducted in and comply with, safe operating procedures
		Advising Marine Operations Manager of any safety training needed
		Safety assessment of subcontractors and their plant and equipment
		Setting up work site facilities
		Setting up safety warning signs
		Restricting access to work sites by unauthorised persons and notifying visitors of safety precautions to be observed on work sites
		Arranging installation of fire extinguishers, when required
		Taking fire prevention measures e.g. clearing flammable material before slashing or grading and ensuring compliance with fire restrictions
		Quarantining, signposting, delineating or tagging unsafe work areas, materials, plant or equipment
		Storage arrangements for general materials and hazardous substances
		Checking that first aid kits are on site and stocked as required
		Investigating incidents with Marine Operations Manager (this may be done by elected HSR)
		Initiating non-conformance reports or corrective/preventive action notification (using the Clean Seas COR FHS-005) when safety problems are identified
		Immediate response to safety and environmental incidents and the reporting of them
		Keep a register of hazardous substances held on vessels, including those used by all service providers
		Conducting a hazard assessment on any hazardous substances proposed to be brought onto the work sites (including any special protection and handling required)
		Keeping safety records in accordance with Clean Seas Integrated Management System (e.g. crane books, forklift, vessel, electrical etc)

Responsibility	Who is Responsible and to Whom	Type(s) of Actions
<p>Ensuring that Clean Seas Safety Management Plan is fully implemented for the work.</p> <p>Keep Clean Seas management informed of all issues relevant to the WHS System.</p> <p>Safety induction and training.</p> <p>Be a point of contact within Clean Seas when an incident or accident occurs.</p>	<p>Manager WHSE to the Director of Operations</p>	Backup 24 hours / day contact for Safety Incidents to be contacted 24 hours a day at the number shown
		Responsible for communicating with the Council Representative and government agencies on all WHS related issues relating to notifiable incidents or dangerous occurrences under the WHS Regulations 2012.
		Hazard/risk assessment of marina activities and work areas
		Prepare Safe Operating Procedures for work operations (when required) in consultation with Manager Marine Operations and General Manager Aquaculture
		Develop site specific Emergency Procedures
		Obtain if required Safety Management Plans and Safe Operating Procedures (or equivalent) from subcontractors and determining how [Clean Seas will monitor safety performance of subcontractors.
		Ensuring that work site personnel, including those of contractors, have necessary skills / licences for the work to be performed and they are within date..
		Setting-up WHS IMS Access
		Setting-up notice boards
		Arranging election of work site WHS representatives, when appropriate
		Liaison with SafeWork SA, if required
		Implementing a plan for the regular circulation WHS information to promote WHS awareness and understanding
		Keeping a register of hazardous substances on vessels, including those used by all service providers.
		Conducting a hazard assessment on any hazardous substances proposed to be brought onto the work sites (including any special protection and handling required.
		Keeping safety records in accordance with Clean Seas IMS

4. Timeliness in WHS

Clean Seas aims to meet its time related obligations. Among them for WHS are:

- Report any Notifiable issue or Dangerous occurrence arising at the Point Lowly Marina to Council and corrective action within three days.
- Immediately remove from the marina site any non-compliant plant.
- Conducting health and safety inspections on a monthly interval to identify hazards associated with work being performed. This includes services performed by subcontractors.

5. WHS Consultation

Clean Seas is committed to maintaining sound WHS consultative arrangements with its workers, the Council, visitors and the owners of property at Point Lowly. Clean Seas will refer to the requirements of the Work Health and Safety consultation, cooperation and coordination Code of Practice March 2019 for direction

If a safety issue arises Clean Seas workers are required to notify the Marine Operations Manager Whyalla or Manager WHSE in the first instance. If management does not respond to worker concerns in a reasonable time, workers are entitled to refer the issue to the WHS Committee or the General Manager Aquaculture for investigation.

6. Accident and Incident Management

Clean Seas has in place Workplace Injury Procedure PHS-140 and Corrective Action Reporting Procedure PHS-132 which outline what actions that must be performed. These documents outline the process to be followed in the event of injury or a situation whereby there has been a near miss or a hazard exists in the workplace that requires rectifying

Response Time

Both of these procedures outline specific requirement to be followed within specific time frames.

Reporting and Corrective Action

The management representative called out to the incident/accident will ensure the appropriate investigation report is completed:

- If an accident with injury occurs, then Workplace Injury Report Form FHS-006 must be completed
- If a incident or hazard where no injury has occurred then Corrective Action Report FHS-005 must be completed.
- The Hold Point is set down in the Marine Operations Managers responsibilities when raised.

Any incident/accident which results in a lost time injury ("LTI") will be reported verbally to Marine Operations Manager within 24 hours. A copy of the investigative report will be forwarded to Marine Operations Manager within 2 days of the incident / accident.

The hazard control and risk management process set down in each of these procedures will then be applied to determine whether this Safety Management Plan and / or the SOP's need any corrections.

All Notifiable or Dangerous Occurrence incidents/accidents that happen at the Marina will be reported to the Council Representative.

Process Held:	Any process for which a Workplace Injury Report or a Corrective Action report has been issued as the result of an incident, accident or injury.	Council
Submission:	CAR close out with the Council Representative.	Hold Point
Release:	Council Representative considers documentation submitted.	

7. Site Safety Rules

Clean Seas will conduct its business operations such that when plant such a cranes, trucks, forklifts or telehandlers are on the marina, they will be used in areas mapped out / cordoned off from the public

Should it be required Work Zone Traffic Management signage will be utilised

Every Clean Seas workers, subcontractor, or agent, supplier and visitor to the areas used by Clean Seas will be required to comply with the Site Safety Rules. A copy of these rules will be given to everyone during induction to the work site. The rules will also be displayed at the site offices and in the crib rooms.

8. First Aid

First aid kits will be held on Vessels and at Clean Seas Depot. Kits will also be available in all Clean Seas vehicles.

All Clean Seas workers holds a Senior First Aid Certificate a requirement under AMSA. These employees will:

- carry out any first aid treatments that are required and
- record details of all first aid treatments.

Purchase, installation and restocking.

Clean Seas will in addition have on its Depot site a maintained defibrillator that will be made available if required to the broader community with instructions on use.

9. Fire Protection

Equipment

Fire fighting equipment exists on all Clean Seas vessels and plant.

In areas where fuels or other flammable liquids are stored and handled both Foam and 9 kg chemical extinguishes will be provided

- for areas with electrical installations a dry chemical CO2 will be provided
- extinguishes will be located and sign posted according to AS2444

Clean Seas management system has in place routine 6 monthly checks on this equipment and will be checked regularly with housekeeping inspections.

All servicing on this equipment will be performed by a recognised body.

Fire prevention

Flammable material stores will be suitably placarded and sign posted.

Good housekeeping practices will be enforced to prevent the build up of flammable material.

Fire breaks will be established around work site compounds to reduce threat from bushfires. In these zones and around compound buildings grass cover will be regularly reduced to reduce risk.

No fires will to be lit when fire restrictions are in force.

Restrictions on scraping and slashing will be observed.

Emergency evacuation

If an evacuation of the area is necessary this will be ordered by the Marine Operations Manager or by the next available Clean Seas representative.

If evacuation is ordered, everyone will move quickly, but in an orderly manner, to a determined assembly point. The Marine Operations Manager will conduct a roll call to ensure everybody is accounted for. No one will return to the area of operations until an all clear order has been issued by the management representative in charge. Everyone that enters the area of work will be informed of the emergency evacuation.

As part of AMSA safety management system vessel drills are performed on a monthly basis.

10. Alcohol and Drugs

Clean Seas has a Drug and Alcohol Procedure PHS-006 which states a zero tolerance to Drug and Alcohol use.

- No one under the influence of alcohol and /or drugs will be permitted to work,
- Alcohol or illicit drugs will not be consumed during working hours,
- People adversely affected by alcohol or drugs will be directed to leave Clean Seas work sites.

Clean Seas workers with alcohol or drug dependencies will be assisted in seeking treatment.

Drug and Alcohol testing will occur.

11. Worker Facilities and Waste Control

The Marine Operations Manager will arrange the provision of worker facilities that comply with the work being performed. These facilities will be at the depot and on vessels and will comply with the Managing the Work Environment Code of Practice and are adequate for the number of personnel using them at each stage of the project.

The Marine Operations Manager will arrange for all generated waste and refuse to be removed from the marina as generated. All vessel waste will be handled in accordance with Clean Seas Vessel and Facilities Management Procedure PHS-003 Appendix. This document is in line with EPA Code of practice for vessel and facility management (marine and inland waters) April 2017.

All mortalities will be removed from the Marina as they arrive, removed to Clean Seas Depot and stored in freezers whereby arrangements have already been made with Whyalla Veolia's Regional Manager Mark Inglis. Mortality waste will be handled in accordance with Clean Seas Mass Mortality Response Plan PHS-040.

12. Risk Management

Clean Seas will ensure that all hazards associated with each work activity are identified, the associated risks assessed and measures for eliminating or minimising and monitoring the risk are developed, documented and implemented.

The WHS risk management methodology adopted by Clean Seas is detailed in the Hazard Management Procedure PHS-008.

13. Safe Operating Procedures

All work activities assessed as having WHS risks require the preparation and implementation of Safe Operating Procedure ("SOPS"). These SOPS will be developed in consultation with the personnel who will be involved with the work. All SOPS will be documented, authorised by the Marine Operations Manager. A sample is shown as Appendix – SOP-001 Vessel and Crane Operation.

Relevant SOP to the work to be performed at the marina site are attached. These SOPS have been developed in consultation with Clean Seas workers and represent the safest and most practical way of carrying out the work activity.

The same risk management process and documentation will be utilised however should any of the work alter significantly then this will be factored into the documentation and conveyed to employees.

It is the responsibility of the Marine Operations Manager to ensure that the control measures adopted are monitored in both their implementation and also for their continuing adequacy for the activity. It is also the responsibility of those undertaking the work to inform management if suggested controls are inappropriate and the responsibility of those supervising the work to monitor the implementation of the control measures.

14. Contractors

Before engaging any contractors will be required to comply with Clean Seas Contract Management Procedure PHS-023. This procedure outlines that the contractors must:

This procedure outlines the requirements for the management of health and safety in relation to all contractors as used by Clean Seas at all worksites. Clean Seas and contractors must ensure that risks related to contractor work have hazards identified and controlled. This includes:

- ensuring the design and implementation of safe systems of work
- undertaking hazard identification and risk control activities
- providing proper and safe equipment and substances
- providing adequate instruction, training and supervision.

All contractors will be required to registered businesses, hold registration with Return to Work SA and hold insurance indemnity of a minimum of \$20M.

These contractors will be required to work in accordance with Clean Seas requirements and will be expected to provide validation of the work to be performed with SOPS.

15. Health & Safety Training

All Clean Seas and Contract workers will be provided a Safety Induction to the Point Lowly site. The Marine Operations Manager will arrange and conduct this meeting. Clean Seas will combine Environmental and other competency training within the Safety Induction.

Topics covered at this meeting will be at least the following:

1. Organisation and Responsibilities especially Work site Management,
2. License requirements,
3. Work site layout,
4. Safety Rules,
5. Emergency Response Management names and phone numbers and instructions to call immediately by Mobile phone / radio etc,
6. Traffic Hazards,
7. General Hazards present at the work sites: mobile plant, manual handling etc
8. The Safe Operating Procedures and other measures adopted to respond to the hazards,
9. Personal Protective Equipment (PPE) including sun protection,
10. Emergency procedures including emergency evacuation,
11. Fire Prevention,
12. Location of fire extinguishers,
13. Identity of first aiders,
14. Hazardous materials location and control,
15. Location of first aid kits and
16. A reminder of the responsibility to act sensibly and care for everyone's safety.

Any other relevant health and safety issues which become apparent during meeting will be included in this work site induction.

Each person attending this meeting will:

- be obliged to sign the Clean Seas Induction Checklist FHS-017 as proof that they have attended a work site induction, and

Any Clean Seas and contractor personnel who commence work will undergo the same work site induction training. This will be provided by the Marine Operations Manager or another delegated officer.

Clean Seas and contractor personnel will be permitted onto the work sites only if they have been "Safety Inducted", and signed the WHS Induction Record.

Visitors to work sites will be escorted under the supervision of a Clean seas employee.

15.1 Competency based training and assessment

Clean Seas has a training and assessment program for its workers. Workers' skill levels are assessed against the standards of competency required and remedial training is provided where necessary.

15.2 Annual review of safety training

Clean Seas safety training providers and curricula will be reviewed and updated at least annually to ensure that the health and safety issues covered remain relevant to changing circumstances on the work site.

15.3 Safety training records

Records of safety training conducted, annual reviews of safety training and of the qualifications of trainer will be maintained in accordance with Clean Seas Records Management Plan.

16. Health and Safety Inspections

Clean Seas will conduct health and safety inspections weekly to identify hazards associated with work at the Marina. Inspections will include work performed by subcontractors and will verify they are complying with the activities' SOPS. Records of inspections will be kept in accordance with Clean Seas Record Management Plan.

A high standard of housekeeping will be maintained on site with all areas kept clean and tidy with regular collection and removal of rubbish.

17. Plant and Equipment

Plant operators and truck drivers will carry out a start-up check before using the plant or truck each day and record the check. Unsafe plant will not be operated.

Completed form work will be collect and retained on site.

18. Plant and Equipment Operators' Licenses

Only operators with appropriate licenses or certificates are allowed to operate plant and equipment for Clean Seas.

A register of certificated operators is kept by the Marine Operations Manager.

19. Manual Handling

Clean Seas will identify and assess manual handling risks associated with work performed.

Wherever possible lifting aids will be utilised in work to be performed.

20. Personal Protective Equipment (PPE)

All Clean Seas workers will wear and use the Personal Protective Equipment ("PPE") appropriate to the task being performed.

Mandatory:

- Wide brimmed hat or,
- Safety helmet as appropriate,
- Safety footwear
- Un-faded high visibility fluorescent clothing, or fluorescent safety vest, or fluorescent wet weather clothing which complies with Australian Standard AS/NZS 1906.4 Mandatory - must be worn if instructed to do so or if mandatory blue-white signage shows it must be worn:
- Eye protection as required,
- Ear protection as required,
- Hand protection as required,
- Respiratory protection as required,
- Long sleeved shirts,
- Sun screen,
- Trousers or Knee length shorts,
- Safety boots with non-slip soles and steel toes,

21. Reviewing this Safety Management Plan

The planned target dates (or frequencies) at which the SMP will be subject to formal review and the personnel who will participate in the review are identified in the table at *Management Review* at the beginning of this plan. Clean Seas Marine Operations Manager will maintain records of any review.

Hon Corey Wingard MP



**Government
of South Australia**

**Minister for Infrastructure
and Transport**

**Minister for Recreation,
Sport and Racing**

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21INF0093

Annexure "D"

Ms Clare McLaughlin
Mayor
Whyalla City Council

By email: council@whyalla.sa.gov.au

Dear Mayor

I refer to my letter to you dated 15 December 2020 in relation to the negotiations between the Whyalla City Council and a commercial aquaculture operator (Clean Seas) for access to the marina at Point Lowly.

I note there has been no response to my letter to date and invite you to provide me with an update as to the efforts Council has thus far made to achieve an agreement with Clean Seas on suitable sub-licence terms.

As the Minister responsible for the *Harbors and Navigation Act 1993*, which applies to the marina land, I have an interest in ensuring that the utilisation of the marina is maximised. This includes the marina being made available to commercial operators. As per my previous letter to you, there are opportunities available to utilise the facility to facilitate commercial aquaculture operations at Point Lowly, which would support job creation and export operations that would directly benefit your local community.

The licence granted to the Council in respect to the marina clearly supports this intent and puts the Council in a position of being able to realise such opportunities, by expressly permitting the loading and unloading of commercial vessels at the marina. Clearly this is fundamental to the purpose and intent of the license.

The granting of such access is also supported by the general principles to be upheld and promoted by councils as set out in the *Local Government Act 1999*, which include:

- Giving due weight in the Council's activities to regional, State and national objectives (including job creation and regional development).
- Being responsive to the needs, interests and aspirations of the community (including community businesses).
- Seeking to ensure equitable access to facilities, and co-ordinating with the State in respect to the delivery of services in which the State has an interest, including in respect to this marina.

The provision of marina access to commercial aquaculture operators, including Clean Seas, would be consistent with the above principles and objectives.

I am advised that should the matter continue unresolved, an alternative for the purpose of facilitating such access is to transfer all management of the marina to the State. I am further advised that this would involve both bringing the licence to an end (noting that the licence is terminable by the State on one month's written notice to Council), and vesting all care control and management of the marina land in the State under the Harbors and Navigation Act (if and to the extent it is not already).

I will give this option further consideration if the matter remains unresolved and should you have any preliminary views I invite you to set those out by way of a response to this letter no later than 16 February 2021.

The Government would be pleased to discuss its concerns directly with Council, and to provide such other support as may be required to facilitate the required outcome. Accordingly I invite you and/or your officers to contact Tony Braxton-Smith Chief Executive, Department for Infrastructure and Transport to arrange for further discussions between the parties as you see fit in the circumstances.

Yours sincerely,



Hon Corey Wingard MP

Minister for Infrastructure and Transport

01 February 2021

Point Lowly and Whyalla Marinas – Assessment of Capability to support Commercial Aquaculture Operations

Objective

To obtain an independent, professional opinion as to the capability, capacity and compatibility of the Point Lowly Marina and Whyalla Marina to sustainably accommodate commercial aquaculture activities as proposed by Clean Seas Seafood Limited (Clean Seas).

Background, Issues and Scope

Clean Seas has stated its intent to recommence its aquaculture activities in Fitzgerald Bay, near Whyalla. It has identified the use of the Point Lowly and Whyalla Marinas (the Marinas) as essential to its proposed fish farming activities.

It has been some time since Clean Seas used the Point Lowly Marina. During that time, some changes in the area have occurred, including redevelopment of residential land in the vicinity of the marina. Clean Seas is also seeking to use the Whyalla marina to construct a feed store and loading wharf for the transfer of feed to sea and the return of harvested fish to shore.

Clean Seas' Whyalla Community Briefing presentation is included as Attachment 1. This provides further information on its proposed operations.

In the context of the proposed recommencement of operations at the marinas, an understanding of the operational demands on the marinas and their ability to meet these is required. In particular, the Department for Infrastructure and Transport (DIT) would like to understand the fitness for purpose of the facilities to accommodate fish farming, harvesting and related activities as proposed by Clean Seas. A high level understanding of the environmental and amenity impact of these operations is also required.

Proposed Methodology

Whilst not precluding alternative approaches to the project, the project is envisaged as proceeding as outlined below:

Activity 1 – *Developing an understanding of Clean Seas proposed operations in Fitzgerald Bay, and in particular, proposed operations and infrastructure requirements at the marinas.*

The consultant will be expected to meet with and gain necessary information from Clean Seas on its fish farming proposals in/around Fitzgerald Bay. This will provide necessary context for the more granular assessment of proposed activities at Point Lowly.

The Consultant will also gain a detailed understanding from Clean Seas of its proposed operations at the marinas. This will include an assessment of:

- Vessels, vehicles, plant and equipment required by Clean Seas
- Use of infrastructure and any infrastructure upgrades planned by Clean Seas, including plans for dredging (if required) to accommodate proposed vessels
- Levels of and nature of activities, including hours of operation, volume and frequency of operations

The above will be consolidated into a functional specification of requirements for the marinas to support operations as proposed by Clean Seas.

Note: DIT will provide a point of contact within Clean Seas to facilitate this activity.

Activity 2- Assessment of the marinas

Through the lens of the functional specification developed in Activity 1, the consultant will conduct a visual assessment of overall infrastructure condition undertaken from areas safely accessible by foot at the Point Lowly Marina and Whyalla Marina precincts to determine their capability and capacity to support Clean Seas' proposed operations, including the development of new infrastructure/plant/equipment as proposed by Clean Seas. This will include:

- The harbour and approaches ability to accommodate the specific vessels envisaged being used by Clean Seas
- The breakwaters, boat ramps, berths and any other physical elements of the marinas which are proposed to be used by Clean Seas
- Availability of access and use of adjoining land, to the extent the Clean Seas have identified such land as required for its operations.

These assessments will be undertaken from the perspective of Clean Seas being an additional user at the marinas, with existing recreational usage of the site to continue. In the context of the shared use of the facilities, the consultant will identify any operational, capacity and safety risks arising from the commercial activity, and an appropriate set of controls to manage these including the potential requirement for of a suitable traffic Management Plan during operations at the Marina.

Activity 3 – High Level Environmental Impacts Assessments

Based on an understanding of proposed operations gained in Activity 1, an assessment will be made of the potential high level environmental impacts of the operation on the marina precincts and adjacent land users, including recreational users.

The assessment will highlight any material impacts in relation to dust, noise, odour and amenity which could arise as a result of the proposed operation.

Activity 4 – Gap Analysis and identification of investment required

Building on a synthesis of the outcomes of Activities 1, 2 and 3, a report will be prepared which:

- A. Provides a description of the proposed operations to be undertaken by Clean Seas at the marinas
- B. Provides an opinion regarding the ability of the existing infrastructure, supplemented by any proposed new or upgraded infrastructure as proposed by Clean Seas, to accommodate the proposed operations in addition to the current recreational usage of the facility
- C. Provides an opinion on frequency and scope of maintenance inspection regimes to provide for the sustainable operation of the facilities at the marinas.
- D. Identifies environmental and amenity issues that may arise from the operations
- E. In respect of B and D (above), identifies potential ameliorations, including infrastructure upgrades or modifications, changed or restricted operating practices or any other measure necessary to ensure fit for purpose infrastructure and operations. Where appropriate, high level cost estimates should be provided.

Timing

A draft report will be required two weeks from commencement of the project. This will represent a hold point, during which DIT will review and if it deems necessary, seek review from other interested stakeholders. Feedback from the review(s) will be provided to the consultant to assist in finalising the report which will be due within one week of feedback being provided.

12.2 CORPORATE SERVICES

12.2.1 Building Upgrade Finance

Council Meeting: 15 February 2021

Author's Title: Business Performance Manager

File No.: 0-216

Directorate: Corporate Services

Annexures:

A – Building Upgrade Finance Guide

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1999, Section 120

☐

Yes

☒

No

Status:

Information classified confidential under Section 90(2) of the Local Government Act

☐

Yes

☒

No

Reason – Not applicable

PURPOSE

For Council to consider offering Building Upgrade Finance as enabled by Schedule 1B of the *Local Government Act 1999* and the *Local Government (Building Upgrade Agreements) Regulations 2017*.

SUMMARY

Building Upgrade Finance allows owners of non-residential buildings to access funding for building upgrades as a charge against their property over an extended timeframe. The upgrade works must have an environmental outcome or relate to a heritage listed building. Council can appoint a third-party to administer the scheme, reducing the overall risk, with no direct cost to Council.

RECOMMENDATION

That Council:

1. approve the participation of Whyalla City Council in the Building Upgrade Finance scheme, by offering to enter into Building Upgrade Agreements, as defined by Schedule 1B of the *Local Government Act 1999*;
2. authorise the Chief Executive Officer to:
 - enter into, vary or terminate a Building Upgrade Agreement;
 - declare and levy a Building Upgrade Charge under a Building Upgrade Agreement; and
 - set late payment and service fees as part of a Building Upgrade Charge in a Building Upgrade Agreement, as defined by the *Local Government Act 1999*; and
3. authorise the Chief Executive Officer to enter into a service agreement with a third party, to manage the administration of Building Upgrade Agreements.

12.2.1 Building Upgrade Finance

REPORT

BACKGROUND

On 1 August 2017, amendments to the *Local Government Act 1999* (the Act) and the *Local Government (Building Upgrade Agreements) Regulations 2017*, came into effect to enable the introduction of a Building Upgrade Finance (BUF) scheme in South Australia. Building Upgrade Agreements (BUA) are guided and regulated by this legislation.

BUF was developed based on learnings from Victoria and New South Wales, related to the successes and challenges from their nearly 10 years' operation of similar schemes to effectively mitigate risks and maximise opportunities.

To assist with the uptake of BUF during the establishment phase (to August 2022), the South Australian Government has provided funding to the City of Adelaide to host a Building Upgrade Finance Central Facilitator, who has a Statewide role. The Central Facilitator is a resource for all Councils and has developed resources and guidance to assist councils with BUF.

DISCUSSION

The Local Government Association of South Australia released an updated BUF guide in November 2019, which provides an overview of BUF and is available as **Annexure "A"**.

To be eligible for BUF, a building in the Council area must be constructed at least two years before entering into a BUA and must be used for commercial, industrial or other non-residential purposes.

Eligible building upgrade works include:

- Environmental upgrade works that improve the energy, water or environmental efficiency or sustainability of a building (e.g. energy efficient lighting, double glazing, air conditioning, renewable energy, rainwater tanks or end-of-trip recycling facilities).
- Works to state or local heritage listed buildings that:
 - maintain, repair, upgrade or reinstate heritage significance; or
 - relate to compliance with the Building Rules or the Disability Discrimination Act 1992; or
 - facilitate the ongoing occupation of the building.

The inclusion of upgrades to heritage buildings within the scheme is unique to South Australia.

BUF involves three parties:

- the building owner, who wishes to access the scheme to fund a building upgrade;
- a finance provider who agrees to lend the building owner, Building Upgrade funds; and
- Council, which agrees to collect the loan repayment, through levying a Building Upgrade Charge (BUC) against the land on which the building is situated, i.e. the loan is tied to a property rather than a property owner and loan repayments are collected via a local government charge that is levied on the property and passed on to the financier.

Council enters into a BAU with an eligible building owner and a financier. Under this agreement:

- the building owner agrees to undertake upgrade works to their building;
- the financier agrees to advance money to the building owner to fund the upgrade works; and
- Council agrees to declare a BUC against the land on which the building is situated, collect repayments from the building owner and transfer them to the financier.

As the loan is tied to the property rather than the building owner, in the event of the sale of the property, the remaining repayments can be transferred to the new owner (if all parties agree).

The benefits of BUF to building owners include:

- Attractive loan terms: security against the land reduces risks to finance providers and allows finance providers to pass the benefits to building owners.
- No up-front capital required: 100% project finance is available for eligible upgrade works.
- Improved cash flow: 10-15 year loan terms protect cash flow and increase the likelihood that the savings generated will make the project cash flow positive.
- Share costs and benefits: costs of upgrades can be shared with benefiting tenants.
- Attract and retain tenants: landlords can remain competitive by offering efficiency, cost savings and upgraded premises to tenants.
- Fixed quarterly repayments: enhanced certainty for the term of the loan.
- Pass on the loan with the upgrade benefits: when selling, BUF allows remaining repayments to be passed to the new owner if all parties agree.

BUF also provides a range of benefits to Council, such as:

- attracting business investment;
- assisting to deliver and implement a range of programs that are in line with Council's Strategic Plan;
- supporting local business to operate more efficiently, reducing operating costs and improving business competitiveness;
- supporting climate change adaptation to build resilience;
- activating and rejuvenating business and community precincts;
- encouraging heritage building revitalisation and reactivation; and
- supporting heritage building compliance with building code and disability access requirements.

Council could administer all the requirements of BUF in-house, however, there are some risks associated with this, the key ones being:

- there are a number of tight legislative timeframes that don't fit well with other Council processes; and
- based on the number of BUAs entered into by other participating councils, there may be a long timeframe between agreements being entered, with subsequent staff turnover in between.

There are providers in the market who can be engaged to undertake the majority of the administrative tasks, including payment through a separate payment platform. This is done with no direct cost to Council, instead this third party would collect the fees levied under the BUA.

Under this arrangement, Council would still be responsible for some tasks including:

- Declaring the BUC.
- Maintaining a public register of BUAs.
- Ensure that the BUC is shown on property searches.
- Undertake all debt collection processes for agreements that reach a default in excess of 60 days.

It is proposed that Council enter into an agreement with a third-party provider to administer all BUAs entered into by Council.

The Building Upgrade Finance Central Facilitator has proposed a standard fee structure for BUAs, to help ensure consistency across the sector. The fee structure is graduated to help encourage smaller projects to still be considered. The proposed fee structure includes four fees, as follows:

- Application and Establishment Fee - a graded fee of 0.25% of the upgrade cost as detailed in the BUA (capped at \$2,500).
- Annual Service Fee – a graded fee of 0.2% of the upgrade cost as detailed in the BUA (capped at \$1,000).
- Amendment Fee – \$58.00.
- Late Payment Fee – \$77.00.

Council would look to implement a similar fee structure, however, this will depend on discussions with the third-party provider, as they will be the ones ultimately collecting these fees.

Financial Implications

In the event of a default the charge on the land ranks with all Council charges and ahead of mortgage, taxes and other charges on the property. Council is not liable for any failure of a building owner to repay the BUC and the cost of debt recovery can be recovered from the building owner, however, Council may need to exercise Schedule 1B Clause 9 – Sale of Land for Non-payment of to recover BUC payments that are unpaid for more than three years. This is similar to Section 184 of the Act, relating to the Sale of Land for the Non-payment of Rates.

The financier will undertake credit checks in line with normal lending practices prior to entering into the BUA, which decreases the probability of default occurring. To date, only 1 of over 90 BUAs entered into Australia-wide has had a default over 60 days. In addition, the value of the BUC plus any mortgage over the property must not exceed 80% of the property value.

There are no direct costs to Council of providing BUF or appointing a third-party provider to administer the BUAs. Instead, the third party would collect the fees levied under the BUA.

Strategic Plan

Objective 2.2 – To protect our natural environment, minimise our ecological footprint and the impact of environmental issues on the city.

Strategy 2.2.2 – Promote environmental sustainability including: reducing carbon emissions as an organisation and across the city; reducing waste levels into landfill; and reviewing storm water management.

Objective 2.3 – To ensure that Whyalla is prepared for the physical changes that climate change may bring.

Strategy 2.3.2 – Effectively communicate and encourage action that reduces the rate and extent of the impacts of climate change, to support the Whyalla Climate Change Adaptation Plan.

Legislation

BUF is enacted by Schedule 1B of the *Local Government Act 1999* as well as the *Local Government (Building Upgrade Agreements) Regulations 2017*.

Officer Direct or Indirect Interest – Nil

Risk Assessment

The main two risks to Council of offering BUA are considered to be administrative and enforcement risk. Administrative risk is significantly reduced by appointing a third-party to administer the scheme, as they will have extensive knowledge of the legislative requirements. Enforcement risk is reduced by the credit checks that the financier will undertake in line with normal lending practices but cannot be eliminated due to the nature of the agreements.

Social Considerations – Nil

Community Engagement

As outlined in the information provided by the LGA, Council are not responsible for marketing and project generation, however, to get the most benefit out of providing these arrangements, effort should be undertaken to communicate to the community about their availability and benefits. More targeted communication with the business community should also occur.

Environmental Implications – Not applicable

Communication – Not applicable

Conclusion

Building Upgrade Finance allows owners of non-residential buildings to access funding for building upgrades as a charge against their property over an extended timeframe. The upgrade works must have an environmental outcome or relate to a heritage listed building. Council can appoint a third-party to administer the scheme, reducing the overall risk, with no direct cost to Council.

Annexure "A"

Building Upgrade Finance Guide

For South Australian Councils



Support local businesses by enabling building upgrades.

Purpose of this guide

To inform Elected Members and Executive staff about Building Upgrade Finance – a strategic opportunity to attract investment, support activation of underutilised buildings and improve sustainability in your council area.

Building Upgrade Finance - A Strategic Opportunity



Investment Attraction



Activation



Community Benefits

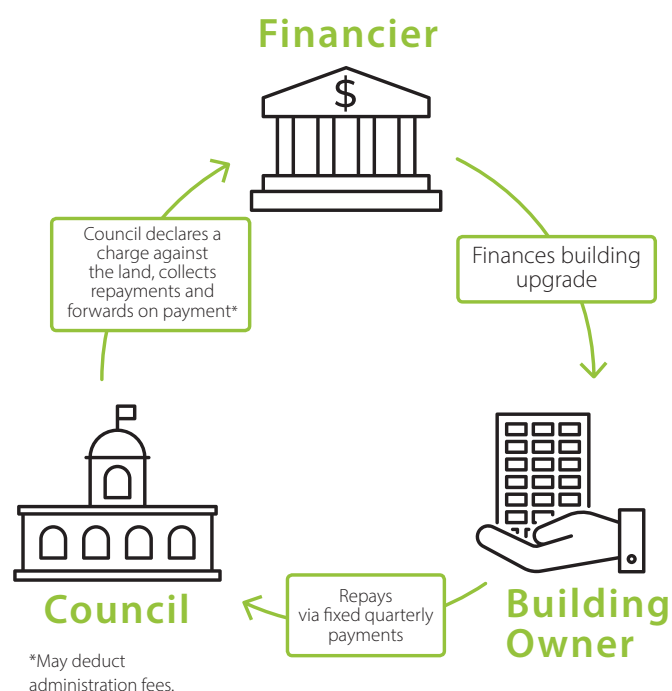
Building Upgrade Finance provides an opportunity for local councils to support non-residential property owners and business tenants to upgrade their buildings to operate more efficiently, helping to reduce operating costs and improve business competitiveness.

This finance product is provided by private sector financiers to finance environmental and heritage upgrades to existing non-residential buildings.

Councils facilitate Building Upgrade Finance by raising a separate local council charge (the Building Upgrade Charge) against the land on which the building is situated. This process uses the existing council rates and finance system and the Building Upgrade Charge is recovered in a similar way to council rates. Like council rates, the Building Upgrade Charge becomes a debt on the property if unpaid.

This arrangement means that Building Upgrade Finance is secured by the property rather than the building owner. The heightened level of security allows financiers to offer attractive loan terms and provides additional benefits for building owners.

Building Upgrade Finance involves a building owner, a financier and a local council entering into a Building Upgrade Agreement (refer to the adjacent diagram).



Building and Upgrade Eligibility

The building must be at least two years old and be used primarily for commercial, industrial or other non-residential purposes (agricultural, retail, hotel, education etc.) to be eligible for Building Upgrade Finance.

Environmental Upgrades

A wide range of environmental upgrade works are eligible, including:



Renewable Energy
(e.g. solar)



Energy Storage



Air Conditioning



Electric Vehicle
Chargers



Lighting



Energy Use
Optimisation



Water efficiency
and reuse systems



End-Of-Trip
Facilities



Waste Management
Systems



Pollution
Control

Heritage Building* Upgrades



*State or local heritage listed



Maintain, repair, upgrade
or reinstate heritage
significance



Comply with the Building
Rules or the *Disability
Discrimination Act 1992*



Facilitate the ongoing
occupation of the building

Benefits to Council

- Attract business investment
- Assist to deliver and complement a range of policies and programs
- Support local business to operate more efficiently, reduce operating costs and improve business competitiveness
- Activate and rejuvenate business and community precincts
- Support climate change adaptation to build resilience
- Assist with the transition to a low carbon economy
- Encourage heritage building revitalisation and reactivation
- Support heritage building compliance with building code and disability access requirements
- Deliver improvements to the sustainability of your council area
- Potential to increase the rate base with higher value buildings.

Establish Building Upgrade Finance in your Council Area

The Building Upgrade Finance Central Facilitator is available to provide assistance to councils considering participation in Building Upgrade Finance.

Council participation in Building Upgrade Finance is voluntary.

A council resolution is required to enable Building Upgrade Finance to be offered by private sector financiers in your council area, which can also secure a delegation for the Chief Executive Officer to:

- ~ enter into, vary or terminate Building Upgrade Agreements, and
- ~ declare and recover the Building Upgrade Charge.

Council Operational Role in Building Upgrade Finance

Council's role in the operation of Building Upgrade Finance is aligned to roles typically undertaken by councils in their day-to-day business.

The role includes:

- Processing application forms and agreements
- Setting up the Building Upgrade Charge
- Issuing notices to recover the charge on the quarterly installment dates
- Remitting payments to the financier
- Using enforcement procedures to recover any unpaid repayments, if required (noting council is not liable to the financier for failure by the building owner to repay)
- Creating and maintaining a publicly available Building Upgrade Agreement register.

Importantly, the legislation allows council to charge a service fee for any costs incurred entering into, and administering, a Building Upgrade Agreement. In addition a fee can be charged for administration of a late payment of a Building Upgrade Charge (if applicable). These fees are included in the council fee schedule and set on a cost recovery basis.

Council Support (Free Service)

Support from the Central Facilitator is a free service and can help you to establish and operate Building Upgrade Finance in your council area.

Councils are not responsible for marketing and project generation, but may wish to promote Building Upgrade Finance by including information on their website and in other council materials. The Central Facilitator can provide marketing support materials for use by council.

Building Owner Benefits

Support business rate payers in your council area take advantage of these benefits and to unlock environmental and heritage upgrades to their buildings.



No Upfront Capital Required

100% project finance is available, so there is no impact on capital budgets



Improved Cash flow

10–20 year loan terms protect cash flow - savings generated could make the project cash flow positive.



Share Costs

Costs of upgrades can be shared with benefiting tenants.



Attract & Retain the Best Tenants

Landlords can remain competitive by offering efficiency and cost savings to tenants.



Fixed Quarterly Repayments

Quarterly repayments fixed for the term of the loan collected through the council rates and finance system.



Pass on the Loan

When selling, Building Upgrade Finance allows remaining repayments to be passed to the new owner – if all parties agree.

Case Studies



Angas Securities Building, Adelaide

The City of Adelaide's decision to offer Building Upgrade Finance in its council area enabled the building owner to secure project funding through a Building Upgrade Agreement with their financier.

Upgrades:

- Replacement of over 1,500 bulbs and fittings
- A new 30 kW Solar PV system
- Installation of energy optimising equipment which reduces the peak demand.

"Through this finance mechanism, my project benefited from 100 percent project finance, removing the need for upfront capital.

It's opened my eyes to a whole new world on how to design, how to manage and how to continually upgrade significant assets at a top standard. And it's all paid for by energy savings. You're getting it for free."

John Culshaw, Building Owner and Chairman, Culshaw Group



YourDC Data Centre, Edinburgh Parks

The City of Salisbury enabled YourDC to secure funding through a Building Upgrade Agreement with their financier.

Upgrade: 199 kW Solar PV System

It was estimated the solar PV system would:

- Deliver 290,000 kilowatt hours of electricity per annum.
- Pay for itself in under 3.5 years
- Deliver electricity for the next 25 years at just over 5 cents per kilowatt-hour - a rate more than 80% below the peak price for grid sourced electricity
- Reduce the potential peak demand component of the grid electricity bill.

"This upgrade is cash flow positive from day one, it was an absolute no brainer for us. Data centres are one of the highest consumers of power per square metre and sustainability is very important to us. This upgrade means that when the sun is shining our customers' computers are running on solar."

Scott Hicks, Owner

Further Information and Support

The Building Upgrade Finance Central Facilitator for South Australia is funded by the State Government and hosted by the City of Adelaide. It is the Central Facilitator's role to encourage council uptake of Building Upgrade Finance and support their participation.

Contact the Central Facilitator:

Lara Daddow

(08) 8203 7884

0438 357 765

l.daddow@cityofadelaide.com.au

buildingupgradefinance.net.au/south-australia

The **Building Upgrade Finance Council Information Pack** produced by the Central Facilitator provides detailed guidance and material to support local councils in participating in Building Upgrade Finance, including all relevant procedures, templates and guidance on:

- » Building Upgrade Finance as a strategic opportunity for council, including risk assessment for council
- » The legislative framework and requirements specifically applicable to local council
- » Procedures, checklists and forms to address legislative requirements including set up and administering of Building Upgrade Agreements in the rates collection system.

Acknowledgments

Version 3 of this guide has been developed by the Building Upgrade Finance Central Facilitator, with funding support from the State Government, in collaboration with the Local Government Association of South Australia. November 2019.

12.2 CORPORATE SERVICES**12.2.2 Rate Remission Update – February 2021****Council Meeting:** 15 February 2021**Author's Title:** Business Performance Manager**File No.:** 0-216**Directorate:** Corporate Services**Annexures – Nil****Officer Direct or Indirect Conflict of Interest:***In accordance with Local Government Act 1999,
Section 120*☐**Yes**☒**No****Status:***Information classified confidential under
Section 90(2) of the Local Government Act*☐**Yes**☒**No****Reason – Not applicable****PURPOSE**

To provide Council with an update on rate remission applications relating to COVID-19.

SUMMARY

Up to 31 January 2021, rate remission applications have been received for a total of 23 properties, 19 commercial and 4 residential. Remissions totaling \$88,582 have been provided, including \$41,250 relating to the one-off remission given to pensioners.

RECOMMENDATION**That Council receive and note the report Rate Remission Update – February 2021.**

12.2.2 Rate Remission Update – February 2021

REPORT

BACKGROUND

Council, at its meeting held 14 September 2020, resolved:

C3802-2020

“That Council has a discretion to partially or wholly remit general rates in accordance with Section 182 of the Local Government Act, being of the opinion that it is desirable to do so for the year ending 30 June 2021 for the purpose of providing COVID relief to businesses on application to a maximum of 40% of general rates, subject to the following conditions;

- a) the remission will be limited to properties falling within the definition of Sections (a)(i), (a)(ii), a(vii), (b)(ii), (b)(iii), (b)(iv), (b)(v) and (b)(vi) of Recommendation 4;*
- b) the decision to grant the remission will be delegated to the Chief Executive Officer and shall not be sub-delegated;*
- c) the applicant must provide the necessary evidence as outlined in the application form; and*
- d) an equivalent remission of Waste Service Charge will be granted (where applicable) as required by the legislation.”*

Applications relating to residential properties are being assessed under Council's existing Financial Hardship Policy, under which the Chief Executive Officer already has delegation to remit rates, so a separate Council resolution was not required.

DISCUSSION

Council did not receive any rate remission applications during January 2021. Further updates will be brought to Council on a regular basis.

Financial Implications

A total allocation of \$640,000 was made to cover rate remissions, with \$540,000 being the estimate of the maximum amount required to cover applications relating to commercial properties that may have been negatively impacted by COVID-19 and an additional allocation of \$100,000 for residential applications. To date, \$47,332 of rate remissions have been approved. In addition, the one-off remission of \$30 given to pensioners is being funded from this allocation, with a total of \$41,250 provided so far to 1,375 properties.

This means that a total of \$88,582 of the allocation has been used to date.

As part of the Second Quarter Budget Review, included in this agenda, it is recommended that the allocation be reduced by \$320,000, down to \$320,000. These one of rate remissions are being funded by ongoing operating savings from 2021-22 onwards, so the amount required to be saved each year has now been decreased from \$85,000 to \$40,000.

Strategic Plan

Objective 1.1 – Unearth community pride within the city

Strategy 1.1.1 – Regularly inform the community of Council activities, decisions and actions by promoting positive stories and positive image

Legislation

Rate remissions are covered by Section 182 of the *Local Government Act 1999*.

Officer Direct or Indirect Interest – Nil

Risk Assessment

The remission applications received to date are lower than allowed for, meaning that Council has capacity to handle them at this time with no financial risk to Council.

Social Considerations

Council is taking into account the social and economic impact of COVID-19 by providing access to rate remissions for those negatively impacted.

Community Engagement

The proposal relating to rate remissions was included within the consultation on Council's 2020/21 Annual Business Plan and Budget.

Environmental Implications – Not applicable

Communication – Not applicable

Conclusion

No rate remission applications were received in January 2021, with total remissions of \$88,582 approved to date, including \$41,250 relating to the one-off remission given to pensioners.

12.2 CORPORATE SERVICES

12.2.3 Engagement of Contract Service Provider for the Development and Delivery of an Economic Development Strategy

Council Meeting: 15 February 2021

Author's Title: Director Corporate Services

File No: 1-272

Directorate: Corporate Services

Annexures – Nil

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1999, Section 120

☐

Yes

☒

No

Status:

Information classified confidential under Section 90(2) of the Local Government Act

☐

Yes

☒

No

Reason – Nil

PURPOSE

For Council to consider an exemption from the Procurement Policy for the engagement of a contract service provider for the development and delivery of an Economic Development Strategy.

SUMMARY

Council's Procurement Policy sets the parameters by which procurement is to be undertaken across the organisation, ensuring high standards of ethics and integrity are upheld when purchasing goods and services.

The policy provides that a departure from the policy (e.g. proceeding to engage a contractor/consultant without seeking other quotes or going to tender) may be approved in certain circumstances. Such circumstances include the urgency of work and the impact delays may have on other services and/or critical deadlines.

One of Council's key focus areas is economic development and given this focus as well current opportunities, there is a need to engage a contracted service provider for the development and delivery of an Economic Development Strategy. This work is considered urgent to ensure opportunities can be realised for the benefit of the Whyalla community.

This report therefore recommends the appointment of an identified service provider who has significant skills and experience in the development delivery of such strategies.

RECOMMENDATION

That Council endorse the engagement of Steve Harrison, Westmeath Consulting Services, for the development and delivery of a Whyalla City Council Economic Development Strategy, noting that this engagement is by way of exemption from Council's Procurement Policy.

12.2.3 Engagement of Contract Service Provider for the Development and Delivery of an Economic Development Strategy

REPORT

BACKGROUND

Council's Procurement Policy sets the parameters by which procurement is to be undertaken across the organisation, ensuring high standards of ethics and integrity are upheld when purchasing goods and services.

The policy provides that a departure from the policy (e.g. proceeding to engage a contractor/consultant without seeking other quotes or going to tender) may be approved in certain circumstances. Such circumstances include the urgency of work and the impact delays may have on other services and/or critical deadlines.

One of Council's key focus areas is economic development and given this focus as well current opportunities, there is a need to engage a contracted service provider for the development and delivery of an Economic Development Strategy. This work is considered urgent to ensure opportunities can be realised for the benefit of the Whyalla community.

Council's Procurement Policy provides such exemptions can be endorsed by the Chief Executive Officer.

On this occasion, however, and given Council's high focus on economic development, it was considered appropriate that the engagement of Steve Harrison, Westmeath Consulting Services be considered by Council.

DISCUSSION

Council undertook a recruitment for the position of Manager Economic Development in 2020. An officer was appointed to this position, however, this officer departed Council prior to Christmas. An internal call for expressions of interest for the position of Manager Economic Development has occurred recently, however, at the time of this report, no suitable internal applicants have been identified.

In the interim, a proposal has been received from Steve Harrison, Westmeath Consulting Services Pty Ltd to be engaged as a Contracted Service Provider by the Whyalla City Council for an initial period of three (3) years, to create and support the delivery of an integrated Economic Development Strategy for the Whyalla Council.

Steve Harrison has significant experience in the delivery of such work after having been involved with Councils in South Australia and interstate for many years. His work has been recognised with State, National and International Awards for applied economic development and strategic planning.

It is proposed that Mr Harrison will report direct to the Chief Executive Officer, to ensure economic development receives the necessary focus in line with Council's priorities. Mr Harrison is available to commence at short notice and given the importance of this work, an exemption from Council's Procurement Policy is now being sought.

Financial Implications

The costs associated with Mr Harrison's engagement can be funded via the salaries included in Council's budget for the role of Economic Development Manager, which is currently vacant. It is proposed that this role will not be filled whilst Mr Harrison is engaged by Whyalla City Council.

Strategic Plan

Objective – 1.1 Unearth community pride within the city

Strategy – 1.1.1 Regularly inform the community of council activities, decisions and actions

Legislation – Nil

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

It has been confirmed that Mr Harrison has in place the necessary skills, experience and insurance arrangements that are appropriate for an engagement of this nature.

Social Considerations – Nil

Community Engagement – Nil

Environmental Implications – Nil

Communication – Nil

Conclusion

One of Council's key focus areas is economic development and given this focus as well current opportunities, there is a need to engage a contracted service provider for the development and delivery of an Economic Development Strategy. This work is considered urgent to ensure opportunities can be realised for the benefit of the Whyalla community and it is there recommended that Mr Steve Harrison be engaged for this purpose.

12.2 CORPORATE SERVICES

12.2.4 Foreshore Cafe

Council Meeting: 15 February 2021

Author's Title: Director Corporate Services

File No.: 3-116

Directorate: Corporate Services

Annexures:

A – Details of questions asked at the Community Forum held on 13 January 2021 together with respective responses

B – McGregor Tan Interim Research Results: City of Whyalla Foreshore Café – as at 29 January 2021

C – McGregor Tan Final Research Results: City of Whyalla Foreshore Café – as at 7 February 2021

D – Letter from Surf Life Saving (SA)

Officer Direct or Indirect Conflict of Interest:

*In accordance with Local Government Act 1999,
Section 120*

☐

Yes

☒

No

Status:

*Information classified confidential under
Section 90(2) of the Local Government Act*

☐

Yes

☒

No

Reason – Not applicable

PURPOSE

For Council to consider feedback received, regarding the decision to close the Beach Café, including the results of a community survey conducted by independent research firm McGregor Tan during the period 22 January 2021 to 7 February 2021.

Based on the outcomes of the community survey and analysis as to the financial impact of various options, this report further seeks Council consideration of undertaking works at the location of the former Beach Café with the view to the premises operating as a café in the short to medium term.

SUMMARY

On 30 November 2020, to meet legal requirements for health, food preparation, safety and building regulations, Council resolved to not renew the Beach Café lease and gave notice to the tenant that the lease expired on 5 January 2021. The café subsequently closed.

In accepting and understanding that its decision disappointed the operator and some in the community, Council convened a community forum on 13 January 2021 and at that forum, Senator Rex Patrick presented a petition with a total of 1,642 signatories, urging Council to reverse its decision and keep the café open.

On 18 January 2021, Council formerly considered the petition presented by Senator Rex Patrick as well as feedback received from the community. At this time, Council resolved to undertake further community engagement to gather more detailed information about the community's use of the facility and to canvass the wider Whyalla community views about the short to medium term use of the premises.

A community survey was conducted by independent research firm McGregor Tan during the period 22 January 2021 to 7 February 2021 and the outcomes of the survey are presented in this report. Further to the community engagement outcomes, a financial analysis of six options for the short to medium term use of the premises is also presented.

The two elements of community views and financial analysis are then combined to provide a recommended course of action for the short to medium term use of the premises.

RECOMMENDATION

That Council:

- 1. note the community feedback provided, relating to the future of the foreshore café via various forms, including:**
 - a. the outcomes of a comprehensive community survey conducted by independent research firm McGregor Tan;**
 - b. the request of 1,642 signatories to a petition submitted by Senator Rex Patrick to keep the 'Whyalla Beach Café' open**
 - c. feedback provided by attendees at a Community Forum held on 13 January 2021;**
- 2. note the financial analysis of the options presented for the short to medium term use of the premises as weighed against the current conditions of the building and the future of the foreshore;**
- 3. based on community feedback and financial analysis, resolve to:**
 - a. undertake works at the foreshore cafe premises with the view to the premises operating as a café within the existing footprint.**
- 4. endorse undertaking the following next steps to implement the preferred option as resolved at Item 3 above:**
 - a. undertake a tender process to engage a contractor to carry out the works associated with the preferred option;**
 - b. carry out the works associated with the preferred option and**
 - c. concurrent to the works being carried out, undertake an expression of interest process to seek an operator for a café at the redeveloped premises; and**
- 5. endorse the 2020/21 Budget and Long Term Financial Plan being updated during the 3rd quarter budget review with the financial implications of the preferred option as resolved at Item 3 above.**

12.2.4 Foreshore Cafe

REPORT

BACKGROUND

On 30 November 2020, Council resolved to not renew the Beach Café (the Café) lease and gave notice to the tenant that the lease expired on 5 January 2021. The tenant subsequently ceased trading at that time and later vacated the premises.

The decision to close the Café was a difficult but legally necessary decision. Council was compelled to close the Café because it does not (and was unable to easily) meet legal requirements for health, food preparation, safety and building regulations. In its current condition, the Café posed immediate risks to the health and welfare of patrons, the tenant, staff and visitors.

Following Council's decision, community members expressed concern with the closure of the Café and in accepting and understanding that its decision disappointed the operator and some in the community, Council convened a community forum on 13 January 2021 for a 'face-to-face' conversation with interested members.

In addition to community members' response, Senator Rex Patrick and local Member for Giles, Eddie Hughes, also expressed their views. Senator Patrick presented a petition to the Mayor at the community forum on 13 January 2021, urging Council to reverse its decision and keep the *'Whyalla Beach Café'* open.

The community forum focused on arriving at a shared understanding of the relevant facts affecting the Café decision, presenting a chronology of events, the rationale for Council's decision, details of the Café's major issues in the context of the Food Act 2001 and the Building Code of Australia, Council's investment in the building over the last 10 years and importantly, community members present shared their views and questions about Council's decision.

In addition to presenting information about the Café decision, Council's Chief Executive Officer (CEO) also shared that with the new jetty, the imminent closure of the State heritage-listed Whyalla High School and the opportunity to re-imagine our sea front, Council has identified the foreshore's potential to harness economic, recreational and tourism development. In this context, the CEO provided information about plans to undertake a far-reaching review of the foreshore to map a plan that rejuvenates and revitalises this loved and important part of Whyalla.

It was highlighted, the Whyalla community will have many opportunities to have a say in this important project over the next few months, with extensive consultation to be undertaken during February – May 2021.

It was further highlighted that decisions made in relation to the Café needed to be made in the full knowledge of potential future development of the area. This potentially includes the Surf Life Saving (SLSA)'s desire to invest in a new building facility on the foreshore to service their needs (refer **Annexure "D"**), with this building potentially also housing a café facility. These future developments will be considered as part of the Foreshore Master Plan process commencing in February 2021.

At its meeting on 18 January 2021, Council formerly considered the petition presented by Senator Rex Patrick, as well as feedback received from the community. At this time, Council resolved to undertake further community engagement to gather more detailed information about the community's use of the facility and to canvass the wider Whyalla community views about the short to medium term use of the premises.

A community survey was conducted by independent research firm McGregor Tan during the period 22 January 2021 to 7 February 2021 and the outcomes of the survey are presented in this report.

Prior to undertaking the survey, six options for the short to medium term use of the premises were identified and costed. This information was presented as part of the survey to ensure community members were fully informed when providing feedback.

DISCUSSION

The purpose of this report is to:

1. Note feedback received from the community regarding the closure of the Café via the following means:
 - a. comments made at a community forum held on 13 January 2021;
 - b. a request made by signatories to a petition presented by Senator Rex Patrick; and
 - c. community survey conducted by independent research firm McGregor Tan.
2. Provide an analysis of the options for the short to medium term use of the premises, taking into account community feedback and financial considerations as weighed against the current conditions of the building and the future of the foreshore.
3. Seek Council's approval to undertake the following steps in response to community feedback and financial analysis:
 - a. Undertake a tender process to engage a contractor to carry out the works associated with the preferred option.
 - b. Carry out the works associated with the preferred option.
 - c. Concurrent to the works being carried out, undertake an expression of interest process to seek an operator for a café at the redeveloped premises.

1. Community Feedback

Community Forum

Some facts about the community forum include:

Date:	13 January 2021
Time:	6.00 pm – 7.30 pm
Location:	Oasis Room, Westland Hotel
In attendance:	Mayor Clare McLaughlin and all Whyalla City Council Elected Members Whyalla City Council Chief Executive Officer, Justin Commons Senator Rex Patrick Member for Giles, Eddie Hughes 263 community members Representatives from Whyalla media Facilitator; Gabrielle Kelly Whyalla City Council support staff

The Agenda for the forum was:

1. Welcome
2. Achieving a shared understanding about the Beach Café (with the following speakers):
 - Mayor Clare McLaughlin
 - Justin Commons, CEO
 - Senator Rex Patrick
 - Member for Giles, Eddie Hughes MP
3. Open mic for questions and comments from the audience
4. A future focus on the foreshore
5. Next steps
6. Close and thank you

A summary of the community feedback heard at the forum in the context of the continued operation of a café at the premises follows:

- *“I would personally like to see that the public of Whyalla and visitors have somewhere at the foreshore to enjoy a drink and food at their leisure.*
- *My wife and I went to the café at the beach twice a week where Nick and Anna were like family. We loved it there. The beach is now dead to us, who wants to go to a so-called clean food van. The café was open 7 days a week rain, hail or shine. Food vans usually only want cash.*
- *Nick kept open for takeaway coffee and cake during lock downs. We met 4 others and took coffees to the park and realised our ages were 500 plus – 500 years of experience between 6 people. Older residents need to have somewhere to sit.*
- *We want the cafeteria with a coffee machine, not a pod, not an instant thing from you know Salvation Army or any of those places. We want a proper place to sit. We can have everything in there that the caravans have, they have pies, pasties, sausage rolls, thick shakes, milk shakes.*
- *We want a café at the beach with Nick running it.*
- *Keep the current café running short term while building a NEW café in the same spot.*
- *Need for an interim solution which keeps the beach café open while new development occurs”.*

Details of questions asked during the forum and the respective answers provided can be found at **Annexure “A”**.

Petition

As previously mentioned, during the community forum, Senator Rex Patrick presented a petition as follows:

“To the Whyalla Mayor and Whyalla Council:

I support Senator Rex Patrick’s petition to save the Whyalla Beach Café.

I urge you to reverse your decision and keep the café open!”

In summary, the petition comprised **1,642** signatories, represented by:

- Local: **1,214**
- Our region (including Eyre Peninsula, Flinders Ranges): **112**
- Wider SA: **248**
- Interstate: **68**

The petition was considered by Council at its meeting on 18 January 2021, at which time Council resolved to undertake a survey to gather more detailed feedback from the wider Whyalla community concerning the short to medium term utilisation of the premises. This decision was based on:

- The Café premises not meeting legal requirements for health, food preparation, safety and building regulations.
- In its current condition, the premises posed immediate risks to the health and welfare of patrons, the tenant, staff and visitors
- As a landlord and regulator, Council had a moral, ethical, legal, regulatory and legislative obligation to close the Café due to its high level of non-conformances with the building code and public health/food safety requirements.
- From the date of Council's original decision on 30 November 2020 to the time of writing the 18 January 2021 report, the above circumstances had not changed.

Community Survey

As previously mentioned, on 18 January 2021 Council resolved to undertake a survey to gather more detailed information about the community's use of the facility and to canvass the wider Whyalla community views about the short to medium term use of the premises.

A community survey was conducted by independent research firm McGregor Tan during the period 22 January 2021 to 7 February 2021 and at the time of writing this report, the final outcomes of the research are yet to be received. However, an interim report was received after the survey had been available for one week and is provided at Annexure B for information. The final report (to be provided as **Annexure "C"**), will be available by close of business Friday 12 February 2021 and distributed to Elected Members (and available on Council's website for community access) accordingly. This report will also be updated in the areas indicated and redistributed.

Some introductory comments regarding the survey follow:

- McGregor Tan Research were engaged to conduct the survey on Council's behalf to ensure the necessary expertise and independence was available in presenting the wider Whyalla community's views as to the short to medium term use of the premises.
- The community was invited to take part by accessing the survey via email invitations from the Council's contact database, the McGregor Tan panel, Council's website and Facebook page, paper copies located at Council's offices and by telephone using a 1300 number to McGregor Tan. Notice of the survey was also posted at the Café premises itself and on community notice boards at various shopping centres. A QR code was available to provide easy access to the survey via mobile devices.

- With McGregor Tan's facilitation of the survey, controls were in place to identify instances of duplication and also to understand whether different demographics had different views as to the short to medium term use of the premises. Some feedback received that the paper version of the survey was different than the online version was investigated, and found that some paper versions had been printed incorrectly. This was duly rectified.
- As at the midway point on Friday 29 January 2021, there were 1,079 completed surveys.

A summary of the survey outcomes is presented below. Refer to **Annexure "C"** for the full McGregor Tan Research Report.

Survey Participation

Total number of survey's received:	1,623 (adjusted for duplications)
Represented by:	92% Whyalla residents 7% persons living elsewhere in SA 1% persons living elsewhere in Australia
Equating to a participation rate of:	9% of City of Whyalla's population aged 18+

In survey terms, the above participation rate is considered high and the survey outcomes are considered robust.

Service Offerings:

In terms of services offerings, the following rankings in terms of importance were identified:

Service offering	Score
Shelter from the weather to sit, meet	4.5
Coffee	4.5
Hot and cold foods, meals e.g. hot chips, quiche	4.4
Air-conditioned space to sit, meet	4.3
Hot snack food e.g. pies, pasties	3.9
Cold snack food e.g. potato chips, muesli bars, sweets	3.5
Alcohol	2.3

Preferred Option:

The following information identifies the first preference rankings of each of the options:

Option	Ranked 1st by
Option 1 – Operate as a community meeting space	2%
Option 2 – Retrofit as kiosk	8%
Option 3 – Retrofit as a café	29%
Option 4 – Retrofit as a café with expanded footprint	25%
Option 5 – Do a new build as a café or restaurant	20%
Option 6 – Wait for Foreshore Masterplan	16%

As can be seen, the top three options were Option 3, Option 4 and Option 5.

2. Analysis of Options

Given community feedback expressed over the last six weeks and the clear desire for there to be a form of service offering from the premises, the table presented below provides an analysis of the options canvassed with the community weighed against the net financial impact to Council assuming a 5-year life of the premises. This assumption is recommended as it ensures Council's decision regarding the premises considers the upcoming Foreshore Master Planning process. Note that the existing condition of the building has been taken into account through the costings associated with each option.

Option	Community Feedback		Net Financial Impact (5-year life*) (weighted 30%)	Weighted Assessment
	Importance of Offering (weighted 25%)	Ranking (weighted 45%)		
1. Operate as a community meeting space	3.2	2.1	3.8	2.9
2. Retrofit as kiosk	3.6	3.5	4.2	3.7
3. Retrofit as a café	4.1	4.6	4.0	4.3
4. Retrofit as a café with expanded footprint	4.3	4.6	3.4	4.2
5. Do a new build as a café or restaurant	4.3	3.9	1.4	3.3
6. Wait for Foreshore Masterplan	1.4	2.3	4.2	2.6

Each of the above categories has been normalised using a mean of 3.5 and a standard deviation of 1.

** The average life of a Council building is approximately 50 years and in normal circumstances this is the life that would be used to model financial impacts of capital building works. However, due to the impending commencement of work on the Foreshore Masterplan, it would be presumptive to assume that any works undertaken would be included within the medium to long term plan for the precinct. For this reason, the analysis is based on any works being used for a 5-year period, with any extension beyond this improving the net financial impact on Council.*

It is important to communicate to the community that any decision to undertake works has been based on providing services in the short term over a 5-year life, firstly to confirm that the outcome of the Foreshore Masterplan is still to be determined (in conjunction with the community), but also secondly to reduce angst if the upgrade is removed a few years from now.

As can be seen from the above analysis, Options 3 and 4 have the highest weighted assessment, which is in alignment with the community's first preference ranking of the options.

3. **Next Steps**

Depending on Council's decision regarding the short to medium term use of the premises, the following next steps may be required:

1. Undertake a tender process to engage a contractor to carry out the works associated with the preferred option.
2. Carry out the works associated with the preferred option.
3. If required and concurrent to the works being carried out, undertake an expression of interest process to seek an operator for a kiosk, café or restaurant. Should this step be required, a property specialist in commercial leasing will be engaged to facilitate this process on Council's behalf. Taking this approach will provide the necessary expertise and an arms-length process, ensuring the best possible value can be achieved for the Whyalla community.

In addition to the above, as Council is aware since the closure of the Beach Café, various activation activities have been implemented including the encouragement of additional food trucks in the vicinity and a marquee with chairs and tables has been erected to ensure there is a sheltered place for residents and visitors to spend time and enjoy the foreshore precinct.

Whilst this strategy has been utilized by some, it is not recommended to continue on the basis of cost benefit.

Financial Implications

The following information provides a financial analysis of the six options presented in the community survey.

Assumptions

- Council is not responsible for any additional maintenance of the building except under Option 1, where the building becomes a public meeting space.
- Some of the renewal actions funded in the next 10 years will not be necessary, depending which option goes ahead. This is shown as Renewal Funding and reduces the interest impact. Note that Renewal Funding refers to monies that have already been factored into Council's Long Term Financial Plan for future works on the premises.
- The weighted average useful life for all Council buildings is approximately 50 years. The first group of figures is based on this assumption for these works. To show the impact if Council considers that any upgrade work is not part of the Masterplan vision for this precinct, figures have also been prepared to show the impact of depreciating the works over a 10 year and 5 year period.
- All the up-front works are assumed to be Capital in nature, except Option 6 which will be mainly Operating expense.
- Council will achieve the same rental income as it did previously if the facility continues to operate. Obviously, for Options 4 and 5 it would be likely that a higher rent could be achieved, but this would be subject to negotiation.
- For this analysis, it is assumed that 100% of the capital cost of Options 5 is funded by ratepayers. In reality, however, it is expected that funding for any new build will be co-funded by other stakeholders (e.g. SLGA, State and/or Federal Governments, and/or Private Sector).

Analysis

50 Year Useful Life

Option	Description	Upfront Cost	Renewal Funding	Ongoing cost impact					Total
				Interest	Depreciation	Maintenance	Rent		
1	Meeting Space	\$ 110,000	\$ 38,000	\$ 5,000	\$ 2,000	\$ 4,000	\$ -		\$ 11,000
2	Existing Kiosk	\$ 180,000	\$ 55,000	\$ 8,000	\$ 4,000	\$ -	-\$43,000		-\$ 31,000
3	Existing Café	\$ 230,000	\$ 55,000	\$11,000	\$ 5,000	\$ -	-\$43,000		-\$ 27,000
4	Existing Café - Large	\$ 400,000	\$ 55,000	\$22,000	\$ 8,000	\$ -	-\$43,000		-\$ 13,000
5a	New Café	\$ 875,000	\$ 95,000	\$51,000	\$ 18,000	\$ -	-\$43,000		\$ 26,000
5b	New Restaurant	\$ 920,000	\$ 95,000	\$54,000	\$ 18,000	\$ -	-\$43,000		\$ 29,000
6	Close	\$ 30,000	\$ -	\$ 2,000	\$ -	\$ -	\$ -		\$ 2,000

10 Year Useful Life

Option	Description	Upfront Cost	Renewal Funding	Ongoing cost impact					Total
				Interest	Depreciation	Maintenance	Rent		
1	Meeting Space	\$ 110,000	\$ 38,000	\$ 5,000	\$ 11,000	\$ 4,000	\$ -		\$ 20,000
2	Existing Kiosk	\$ 180,000	\$ 55,000	\$ 8,000	\$ 18,000	\$ -	-\$43,000		-\$ 17,000
3	Existing Café	\$ 230,000	\$ 55,000	\$11,000	\$ 23,000	\$ -	-\$43,000		-\$ 9,000
4	Existing Café - Large	\$ 400,000	\$ 55,000	\$22,000	\$ 40,000	\$ -	-\$43,000		\$ 19,000
5a	New Café	\$ 875,000	\$ 95,000	\$51,000	\$ 88,000	\$ -	-\$43,000		\$ 96,000
5b	New Restaurant	\$ 920,000	\$ 95,000	\$54,000	\$ 92,000	\$ -	-\$43,000		\$103,000
6	Close	\$ 30,000	\$ -	\$ 2,000	\$ -	\$ -	\$ -		\$ 2,000

5 Year Useful Life

Option	Description	Upfront Cost	Renewal Funding	Ongoing cost impact					Total
				Interest	Depreciation	Maintenance	Rent		
1	Meeting Space	\$ 110,000	\$ 38,000	\$ 5,000	\$ 22,000	\$ 4,000	\$ -		\$ 31,000
2	Existing Kiosk	\$ 180,000	\$ 55,000	\$ 8,000	\$ 36,000	\$ -	-\$43,000		\$ 1,000
3	Existing Café	\$ 230,000	\$ 55,000	\$11,000	\$ 46,000	\$ -	-\$43,000		\$ 14,000
4	Existing Café - Large	\$ 400,000	\$ 55,000	\$22,000	\$ 80,000	\$ -	-\$43,000		\$ 59,000
5a	New Café	\$ 875,000	\$ 95,000	\$51,000	\$ 175,000	\$ -	-\$43,000		\$183,000
5b	New Restaurant	\$ 920,000	\$ 95,000	\$54,000	\$ 184,000	\$ -	-\$43,000		\$195,000
6	Close	\$ 30,000	\$ -	\$ 2,000	\$ -	\$ -	\$ -		\$ 2,000

Commentary

Council's Long Term Financial Plan has already been updated to remove the existing lease income, equivalent to \$43,000 per annum. From an opportunity cost perspective, Council now has an asset sitting idle that was previously earning rental income.

The analysis below is based on comparing the impact of each of the options, to Council's current position without this income. The commentary is based on Council getting a similar rental income as they did previously for Options 2, 3 or 4.

If instead each option was compared to Council's position prior to the decision to close the café, then all of the options would result in Council being worse off, unless increased rental income could be achieved.

50 Year Useful Life

Options 2, 3 or 4 should all improve Council's current operating position, as the rental income would be greater than the ongoing costs associated with the initial investment. This means that despite the initial increase in borrowings, Council's ability to undertake other capital projects shouldn't be impacted.

Option 5 would require an increase in rental income of approximately 65% to be self-funding.

10 Year Useful Life

Even if the useful life of the asset was reduced to 10 years, Options 2 and 3 should all improve Council's current operating position.

Option 4 would require an increase in rental income of approximately 44% to be self-funding.

Option 5 would require an increase in rental income of approximately 230% to be self-funding.

5 Year Useful Life

If the useful life of the asset was reduced to 5 years, Option 2 may still be cost neutral, assuming that the rental amount would not drop with the change from café to kiosk.

Option 3 would require an increase in rental income of approximately 33% to be self-funding.

Option 4 would require an increase in rental income of approximately 137% to be self-funding.

Option 5 would require an increase in rental income of approximately 440% to be self-funding.

All Models

Option 6 would have little impact on Council's financial position other than the up-front expense.

Option 1 would leave Council worse off than it currently is.

Financial Analysis Conclusion

This shows that the timeframe that the new facility is going to serve the community is important to the considerations. If it will be there for the long term, then Options 2, 3 and 4 are all viable without large increases to rent.

If instead the facility services the community in the short term while the precinct is redeveloped, then only Options 2 and 3 may be viable.

Option 5 does not appear to be a financially viable solution unless significant increases in rental income can be achieved. (Note, however, this assumption is based on a new build being funded solely by ratepayers. If funding is received from other third party(s), rental income will not need to increase as much to fund ratepayer's contribution.)

Option 1 is a complete change in service delivery and results in increased costs to Council.

Option 6 has very minor financial impacts and gives Council further time to make a decision on the future direction.

Strategic Plan

Objective 1.1 – Unearth community pride within the city

Strategy 1.1.1 – Regularly inform the community of Council activities, decisions and actions by promoting positive stories and positive image

Strategy 1.1.2 – Take a proactive, collaborative approach to the revitalisation of council services to ensure that they adopt to the changing needs and expectation of the community.

Objective 2.4 – To ensure that infrastructure is maintained and managed to meet the community's economic, social and physical needs

Legislation

Local Government Act 1999

Officer Direct or Indirect Interest – Nil

Risk Assessment – Nil

Social Considerations – Nil

Community Engagement

Council has undertaken a significant community engagement exercise to hear the views of the wider Whyalla community about the short to medium term options for the premises previously known as the Beach Café. The outcomes of the engagement are presented in this report.

Environmental Implications – Nil

Communication – Nil

Conclusion

The café is a legacy issue that the current Council has acted upon. The Council was compelled to close the café because it does not (and is unable to easily) meet legal requirements for health, food preparation, safety and building regulations.

The community response to the Council decision has also been acted upon with the holding of a community forum on 13 January 2021; Council's formal consideration of the petition presented by Senator Patrick; and the conduct of a significant community engagement exercise to hear the views of the wider Whyalla community.

An analysis of the community's views as weighed against financial considerations and the possibility of future developments in the Foreshore precinct due to the Master Planning process has been undertaken, highlighting Option 3 – Retrofit the premises as a café and Option 4 – Retrofit the premises as a café with an expanded footprint as the most preferred options.

Annexure "A"



BEACH CAFÉ COMMUNITY FORUM - QUESTIONS & ANSWERS

8 February 2021

1. Where did Council get the quotes from or are they just a guess?

The estimate costings were based on advice from Council employees with a background in the building industry. This has since been verified by an independent building consultant estimating a cost of between \$230,000-\$400,000 to retrofit the building as a cafe (dependent on the level of upgrade).

2. I notice the Council didn't spend any money on the beach café for 3 years. Is that why it's in such disrepair?

The condition of the building primarily relates to the fact it is an ageing facility. It was recently independently rated as being in 'fair-to-poor condition'. This means that 'the condition deterioration would be quite obvious and asset serviceability would now be affected and maintenance costs would be rising'. Council has confirmed that little investment has been made in the building in recent years, which has also contributed to the issue. However, significant investment would have been required to make the building fit-for-purpose.

3. Cost of current arrangement for chairs/tables etc? How long?

The cost to-date of activating the space is in the order of \$12,000 (this includes the purchase of chairs and tables for use at other events on an ongoing basis). This expenditure is benefiting the numerous local businesses and labour hire firms who are supplying the equipment and personnel for these activities. The ongoing activation of the space will be reviewed at the February council meeting in conjunction with the outcome of the community survey.

4. No outlay apart from blinds – which are unable to be used due to weather – nothing spent since the initial renovation. Why was it allowed to get to that point?

Numerous decisions have been made in the past regarding what has / hasn't been invested in the building. However, the current Council had to make the difficult decision to close the facility due to legal and legislative requirements and is now focused on working with the community to find the best solutions for the future of the facility.

5. Why is there no actual valuation of how much it will cost to renovate?

Estimates have now been confirmed by an independent building consultant and have been included in the community survey.

6. The voice of youth in Whyalla – have they been consulted specifically or plans to?

Through the foreshore café community survey, we have aimed to canvass a cross-section of the community to ensure whatever decision is made is informed by the broader community.

- 7. With the new development, will there be an option for the new café to be operated by a commercial business or solely Council operated building to keep the cost of the food and drinks down? If an independent operator owns the building, Council will charge rates & this cost will be passed onto patrons.**

Once a decision is made on a preferred option for the building, in addition to the works being done to bring the building up to standard in line with the preferred option, processes for the delivery of the service will also need to be undertaken in line with Council's procurement policy and the Local Government Act 1999 (e.g. an expression of interest process may be undertaken or a decision that council operates the facility could also be taken. This will be informed by which option is progressed, and how the best value for residents can be achieved).

- 8. Why not community run so money goes into community and not an individual's pocket?**

If the community survey identifies overwhelming support for creating a community space within the facility, Council will consider enabling community organisations to offer (limited) services from the facility.

- 9. Why couldn't the Federal Government be approached for a grant to upgrade the café?**

Once a decision is made on the preferred option for the café, Council will consider funding options, including whether there is any grant funding available from other levels of government.

- 10. How much rent did the Council get in rent for the last 9 FYs?**

This information is considered confidential on the basis of its commercial nature.

- 11. How much money will Council spend on consultants for beach re-development?**

At this stage, Council is yet to appoint consultants for the development of the Foreshore Masterplan. As a result, this information is currently unavailable.

- 12. How much money did Council pay the lady to run the meeting?**

Council paid Ms Kelly ~\$4,000 to facilitate the forum. This included services across a number of days before and during the forum. It was critical to have an external facilitator to ensure an independent approach was taken to achieving community input / fairness at the forum.

- 13. How much money has Council spent on marquees and chairs?**

The cost to-date of activating the space is in the order of \$12,000 (this includes the purchase of chairs and tables for use at other events on an ongoing basis). This expenditure is benefiting the numerous local businesses and labour hire firms who are supplying the equipment and personnel for these activities. The ongoing activation of the space will be reviewed at the February council meeting in conjunction with the outcome of the community survey.

14. Why didn't Council rectify issues? Building – put rent down to allow tenant to pay for work to be done during pandemic

Numerous decisions have been made in the past regarding what has / hasn't been invested in the building. However, the current Council had to make the difficult decision to close the facility due to legal and legislative requirements and is now focused on working with the community to find the best solutions for the future of the facility. COVID relief was also made available to all local businesses who could demonstrate they impact as a result of the pandemic.

15. Where is Council's obligations during tenancy?

The obligations of both Council and the Lessee are set out in the Lease and the Retail and Commercial Leases Act. Council also has obligations under various other legislations in its role as a regulator.

16. Why would tenant do this only for 6 months' notice?

Council cannot speak on behalf of the tenant.

17. How much \$\$ spent on Patterson St?

This is not relevant to this particular issue - Council's investment in other areas of the city relates to its broader strategic plan, on which there is extensive community consultation.

18. Why was it kept confidential?

The reasons for the closure of the café are public and always have been. Council's preference is for all its deliberations to be public. The only information withheld in this instance is that which has the potential to compromise the commercial and legal interests of the tenant/operator, Mr Nik Petropoulos and/or Council. This is recognised in the Local Government Act.

19. Can we have zoom meetings for Council meetings?

Given this meeting was held in confidence due to commercial sensitivities (as recognised in the Local Government Act), even if live streaming was in place, this meeting would not have been live streamed due to confidentiality. Live streaming is therefore a separate issue which will be discussed by Council at a later stage.

20. How much land does Derham own?

The majority of the foreshore area is Crown land, as is outlined in the attached map. There are extensive processes involved - including community consultation and Ministerial approval - in order for any development to occur on this land.

21. Is there a reason a thorough assessment/report did not occur prior to café going to tender/expression of interest? It seems that Council would (should?) have been aware of concerns previous to this point?

The Expression of Interest process was delayed by the COVID-19 pandemic and consequent unavailability of Council resources. The current Council was first aware of the condition of the building as a result of reports conducted during 2020 (extensive health, safety and building code inspection undertaken on 4 November 2020).

22. Have you considered how to include the voice of young people/youth when planning for the foreshore development? I'd say the average age of attendees this evening does not represent the whole community. Young people readily use this space and will do so well into the future.

Through the foreshore café community survey, we have aimed to canvass a cross-section of the community to ensure whatever decision is made is informed by the broader community.

23. Damage to the inside is done by tenant. If the money is spent to bring it up to date, how do we know the tenant will look after it?

Any new lease provisions will ensure that adequate controls are in place that future tenants are responsible for the appropriate care of the property.

24. Council transparency – will the Council stop the secrecy that has developed over the years? This is our city and we want to have our voices heard. The Beach café issue has occurred due to the level of secrecy the Council condones. Need openness and transparency.

Council's preference is for all its deliberations to be public. The only information withheld in this instance is that which has the potential to compromise the commercial and legal interests of the tenant/operator, Mr Nik Petropoulos and/or Council. This is recognised in the Local Government Act. Council made the difficult decision to close the facility as it had a legal obligation to protect the health and wellbeing of the community. The community's opinions and views will always be considered wherever possible, including as part of the community survey to determine the future of the cafe facility, and the upcoming Foreshore Master Plan community consultation.

25. Will the Council address issues raised and respond in writing to the Whyalla Community?

This document addresses all of the queries received. It is being sent to all those who asked / provided questions and will also be available on Council's website.

26. How are toilet renovations able to be included in costs to upgrade the café?

Adequate provision for toilets is a legal requirement for the operation of public facilities such as the café. As a result, upgrading the toilets was an appropriate expenditure attributed to the café.

27. How can food vans be more hygienic?

Food vans offer a specific service and are generally setup to safely deliver that particular service. They are subject to the same environment, health and safety inspections as other food service operations.

28. Why was it put up for lease by tender knowing the conditions?

The Expression of Interest process was delayed by the COVID-19 pandemic and consequent unavailability of Council resources. The current Council was first aware of the condition of the building as a result of reports conducted during 2020 (extensive health, safety and building code inspection undertaken on 4 November 2020).

29. Has the Council subsidised the sideshows at the Beach at present or facilitated them being there?

Council has not paid for the sideshows. The organisers are paying a daily trading fee as per Council's fees and charges register.

30. Did Council pay for the carnival people to come to the Foreshore?

Council has not paid for the sideshows. The organisers are paying a daily trading fee as per Council's fees and charges register.

31. Did Council pay Gabrielle Kelly to chair the meeting? How much?

Council paid Ms Kelly ~\$4,000 to facilitate the forum. This included services across a number of days before and during the forum. It was critical to have an external facilitator to ensure an independent approach was taken to achieving community input / fairness at the forum.

32. What does it cost to have a tent, chairs etc. available for pop up vans and for how long will this continue?

The cost to-date of activating the foreshore space is in the order of \$12,000. This expenditure is benefiting the numerous local businesses and labour hire firms who are supplying the equipment and personnel for these activities. The ongoing activation of the space will be reviewed at the February council meeting in conjunction with the outcome of the community survey.

33. What did the New Year's Eve fireworks cost?

This is not relevant to the café matter - Council's investment in other areas of the city relates to its broader strategic plan, on which there is extensive community consultation.

34. We (the public) would like an answer within 7 days as to how the beach café is going to open. We do not want it to go through lease and go through all that bubble bubble bubble. We want the cafeteria with a coffee machine, not a pod, not an instant thing from you know Salvation Army or any of those places. We and want a proper place to sit. We can have everything in there that the caravans have, they have pies, pasties, sausage rolls, thick shakes, milk shakes. We can board up the kitchen if that's what you're really worried about there's never ever been any food poisoning from that or any of Anna's and Nik's establishments ever. So, can we please have that tabled that we get a response within seven days?

Through the foreshore café community survey, we have aimed to canvass a cross-section of the community to ensure whatever decision is made regarding the future of the facility is informed by the broader community.

- 35. Initially I believe that Council back in the day approached Nik to come and run the beach café because it was unsuccessfully run by previous tenants. He's made it a success as far as I can tell over the years. According to that, in 14/15 when they did the extension and whatever assessment that that current Council did, it's quite evident that that kitchen area was never big enough for anything – a van let alone... Why was that issue addressed then for a bigger kitchen? And now since the previous Council has made an error, why isn't the current Council willing to rectify that situation?**

Numerous decisions have been made in the past regarding what has / hasn't been invested in the building. However, the current Council had to make the difficult decision to close the facility due to legal and legislative requirements and is now focused on working with the community to find the best solutions for the future of the facility. Given significant investment would be required to bring the facility up to current standards, Council has conducted a community survey to ensure the future of the facility is informed by the broader community.

- 36. It is the owner's duty to provide all the maintenance on its buildings. Why was it not done, Council?**

Both the tenant and the owner have maintenance responsibilities as part of the lease agreement. Council has acknowledged that there was an underinvestment in the building, which has contributed to the problems we face today.

- 37. Do you really have confidence that food caravans are going to be safer for people to eat from?**

Food vans offer a specific service and are generally setup to safely deliver that particular service. They are subject to the same environment, health and safety inspections as other food service operations.

- 38. If the Council's got a position of liability into the food that gets dispensed from the café, does that mean every other business owner that's rented their premises out to someone that cooks food, because they are actually the owner of the premises, are they too responsible for the lessee's actions and what happens out of that?**

All property owners have a degree of responsibility to ensure their properties are fit for purpose. As a public authority, Council has very high standards of conduct that it upholds.

- 39. Why on earth wasn't a HAI order or whatever you want to call it put on that building before Nik actually started running a café in there?**

We do not have the information to comment on the actions of previous councils or administrations.

- 40. My comment's directed to Eddie actually on a comment that he had regarding what we should feel about our security about the use of the foreshore and that is that it's Crown land. Well Crown land I assume is Commonwealth land as well or similar, but the Airport was also Commonwealth land before it was handed over to Council to do what they want with. How do we know that's not going to happen with this foreshore?** The majority of the foreshore area is Crown land, as is outlined in the attached map. There are extensive processes involved - including community consultation and Ministerial approval - in order for any

development to occur on this land. Council will engage the community extensively in its upcoming Foreshore Master Plan process to ensure any plans reflect the expectations of the community.

41. So we have taken \$50,000 a year from Nik for rent, but there's nothing being spent on the building for the last 3 years, where's the money gone?

All Council income is spent across the city as part of the overall budget, with each annual budget undergoing extensive community consultation.

42. Things that the Council - held responsible as a landlord. There are 3 Councillors here and the Mayor was there. The Mayor was well aware of the inadequacies of the café – absolutely – and for 3 years they sat on their laurels and have done absolutely nothing. Where was the project manager who was supposed to project manage to make sure – we agreed with Nik – and Nik is there he can agree with this – he can choose not to of course – but he didn't tell you that we agreed to fix those problems 3 years ago. And they weren't done. So you've got to ask the question, why weren't they done?

Numerous decisions have been made in the past regarding what has / hasn't been invested in the building. However, the current Council had to make the difficult decision to close the facility due to legal and legislative requirements and is now focused on working with the community to find the best solutions for the future of the facility.

43. Where is the transparency? There is no – you used to go to Council and you used to ask questions. You can't do that anymore cause they've wiped that out. There is no more recording of the council minutes audio – why?

Given this meeting was held in confidence due to commercial sensitivities (as recognised in the Local Government Act), even if audio recording was in place, the recording from this meeting would not have been available to the public due to confidentiality. Audio recording is therefore a separate issue which will be discussed by Council at a later stage.

44. Why haven't we done live streaming?

Given this meeting was held in confidence due to commercial sensitivities (as recognised in the Local Government Act), even if live streaming was in place, this meeting would not have been live streamed due to confidentiality. Live streaming is therefore a separate issue which will be discussed by Council at a later stage.

45. You say it's not fair to ask someone to contribute if they are only on a lease? Isn't that what's happening at the wetlands?

There are times when it is appropriate for commercial arrangements to be agreed. However, given the extent of works required at the café, this was not an option in this case.

46. Communication – not just digital. Many residents are not able to access the internet.

The recent community survey was made available in hard copy at all of Council's physical locations and could also be responded to via telephone. As well as being available online, the majority of Council's regular updates and publications are also promoted via the local media (newspaper, television, FM & AM radio (commercial / community / ABC) with the aim of reaching a broader audience.

47. Environmental Impacts/concerns. Long term sustainability goals/considerations. Coastal aspects etc. and the environmental impact considered over just the economic value?

Council always considers environmental / sustainability factors as part of any development.

48. My lease agreement as in Nik's there would be a Rental and Commercial Lease Act 1995 which since the building is the Council's as the Lessor aren't they obligated to do these things and then also there's speak of compensation in the Act it just depends on what area the Council was acted upon under the Retail and Commercial Leases Act 1995 – so some clarity on that and then what area of the Act the Occ Health & Safety – I'm not really sure where that's at on that Act. It'd be greatly appreciate and then next steps because that Act actually trumps all lease agreement and actually overpowers the Lease.

Council will work directly with the community member who made this comment in relation to understanding the obligations under their own Lease Agreement and the requirements of the Retail and Commercial Leases Act 1995.





Annexure "B"

CITY OF WHYALLA

FORESHORE CAFÉ RESEARCH – INTERIM RESULTS

JANUARY 2021 - REF 11801

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INTERIM TOPLINE RESULTS

BACKGROUND & METHODOLOGY

BACKGROUND

The Beach Café on the Whyalla foreshore is owned by the City of Whyalla and was built in 1985. Recently the building was independently inspected and rated as in fair to poor condition, meaning the condition of deterioration would be quite obvious, the asset serviceability would be affected and the cost of maintenance would be rising.

On 30 November 2020, in order to meet legal requirements for health, food preparation, safety and building regulations, Council resolved to not renew the Beach Café lease and gave notice to the tenant with the lease expiring on 5 January 2021 and the café subsequently closed.

The decision to close the café has disappointed some in the community, and the community feedback expressed over the last six weeks indicates a clear desire for there to be a form of service offering from the café premises.

As a result, the Council decided to undertake a community survey with Whyalla residents to explore what options would be acceptable for a service offering located at the café site in the future from the wider Whyalla community.

METHODOLOGY

McGregor Tan (MTG) was commissioned by the City of Whyalla to undertake the research through an online survey.

The survey was open to the Whyalla community on 22nd January 2021 and will close on the 7th February 2021..

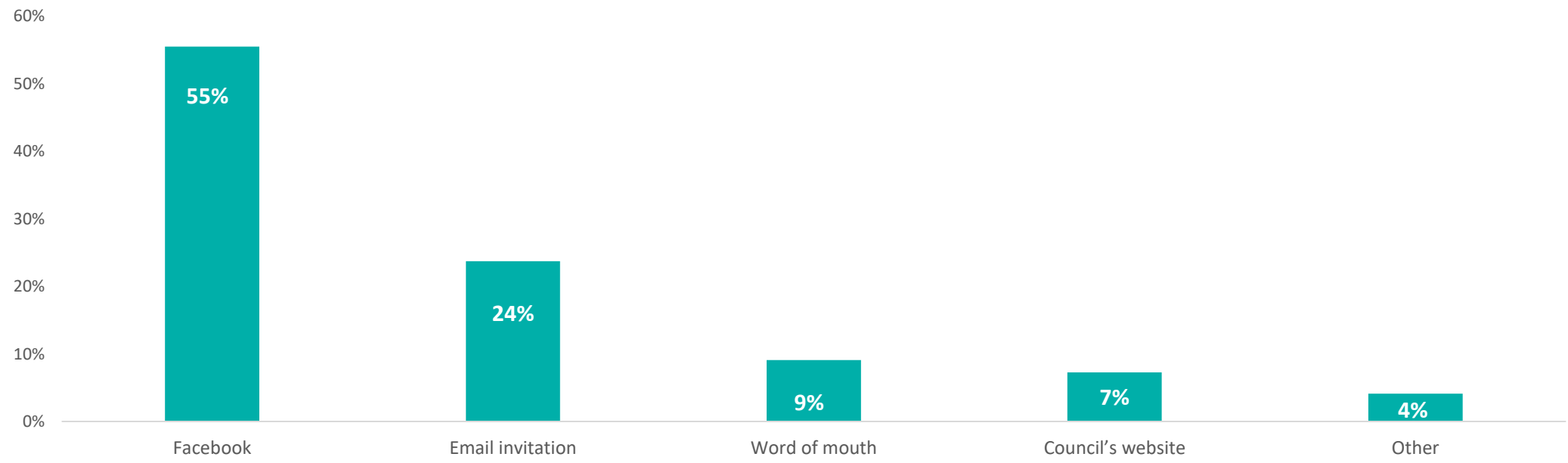
The community was invited to take part by accessing the survey by email invitations from the Council's database, the MTG panel, the Council's website, the Council's Facebook page, paper copies located at Council's offices and by telephone by calling a 1300 number to MTG.

Up until the 29th January 2021 there were 1,079 completed surveys.

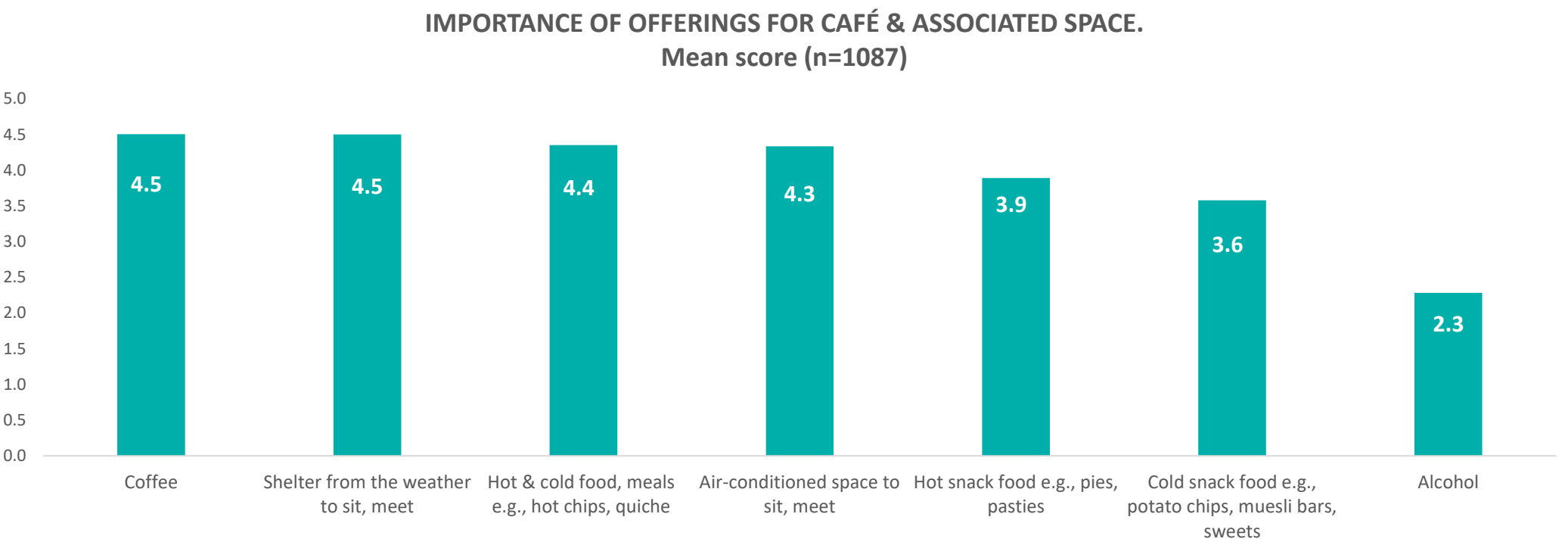
This report provides interim findings from the survey from the completed surveys up to the 29th January 2021.

AWARENESS AND ACCESSING THE SURVEY

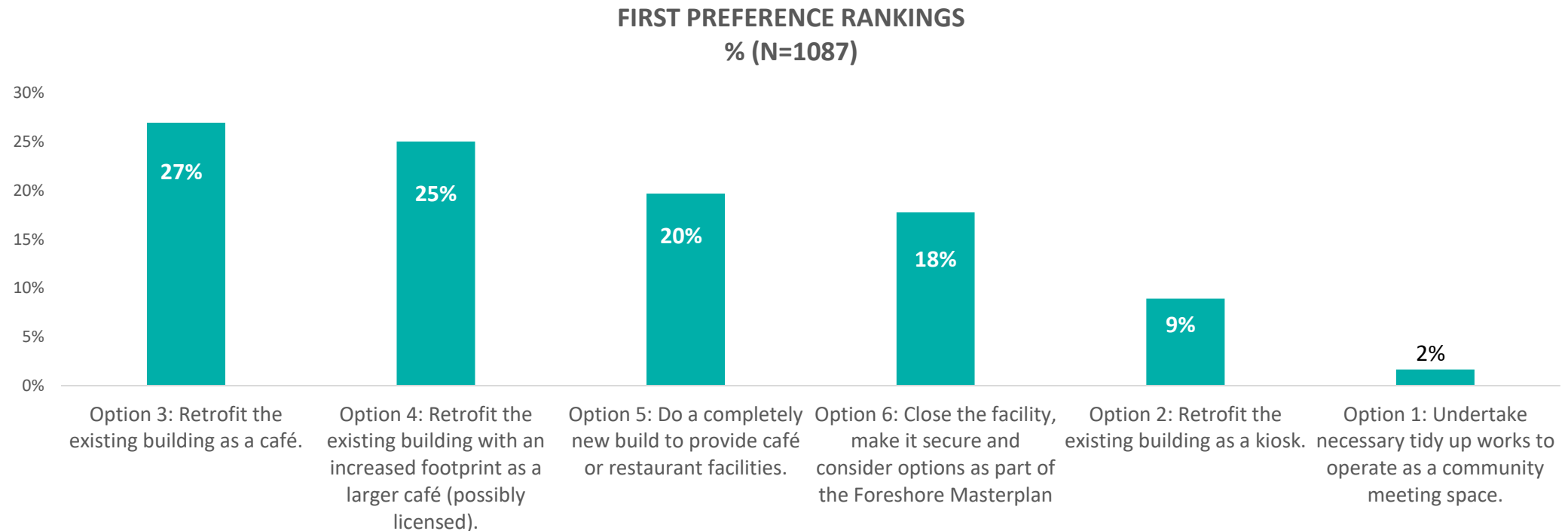
AWARENESS AND SOURCE OF INFORMATION ABOUT THE SURVEY
% (N=1087)



IMPORTANCE OF FEATURES & SERVICES



FIRST PREFERENCE – FUTURE OF FORESHORE CAFÉ & ASSOCIATED SPACE



OVERALL PREFERENCES – FUTURE OF FORESHORE CAFÉ & ASSOCIATED SPACE

OPTIONS FOR CAFÉ & ASSOCIATED SPACE	PREFERENCES - FUTURE OF CAFÉ & ASSOCIATED SPACE - % (N=1087)					
	1st	2nd	3rd	4th	5th	6th
Option 1: Undertake necessary tidy up works to operate as a community meeting space.	2%	7%	10%	12%	41%	28%
Option 2: Retrofit the existing building as a kiosk.	9%	16%	22%	35%	16%	3%
Option 3: Retrofit the existing building as a café.	27%	23%	22%	19%	7%	3%
Option 4: Retrofit the existing building with an increased footprint as a larger café (possibly licensed).	25%	28%	23%	11%	8%	5%
Option 5: Do a completely new build to provide café or restaurant facilities.	20%	19%	18%	20%	17%	7%
Option 6: Close the facility, make it secure and consider options as part of the Foreshore Masterplan	18%	7%	4%	4%	11%	56%



MCGREGOR TAN

RESEARCH. STRATEGY. SOLUTIONS.



Annexure "C"

CITY OF WHYALLA FORESHORE CAFÉ RESEARCH

FEBRUARY 2021 | REF 11801

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BACKGROUND

The Beach Café on the Whyalla foreshore is owned by the City of Whyalla and was built in 1985. Recently the building was independently inspected and rated as in fair to poor condition. meaning the condition of deterioration would be quite obvious, the asset serviceability would be affected and the cost of maintenance would be rising.

On 30 November 2020, in order to meet legal requirements for health, food preparation, safety and building regulations, Council resolved to not renew the Beach Café lease and gave notice to the tenant with the lease expiring on 5 January 2021 and the café subsequently closed.

The decision to close the café has disappointed some in the community, and the community feedback expressed over the last six weeks indicates a clear desire for there to be a form of service offering from the café premises.

As a result the Council wishes to undertake further research with the community to explore what options would be acceptable for a service offering located at the café site in the future from the wider Whyalla community.

METHODOLOGY

This research was conducted by McGregor Tan from Friday 22 January to Sunday 7 February 2021.



The purpose of the research is to assess what options would be acceptable for a service offering located at the café site in the future from the wider Whyalla community.



Market research has been conducted in accordance with ISO 20252.

Research was distributed through a variety of avenues including McGregor Tan's online panel, the Council's website, social media and word of mouth.



A sample of 1,623 completed the survey.

The survey was available for 16 days to allow the community ample time to express their views.

The survey was monitored to ensure that no duplicate surveys were entered.



Over the past 40 years, McGregor Tan has grown to be one of the largest independent market and social research companies in Australia.

We have achieved this through the vision of our researchers which is underpinned by a strong company ethos respecting tradition while driving innovation and new technologies.

SUMMARY

KEY FINDINGS

SURVEY PARTICIPATION

1,623 people completed the survey, of which:

- 92% (n=1,495) lived in the Whyalla area
- 7% (n=112) lived elsewhere in South Australia
- 1% (n=16) lived outside South Australia

Whyalla residents participation rate represents around 9% of the City's population age 18+.

CAFÉ VISITATION

Almost all respondents have visited the Foreshore Café (97%), with frequencies of visiting the café of once a day (8%), once a week (38%), once a month (28%), rarely (23%) and never (3%).

Café patrons were more likely to visit on weekends (80%) compared to weekdays (62%).

Visiting the café was also more popular in the mornings (63%) and afternoons (68%), compared to evenings (14%).

CAFÉ FEATURES

The two most important features when visiting the café were shelter from the weather (4.5) and coffee (4.5), followed by hot and cold food (4.4), air conditioning (4.3), hot snack food (3.9) and cold snack food (3.5). A low level of importance was associated with alcohol (2.3).

FUTURE CAFÉ OPTIONS

Amongst the potential options provided for the future of the foreshore café and surrounds, respondents first preferences are tabled below in order of the options with the highest proportion of first preferences:

- 1. Option 3:** Retrofit existing building as a Café (\$230,000, 18 weeks) was the most favoured of the Foreshore Café options presented, ranked first by 29% of respondents.
- 2. Option 4:** Retrofit existing building with an increased footprint as a larger Café (\$400,000, 23 weeks) was second, ranked first by 25% of respondents.
- 3. Option 5:** New Build (\$875,000 - \$920,000, 42 weeks) was third, ranked first by 20% of respondents.
- 4. Option 6:** Close the facility, make it secure and consider long-term options as part of the Foreshore Masterplan Planning process (up to \$30,000, 2-3 weeks) was fourth, ranked first by 16% of respondents.
- 5. Option 2:** Retrofit existing building as a Kiosk (\$180,000, 14 weeks) was fifth, ranked first by 8% of respondents.
- 6. Option 1:** Undertake necessary tidy up works to operate as a Community Meeting Space (\$110,000, 10 weeks) was sixth (last), ranked first by only 1% of respondents.

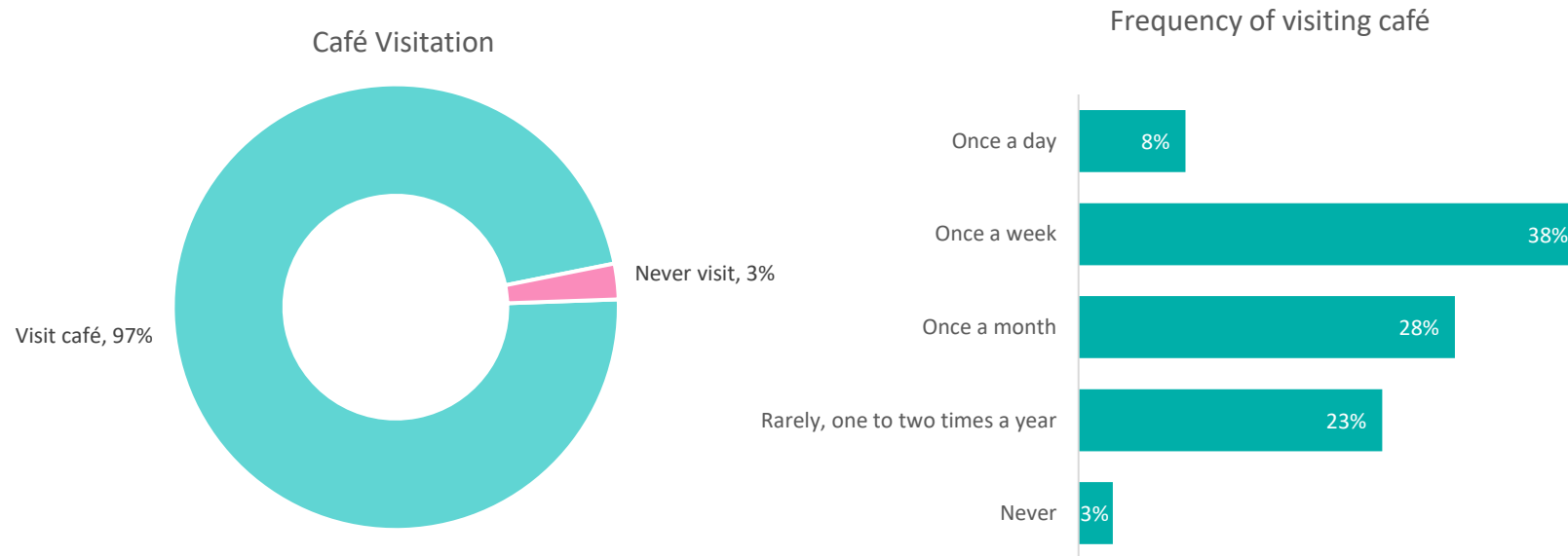
DETAILED FINDINGS

FREQUENCY OF VISITING FORESHORE CAFÉ

Almost all respondents have visited the Foreshore Café (97%), with three quarters visiting monthly or more often (74%) including 46% who visit weekly or more often.

A very small proportion never visit the café (3%, n=42).

Those aged 65+ were significantly more likely to visit the café weekly or more often (56%) compared to younger participants aged 18-39 (39%). This younger cohort also had a higher incidence of visiting rarely (30%).



97%

Visit the Foreshore Café

46%

Visit weekly or more often

74%

Visit monthly or more often

DAYS AND TIMES OF VISITATION

Those surveyed were more likely to visit on weekends (80%) compared to weekdays (62%), those visiting at least once a month were significantly more likely to visit the café on a weekend (78%) rather than a weekday (57%).

Young couples with no children (89%), those aged under 55 (86%) and families with children (84%) were significantly more likely to visit on weekends than weekdays (35%, 51% and 56% respectively) while older respondents aged 65+ were the opposite, more likely to visit on weekdays (85%) than weekends (67%).

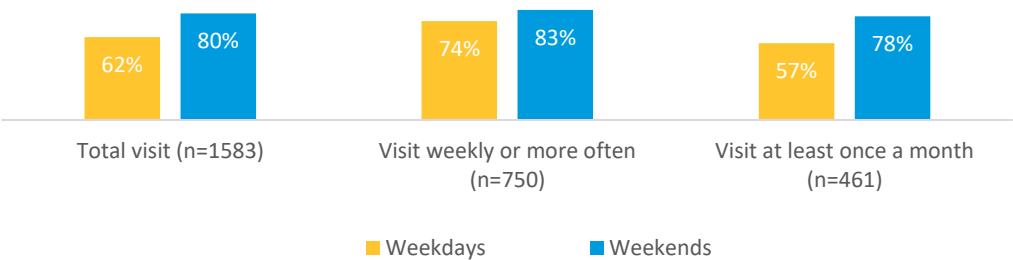
Mornings (63%) and afternoons (68%) were more popular than evenings (14%).

Younger participants 18-39 years (57%) were less likely to visit in the mornings compared to those aged 40 and over (65%), particularly seniors aged 65+ (72%).

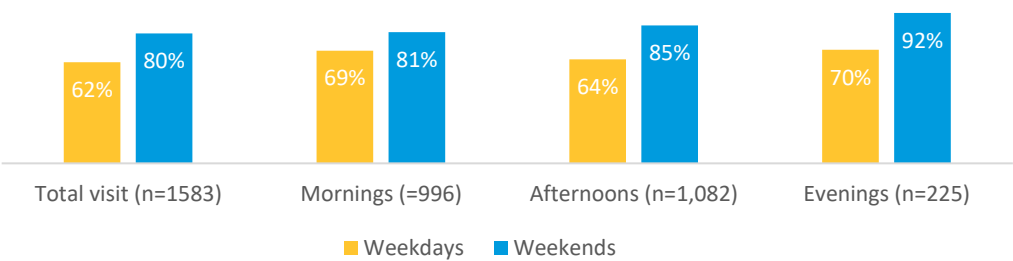
Females (71%) had a higher incidence of visiting the café in the afternoons than males (63%).

Respondents aged 18-24 (31%), families with children (20%) and those that visit weekly or more often (19%) had a higher incidence of visiting the Café in the evening.

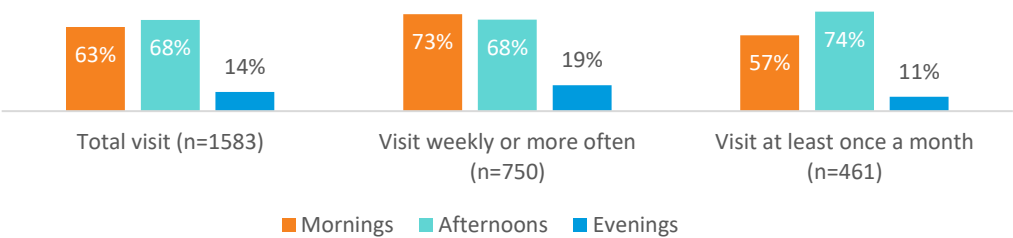
Weekdays vs. Weekends cafe visitation



Days x Time of visit



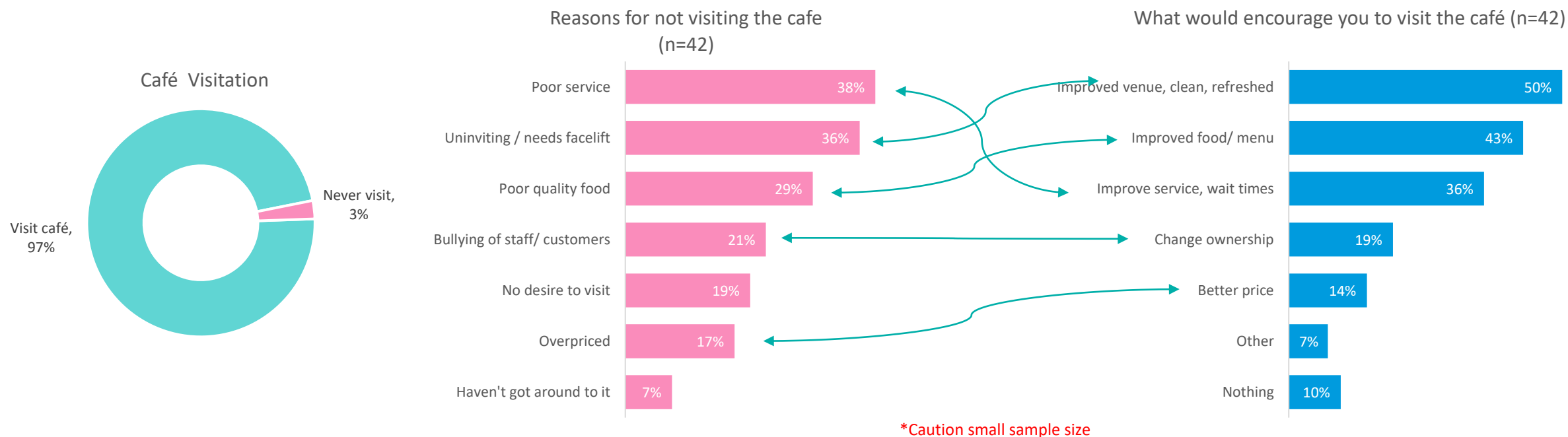
Part of day usually visit cafe



REASONS FOR NOT VISITING AND SUGGESTIONS FOR ENCOURAGING VISITATION

Only a very small proportion never visit the café (3%, n=42), reasons provided by this group for not visiting correlated with suggestions that would encourage visitation. The café is uninviting and needs a facelift (36%) and poor services (38%) are the top two deterrents while improving the venue and making it clean and refreshed (50%) and improving the service and wait times (36%) would encourage visitation.

Improving the food/menu (43%), a change of ownership (19%) and better prices were also cited as suggestions to encourage visitation.



REASONS FOR NOT VISITING AND SUGGESTIONS FOR ENCOURAGING VISITATION (cont.)

Example of coded responses - reasons for not visiting

<i>Didn't like the atmosphere it generated, poor service and food options.</i>	<i>Don't feel the need to. Plenty to do around it. Very pricey not very welcoming facility.</i>
<i>Food wasn't all that good. No atmosphere. Attitude of staff stunk, weren't very nice. Food often took too long to arrive once you finally got it ordered.</i>	<i>Run down, not attractive, not inviting.</i>
<i>Because the food is s**t and service 3rd rate at best. It's dirty. I'd love to but can't bring myself to do it.</i>	<i>Too expensive and too many bad reviews.</i>
<i>Over priced, poor wait times, never seemed all that clean. And other places such as Breezes and Something Tasty out shining the beach café in every way possible.</i>	<i>We found the cafe uninspired and regularly use the BBQ facilities or pack a picnic and utilise the beach area almost daily.</i>
	<i>Bad customer service, too expensive. Too noisy, cosmetically poor.</i>
	<i>The food and wait time was not worth going. There have been no improvements or changes in the years the owner had it.</i>

Example of coded responses - suggestions to encourage visitation

<i>A better, more up to date café with good service and short waiting times. And much better food at a reasonable price.</i>	<i>A vibrant ambiance with modern and diverse food options. Locally sourced produce.</i>
<i>Upgrade with outdoor dining in more aesthetic surroundings.</i>	<i>The Foreshore Café needs to be nice. It is such a lovely area but the café is terrible. You need to showcase local produce, cater for different dietary requirements (vegan etc.), offer good food, service, more seating and make it an enjoyable experience. As an example, consider L'Anse in Tumby Bay.</i>
<i>Let's have a restaurant like most other towns on the coast. Somewhere to have tea with good service and a variety of menu options and drink options. People on holidays will spend money. Come on...think big.</i>	<i>Better seating, leaving the flower beds and maintaining them!! Better service i.e., not waiting 45 mins for over priced fish and chips.</i>
<i>New owners, modern upgrades, better dinner options like wood oven pizzas etc. We have a stunning beach and beach front but who wants to sit amongst pigeons, getting subpar service and subpar food? Knock it down and bring in new people with an appreciation for good service with a view.</i>	<i>Clean. Contemporary. Menu that attracts people, that is actually made food, not defrosted.</i>
	<i>Cheaper prices and better reviews on food and service.</i>

IMPORTANCE OF FEATURES

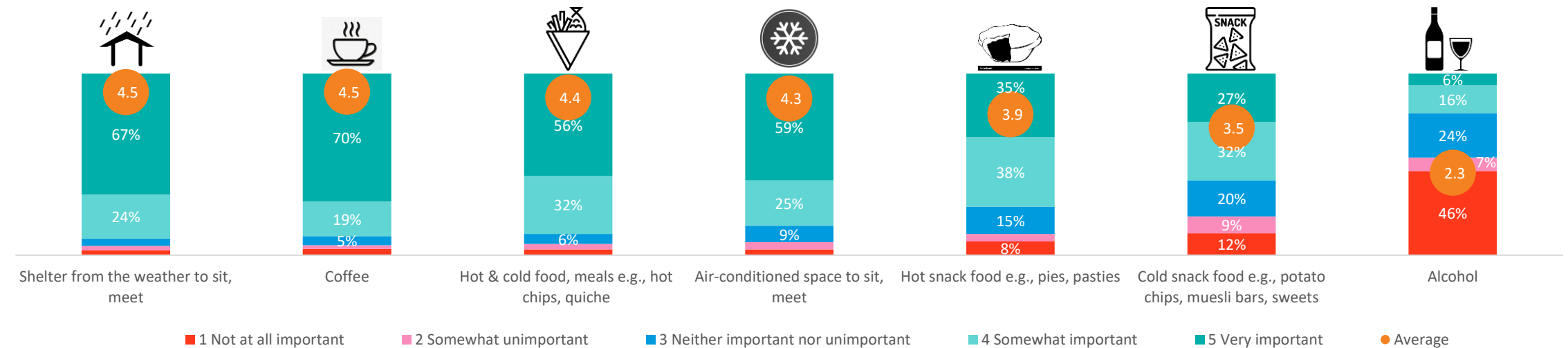
The two most important features were shelter from the weather (average mean 4.5, 91% importance) and coffee (4.5, 89% importance) both were rated extremely important by respondents. Of high importance were hot and cold food (4.4) and air conditioning (4.3). Hot snack food (3.9) and cold snack food (3.5) were rated as moderately important while alcohol (2.3) received a low level of importance from respondents.

Shelter was more important to females (4.6, 62% important) than males (4.4, 37% important) and those visiting monthly or more often (4.6, 76% important). This feature was very important to respondents aged 40 plus (4.5, 74% very important)

Females (4.6, 61% important) rated the availability of coffee higher than males (4.4, 38% important). Those aged 65 plus (4.6, 24% important) also rated coffee higher than other age groups.

Hot and cold meals were of importance to those visiting monthly or more often (4.5, 78% important) and females (4.4, 62% important), while for those visiting weekly or more often it was hot snack food (4.1, 49% important) and cold snack food (3.7, 50% important).

Air conditioning was more important for females (4.4, 62% important) than males (4.2, 37% important) and this feature was very important to older couples and singles (4.4, 48% very important) and families with children (4.2, 40% very important).



FORESHORE CAFÉ OPTIONS

To be more informed of the options for the Foreshore Café respondents were asked to read the following information before choosing an option.



FORESHORE CAFÉ FACILITY - HAVE YOUR SAY ON IT'S FUTURE

INTRODUCTION:

In order to meet legal requirements for health, food preparation, safety and building regulations, Whyalla City Council resolved on 30 November 2020 to not renew the Beach Café lease and gave notice to the tenant that the lease expired on 5 January 2021. The café subsequently closed.

disappointed some in the community, with community feedback expressed since the decision indicating a clear desire for some form of service offering from the café premises. As such, Council is undertaking this survey to gather more detailed information about the community's use of the facility and to canvass views from the wider Whyalla community regarding the options for to its short-to-medium-term use.

Council accepts and understands that its decision

BEFORE WE INVITE YOU TO CONTRIBUTE, WE SHARE THE FOLLOWING ESSENTIAL INFORMATION:

- The café building was built in 1985 and was recently independently rated as being in 'fair-to-poor condition'. This means that 'the condition deterioration would be quite obvious and asset serviceability would now be affected and maintenance costs would be rising'.
- Any upgrade to the existing facility should be considered in the context of the upcoming Foreshore Master Plan process - an exciting and far-reaching review of the long-term future of the entire foreshore and surrounding precinct. Extensive community consultation will commence on this in February.
- It's important that those with an interest in the entire foreshore – rather than the café in particular – also have their say on the future of the café facility, as this will ultimately impact on the options available for the Foreshore Master Plan.
- After Council has received your feedback, consideration will be given to the representative views of the community, funding options (e.g., through external funding, rates, deferral of other projects) and Council's current budget and long-term financial plan. Note the higher the service level, the higher the budget impact.
- Once a decision is made on a preferred option, in addition to the works being done to bring the building up to standard in line with the preferred option, processes for the delivery of the service will also need to be undertaken in line with Council's procurement policy and the Local Government Act 1999 (e.g., an expression of interest process may be undertaken).

FORESHORE CAFÉ OPTIONS (cont.)

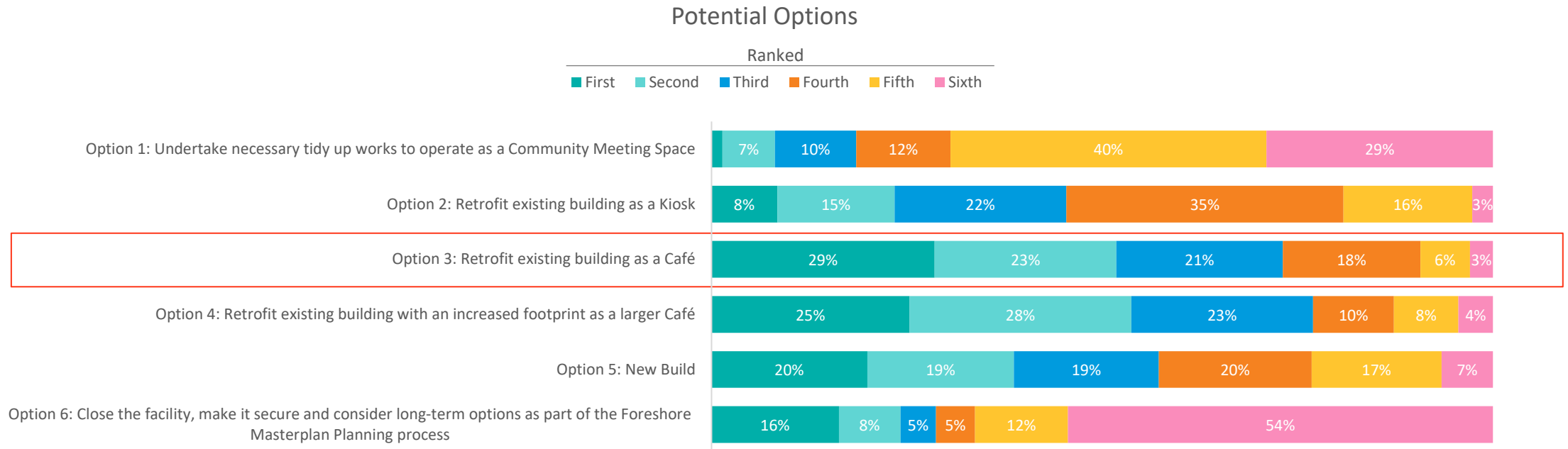
Please read the follow potential options.

Potential Options	Estimated Cost	Time to complete
Option 1: Undertake necessary tidy up works to operate as a Community Meeting Space	\$110,000	10 weeks
Tables and chairs provided in an airconditioned and sheltered space with no food or drink preparation or sales		
Option 2: Retrofit existing building as a Kiosk	\$180,000	14 weeks
A small establishment that serves items such as sweets, cakes, hot and cold drinks (non-alcoholic) and pre-packaged, pre-prepared food or limited on-site preparation (e.g., pies, pasties, sandwiches)		
Option 3: Retrofit existing building as a Café	\$230,000	18 weeks
A small establishment that serves light meals and drinks (non-alcoholic), including the complete onsite preparation of hot and cold meals and beverages		
Option 4: Retrofit existing building with an increased footprint as a larger Café	\$400,000	23 weeks
As above, but with an even greater investment in the building. May provide option for alcoholic beverages		
Option 5: New Build		42 weeks
As a Café	\$875,000	
As a Restaurant	\$920,000	
Option 6: Close the facility, make it secure and consider long-term options as part of the Foreshore Masterplan Planning process	Up to \$30,000	2-3 weeks
Undertake no upgrades other than making the facility secure (e.g., install additional roller shutters). The community will then have their say on their preferences for the broader foreshore upgrade		

FORESHORE CAFÉ OPTIONS (cont.)

The top three options were Option 3: Retrofit existing building as a Café (\$230,000, 18 week), followed Option 4: Retrofit existing building with an increased footprint as a larger Café (\$400,000, 23 weeks) and Option 5: New Build (\$875,000 - \$920,000, 42 weeks).

The least preferred option was Option 1: Undertake necessary tidy up works to operate as a Community Meeting Space (\$110,000, 10 weeks).



OPTION RANKED FIRST

Option 3: Retrofit existing building as a Café (\$230,000, 18 weeks) was the most favoured of the Foreshore Café options presented, ranked first by 29% of those surveyed.

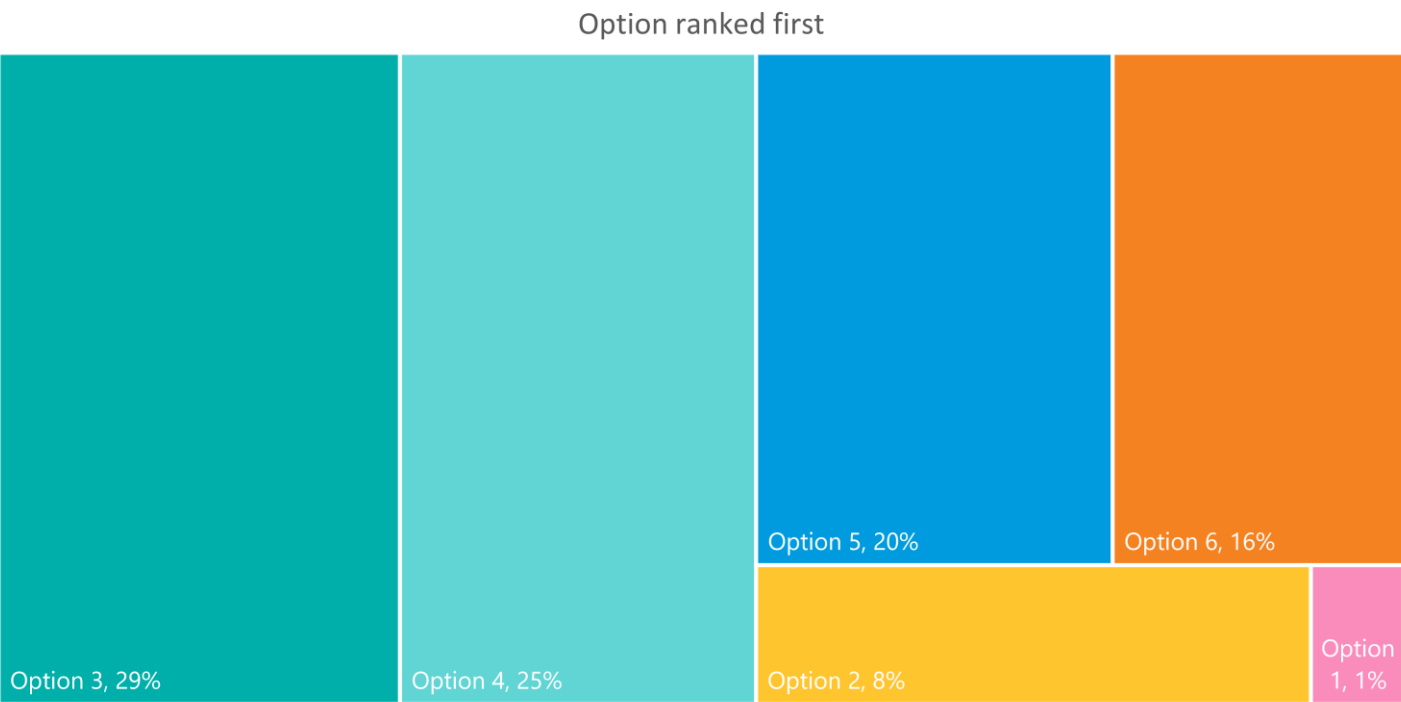
Option 4: Retrofit existing building with an increased footprint as a larger Café (\$400,000, 23 weeks) was close behind and favoured by 25% as their first choice.

One in five ranked **Option 5:** New Build (\$875,000 - \$920,000, 42 weeks) as their first choice (20%).

Option 6: Close the facility, make it secure and consider long-term options as part of the Foreshore Masterplan Planning process (up to \$30,000, 2-3 weeks) was rated as first choice by a few (16%).

Option 2: Retrofit existing building as a Kiosk (\$180,000, 14 weeks) was chosen by less than one in ten as their first choice option (8%).

The least preferred option was **Option 1:** Undertake necessary tidy up works to operate as a Community Meeting Space (\$110,000, 10 weeks) which was favoured by very few respondents as their first choice (1%).



- Option 1: Undertake necessary tidy up works to operate as a Community Meeting Space
- Option 2: Retrofit existing building as a Kiosk
- Option 3: Retrofit existing building as a Café
- Option 4: Retrofit existing building with an increased footprint as a larger Café
- Option 5: New Build
- Option 6: Close the facility, make it secure and consider long-term options as part of the Foreshore Masterplan Planning process

OPTION RANKED FIRST x GROUP

Option 3 and option 4 had a higher incidence of being ranked as the first preferred option by those that visit weekly or more often or at least once month.

Option 1: Undertake necessary tidy up works to operate as a Community Meeting Space

Option 2: Retrofit existing building as a Kiosk

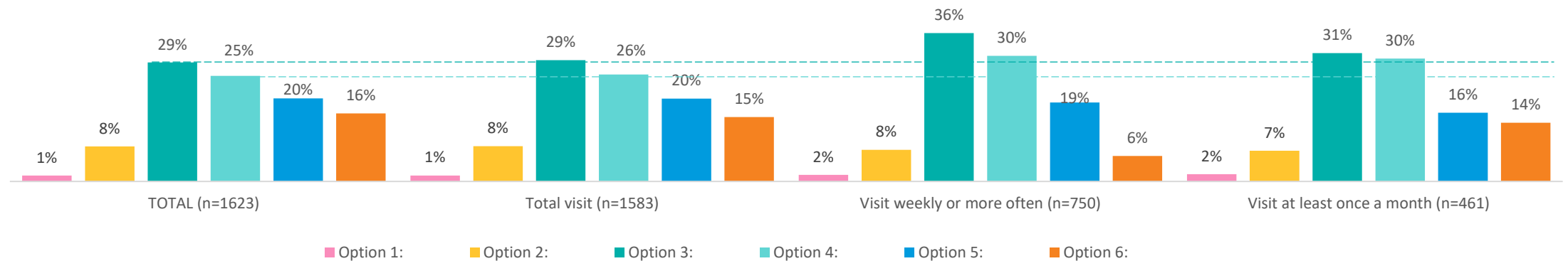
Option 3: Retrofit existing building as a Café

Option 4: Retrofit existing building with an increased footprint as a larger Café

Option 5: New Build

Option 6: Close the facility, make it secure and consider long-term options as part of the Foreshore Masterplan Planning process

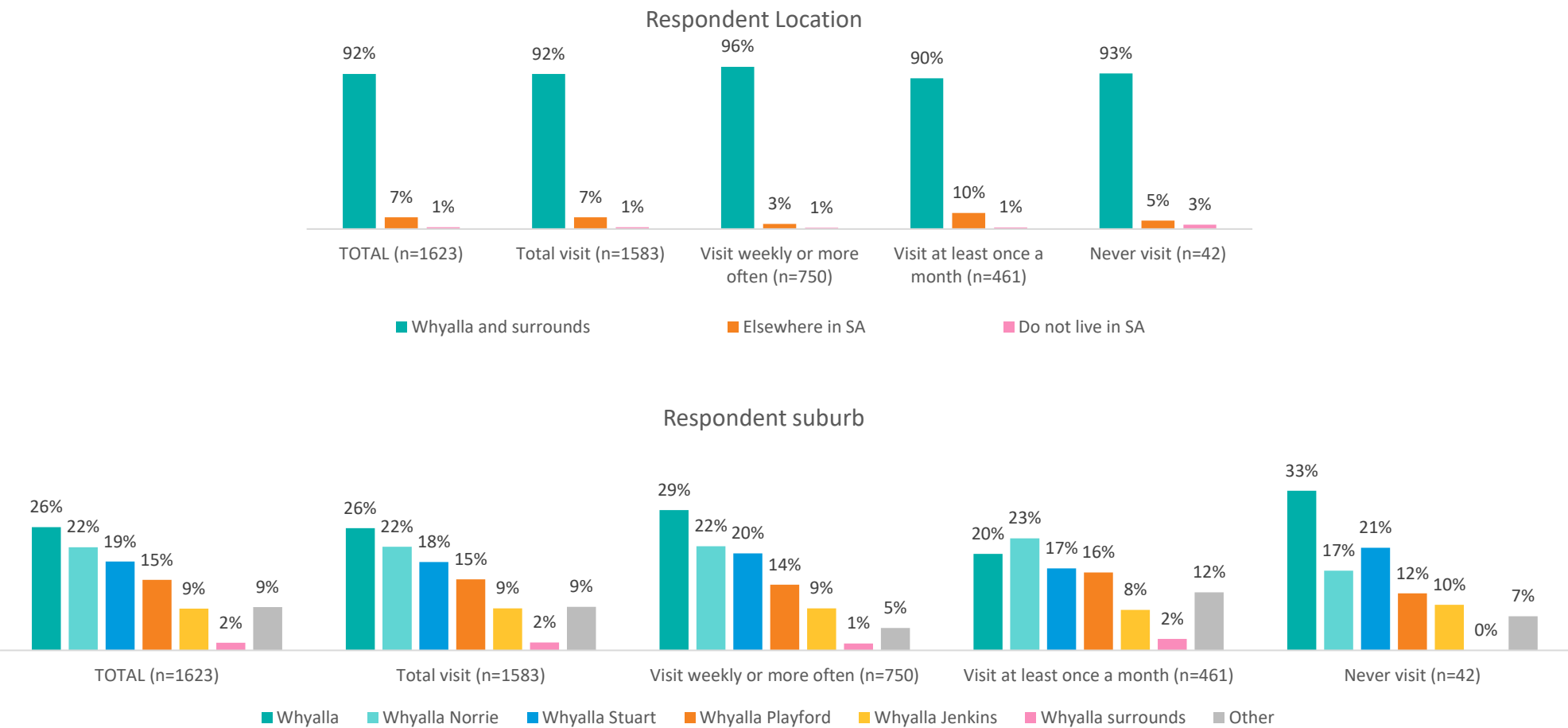
Option ranked first x Group



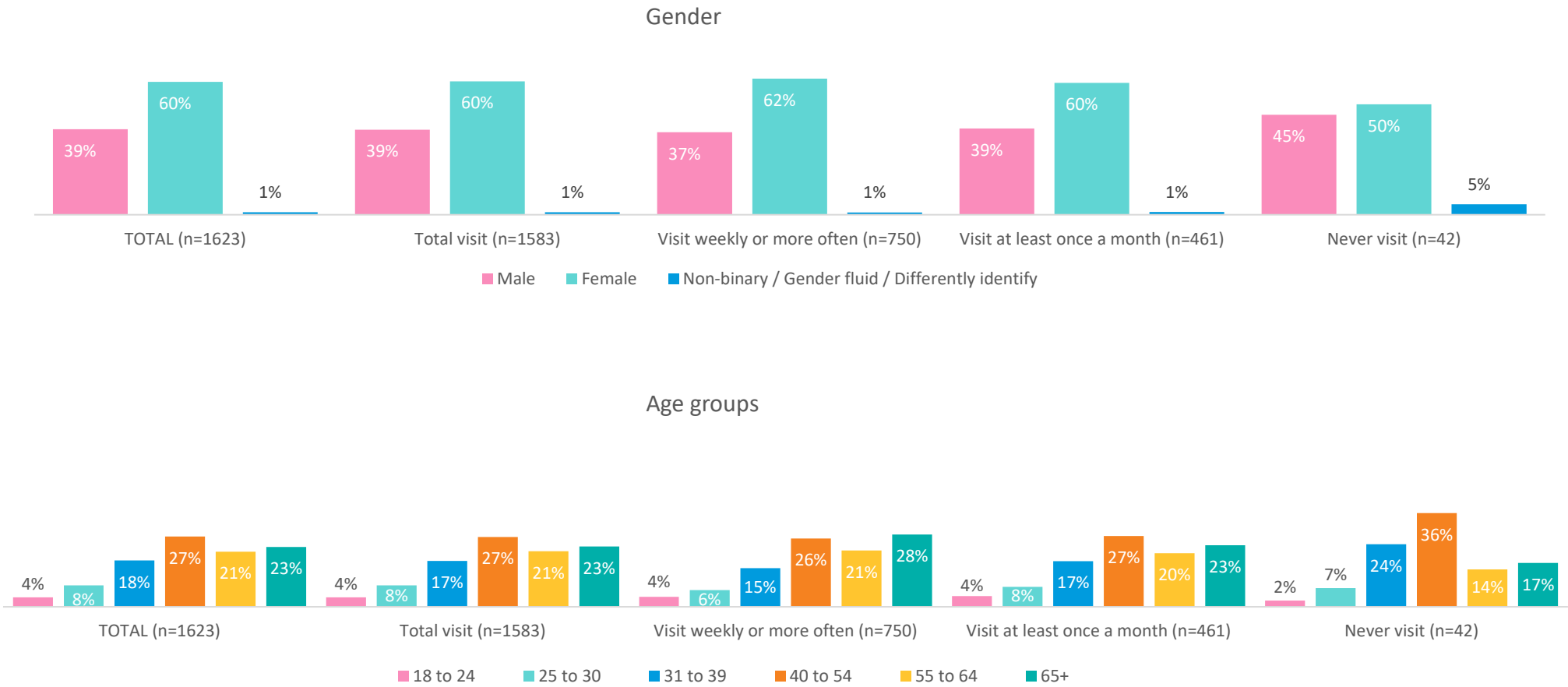


APPENDIX 1: RESPONDENT PROFILE

RESPONDENT PROFILE



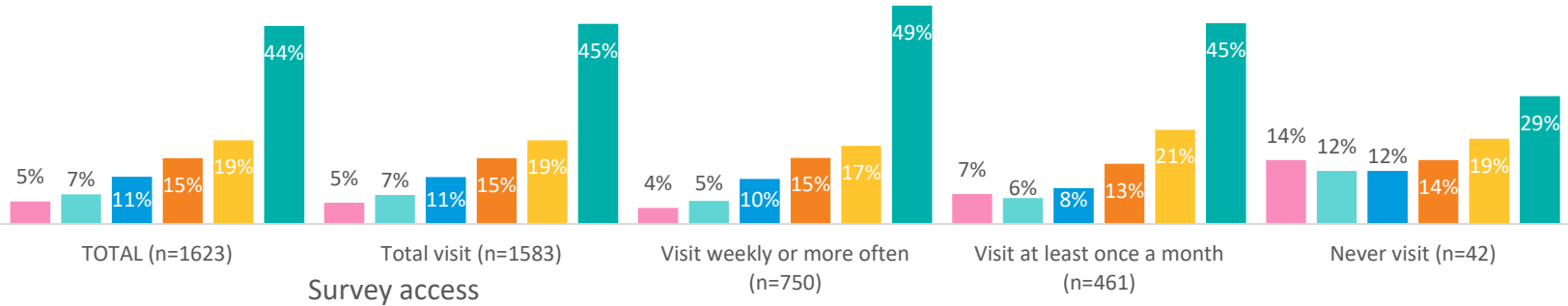
RESPONDENT PROFILE



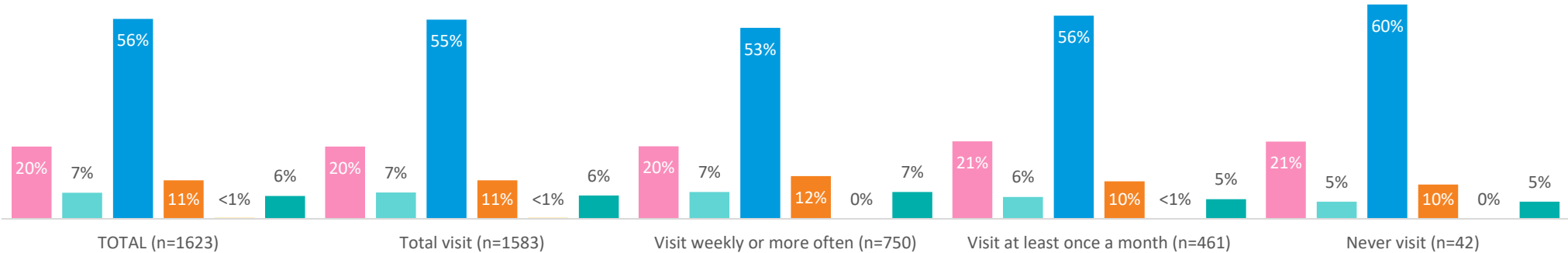
RESPONDENT PROFILE


Household composition

- Young, single living alone or sharing accommodation with friends
- Young couple no children
- Family with youngest child 4 years or under
- Family with youngest child 12 years or under
- Family with teenager/adult living at home
- Older couple OR single with no children in household



- Email invitation
- Council's website
- Facebook
- Word of mouth
- SMS
- Other





APPENDIX 2: GUIDE TO READING THE REPORT

Guide to Reading the Report

The core report is typically analysed in order of the questions asked in the survey. Relevant statistically significant findings as well as other observations of interest are analysed in this report.

Please note that, because of rounding, answers in single response questions will not always sum precisely to 100%.

In addition, as the base for percentages is the number of respondents answering a particular question (rather than the number of responses) multiple response questions sum to more than 100%.



APPENDIX 3: SAMPLING TOLERANCE

SAMPLING TOLERANCE

It should be borne in mind throughout this report that all data based on sample surveys are subject to a sampling tolerance.

That is, where a of 400 sample is used to represent the population, the resulting figures should not be regarded as absolute values, but rather as the mid-point of a range plus or minus 5% on a 50:50 response (see sampling tolerance table) i.e. if a response is 55% yes and 45% no – the Yes has a variance between 60%-50% and the No would have a variance between 50%-40% (+ or – 5 percentage points from the mid point).

Only variations clearly designated as significantly different are statistically valid differences and these are clearly pointed out in the report.

Other divergences are within the normal range of fluctuation at a 95% confidence level; they should be viewed with some caution and not treated as statistically reliable changes.

MARGIN OF ERROR TABLE (95% confidence level)										
SAMPLE SIZE ↓	Percentages giving a particular answer									
	5% 95%	10% 90%	15% 85%	20% 80%	25% 75%	30% 70%	35% 65%	40% 60%	45% 55%	50% 50%
50	6	9	10	11	12	13	14	14	14	14
100	4	6	7	8	9	9	10	10	10	10
150	4	5	6	7	7	8	8	8	8	8
200	3	4	5	6	6	6	7	7	7	7
250	3	4	5	5	6	6	6	6	6	6
300	3	4	4	5	5	5	6	6	6	6
400	2	3	4	4	4	5	5	5	5	5
500	2	3	3	4	4	4	4	4	4	5
600	2	2	3	3	4	4	4	4	4	4
700	2	2	3	3	3	4	4	4	4	4
800	2	2	3	3	3	3	3	4	4	4
900	2	2	2	3	3	3	3	3	3	3
1000	1	2	2	3	3	3	3	3	3	3
1500	1	2	3	2	2	2	3	3	3	3
2000	1	1	2	2	2	2	2	2	2	2
3000	1	1	1	2	2	2	2	2	2	2

APPENDIX 4: SURVEY TOOL

COMMERCIAL IN CONFIDENCE

Project No: 11801	Whyalla Foreshore Café Facility Community Survey
Methodology	Online
Other information	No Quotas
Total questions:	16

Online introduction:

McGregor Tan has been commissioned by the City of Whyalla to conduct a survey for you to have your say about the future of the Whyalla foreshore café and its associated surrounding space and would appreciate your opinion.

Participation in the survey voluntary. McGregor Tan is an independent social and market research company and complies with the Privacy Act. We can assure you that all information given will remain confidential and we do not sell, promote or endorse any product or service, there are no right or wrong answers. Your details will only be used for research purposes and will not be sold to any third party.

If you would like to have your say, please complete the following survey.

The survey will close at midnight on the 7th February 2021.

1. Do you live in... Choose one (Single choice)

1.	Whyalla and surrounds	continue
2.	Elsewhere in SA	continue
3.	Do not live in SA	continue

2. Live elsewhere in SA / Interstate (codes 2-3 in Q1): Have you visited Whyalla in the past 5 years? Choose one (Single choice)

1.	Yes	continue
2.	No	terminate

To be more informed, please read the following information before completing the survey.



FORESHORE CAFÉ FACILITY - HAVE YOUR SAY ON ITS FUTURE

INTRODUCTION:

In order to meet legal requirements for health, food preparation, safety and building regulations, Whyalla City Council resolved on 30 November 2020 to not renew the Beach Café lease and gave notice to the tenant that the lease expired on 5 January 2021. The café subsequently closed.

Council accepts and understands that its decision

disappointed some in the community, with community feedback expressed since the decision indicating a clear desire for some form of service offering from the café premises. As such, Council is undertaking this survey to gather more detailed information about the community's use of the facility and to canvass views from the wider Whyalla community regarding the options for to its short-to-medium-term use.

BEFORE WE INVITE YOU TO CONTRIBUTE, WE SHARE THE FOLLOWING ESSENTIAL INFORMATION:

- The café building was built in 1985 and was recently independently rated as being in ‘fair-to-poor condition’. This means that ‘the condition deterioration would be quite obvious and asset serviceability would now be affected and maintenance costs would be rising’.
- Any upgrade to the existing facility should be considered in the context of the upcoming Foreshore Master Plan process - an exciting and far-reaching review of the long-term future of the entire foreshore and surrounding precinct. Extensive community consultation will commence on this in February.
- It’s important that those with an interest in the entire foreshore – rather than the café in particular – also have their say on the future of the café facility, as this will ultimately impact on the options available for the Foreshore Master Plan.
- After Council has received your feedback, consideration will be given to the representative views of the community, funding options (e.g., through external funding, rates, deferral of other projects) and Council’s current budget and long-term financial plan. Note the higher the service level, the higher the budget impact.
- Once a decision is made on a preferred option, in addition to the works being done to bring the building up to standard in line with the preferred option, processes for the delivery of the service will also need to be undertaken in line with Council’s procurement policy and the Local Government Act 1999 (e.g., an expression of interest process may be undertaken).

Please read the follow potential options.

Potential Options	Estimated Cost	Time to complete
Option 1: Undertake necessary tidy up works to operate as a Community Meeting Space Tables and chairs provided in an airconditioned and sheltered space with no food or drink preparation or sales	\$110,000	10 weeks
Option 2: Retrofit existing building as a Kiosk	\$180,000	14 weeks

A small establishment that serves items such as sweets, cakes, hot and cold drinks (non-alcoholic) and pre-packaged, pre-prepared food or limited on-site preparation (e.g., pies, pasties, sandwiches)

Option 3: Retrofit existing building as a Café	\$230,000	18 weeks
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A small establishment that serves light meals and drinks (non-alcoholic), including the complete onsite preparation of hot and cold meals and beverages

Option 4: Retrofit existing building with an increased footprint as a larger Café	\$400,000	23 weeks
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As above, but with an even greater investment in the building.
May provide option for alcoholic beverages

Option 5: New Build		42 weeks
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As a Café	\$875,000
As a Restaurant	\$920,000

Option 6: Close the facility, make it secure and consider long-term options as part of the Foreshore Masterplan Planning process	Up to \$30,000	2-3 weeks
---	-----------------------	------------------

Undertake no upgrades other than making the facility secure (e.g., install additional roller shutters). The community will then have their say on their preferences for the broader foreshore upgrade

3. What is the postcode and suburb of where you live?

1	Postcode	
2	Suburb	

4. How often did you used the café on the Whyalla foreshore or the immediate surrounding space? Choose one (Single choice)

1.	Once a day
2.	Once a week
3.	Once a month
4.	Rarely, one to two times a year
5.	Never (Go to Q7)

5. Used café (codes 1-4 in Q4): What part of the day did you usually visit the cafe? Choose all that apply (Multiple choice)

1.	Mornings
2.	Afternoons
3.	Evenings

6. Used café (codes 1-4 in Q4): What days did you usually visit the cafe? Choose all that apply (Multiple choice)

1.	Weekdays
2.	Weekends

7. Never used café (code 5 in Q4): Why didn't you visit the café on the Whyalla foreshore? Open ended

8. Never used café (code 5 in Q4): What would have encouraged you to visit the café? Open ended

9. ASK ALL: How important the following are to you if you were using / visiting the Whyalla foreshore café and its associated space. (rotate)

	1 Not at all important	2 Somewhat unimportant	3 Neither important nor unimportant	4 Somewhat important	5 Very important
Coffee	1	2	3	4	5
Cold snack food e.g., potato chips, muesli bars, sweets	1	2	3	4	5
Hot snack food e.g., pies, pasties	1	2	3	4	5
Hot & cold food, meals e.g., hot chips, quiche	1	2	3	4	5
Alcohol	1	2	3	4	5
Air-conditioned space to sit, meet	1	2	3	4	5
Shelter from the weather to sit, meet	1	2	3	4	5

Please read the follow potential options before answering the question below.

Potential Options	Estimated Cost	Time to complete
Option 1: Undertake necessary tidy up works to operate as a Community Meeting Space	\$110,000	10 weeks
Tables and chairs provided in an airconditioned and sheltered space with no food or drink preparation or sales		

Option 2: Retrofit existing building as a Kiosk	\$180,000	14 weeks
A small establishment that serves items such as sweets, cakes, hot and cold drinks (non-alcoholic) and pre-packaged, pre-prepared food or limited on-site preparation (e.g., pies, pasties, sandwiches)		
Option 3: Retrofit existing building as a Café	\$230,000	18 weeks
A small establishment that serves light meals and drinks (non-alcoholic), including the complete onsite preparation of hot and cold meals and beverages		
Option 4: Retrofit existing building with an increased footprint as a larger Café	\$400,000	23 weeks
As above, but with an even greater investment in the building. May provide option for alcoholic beverages		
Option 5: New Build		42 weeks
As a Café	\$875,000	
As a Restaurant	\$920,000	
Option 6: Close the facility, make it secure and consider long-term options as part of the Foreshore Masterplan Planning process	Up to \$30,000	2-3 weeks
Undertake no upgrades other than making the facility secure (e.g., install additional roller shutters). The community will then have their say on their preferences for the broader foreshore upgrade		

10. Please rank your preferences from 1 to 6, where 1 is your first preference and 6 is your last preference.
What do you think should be done with the existing Whyalla foreshore café and its associated space? (rotate)

Undertake necessary tidy up works to operate as a community meeting space.
Retrofit the existing building as a kiosk.
Retrofit the existing building as a café.
Retrofit the existing building with an increased footprint as a larger café (possibly licensed).
Do a completely new build to provide café or restaurant facilities.
Close the facility, make it secure and consider options as part of the Foreshore Masterplan

CLASSIFICATIONS:

We now have a few demographic questions to complete the survey.

11. Are you... Choose one (Single choice)

1.	Male
2.	Female
3.	Non-binary / Gender fluid / Differently identify

12. What year were you born? Enter a number

Hidden: Automatic recode into the following age groups		
1.	18 to 24	1997-2003
2.	25 to 30	1991-1996

3.	31 to 39	1982-1990
4.	40 to 54	1967-1981
5.	55 to 64	1957-1966
6.	65+	1921-1956

13. Household: Which of these groups best describes your household? Choose one (Single choice)

1.	Young, single living alone or sharing accommodation with friends
2.	Young couple no children
3.	Family with youngest child 4 years or under
4.	Family with youngest child 12 years or under
5.	Family with teenager/adult living at home
6.	Older couple OR single with no children in household

14. How did you hear about this survey? Choose one (Single choice)

1.	Email invitation
2.	Council's website
3.	Facebook
4.	Word of mouth
5.	SMS
6.	Other

15. Thank you for your time, we normally inform our winners by phone and email. If you wish to enter the prize draw and any future McGregor Tan market research activities, please fill in your details below:

First name	
Email	
Contact number	

McGregor Tan is accredited to the highest professional industry standards (ISO 20252:2019 Market, Opinion and Social Research) for the full scope of research and strategy services including customised research for consumer, social and commercial studies, as recognised by the Australian Market and Social Research Society.



MCGREGOR **TAN**
RESEARCH. STRATEGY. SOLUTIONS.



THANK YOU

11 February 2021

Annexure "D"

Justin Commons
Chief Executive Officer
Whyalla City Council
Via email; justin.common@whyalla.sa.gov.au

Dear Justin,

RE: Support letter for the Whyalla SLSC Re-development

This letter is in support of the Whyalla Surf Life Saving Club that has served the local community since 1956.

Surf Life Saving SA (SLSSA) is supportive of us maintaining a presence in Whyalla and to continue to ensure that we do all we can to ensure that there are zero preventable drownings in South Australian waters.

Surf Life Saving is built upon values of being selfless, trusted, inclusive, authentic and courageous and our organisation is much more than just an emergency service. We are a registered training organisation, we are a state sporting organisation, we are a youth and development focussed organisation and importantly we are hubs for the community.

SLSSA supports the redevelopment of the Whyalla SLSC and look forward to working with the local community and Council to make this a reality. We are open to exploring different design opportunities which would include multiple user opportunities where appropriate. We are also supportive of a model that maintains a commercial kiosk/café presence as part of the total footprint.

SLSSA has in place a Facilities Management Program supported by State Government to assist resource the redevelopment of our Clubs and we have a specialist Project Manager as part of this program.

We would be more than happy to provide any further information and stand ready and willing to assist the Whyalla Council and local community.

Kind regards,



Damien Marangon
Chief Executive Officer
Surf Life Saving SA

12.2 CORPORATE SERVICES

12.2.5 Annual Review of Confidential Orders

Council Meeting: 15 February 2021
Author's Title: Director Corporate Services **File No.:** 1-0
Directorate: Corporate Services

Annexures:

A – Register of Confidential Items

Officer Direct or Indirect Conflict of Interest:

*In accordance with Local Government Act 1999,
Section 120*

☐

Yes

☒

No

Status:

*Information classified confidential under
Section 90(2) of the Local Government Act*

☐

Yes

☒

No

Reason – Not applicable

PURPOSE

To review Council's confidential orders to enable their release, part release or retention as considered appropriate.

SUMMARY

Section 90 of the *Local Government Act 1999* (the Act) prescribes matters which Council may consider in confidence where it considers it necessary and appropriate to do so.

Section 91 of the Act enables a Council to order that documents or part of a document relating to matters considered in confidence be kept confidential. Where Council makes such an order it must specify the duration of the order, or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed.

Any order that operates for a period exceeding 12 months must be reviewed at least once a year to determine whether or not the confidentiality of the document needs to be retained.

A review of Council's confidential orders has now been undertaken and it is recommended that 66 orders be revoked, 11 orders be partly release, and 39 orders be full retained in confidence. This leaves a total of 50 confidential items on Council's Register of Confidential Items, down from 116.

RECOMMENDATION

That Council:

1. notes that Administration has undertaken an Annual Review of all items with a current confidentiality order; and
2. endorses the recommendations as detailed within Annexure "A".

12.2.5 Annual Review of Confidential Orders

REPORT

BACKGROUND

Council and Committee meetings will be held in public except in circumstances where a Council or Committee orders that the public be excluded from the meeting for the purposes of receiving, discussing or considering information in confidence, in alignment with Section 90 of the *Local Government Act 1999* (the Act).

The Council or Committee may also order that some or all of the documents and minutes associated with the item be kept confidential. These are referred to as “confidential orders”. In the event that this occurs, the Council or Committee must also specify the duration of the order or the circumstances under which the order will cease to apply, the event which will trigger release of the item from confidentiality, and/or a period after which the order must be reviewed.

Under Section 91(9)(a) of the Act, any order that operates for a period exceeding 12 months must be reviewed at least once in every year. The Register of Confidential Orders is now due for review.

DISCUSSION

Annexure “A” – ‘*Whyalla City Council Confidential Register*’ (the Register) details all confidential orders requiring review and recommendations either to release, partly release or retain the order.

The items listed in the Register are ordered by the date of the Council meeting at which the matter was considered. The Register then details a brief description of the item held in confidence, the grounds for the confidential order, a recommendation for Council consideration at the 15 February 2021 Council meeting and an indicator of release, partly release or retain.

Of the 116 confidential orders to be reviewed (as contained in the Register), 66 items have been recommended for release, 11 items to be partly released, and 39 items to be fully retained in confidence.

It is proposed that Council consider the recommendations as detailed within **Annexure “A”** as a whole, however, if Council wishes to vary any of the recommendations, it is suggested that these be dealt with as separate items and with a separate motion.

In determining whether or not a document should continue to remain confidential, Council must consider whether the ground/s (in Section 90(3) of the Act) on which the original order was made, are still applicable. For example:

- Does Council still have a duty of confidence, or other legal obligation or duty?
- Does the document contain commercial information that the disclosure of which would on balance be contrary to the public interest?
- Does the document relate to a tender for goods or services?
- Does the document relate to matters affecting the security of the council, members or employees, or council property, or safety of any person?
- Does the document relate to litigation, or possible litigation, involving the council or a council employee?
- Does the document relate to a proposed amendment in a Development Plan that has not yet been released for public consultation under the Development Act 1993?
- Does the document contain legal advice that is still necessary and appropriate to be kept confidential?
- Does the information concern the personal affairs of an individual (living or dead), the disclosure of which would still be unreasonable?

Should the confidentiality orders be retained or new orders created, then the orders will be referred to the December 2021 meeting of Council for review, unless an alternative date or event has been resolved by Council, or Council delegates the power to review or revoke the order to the Chief Executive Officer.

Any confidential orders that are revoked will be released and made available to the public upon revocation.

If Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Sections 90(2) and (3) of the Local Government Act 1999 given the current confidentiality orders are still in force.

Analysis of Confidentiality Orders

During the preparation of this Report, an analysis of the types of confidential matters considered by Council was undertaken and the results are detailed below:

Currently, there are 116 reports with confidentiality orders. The table below summarises the grounds on which the 116 reports have been considered to be retained in confidence in accordance with the Local Government Act 1999.

Number Grounds for Confidentiality LG Act Section

Personal Information 90(3)(a)	25
Commercial information / duty of confidence 90(3)(b), (d), and / or (g)	78
Matters affecting security / information that may prejudice the maintenance of law 90(3)(e) and / or (f)	1
Legal Advice 90(3)(h) and / or (j)	18
Tenders for Supply 90(3)(k)	3

** Note that one item may have more than one ground for confidentiality.*

After this review, Council will have 50 confidential orders remaining in force.

Financial Implications – Nil

Strategic Plan

Objective 1.1 – Unearth community pride within the city

Strategy 1.1.1 – Regularly inform the community of Council activities, decisions and actions by promoting positive stories and positive image

Legislation

Local Government Act 1999

Officer Direct or Indirect Interest – Nil

Risk Assessment – Nil

Social Considerations – Nil

Community Engagement – Council's Confidential Register will be uploaded to Council's website to ensure transparency.

Environmental Implications – Nil

Communication – Nil

Conclusion

Any confidential order that operates for a period exceeding 12 months must be reviewed at least once a year to determine whether or not the confidentiality of the document needs to be retained. This report enables Council's review of its current confidential orders.

REGISTER OF CONFIDENTIAL ITEMS

REVIEW AS AT 15 FEBRUARY 2021

Annexure "A"

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
1.	Council: 18 August 2014 Item 23.1.1 – Foreshore Café Lease C1599-2014	<p>Annexure 'C' to the report comprises legal advice received by Council. This document has remained in confidence since originally presented in August 2014.</p> <p>The original Report and other annexures dealt with matters pertaining to Lease arrangements between Council and N & A Petropoulos Pty Ltd for the operation of the Foreshore Café. This information was released in 2015.</p>	s90(3)(h) - Legal advice	<p>Annexure C comprises legal advice to Council and by its nature is confidential and privileged. It is not recommended that Council waive this privilege.</p> <p>Recommended resolutions:</p> <p>1. The confidentiality order pertaining to Annexure 'C' attached to the report 'Foreshore Café Lease', Item 23.1.1 considered at the Council meeting held on 18 August 2014 be retained on an ongoing basis on the grounds that it comprises legal advice to Council.</p> <p>2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council</p>	RETAIN
2.	Special Council Meeting: 25 August 2014 Item 6.2.1 – Foreshore Café Lease C1610-2014	<p>Annexures 'C' and 'F' to the report contain legal advice received by Council. These documents have remained in confidence since originally presented in August 2014.</p> <p>The original Report and other annexures dealt with matters pertaining to Lease arrangements between Council and N & A Petropoulos Pty Ltd for the operation of the Foreshore Café. This information was released in 2015.</p>	s90(3)(h) - Legal advice	<p>Annexure C comprises legal advice to Council and by its nature is confidential and privileged. It is not recommended that Council waive this privilege.</p> <p>Annexure F is not legal advice to Council and given the Lease arrangements between Council and N & A Petropoulos are now expired, it is recommended that Annexure F be released.</p> <p>Recommended resolutions:</p> <p>1. The confidentiality order pertaining to Annexure 'C' attached to the report 'Foreshore Café Lease', Item 23.1.1 considered at the Council meeting held on 25 August 2014 be retained on an ongoing basis on the grounds that it comprises legal advice to Council.</p>	PARTLY RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				<p>2. The confidentiality order pertaining to Annexure 'F' attached to the report '<i>Foreshore Café Lease</i>', Item 23.1.1 considered at the Council meeting held on 25 August 2014 be revoked.</p> <p>3. The confidentiality order at item 1 above is to be reviewed at the December 2021 meeting of the Council</p>	
3.	Special Council Meeting 3 September 2014 Item 6.1.1 – Foreshore Café Lease C1616-2014	<p>This report, all annexures and the minutes from the meeting have been held in confidence since 3 September 2014 with the confidentiality order being re-made at each review since.</p> <p>The Report deals with negotiations between Council and N & A Petropoulos concerning the renewal of the Lease and associated lease value.</p> <p>Annexure 'C' to the report is a copy of the same legal advice received by Council as outlined in items 2 and 3 above.</p>	s90(3)(h) - Legal advice	<p>Annexure C comprises legal advice to Council and by its nature is confidential and privileged. It is not recommended that Council waive this privilege.</p> <p>The Report and all other Annexures and minutes pertaining to this item are not legal advice to Council and given the Lease arrangements between Council and N & A Petropoulos are now expired, it is recommended that the Report and all other Annexures and minutes pertaining to this item be released.</p> <p>Recommended resolutions:</p> <p>1. The confidentiality order pertaining to Annexure 'C' attached to the report '<i>Foreshore Café Lease</i>', Item 6.1.1 considered at the Council meeting held on 3 September 2014 be retained on an ongoing basis on the grounds that it comprises legal advice to Council.</p> <p>2. The confidentiality order pertaining to the Report '<i>Foreshore Café Lease</i>', Item 6.1.1 and all Annexures and minutes pertaining to this item (with the exception of Annexure 'C') considered at the Council meeting held on 3 September 2014 be revoked.</p>	PARTLY RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				3. The confidentiality order at item 1 above is to be reviewed at the December 2021 meeting of the Council	
4.	Special Council Meeting 11 September 2014 Item 5.1.1 – Foreshore Café Lease C1621-2014	<p>This report, all annexures and the minutes from the meeting have been held in confidence since 11 September 2014 with the confidentiality order being re-made at each review since.</p> <p>The Report deals with a motion with notice from Cr Carter to amend the Council resolution passed at the 3 September 2014 Special Council meeting. The resolution deals with negotiations between Council and N & A Petropoulos concerning the renewal of the Lease.</p> <p>Annexure 'A' contains legal advice received by the Council.</p>	s90(3)(h) - Legal advice	<p>Annexure A comprises legal advice to Council and by its nature is confidential and privileged. It is not recommended that Council waive this privilege.</p> <p>The motion with notice and an amended letter forwarded to the lessee at the time are not legal advice to Council and given the lease arrangements between Council and N & A Petropoulos are now expired, it is recommended that the motion with notice, the amended letter and the minutes pertaining to this item be released.</p> <p>Recommended resolution:</p> <ol style="list-style-type: none"> 1. The confidentiality order pertaining to Annexure 'A' attached to the motion with notice 'Foreshore Café Lease', Item 5.1.1 considered at the Council meeting held on 11 September 2014 be retained on an ongoing basis on the grounds that it comprises legal advice to Council. 2. The confidentiality order pertaining to the motion with notice, letter to the lessee at the time and the minutes for 'Foreshore Café Lease', Item 5.1.1 considered at the Special Council meeting held on 11 September 2014 be revoked. 3. The confidentiality order at item 1 above is to be reviewed at the December 2021 meeting of the Council. 	PARTLY RELEASE
5.	Special Council Meeting 26 November 2014	The current confidentiality order pertains to Annexures I, J, K, L, N, O, P and Q on the basis that they contain	s90(3)(h) - Legal advice	Annexure J comprises legal advice to Council and by its nature is confidential and privileged. It is not recommended that Council waive this privilege.	PARTLY RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
	Item 5.2.1 – Foreshore Café Lease C1762-2014	<p>commercial information and legal advice received by Council.</p> <p>The original Report, other annexures and the minutes deal with the outcomes of an expression of interest process undertaken for a Lease to operate the Foreshore Café. These were released as part of the 14 December 2015 review of confidential orders.</p> <p>Annexures N, O, P, and Q are Council reports addressed at Items 1 – 4 above.</p>		<p>Annexures N, O, P, and Q are Council reports addressed at items 1 – 4 above, containing the same Annexures C and Annexure A that are recommended to be kept confidential as per Items 1 – 4 above.</p> <p>All other Annexures are not legal advice to Council and given the lease arrangements between Council and N & A Petropolous are now expired, it is recommended that the Annexures, other than Annexure J and Annexures C and A to Annexures N, O, P and Q respectively, be released.</p> <p>Recommended resolutions:</p> <ol style="list-style-type: none"> 1. The confidentiality order pertaining to Annexure 'J' attached to the report 'Foreshore Café Lease', Item 5.2.1 considered at the Council meeting held on 26 November 2014 be retained on an ongoing basis on the grounds that it comprises legal advice to Council. 2. The confidentiality order pertaining to Annexure C to Annexures N, O, and P be retained on an ongoing basis on the grounds that it comprises legal advice to Council. 3. The confidentiality order pertaining to Annexure A to Annexure Q be retained on an ongoing basis on the grounds that it comprises legal advice to Council. 4. The confidentiality order pertaining to Annexures I, K, L, N, O, P and Q to the report 'Foreshore Café Lease', Item 5.2.1 considered at the Council meeting held on 26 November 2014 be revoked with the exception of Annexures C and A as identified at items 2 and 3 above. 	

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				5. The confidentiality orders at items 1-3 above are to be reviewed at the December 2021 meeting of the Council.	
6.	Special Council Meeting 26 November 2014 Item 5.3.1 – Chief Executive Officer's Performance Review Process C1764-2014	The current confidentiality order pertains to Annexure 'A' to the report originally considered by Council. This Annexure is a detailed report prepared by Hender Consulting on the outcomes of the CEO's performance review. The original Report and the minutes appear to be have been released as part of the 14 December 2015 review of confidential orders.	s90(3)(a) -Personal affairs	Given the elapsed time it is recommended that Annexure 'A' be released. Recommended resolution: 1. The confidentiality order pertaining to Annexure 'A' to the Report 'Chief Executive Officer's Performance Review Process, Item 5.3.1 considered at the Special Council meeting held on 26 November 2014 be revoked.	RELEASE
7.	Special Council Meeting 4 December 2014 Item 5.1 – Review Process – Whyalla Foreshore Café C1771-2014 C1772-2014 C1773-2014 C1776-2014	This item considers a review of the process for the Whyalla Foreshore Café lease, negotiations with a preferred lessee and legal action taken by the former lessee.	s90(3)(d) and (h) – commercial information of a confidential nature and legal advice	The report, annexures and minutes contain commercial information of a confidential nature and legal advice to Council which by its nature is confidential and privileged. It is not recommended that Council waive this privilege at this time but that further advice be sought. It is further recommended that the release of the documents be delegated to the CEO upon the receipt of further advice. Recommended resolution: 1. The confidentiality order pertaining to the report, annexures and minutes associated with the 'Review of Process Foreshore Café Lease', Item 5.1 considered at the Council meeting held on 4 December 2014 be retained on the basis that the matter deals with commercial information which could reasonably be expected to prejudice the commercial position of the person who supplied the information and legal advice to Council.	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				<p>2. That Council delegate to the CEO the power to revoke this confidentiality order.</p> <p>3. If not revoked earlier, the confidentiality order at item 1 above is to be reviewed at the December 2021 meeting of the Council.</p>	
8.	Special Council Meeting 8 December 2014 Item 5.2 – Review of Process Whyalla Foreshore Café C1783-2014	This item considers a review of the process for the Whyalla Foreshore Café lease, negotiations with a preferred lessee and legal action taken by the former lessee	s90(3)(d) and (h) – commercial information of a confidential nature and legal advice	<p>The report, annexures and minutes contain commercial information of a confidential nature and legal advice to Council which by its nature is confidential and privileged. It is not recommended that Council waive this privilege at this time but that further advice be sought. It is further recommended that the release of the documents be delegated to the CEO upon the receipt of further advice.</p> <p>Recommended resolution:</p> <p>1. The confidentiality order pertaining to the report, annexures and minutes associated with the <i>'Review of Process Foreshore Café Lease'</i>, Item 5.2 considered at the Council meeting held on 8 December 2014 be retained on the basis that the matter deals with commercial information which could reasonably be expected to prejudice the commercial position of the person who supplied the information and legal advice to Council.</p> <p>2. That Council delegate to the CEO the power to revoke this confidentiality order</p> <p>3. If not revoked earlier, the confidentiality order at item 1 above is to be reviewed at the December 2021 meeting of the Council.</p>	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
9.	Special Council Meeting 17 December 2014 Item 6.1.1 – Whyalla Foreshore Café Lease C1842-2014 C1843-2014 C1844-2014	This item considers a draft lease and disclosure statement with a preferred lessee for the Foreshore Café.	90(3)(d) – commercial information of a confidential nature	<p>This report contains a draft lease and disclosure statement and at the time of writing this report, further advice as to its release is required. For the purposes of this review, it is recommended that the Report, Annexures and Minutes be retained in confidence, but that release of the documents be delegated to the CEO upon the receipt of advice.</p> <p>Recommended resolution:</p> <ol style="list-style-type: none"> 1. The confidentiality order pertaining to the <i>'Whyalla Foreshore Café Lease'</i>, Item 6.1.1 considered at the Council meeting held on 17 December 2014 be kept confidential on the basis that it contains commercial information which could reasonably be expected to prejudice the commercial position of the person who supplied the information. 2. That Council delegate to the CEO the power to revoke this confidentiality order. 3. If not revoked earlier, the confidentiality order at item 1 above is to be reviewed at the December 2021 meeting of the Council. 	RETAIN
10.	Special Council Meeting 28 January 2015 Item 5.1 Whyalla Foreshore Café C1890-2015	The current confidentiality order applies to the annexure to the original Report which contains legal advice received by Council pertaining to the action taken against Council by the former lessee.	90(3)(h) – legal advice	<p>The annexure to the report comprises legal advice to Council which by its nature is confidential and privileged. It is not recommended that Council waive this privilege.</p> <p>Recommended resolutions:</p> <ol style="list-style-type: none"> 1. The confidentiality order pertaining to the annexure to the report associated with the item <i>'Whyalla Foreshore Café'</i>, Item 5.1 considered at the Council meeting held on 28 January 2018 be retained on an ongoing basis on the grounds that it comprises legal advice to Council. 	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council	
11.	Special Council Meeting 18 February 2015 Item 6.1.1 – Whyalla Foreshore Café Lease C1930-2015	The original Report and annexures considered settlement arrangements between Council and the former lessee. The current confidentiality order to be reviewed pertains to Annexures C, D, E and F. These annexures set out the terms of the settlement.	90(3)(h) – legal advice	The annexures to the report contain settlement details which at the time of writing this report require further advice before releasing. For the purposes of this review, it is recommended that Annexures C,D, E and F to the Report be retained in confidence, but that release of the documents be delegated to the CEO upon the receipt of advice. Recommended resolution: 1. The confidentiality order pertaining to the 'Whyalla Foreshore Café Lease', Item 6.1.1 considered at the Council meeting held on 18 February 2015 be kept confidential on the basis that it contains legal advice. 2. That Council delegate to the CEO the power to revoke this confidentiality order. 3. If not revoked earlier, the confidentiality order at item 1 above is to be reviewed at the December 2021 meeting of the Council.	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
12.	Council Meeting 16 March 2015 Item 24.2.1 - Foreshore Café Settlement of Dispute with N&A Petropoulos Pty Ltd: Media Release C1965-2015	<p>The original Report and annexures considered settlement arrangements between Council and the former lessee.</p> <p>The current confidentiality order to be reviewed pertains to Annexure B. This annexure is the Deed of Settlement between the parties and cannot be released.</p>	90(3)(g) – duty of confidence	<p>Annexure B to the report is the Deed of Settlement between Council and N&A Petropoulos Pty Ltd. This Deed has confidentiality requirements on an ongoing basis and should not be released.</p> <p>Recommended resolution:</p> <ol style="list-style-type: none"> The confidentiality order pertaining to Annexure B to the report 'Foreshore Café Settlement of Dispute with N&A Petropoulos Pty Ltd: Media Release', Item 24.2.1 considered at the Council meeting held on 16 March 2015 be kept confidential on an ongoing basis given Council's duty of confidence. This confidentiality order is to be reviewed at the December 2021 meeting of the Council. 	RETAIN
13.	Council Meeting 20 April 2015 Item 23.1.1 Whyalla Foreshore Café Update C1973-2015 C1974-2015	<p>The original Report and annexures considered settlement arrangements and provisions of a new lease between Council and the former lessee.</p> <p>The current confidentiality order applies to the Report, Annexures A, B, C, D, E, F, G, and H and the minutes.</p>	90(3)(h) – legal advice	<p>The Report and Annexures A and B contain legal advice to Council which by its nature is confidential and privileged. It is not recommended that Council waive this privilege.</p> <p>Annexures C and D and the minutes are details of the lease arrangements to be entered and these are recommended for release.</p> <p>Annexures E, F, G and H comprise legal communications which at the time of writing this report require further advice before releasing. For the purposes of this review, it is recommended that these Annexures be retained in confidence, but that release of the documents be delegated to the CEO upon the receipt of advice.</p> <p>Recommended resolution:</p>	PARTLY RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				<ol style="list-style-type: none"> 1. The confidentiality order pertaining to the Report and Annexures A and B to the Report <i>'Whyalla Foreshore Café Update'</i>, Item 23.1.1 considered at the Council meeting held on 20 April 2015 be kept confidential on an ongoing basis given that they contain legal advice to Council. 2. That the confidentiality order pertaining to Annexures C and D and the minutes relating to the Report <i>'Whyalla Foreshore Café Update'</i>, Item 23.1.1 considered at the Council meeting held on 20 April 2015 be revoked. 3. That the confidentiality order pertaining to Annexures E, F, G and H to the Report <i>'Whyalla Foreshore Café Update'</i>, Item 23.1.1 considered at the Council meeting held on 20 April 2015 be retained on the basis of legal advice. 4. That Council delegate to the CEO the power to revoke the confidentiality order relating to Annexures E, F, G and H. 5. If not revoked earlier, the confidentiality orders at items 1 and 3 above are to be reviewed at the December 2021 meeting of the Council. 	
14.	Special Council Meeting 27 April 2015 Item 5.1.1 Whyalla Foreshore Café – Finalisation of Deed and Memorandum of Lease C1978-2015 C1979-2015 C1980-2015	These documents relate to the finalisation of the legal documents relating to the Whyalla Foreshore Café including the Disclosure Statement, Deed and Memorandum of Lease between Council and N&A Petropoulos Ltd for the lease of the Foreshore Café. The documents	90(3)(h) – legal advice	<p>Annexure B to the report is the Deed of Settlement between Council and N&A Petropoulos Pty Ltd. This Deed has confidentiality requirements on an ongoing basis and should not be released.</p> <p>Recommended resolution:</p> <ol style="list-style-type: none"> 1. The confidentiality order pertaining to Annexure B to the report <i>'Whyalla Foreshore Café –</i> 	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
		comprise the Report, Annexures A, B and C, and the minutes. The current confidentiality order applies to Annexure B.		<i>Finalisation of Deed and Memorandum of Lease</i> ; Item 5.1.1 considered at the Council meeting held on 27 April 2015 be kept confidential on an ongoing basis given Council's duty of confidence. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.	
15.	Special Council Meeting 4 August 2015 Report Item 3.1.1 – Internal Staff Issue C2129-2015 C2130-2015	This item deals with an internal staff matter that was addressed by the Council. The matter was a verbal item discussed at the 4 August 2015 meeting. The minutes from the meeting have been retained in confidence since the original matter was discussed.	(3)(a) – personal affairs	It is recommended that this matter remain confidential until such time as the former staff member concerned retires from gainful employment. It is further recommended that release of this item be delegated to the Chief Executive Officer if, after making enquiries, it is found that the former staff member concerned has retired from gainful employment or the former has agreed to its release. Recommended resolutions: 1. The confidentiality order pertaining to the minutes for 'Internal Staff Issue, Item 3.1.1 considered at the Council meeting held on 4 August 2015 be kept confidential until such time as the staff member concerned retires from gainful employment on the basis that it relates to the personal affairs of a person living or dead. 2. That Council delegate to the CEO the power to revoke the confidentiality order relating to this item if, after making enquiries, it is ascertained that the staff member concerned has retired from gainful employment. 3. If not revoked earlier, the confidentiality order at item 1 is to be reviewed at the December 2021 meeting of the Council.	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
16.	Council Meeting 19 October 2015 Report Item 22.2.3 – Whyalla Foreshore Café Update C2284-2015	<p>With the granting of a liquor licence for the Foreshore Café, a number of matters covered by the Deed of Settlement and the Lease were implemented and this report summarises the status of the arrangements between Council and the Lessee.</p> <p>The report, annexures and minutes have been retained in confidence since the report was originally considered. The documents include the report, annexures A, B, C and D, and the minutes.</p>	90(3)(h) – legal advice	<p>Annexure A to the report is the Deed of Settlement between Council and N&A Petropoulos Pty Ltd. This Deed has confidentiality requirements on an ongoing basis and should not be released. The Report also contains excerpts from the Deed and therefore has confidentiality requirements on an ongoing basis and should not be released.</p> <p>Annexures B, C and D and the minutes relating to this item are recommended for release as they contain information already in the public domain or are no longer confidential.</p> <p>Recommended resolution:</p> <ol style="list-style-type: none"> The confidentiality order pertaining to the Report and Annexure A to the report 'Foreshore Café Update', Item 22.2.3 considered at the Council meeting held on 19 October 2015 be kept confidential on an ongoing basis given Council's duty of confidence. That the confidentiality order pertaining to Annexures B, C and D and the minutes relating to the Report 'Whyalla Foreshore Café Update, Item 22.2.3 considered at the Council meeting held on 19 October 2015 be revoked. This confidentiality order is to be reviewed at the December 2021 meeting of the Council. 	PARTLY RELEASE
17.	Council Meeting 18 January 2016 Report Item 23.1.1 – Whyalla Foreshore Café Lease C2402-2016	The purpose of this report was to inform Elected Members of steps being taken to ensure compliance with the terms of the Lease and the relevant legal advice received.	90(3)(h) – legal advice	The report and annexures A, B and C to this item contain legal communications which at the time of writing this report require further advice before releasing. For the purposes of this review, it is recommended that this report and annexures be retained in confidence, but that release of the	PARTLY RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
		In addition to the report, Annexures A, B and C relate to legal advice received.		<p>documents be delegated to the CEO upon the receipt of advice.</p> <p>The minutes of the meeting relating to this item are recommended to be released as they do not contain confidential information.</p> <p>Recommended resolution:</p> <ol style="list-style-type: none"> The confidentiality order pertaining to the Report and Annexures A, B and C to the Report 'Whyalla Foreshore Café Lease', Item 23.1.1 considered at the Council meeting held on 18 January 2016 be kept confidential on the basis they contain legal advice to Council. That the confidentiality order pertaining to the minutes of the Report 'Whyalla Foreshore Café Lease', Item 23.1.1 considered at the Council meeting held on 18 January 2016 be revoked. That Council delegate to the CEO the power to revoke the confidentiality order relating to the Report and Annexures A, B and C. If not revoked earlier, the confidentiality orders at item 1 above IS to be reviewed at the December 2021 meeting of the Council. 	
18.	Council Meeting 16 May 2016 (actually held 23/5/16) Item 23.1.1 - Offers for Leasehold and Purchasing Land in the Industrial Estate C2543-2016 C2544-2016	This item considered a proposal to lease lot 123-125 (Whyalla industrial Estate) and the sale of Lot 120-121 which did not proceed.	s90(3)(b) - Commercial information of a confidential nature – public interest	<p>Given that the lease has been completed for lot 123-125 (Whyalla industrial Estate) and the sale of Lot 120-121 did not proceed to Urth Energy the report can be released.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> The confidentiality order pertaining to the report, annexures and minutes for 'Offers for 	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				<i>Leasehold and Purchasing Land in the Industrial Estate</i> , Item 23.1.1 considered at the Council meeting held on 16 May 2016 be revoked.	
19.	Special Council Meeting 14 June 2016 Item 6.1.1 – Chief Executive Officer Recruitment Process C2561-2016 C2562-2016 C2563-2016 C2564-2016 C2565-2016 C2566-2016 C2567-2016 C2568-2016	This report and minutes pertaining to this report relate to the recruitment process to be adopted for the engagement of a Chief Executive Officer in addition to the continuation of the Acting Chief Executive Officer in the role and the setting of relevant KPI's	S90(3)(a) – personal affairs and s90(3)(b) - Commercial information of a confidential nature – public interest	Given the elapsed time it is recommended that the Report and minutes be released. Recommended resolution: 1. The confidentiality order pertaining to the Report and the minutes associated with the Report 'Chief Executive Officer Recruitment Process', Item 6.1.1 considered at the Special Council meeting held on 14 June 2016 be revoked.	RELEASE
20.	Council Meeting – 27 June 2016 Item 23.1.1 – Proposed Offers for Solar Farm Proponents C2603-2016	This item relates to a proposed Solar Farm under consideration by Council	s90(3)(b) - Commercial information of a confidential nature – public interest	The lease has not yet been executed and therefore this matter remains commercial information of a confidential nature and should not be released. Recommended resolution: 1. The confidentiality order pertaining to the Report, Annexures and the minutes associated with the Report 'Proposed Offers for Solar Farm Proponents', Item 23.1.1 considered at the Council meeting held on 27 June 2016 be retained until such time as a lease is executed or the matter is no longer proceeding on the basis the information is commercial information of a confidential nature. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
21.	Special Council Meeting – 12 July 2015 Item 5.1.1 – Chief Executive Officer Recruitment Process – City of Whyalla	This report and Annexures deals with the recruitment process for a Whyalla City Council Chief Executive Officer and a proposed tender for the services of a specialist recruitment agency to assist.	S90(3)(k) - tenders	Given the elapsed time it is recommended that the Report, Annexures and minutes be released. Recommended resolution: 1. The confidentiality order pertaining to the Report, annexures and the minutes associated with the Report ' <i>Chief Executive Officer Recruitment Process</i> ', Item 5.1.1 considered at the Special Council meeting held on 12 July 2016 be revoked.	RELEASE
22.	Special Council Meeting – 2 August 2016 Item 5.1.1 – Chief Executive Officer Recruitment Process – City of Whyalla C2653-2016 C2654-2016 C2655-2016	This report and Annexures deals with the recruitment process for a Whyalla City Council Chief Executive Officer and a tender for the services of a specialist recruitment agency to assist.	S90(3)(k) - tenders	Given the elapsed time it is recommended that the Report, Annexures and minutes be released. Recommended resolution: 1. The confidentiality order pertaining to the Report, annexures and the minutes associated with the Report ' <i>Chief Executive Officer Recruitment Process</i> ', Item 5.1.1 considered at the Special Council meeting held on 2 August 2016 be revoked.	RELEASE
23.	Council Meeting – 15 August 2016 Item 23.1.2 - Request for Increase Leasehold Portion of Lots 123-125 Industrial Estate C2695-2016	This item considered a proposal to lease lot 123-125 (Whyalla industrial Estate) and the sale of Lot 120-121 which did not proceed.	s90(3)(b) - Commercial information of a confidential nature – public interest	Given that the lease has been completed for lot 123-125 (Whyalla industrial Estate) and the sale of Lot 120-121 did not proceed to Urth Energy the report can be released. Recommendation: 1. The confidentiality order pertaining to the report, annexures and minutes for ' <i>Offers for Leasehold and Purchasing Land in the Industrial Estate</i> ', Item 23.1.2 considered at the Council meeting held on 15 August 2016 be revoked.	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
24.	Special Council Meeting 5 September 2016 Item 4.1 - Confidential Presentation on the Proposal for Large Scale Solar Farm C2706-2016	This item relates to a request received by Council to lease land for a large scale solar farm project	s90(2) and (3)(b) & (d) - Commercial information of a confidential nature – public interest	Contract for lease has been executed therefore report can be released. Recommendation: 1. The confidentiality order pertaining to the report and minutes for 'Confidential Presentation on the Proposal for Large Scale Solar Farm', Item 4.1 considered at the Council meeting held on 5 September 2016 be revoked.	RELEASE
25.	Special Council Meeting 5 September 2016 Item 4.2.1 Proposal for Large Scale Solar Farm – Mr Adam Hammond C2709-2016	This item relates to a request received by Council to lease land for a large scale solar farm project	s90(3)(b) & (d) - Commercial information of a confidential nature – public interest	Contract for lease has been executed therefore report can be released. Recommendation: 1. The confidentiality order pertaining to the report, annexures and minutes for 'Confidential Presentation on the Proposal for Large Scale Solar Farm', Item 4.2.1 considered at the Council meeting held on 5 September 2016 be revoked.	RELEASE
26.	Special Council Meeting 12 September 2016 Item 4.1.1 Proposal for Large Scale Solar Farm – Mr Adam Hammond – Rescission Motion C2713-16	This item relates to a request received by Council to lease land for a large scale solar farm project	s90(2) and (3)(b) & (d) - Commercial information of a confidential nature – public interest	Contract for lease has been executed therefore report can be released. Recommendation: 1. The confidentiality order pertaining to the report and minutes for 'Confidential Presentation on the Proposal for Large Scale Solar Farm', Item 4.1.1 considered at the Council meeting held on 12 September 2016 be revoked.	RELEASE
27.	Special Council Meeting 10 October 2016 Item 4.2.1 Proposed Lease	This item relates to a proposed Solar Farm under consideration by Council	s90(3)(b) - Commercial information of a confidential	The lease has not yet been executed and therefore this matter remains commercial information of a confidential nature and should not be released.	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
	Adani Solar Farm Project C2748-2016		nature – public interest	Recommended resolution: 1. The confidentiality order pertaining to the Report, Annexures and the minutes associated with the Report ' <i>Proposed lease Adani Solar Farm Project</i> ', Item 4.2.1 considered at the Council meeting held on 10 October 2016 be retained until such time as a lease is executed or the matter is no longer proceeding on the basis the information is commercial information of a confidential nature. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council	
28.	19 December 2016 22.2.1 Progress on Economic Development Projects C2868-2016	In accordance with Council decision C2818-2016 this report provides a confidential update of progress on various economic development projects being handled by the administration.	Section 90(3)(a)	Given that the items listed on the Annexure to the Report are finalised or did not progress it is recommended that Item 22.2.1 and Annexure "A" be released. Recommended Resolution: 1. The confidentiality order pertaining to the report ' <i>Progress on Economic Development Projects</i> ', Item 22.2.1 considered at the council meeting held on 19 December 2016 be revoked.	RELEASE
29.	23 January 2017 22.3.1 Proposed Lease Zen Energy Solar Farm Proposal C2898-2017	This item relates to a proposed Solar Farm under consideration by Council	s90(3)(b) - Commercial information of a confidential nature – public interest	The lease has not yet been executed and therefore this matter remains commercial information of a confidential nature and should not be released. Recommended resolution: 1. The confidentiality order pertaining to the Report, Annexures and the minutes associated with the Report ' <i>Proposed lease Zen Energy Solar Farm Proposal</i> ', Item 22.3.1 considered at the Council meeting held on 23 January 2017 be	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				<p>retained until such time as a lease is executed or the matter is no longer proceeding on the basis the information is commercial information of a confidential nature.</p> <p>2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council</p>	
30.	23 January 2017 22.3.2 Requests for Leasehold Land in and adjacent to the Industrial Estate C2900-2017	This item considered a request for leasehold land in and adjacent to the Whyalla industrial Estate	s90(3)(b) - Commercial information of a confidential nature – public interest	<p>This resolution has since been superseded.</p> <p>Recommendation:</p> <p>1. The confidentiality order pertaining to the report, annexures and minutes for <i>'Requests for Leasehold Land in and adjacent to the Industrial Estate, Item 22.3.2 considered at the Council meeting held on 23 January 2017 be revoked.</i></p>	RELEASE
31.	13 February 2017 5.1.1 Endorsement of new Chief Executive Officer's Contract C2094-2017	This item considered the Whyalla City Council's new CEO Employment Contract	Section 90(3)(a)	<p>It is recommended that the Minutes relating to this item be released but that the Report and Employment Contract remain confidential until such time as the former Chief Executive Officer (CEO) retires from gainful employment. It is further recommended that release of this item be delegated to the Chief Executive Officer if, after making enquiries, it is found that the former CEO has either retired from gainful employment or does not object to the release of this document.</p> <p>Recommended resolutions:</p> <p>1. The confidentiality order pertaining to the minutes for <i>Endorsement of new Chief Executive Officer's Contract, Item 5.1.1 considered at the Council meeting held on 13 February 2017 be revoked.</i></p>	PARTLY RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				<p>2. The confidentiality order pertaining to the Report and Annexure (Employment Agreement) relating to the item <i>Endorsement of new Chief Executive Officer's Contract</i>, Item 5.1.1 considered at the Council meeting held on 13 February 2017 be retained and kept confidential until such time as the former CEO retires from gainful employment on the basis that it relates to the personal affairs of a person living or dead.</p> <p>3. That Council delegate to the CEO the power to revoke the confidentiality order relating to item 2 above if, after making enquiries, it is ascertained that the former CEO has either retired from gainful employment or does not object to the release of the Report and Employment Agreement.</p> <p>4. If not revoked earlier, the confidentiality order at item 2 is to be reviewed at the December 2021 meeting of the Council.</p>	
32.	20 February 2017 22.1.1 Progress on Economic Development Projects C2128-2017	In accordance with Council decision C2818-2016 this report provides a confidential update of progress on various economic development projects being handled by the administration.	s90(3)(b) - Commercial information of a confidential nature – public interest	<p>Given that the items listed on the Annexure to the Report are finalised or did not progress it is recommended that Item 22.1.1 and Annexure "A" be released.</p> <p>Recommended Resolution:</p> <p>1. The confidentiality order pertaining to the report '<i>Progress on Economic Development Projects</i>', Item 22.1.1 considered at the council meeting held on 20 February 2017 be revoked.</p>	RELEASE
33.	Special Council Meeting 7 March 2017 5.1.1 Endorsement of Council Resolution No:	This item deals with the appointment of Mr Chris Cowley as Council's Chief Executive Officer	S90(3)(a) – personal affairs	The information contained in the report and minutes is no longer confidential and already in the public domain. It is therefore recommended for release.	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
	C2094-2017 and Appointment of Chief Executive Officer C2135-2017			Recommended Resolution: 1. The confidentiality order pertaining to the report <i>'Endorsement of Council Resolution No: C2094-2017 and Appointment of Chief Executive Officer'</i> , Item 5.1.1 considered at the council meeting held on 7 March 2017 be revoked.	
34.	20 March 2017 22.1.1 Progress on Economic Development projects C2171-2017	In accordance with Council decision C2818-2016 this report provides a confidential update of progress on various economic development projects being handled by the administration.	s90(3)(b) - Commercial information of a confidential nature – public interest	Given that the items listed on the Annexure to the Report are finalised or did not progress it is recommended that Item 22.1.1 and Annexure "A" be released. Recommended Resolution: 1. The confidentiality order pertaining to the report <i>'Progress on Economic Development Projects'</i> , Item 22.1.1 considered at the council meeting held on 20 March 2017 be revoked.	RELEASE
35.	18 April 2017 22.1 Mr A Brasier – New Energy Solutions (NES) – Presentation to Council – Proposed Solar PV Agricultural Facility C3013-2017	This item relates to a proposed Solar PV Agricultural Facility under consideration by Council	s90(3)(b) - Commercial information of a confidential nature – public interest	Given that the presentation and related proposal did not progress it is recommended that Item 22.1 be released. Recommended Resolution: 1. The confidentiality order pertaining to the report <i>'Mr A Brasier – New Energy Solutions (NES) – Presentation to Council – Proposed Solar PV Agricultural Facility'</i> , Item 22.1 considered at the council meeting held on 18 April 2017 be revoked.	RELEASE
36.	18 April 2017 22.2.1 Request for Council-owned Land for a Proposed Solar PV Agricultural Facility C3016-2017 C3017-2017 C3018-2017	This item relates to a proposed Solar PV Agricultural Facility under consideration by Council	s90(3)(b) - Commercial information of a confidential nature	Given that the proponent and related proposal did not progress it is recommended that Item 22.2.1 be released. Recommended Resolution: 1. The confidentiality order pertaining to the report <i>'Mr A Brasier – New Energy Solutions (NES) –</i>	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				<i>Presentation to Council – Proposed Solar PV Agricultural Facility</i> , Item 22.1 considered at the council meeting held on 18 April 2017 be revoked.	
37.	18 April 2017 22.2.3 Offer to Lease Land – Lots 120 and 121 McIntyre Road and Lot 126 McIntyre Road, Whyalla Industrial Estate C3023-2017	Council has received a fresh approach from for broad-acre land in the vicinity of the industrial estate and Whyalla sub-station. It is considered prudent to ensure that decisions made reflect the land use allocation strategy and the Whyalla Development Plan in responding to these proposals. The recommendation is framed to provide clear direction to prospective proponents.	s(3)(b) Commercial information of a confidential nature	Components of Report 22.2.3 are not finalised and therefore should not be released, 15 February 2021 Recommended Resolution: 1. The confidentiality order pertaining to the report, any annexures and the minutes relating to ‘Offer to Lease Land – Lots 120 and 121 McIntyre Road and Lot 126 McIntyre Road, Whyalla Industrial Estate’, Item 22.3 considered at the council meeting held on 18 April 2017 be retained until the finalisation of the matters contained within the report and annexures on the basis that it contains commercial information of a confidential nature. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council	RETAIN
38.	18 April 2017 22.2.4 Progress on Economic Development Projects C3026-2017	In accordance with Council decision C2818-2016 this report provides a confidential update of progress on various economic development projects being handled by the administration.	s90(3)(b) - Commercial information of a confidential nature – public interest	Given that the items listed on the Annexure to the Report are finalised or did not progress it is recommended that Item 22.1.1 and Annexure “A” be released. Recommended Resolution: 1. The confidentiality order pertaining to the report ‘Progress on Economic Development Projects’, Item 22.1.4 considered at the council meeting held on 18 April 2017 be revoked.	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
39.	Special Council Meeting 3 May 2017 5.1.1 Request for Council-owned Land for a Proposed Solar PV Agricultural Facility C3032-2017 C3033-2017	This item relates to a proposed Solar PV Agricultural Facility under consideration by Council	s90(3)(b) - Commercial information of a confidential nature – public interest	Given that the proponent and related proposal did not progress it is recommended that Item 5.1.1 be released. Recommended Resolution: 1. The confidentiality order pertaining to the report 'Request for council owned Land for a Proposed Solar PV Agricultural Facility', Item 5.1.1 considered at the council meeting held on 3 May 2017 be revoked.	RELEASE
40.	15 May 2017 2.1.1 Progress on Economic Development Projects C3057-2017	In accordance with Council decision C2818-2016 this report provides a confidential update of progress on various economic development projects being handled by the administration.	s90(3)(b) - Commercial information of a confidential nature – public interest	Given that the items listed on the Annexure to the Report are finalised or did not progress it is recommended that Item 22.1.1 and Annexure "A" be released. Recommended Resolution: 1. The confidentiality order pertaining to the report 'Progress on Economic Development Projects', Item 2.1.1 considered at the council meeting held on 15 May 2017 be revoked.	RELEASE
41.	19 June 2017 22.1.1 Progress on Economic Development Projects C3086-2017	In accordance with Council decision C2818-2016 this report provides a confidential update of progress on various economic development projects being handled by the administration.	s90(3)(b) - Commercial information of a confidential nature – public interest	Given that the items listed on the Annexure to the Report are finalised or did not progress it is recommended that Item 22.1.1 and Annexure "A" be released. Recommended Resolution: 1. The confidentiality order pertaining to the report 'Progress on Economic Development Projects', Item 22.1.1 considered at the council meeting held on 19 June 2017 be revoked.	RELEASE
42.	Council Meeting 19 June 2017 22.1.4 Offer to Lease Land – Lot 126 McIntyre Road, Whyalla Industrial Estate	This report related to an approach for broad-acre land in the vicinity of the industrial estate and Whyalla sub-station.	Section 90(3)(b) and (d)	All documents have been executed and therefore can be released. Recommended Resolution:	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
	C3097-2017			1. The confidentiality order pertaining to the report <i>'Offer to Lease Land – Lot 126 McIntyre Road, Whyalla Industrial Estate'</i> , Item 22.1.4 considered at the council meeting held on 19 June 2017 be revoked.	
43.	Council Meeting 17 July 2017 22.1.1 Progress on Economic Development Projects C3133-2017	In accordance with Council decision C2818-2016 this report provides a confidential update of progress on various economic development projects being handled by the administration.	s90(3)(b) - Commercial information of a confidential nature – public interest	Components of Report 21.1.1 are not finalised and therefore this Report and Annexure 'A' is recommended to be retained in confidence. Recommended Resolution: 1. The confidentiality order pertaining to the report <i>'Progress on Economic Development Projects'</i> , Item 21.1.1 considered at the council meeting held on 17 July 2017 be retained until such time as all components are finalised on the basis it contains commercial information of a confidential nature. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council	RETAIN
44.	Special Council Meeting – 9 August 2017 4.1.1 Chief Executive Officer – Performance Appraisal C3136-2017	This item deals with the appointment of a specialist to undertake the annual performance appraisal of the Chief Executive Officer.	S90(3)(k) – tenders	It is recommended that the Report and minutes relating to this item be released as the information is no longer confidential. Recommended resolutions: 1. The confidentiality order pertaining to the report minutes for <i>Chief Executive Officer – Performance Appraisal</i> , Item 4.1.1 considered at the Council meeting held on 9 August 2017 be revoked.	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
45.	Council Meeting – 21 August 2017 22.1.1 Progress on Economic Development Projects C3156-2017	In accordance with Council decision C2818-2016 this report provides a confidential update of progress on various economic development projects being handled by the administration.	s90(3)(b) - Commercial information of a confidential nature – public interest	Components of Report 21.1.1 are not finalised and therefore this Report and Annexure 'A' is recommended to be retained in confidence. Recommended Resolution: 1. The confidentiality order pertaining to the report and annexure A relating to the item ' <i>Progress on Economic Development Projects</i> ', Item 22.1.1 considered at the council meeting held on 21 August 2017 be retained until such time as all components are finalised on the basis it contains commercial information of a confidential nature. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council	RETAIN
46.	Council Meeting – 18 September 2017 22.1.1 Progress on Economic Development Projects C3179-2017	In accordance with Council decision C2818-2016 this report provides a confidential update of progress on various economic development projects being handled by the administration.	s90(3)(b) - Commercial information of a confidential nature – public interest	Components of Report 21.1.1 are not finalised and therefore this Report and Annexure 'A' is recommended to be retained in confidence. Recommended Resolution: 1. The confidentiality order pertaining to the report and annexure A relating to the item ' <i>Progress on Economic Development Projects</i> ', Item 22.1.1 considered at the council meeting held on 18 September 2017 be retained until such time as all components are finalised on the basis it contains commercial information of a confidential nature. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.	RETAIN
47.	Council Meeting – 18 September 2017	This report and annexure deal with the probation review of the Chief Executive Officer	S90(3)(a) – personal affairs	It is recommended that the minutes relating to this item be released but that the report and annexure remain confidential until such time as the former Chief Executive	PARTLY RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
	22.3.1 Chief Executive Officer Probation Review C3185-2017			<p>Officer (CEO) retires from gainful employment. It is further recommended that release of this item be delegated to the Chief Executive Officer if, after making due enquiries, it is found that the former CEO has either retired from gainful employment or does not object to the release of this document.</p> <p>Recommended resolutions:</p> <ol style="list-style-type: none"> 1. The confidentiality order pertaining to the minutes for <i>Chief Executive Officer Probation Review</i>, Item 22.3.1 considered at the Council meeting held on 18 September 2017 be revoked. 2. That the Report and Annexure A be kept confidential until such time as the former CEO either retires from gainful employment or agrees to the release of the Report and Annexure on the basis that it relates to the personal affairs of a person living or dead. 3. That Council delegate to the CEO the power to revoke the confidentiality order relating to item 2 above if, after making enquiries, it is ascertained that the former CEO has either retired from gainful employment or does not object to the release of the Contract. 4. If not revoked earlier, the confidentiality order at item 2 is to be reviewed at the December 2021 meeting of the Council. 	
48.	Council Meeting 16 October 2017 22.1.1 Becker Helicopters Presentation C3211-2017	This item relates to Becker Helicopters Future Expansion Opportunities in Whyalla Presentation – Master Bid	Section 90(3)(b) – commercial information of a confidential nature	<p>Given that the proponent and related proposal did not progress it is recommended that Item 22.1.1 be released.</p> <p>Recommended Resolution:</p>	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
	C3212-2017 C3213-2017 C3214-2017			1. The confidentiality order pertaining to the report <i>'Becker Helicopters Presentation'</i> , Item 22.1.1 considered at the council meeting held on 16 October 2017 be revoked.	
49.	Council Meeting 16 October 2017 22.2.2 Chief Executive Officer's Review C3220-2017	This report and Annexure A relates to the process for undertaking annual Chief Executive Officer performance reviews	S90(3)(a) – personal affairs	Given this item only deals with the process for undertaking CEO performance reviews it is recommended that the report and annexure be released. Recommendation: 1. The confidentiality order pertaining to the report and minutes for <i>Chief Executive Officer's Review</i> , Item 22.2.2 considered at the Council meeting held on 16 October 2017 be revoked	RELEASE
50.	Council Meeting – 16 October 2017 22.3.1 Defamation – Legal Opinion C3223-2017	This item deals with a potential defamation claim	S90(3)(h) – legal advice	This report comprises legal advice to Council and by its nature is confidential and privileged. It is not recommended that Council waive this privilege. Recommended resolutions: 1. The confidentiality order pertaining to the report and minutes for the item <i>'Defamation – Legal'</i> , Item 22.3.1 considered at the Council meeting held on 16 October 2017 be retained on an ongoing basis on the grounds that it comprises legal advice to Council. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.	RETAIN
51.	Special Council Meeting 31 October 2017 4.1.1 Expression of Interest –Open Space Land C3229-2017	This report, annexures and minutes related to an expression of interest for the development of open space land adjacent to the Whyalla Central sub-station	s90(3)(b) - Commercial information of a confidential nature	Given the EOI did not proceed for this site the report, annexures and minutes can be released. Recommendation:	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				1. The confidentiality order pertaining to the report and minutes for <i>Expression of Interest – Open Space Land</i> , Item 4.1.1 considered at the Council meeting held on 31 October 2017 be revoked.	
52.	Special Council Meeting 13 November 2017 Item 4.1.1 - Governance Matter (verbal report by Chief Executive Officer) C3231-2017	This item related to a governance matter needing to be brought to the attention of Council. There is no report attached to this item.	s90(3)(e)(f) and (g) – security, maintenance of law	There is no report relating to this item, and the minutes do not disclose any confidential information. It is recommended that the confidentiality order be revoked as it pertains to the minutes relating to this item. Recommendation: 1. The confidentiality order pertaining to the minutes for <i>Governance Matter (verbal report by Chief Executive Officer)</i> , Item 4.1.1 considered at the Council meeting held on 13 November 2017 be revoked.	RELEASE
53.	Council Meeting – 22 January 2018 20.1.1 Social Media Posts – Defamation Matters C3305-2018 C3306-2018	This item deals with a potential defamation claim	S90(3)(h) – legal advice	This report comprises legal advice to Council and by its nature is confidential and privileged. It is not recommended that Council waive this privilege. Recommended resolutions: 1. The confidentiality order pertaining to the report and minutes for the item ' <i>Social Media Posts – Defamation Matters</i> ', Item 22.3.1 considered at the Council meeting held on 22 January 2018 be retained on an ongoing basis on the grounds that it comprises legal advice to Council. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.	RETAIN
54.	Council Meeting 22 January 2018	This item relates to Becker Helicopters Future Expansion Opportunities in Whyalla Presentation – Master Bid	Section 90(3)(b) – commercial information of a	Given that the proponent and related proposal did not progress it is recommended that Item 22.1.2 be released.	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
	22.1.2 Council Investment Attractions C3309-2018		confidential nature	Recommended Resolution: 1. The confidentiality order pertaining to the report 'Becker Helicopters Presentation', Item 22.1.2 considered at the council meeting held on 22 January 2018 be revoked.	
55.	Council Meeting 21 May 2018 20.1.1 Adani Australia – Whyalla Solar Project (Presentation) C3390-2018	Adani Australia – Whyalla Solar Project (Presentation)	Section 90(2) and (3)(b) – commercial information of a confidential nature	Given that the presentation and related proposal are in progress it is recommended that Item 20.1.1 be retained. Recommendation: 1. The confidentiality order pertaining to the presentation and minutes for the item <i>Adani Australia – Whyalla Solar Project (Presentation)</i>, Item 20.1.1 considered at the Council meeting held on 21 May 2018 be retained until such time as the proposal is progressed/finalised on the grounds that it contains commercial information of a confidential nature. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.	RETAIN
56.	Council Meeting 21 May 2018 20.3.1 Progress on Economic Development Projects C3396-2018	In accordance with Council decision C2818-2016 this report provides a confidential update of progress on various economic development projects being handled by the administration.	s90(3)(b) - Commercial information of a confidential nature – public interest	Components of Report 20.3.1 are not finalised and therefore this Report and Annexure 'A' is recommended to be retained in confidence. Recommended Resolution: 1. The confidentiality order pertaining to the report 'Progress on Economic Development Projects', Item 20.3.1 considered at the council meeting held on 21 May 2018 be retained until such time as all components are finalised on the basis it contains commercial information of a confidential nature.	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				<p>2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.</p>	
57.	Council Meeting 21 May 2018 20.3.2 Land Division for Proposed Sale in Industrial Estate C3399-2018	Proposed land division	s90(3)(b) - Commercial information of a confidential nature – public interest	<p>Information would have been released to market for sale process, therefore report can be released.</p> <p>Recommendation:</p> <p>1. The confidentiality order pertaining to the report 'Land Division for Proposed Sale in Industrial Estate, Item 20.3.2 considered at the council meeting held on 21 May 2018 be revoked.</p>	RELEASE
58.	Ordinary Council 18 June 2018 Item 20.1.1 SIMEC: ZEN Energy – Update on Projects (Presentation) C3423-2018	Presentation by SIMEC: ZEN Energy, providing an update on projects.	Section 90(2) and 90(3)(b) – commercial information of a confidential nature	<p>Given that the presentation and related proposal are in progress it is recommended that Item 20.1.1 be retained.</p> <p>Recommendation:</p> <p>1. The confidentiality order pertaining to the report 'SIMEC: ZEN Energy – Update on Projects (Presentation), Item 20.1.1 considered at the council meeting held on 18 June 2018 be retained until such time as the proposal is finalised on the basis it contains commercial information of a confidential nature.</p> <p>2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.</p>	RETAIN
59.	Council Meeting 20 August 2018 20.1.1 Council Investment Attraction C3488-2018	This item relates to Becker Helicopters Future Expansion Opportunities in Whyalla Presentation – Master Bid	Section 90(3)(b) – commercial information of a confidential nature	<p>Given that the proponent and related proposal did not progress it is recommended that Item 20.1.1 be released.</p> <p>Recommended Resolution:</p> <p>1. The confidentiality order pertaining to the report 'Council Investment Attraction, Item 20.1.1</p>	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				considered at the council meeting held on 20 August 2018 be revoked.	
60.	Council Meeting 20 August 2018 20.2.1 Land Options for Area 3 Industrial Estate C3491-2018	Land options for area 3 Industrial Estate	s90(3)(b) - Commercial information of a confidential nature – public interest	EOI Process completed and interest in the site has been withdrawn. Report can be released. Recommendation: 1. The confidentiality order pertaining to the report 'Land Options for Area 3 Industrial Estate, Item 20.2.1 considered at the council meeting held on 20 August 2018 be revoked.	RELEASE
61.	Council Meeting 17 September 2018 20.1.1 Council Investment Attraction C3515-2018	This item relates to Becker Helicopters Future Expansion Opportunities in Whyalla Presentation – Master Bid	Section 90(3)(b) – commercial information of a confidential nature	Given that the proponent and related proposal did not progress it is recommended that Item 20.1.1 be released. Recommended Resolution: 1. The confidentiality order pertaining to the report 'Council Investment Attraction, Item 20.1.1 considered at the council meeting held on 17 September 2018 be revoked.	RELEASE
62.	Council Meeting 17 September 2018 20.3.1 Council Investment Attraction – Phone Link-up C3521-2018	This item relates to Becker Helicopters Future Expansion Opportunities in Whyalla Presentation – Master Bid	Section 90(3)(b) – commercial information of a confidential nature	Given that the proponent and related proposal did not progress it is recommended that Item 20.3.1 be released. Recommended Resolution: 1. The confidentiality order pertaining to the report 'Council Investment Attraction – Phone Link-up, Item 20.3.1 considered at the council meeting held on 17 September 2018 be revoked.	RELEASE
63.	26 November 2018 20.1.1 Economic Opportunity C3282-2018	To present the results of a call for Expression of Interest for the lease of a 1.3 hectare portion of Lot 20 Iron Knob Road, Whyalla Barson, known as the	Section 90(3)(b) – commercial information of a	The result of the EOI and related documentation are complete and therefore it is recommended that item 20.1.1 be released.	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
		Whyalla Mount Laura Waste and Resource Recovery Centre.	confidential nature	Recommended Resolution: 1. The confidentiality order pertaining to the report ' <i>Economic Opportunity</i> ', Item 20.1.1 considered at the council meeting held on 26 November 2018 be revoked.	
64.	26 November 2018 20.1.2 Land Lease Area 3 Industrial Estate C3285-2018	To present the results of a call for Expression of Interest for the lease and development of land adjacent the Whyalla Industrial Estate.	Section 90(3)(b) – commercial information of a confidential nature	Components of Report 20.1.2 are not finalised and therefore should not be released. Recommendation: 1. The confidentiality order pertaining to the report ' <i>Land Lease Area 3 Industrial Estate</i> ', Item 20.1.2 considered at the council meeting held on 26 November 2018 be retained until such time as the proposal is finalised on the basis it contains commercial information of a confidential nature. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.	RETAIN
65.	21 January 2019 – Ordinary Council Meeting Item 19.1.1 GFG Alliance – Presentation (Ms Georgina Crompton) C3319-2019	Presentation by Ms Georgina Crompton from GFG Alliance Note there are no reports or documents associated with this presentation	Section 90(3)(b) – commercial information of a confidential nature	There is no report relating to this item, and the minutes do not disclose any confidential information. It is recommended that the confidentiality order be revoked as it pertains to the minutes relating to this item. Recommendation: 1. The confidentiality order pertaining to the minutes for GFG Alliance Presentation (Ms Georgina Crompton), Item 19.1.1 considered at the Council meeting held on 21 January 2019 be revoked.	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
66.	18 February 2019 Item 19.3.1 Progress on Economic Development Project C3344-2019 C3346-2019	To provide Council with a summary of progress on various economic development activities.	Section 90(3)(b) – commercial information of a confidential nature	Components of Report 19.3.1 are not finalised and therefore should not be released. Recommendation: 1. The confidentiality order pertaining to the report <i>'Economic Development Project, Item 19.3.1 considered at the council meeting held on 18 February 2019 be retained until such time as the proposal is finalised on the basis it contains commercial information of a confidential nature.</i> 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.	RETAIN
67.	18 March 2019 Item 19.1.2 Becker Helicopter's Pilot Academy – LATE ITEM C3361-2019	This item relates to Becker Helicopters Future Expansion Opportunities in Whyalla Presentation – Master Bid	Section 90(3)(b) – commercial information of a confidential nature	Given that the proponent and related proposal did not progress it is recommended that Item 19.1.2 be released. Recommended Resolution: 1. The confidentiality order pertaining to the report <i>'Becker Helicopter's Pilot Academy, Item 19.1.2 considered at the council meeting held on 18 March 2019 be revoked.</i>	RELEASE
68.	Special Council Meeting 27 March 2019 Item 5.1.1 Land Tenure C3364-2019	This item relates to Becker Helicopters Future Expansion Opportunities in Whyalla Presentation – Master Bid	Section 90(3)(b) – commercial information of a confidential nature	Given that the proponent and related proposal did not progress it is recommended that Item 5.1.1 be released. Recommended Resolution: 1. The confidentiality order pertaining to the report <i>'Land Tenure', Item 5.1.1 considered at the council meeting held on 27 March 2019 be revoked.</i>	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
69.	17 June 2019 Item 19.1.1 Progress on Economic Development Projects C3417-2019	To provide Council with a summary of progress on various economic development activities.	Section 90(3)(b) – commercial information of a confidential nature	Components of Report 19.1.1 are not finalised and therefore should not be released. Recommendation: 1. The confidentiality order pertaining to the report ‘Economic Development Project, Item 19.1.1 considered at the council meeting held on 17 June 2019 be retained until such time as the proposal is finalised on the basis it contains commercial information of a confidential nature. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.	RETAIN
70.	17 June 2019 Item 19.2.1 Whyalla Aged Care: Lifestyle Village Project – Financial Support – LATE ITEM C3421-2019	Agenda Item 19.1.2, 18 March 2019 – Becker Helicopter’s Pilot Academy was discussed by Council. This matter is to be further addressed at a Special Council meeting to be held on Wednesday 27 March 2019.	Section 90(3)(b) – commercial information of a confidential nature	The Chief Executive officer received an email, 21 June 2019 from the Chief Executive Officer at Whyalla Aged Care Incorporated advising that they no longer required a loan from Whyalla City Council therefore it is recommended that Item 19.2.1 be released. Recommended Resolution: 1. The confidentiality order pertaining to the report ‘Whyalla Aged Care: Lifestyle Village Project – Financial Support’, Item 19.2.1 considered at the Council meeting held on 17 June 2019 be revoked.	RELEASE
71.	25 June 2019 – Special CEO Review Panel Meeting Item 4 - Chief Executive Officer’s Review C3423-2019	CEO Review Panel Meeting to discuss the CEO annual performance review	S90(3)(a) – personal affairs	It is recommended that the Report, Annexure and minutes remain confidential until such time as the former Chief Executive Officer (CEO) retires from gainful employment. It is further recommended that release of this item be delegated to the Chief Executive Officer if, after making due enquiries, it is found that the former CEO has either retired from gainful employment or does not object to the release of this document.	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				<p>Recommended resolutions:</p> <ol style="list-style-type: none"> 1. That the Report, Annexure and minutes relating to Item 4 Chief Executive Officer's Review considered at the CEO Review Panel meeting held on 25 June 2019 be kept confidential until such time as the former CEO either retires from gainful employment or agrees to the release of the documents on the basis that it relates to the personal affairs of a person living or dead. 2. That Council delegate to the CEO the power to revoke the confidentiality order relating to item 2 above if, after making enquiries, it is ascertained that the former CEO has either retired from gainful employment or does not object to the release of the documents. 3. If not revoked earlier, the confidentiality order at item 1 is to be reviewed at the December 2021 meeting of the Council. 	
72.	15 July 2019 Item 19.2.1 Bennett Oval Redevelopment Project C3456-2019	To seek Council's approval to direct-purchase the pre-fabricated components of the main Bennett Oval building from Ausco, and to use a select tender process for the engagement of a head building contractor.	s90(3)(b) - Commercial information of a confidential nature	<p>The project and its documentation are complete and therefore it is recommended that item 19.2.1 be released.</p> <p>Recommended Resolution:</p> <ol style="list-style-type: none"> 1. The confidentiality order pertaining to the report 'Bennett Oval Redevelopment Project', Item 19.2.1 considered at the Council meeting held on 15 July 2019 be revoked. 	RELEASE
73.	15 July 2019 Item 19.2.2 Clean Seas Whyalla Operations C3459-2019 C3460-2019	Report contains licence information.	s90(3)(b) - Commercial information of a confidential nature	<p>Given the amount of time that has passed, recommend the report be released.</p> <p>Recommendation:</p>	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
	C3461-2019			1. The confidentiality order pertaining to <i>Clean Seas Whyalla Operations</i> , Item 19.2.2 considered at the 15 July 2019 Council Meeting be revoked.	
74.	15 July 2019 Item 19.3.1 Chief Executive Officer's Review (Annual) C3464-2019	This report and annexure deal with the annual performance review of the Chief Executive Officer.	S90(3)(a) – personal affairs	<p>It is recommended that the Report, Annexure and minutes remain confidential until such time as the former Chief Executive Officer (CEO) retires from gainful employment. It is further recommended that release of this item be delegated to the Chief Executive Officer if, after making due enquiries, it is found that the former CEO has either retired from gainful employment or does not object to the release of this document.</p> <p>Recommended resolutions:</p> <ol style="list-style-type: none"> 1. That the Report, Annexure and minutes relating to Item 19.3.1 <i>Chief Executive Officer's Review (Annual)</i> considered at the Council meeting held on 15 July 2019 be kept confidential until such time as either the former CEO retires from gainful employment or agrees to the release of the documents on the basis that it relates to the personal affairs of a person living or dead. 2. That Council delegate to the CEO the power to revoke the confidentiality order relating to item 2 above if, after making enquiries, it is ascertained that the former CEO has either retired from gainful employment or does not object to the release of the documents. 3. If not revoked earlier, the confidentiality order at item 1 is to be reviewed at the December 2021 meeting of the Council. 	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
75.	15 July 2019 Item 19.1.1 Reimbursement of Expenses C34353-2019	This item relates to a request for the reimbursement of expenses from a former Elected Member	S90(3)(h) – Legal advice	<p>The report, annexures and minutes comprise legal advice to Council and by its nature is confidential and privileged. It is not recommended that Council waive this privilege.</p> <p>Recommended resolutions:</p> <ol style="list-style-type: none"> 1. The confidentiality order pertaining to the Report, Annexures and minutes to the report Reimbursement of Expenses, Item 19.1.1 considered at the Council meeting held on 15 July 2019 be retained on an ongoing basis on the grounds that it comprises legal advice to Council. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council 	RETAIN
76.	16 September 2019 Item 20.1.1 Project Proposal Presentation C3487-2019	The presentation pertains to an ongoing project, provision of a letter of support to the proponents and the Chief Executive Officer to negotiate an agreement to lease with the proponents.	s90(3)(b) - Commercial information of a confidential nature	<p>Components of Report 20.1.1 are not finalised and therefore should not be released, 15 February 2021.</p> <p>Recommendation</p> <ol style="list-style-type: none"> 1. The confidentiality order pertaining to the report 'Project Proposal Presentation, Item 20.1.1 considered at the council meeting held on 16 September 2019 be retained until such time as the proposal is finalised on the basis it contains commercial information of a confidential nature. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council. 	RETAIN
77.	21 October 2019 Item 19.1.2 Land Availability and Process for Sale of Vacant Land C3506-2019	This report provided Council with information on vacant land within the Whyalla City boundary that is either owned by or under the care and control of Council	s90(3)(b) - Commercial information of a confidential nature	<p>Interested parties have been advised of outcomes of meeting and sale of land item has been superseded by resolution C3625-2020.</p> <p>Recommendation</p>	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				<ol style="list-style-type: none"> 1. The confidentiality order pertaining to <i>Land Availability and Process for Sale of Vacant Land</i>, Item 19.1.2 considered at the 21 October 2019 Council Meeting be revoked. 	
78.	21 October 2019 Item 19.1.3 Funding Agreement between Regional Development Australia – Whyalla and Eyre Peninsula and Whyalla City Council C3509-2019 C3510-2019 C3511-2019	This item relates to the arrangements between Council and Regional Development Australia – Whyalla and Eyre Peninsula	s90(3)(b) - Commercial information of a confidential nature	Considerations relating to the Funding Agreement between Council and Regional Development Australia – Whyalla and Eyre Peninsula are continuing, and it is recommended that this matter remain confidential. Recommendation <ol style="list-style-type: none"> 1. The confidentiality order pertaining to the report, annexures and minutes associated with the item <i>'Funding Agreement between Regional Development Australia – Whyalla and Eyre Peninsula and Whyalla City Council, Item 19.1.3 considered at the council meeting held on 21 October 2019 be retained until such time as the discussions between the parties on this matter are finalised on the basis it contains commercial information of a confidential nature.</i> 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council. 	RETAIN
79.	6 November 2019 Special Council Meeting Item 5.1.1 Chief Executive Officer – For Discussion C3517-2019	This item related to the resignation of the CEO, Mr Chris Cowley Note there was no report presented to this meeting	s90(3)(a) – personal affairs	Given the resignation of the former CEO Mr Chris Cowley is public knowledge, it is recommended that this item be released. Recommendation: <ol style="list-style-type: none"> 1. The confidentiality order pertaining to <i>Chief Executive Officer – for discussion, Item 5.1.1 considered at the 6 November 2019 Special Council Meeting be revoked.</i> 	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
80.	11 November 2019 – Special Council Meeting Item 5.1.1 The Position of Acting Chief Executive Officer – For Discussion C3520-2019	This item related to the appointment of an Acting Chief Executive Officer following the resignation of the CEO, Mr Chris Cowley Note there was no report presented to this meeting	s90(3)(a) – personal affairs	Given the resignation of the former CEO Mr Chris Cowley is public knowledge, as is the name of the person who acted as CEO during 2020, it is recommended that this item be released. Recommendation: 1. The confidentiality order pertaining to <i>The Position of Acting Chief Executive Officer – for Discussion</i>, Item 5.1.1 considered at the 11 November 2019 Special Council Meeting be revoked.	RELEASE
81.	18 November 2019 Item 19.3.1 Depot Organisational Structure Change C3542-2019	This report outlines the recommendation of an external review of the Depot Organisational Structure	s90(3)(a) – personal affairs	The proposed structure as outlined in the report has been communicated with staff and implemented in part and it is recommended that the report now be released. Recommendation: 1. The confidentiality order pertaining to <i>Depot Organisational Structure Change</i>, Item 19.3.1 considered at the 18 November 2019 Council Meeting be revoked.	RELEASE
82.	16 December 2019 Item 19.1.1 Progress on Economic Development Projects C3560-2019	To provide Council with a summary of progress on various economic development activities.	Section 90(3)(b) – Commercial information of a confidential nature	Components of Report 19.1.1 are not finalised and therefore should not be released. Recommendation 1. The confidentiality order pertaining to the report <i>‘Progress on Economic Development Projects</i>, Item 19.1.1 considered at the council meeting held on 16 December 2019 be retained until such time as the components are finalised on the basis it contains commercial information of a confidential nature.	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.	
83.	Special Council Meeting 15 January 2020 Item 5.1.1 Clean Seas Update – for Discussion C3563-2020	Clean Seas update provided regarding operations from the Point Lowly Marina. There is no report relating to this item.	Section 90(3)(b) – Commercial information of a confidential nature	Noting there is no report that relates to this item, It is recommended that the confidentiality order relating to this item be revoked given developments that have occurred in the intervening period. Recommendation: 1. The confidentiality order pertaining to <i>Clean Seas Update – for Discussion</i>, Item 5.1.1 considered at the 15 January 2020 Council Meeting be revoked.	RELEASE
84.	Special Council Meeting 15 January 2020 C3566-2020 Item 5.1.2 Work Force Planning – for Discussion	This item discussed resource needs for the organisation given identified priorities. There is no report relating to this item.	S90(3)(a) – personal affairs	Noting there is no report that relates to this item, It is recommended that the confidentiality order relating to this item be revoked given organisational changes that have occurred in the intervening period. Recommendation: 1. The confidentiality order pertaining to <i>Workforce Planning – for Discussion</i>, Item 5.1.2 considered at the 15 January 2020 Council Meeting be revoked.	RELEASE
85.	Council Meeting 20 January 2020 Item 19.1.1 Whyalla Foreshore Café C3573-2020	This item considers the leasing arrangements between N&A Petropoulos and Council for the operation of the Foreshore Café.	S90(3)(h) – legal advice	The report, annexures and minutes contain legal advice to Council and by its nature is confidential and privileged. It is not recommended that Council waive this privilege. Recommended resolutions: 1. The confidentiality order pertaining to the report, annexures and minutes relating to the item '<i>Foreshore Café</i>', Item 19.1.1 considered at the Council meeting held on 20 January 2020 be	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				<p>retained on an ongoing basis on the grounds that it comprises legal advice to Council.</p> <p>2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council</p>	
86.	Council Meeting – 20 January 2020 Item 19.1.2 Clean Seas C3576-2020	Clean Seas information regarding operations from the Point Lowly Marina.	Section 90(3)(b) – Commercial information of a confidential nature	<p>Given the amount of time that has passed, recommend the report be released.</p> <p>Recommendation:</p> <p>1. The confidentiality order pertaining to <i>Clean Seas Update – for Discussion</i>, Item 19.1.2 considered at the 20 January 2020 Council Meeting be revoked.</p>	RELEASE
87.	Council Meeting 17 February 2020 Item 19.1.1 Sale of Vacant Land Owned by Council C3596-2020	This report provided Council with the details of the sales process relating to vacant land owned by Council previously resolved for sale	s90(3)(b) - Commercial information of a confidential nature – public interest	<p>A decision was made to defer sale of the land and accordingly the report can be released.</p> <p>Recommendation:</p> <p>1. The confidentiality order pertaining to <i>Sale of Vacant Land Owned by Council</i>, Item 19.1.1 considered at the 17 February 2020 Council Meeting be revoked.</p>	RELEASE
88.	Chief Executive Officer's Selection Panel Meeting – 10 March 2020 Item 4.1.1 – Chief Executive Officer – Recruitment C3600-2020	This item addressed various matters associated with the recruitment of a Chief Executive Officer including prospective recruitment firms, CEO key performance indicators and CEO salaries	S90(3)(a) – personal affairs	<p>Given the recruitment process for a Whyalla City Council CEO has concluded, it is recommended that the report and minutes be released.</p> <p>Recommendation:</p> <p>1. The confidentiality order pertaining to <i>Chief Executive Officer Recruitment</i>, Item 4.1.1 considered at the 10 March 2020 CEO Selection Panel Meeting be revoked.</p>	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
89.	Chief Executive Officer's Selection Panel Meeting – 10 March 2020 Item 4.1.2 – Chief Executive Officer – Position Description and Key Performance Indicators C3604-2020	This item addressed various matters associated with the recruitment of a Chief Executive Officer including prospective recruitment firms, CEO key performance indicators and CEO salaries	S90(3)(a) – personal affairs	Given the recruitment process for a Whyalla City Council CEO has concluded, it is recommended that the report and minutes be released. Recommendation: 1. The confidentiality order pertaining to <i>Chief Executive Officer Position Description and Key Performance Indicators</i>, Item 4.1.2 considered at the 10 March 2020 CEO Selection Panel Meeting be revoked.	RELEASE
90.	Chief Executive Officer's Selection Panel Meeting – 10 March 2020 Item 4.1.3 – Chief Executive Officer – Salary C3604-2020	This item addressed various matters associated with the recruitment of a Chief Executive Officer including prospective recruitment firms, CEO key performance indicators and CEO salaries	S90(3)(a) – personal affairs	Given the recruitment process for a Whyalla City Council CEO has concluded, it is recommended that the report and minutes be released. Recommendation: 1. The confidentiality order pertaining to <i>Chief Executive Officer Salary</i>, Item 4.1.3 considered at the 10 March 2020 CEO Selection Panel Meeting be revoked.	RELEASE
91.	16 March 2020 – Council Meeting Item 19.1.1 Sale of Vacant Residential Land Owned by Council C3625-2020	This report provides the Council with information in relation to parcels of land which are owned by freehold title by the Council, are considered surplus to Councils requirements and have been valued and could be made available for sale.	s90(3)(b) - Commercial information of a confidential nature –	A decision was made to defer sale of the land and accordingly the report can be released. Recommendation: 1. The confidentiality order pertaining to <i>Sale of Vacant Residential Land Owned by Council</i>, Item 19.1.1 considered at the 16 March 2020 Council Meeting be revoked.	RELEASE
92.	16 March 2020 – Council Meeting Item 19.1.2 CHOW Energy / Sustainable Power Partners	This report relates to an approach from CHOW Energy / Sustainable Power Partners to lease land for the purpose of agritech/greenhouse and solar farm	s90(3)(b) - Commercial information of a confidential	This matter is now in the public domain via Council's resolution on 18 January 2021. This report, annexures and minutes can therefore be released.	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
	– Agreement to Lease C3628-2020		nature – public interest	Recommendation: 1. The confidentiality order pertaining to <i>CHOW Energy / Sustainable Power Partners – Agreement to Lease</i>, Item 19.1.2 considered at the 16 March 2020 Council Meeting be revoked.	
93.	20 April 2020 – Ordinary Council Meeting Item 19.1.1 Internal Matters – Verbal Update C3649-2020	This item provided a verbal update on various internal matters. There are no reports pertaining to this item.	S90(3)(a) – personal affairs	Given there are no reports or minutes pertaining to this item, the confidentiality order can be revoked. Recommendation: 1. The confidentiality order pertaining to <i>Internal Matters – Verbal Update</i>, Item 19.1.1 considered at the 20 April 2020 Council Meeting be revoked.	RELEASE
94.	Council Meeting – 18 May 2020 Item 19.1.1 Regional Development Australia – Whyalla and Eyre Peninsula Inc – Whyalla Council Funding C3661-2020	This item relates to the arrangements between Council and Regional Development Australia – Whyalla and Eyre Peninsula	s90(3)(b) - Commercial information of a confidential nature	Considerations relating to funding arrangements between Council and Regional Development Australia – Whyalla and Eyre Peninsula are continuing, and it is recommended that this matter remain confidential. Recommendation 1. The confidentiality order pertaining to the report, annexures and minutes associated with the item '<i>Regional Development Australia – Whyalla and Eyre Peninsula and Whyalla City Council</i>, Item 19.1.1 considered at the council meeting held on 18 May 2020 be retained until such time as the discussions between the parties on this matter are finalised on the basis it contains commercial information of a confidential nature. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
95.	Council Meeting – 18 May 2020 Item 19.2.1 Disposal of Lot 4 Ekblom Street – Owned by Council C3666-2020	This report provided Council with the details of an offer received for Lot 4 Ekblom Street, Whyalla Norrie, including details of the proposed land use, should the proponent be successful in purchasing the site	s90(3)(b) - Commercial information of a confidential nature – public interest	Following undertaking an expression of interest process for the site, Council later resolved to not sell the land. Accordingly this report can be released. Recommendation: 1. The confidentiality order pertaining to <i>Disposal of Lot 4 Ekblom Street – Owned by Council</i>, Item 19.2.1 considered at the 18 May 2020 Council Meeting be revoked.	RELEASE
96.	Council Meeting – 15 June 2020 Item 19.1.1 Clean Seas C3684-2020 C3685-2020 C3686.2020	This item related to a proposal from Clean Seas to operate from the Pt Lowly marina	Section 90(3)(b) – Commercial information of a confidential nature.	Given current developments and information in the public domain, it is recommended this confidentiality order be revoked. Recommendation: 1. The confidentiality order pertaining to <i>Clean Seas</i>, Item 19.1.1 considered at the 15 June 2020 Council Meeting be revoked.	RELEASE
97.	20 July 2020 Item 19.1.1 Rate Relief Request C3715-2020	This item details an application for rates relief outside of Council's policy framework for requests of this nature	S90(3)(a) – personal affairs	This item remains sensitive and the report and annexure are recommended to be retained in confidence. The minutes however are recommended for release as they do not contain any confidential information. Recommendation: 1. The confidentiality order pertaining to the report and annexure associated with the item <i>'Rate Relief Request</i>, Item 19.1.1 considered at the council meeting held on 20 July 2020 be retained for a further 2 years on the basis that it deals with the personal affairs of a person living or dead.	PARTLY RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				<p>2. The confidentiality order pertaining to the minutes associated with the item <i>'Rate Relief Request, Item 19.1.1</i> considered at the council meeting held on 20 July 2020 be revoked.</p> <p>3. The confidentiality order relating to item 1 above is to be reviewed at the December 2021 meeting of the Council.</p>	
98.	20 July 2020 Item 19.2.1 Clean Seas C3718-2020	Clean Seas 24 month licence report.	Section 90(3)(b) – Commercial information of a confidential nature.	<p>Given current developments and information in the public domain, it is recommended this confidentiality order be revoked.</p> <p>Recommendation:</p> <p>1. The confidentiality order pertaining to <i>Clean Seas, Item 19.2.1</i> considered at the 20 July 2020 Council Meeting be revoked.</p>	RELEASE
99.	27 July 2020 – Special Council Meeting Item 6.1.1 Thrive Construct – Presentation C3722-2020	<p>This is a presentation provided to Council by Thrive Construct in relation to a proposed new Foreshore Hotel. Thrive requested update to Council be in confidence.</p> <p>There is no Council report pertaining to this item</p>	Section 90(3)(b) – Commercial information of a confidential nature.	<p>Given the information now available in the public domain regarding the proposed development, it is recommended the confidentiality order pertaining to this item be revoked.</p> <p>Recommendation:</p> <p>1. The confidentiality order pertaining to <i>Thrive Construct - Presentation, Item 6.1.1</i> considered at the 27 July 2020 Council Meeting be revoked.</p>	RELEASE
100.	Chief Executive Officer's Selection Panel Meeting – 10 August 2020 Item 4.1.1 – Appointment of Chief Executive Officer C3732-2020	This report and minutes considered the appointment of a preferred candidate to the role of Chief Executive Officer, making a recommendation to Council accordingly.	S90(3)(a) – personal affairs	Given the recruitment process for a Whyalla City Council CEO has concluded and the preferred candidate has been appointed, it is recommended that the report and minutes be released. Note that the report and minutes do not contain any information other than a summary of the recruitment process and the name of the recommended candidate.	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				<p>Recommendation:</p> <ol style="list-style-type: none"> The confidentiality order pertaining to <i>Chief Executive Officer Salary</i>, Item 4.1.3 considered at the 10 March 2020 CEO Selection Panel Meeting be revoked. 	
101.	10 August 2020 – Special Council Meeting Item 5.1.1 <i>Chief Executive Officer Selection Panel – Minutes of the Meeting held on Monday 10 August 2020</i> C3735-2020	This report, annexures and minutes outline the recommendation of a preferred candidate to the role of Chief Executive Officer. It does not divulge candidates' names other than the preferred candidate.	S90(3)(a) – personal affairs	<p>Given the recruitment process for a Whyalla City Council CEO has concluded and the preferred candidate has been appointed, it is recommended that the CEO Selection Panel minutes be released.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> The confidentiality order pertaining to the item <i>Chief Executive Officer Selection Panel – Minutes of the Meeting held on Monday 10 August 2020</i>, Item 5.1.1 considered at the 10 August 2020 Special Council meeting be revoked. 	RELEASE
102.	10 August 2020 – Special Council Meeting Item 5.1.2 Appointment of Chief Executive Officer C3738-2020	This report, annexures and minutes considered the appointment of a preferred candidate to the role of Chief Executive Officer. It does not divulge candidates' names other than the preferred candidate.	S90(3)(a) – personal affairs	<p>Given the recruitment process for a Whyalla City Council CEO has concluded and the preferred candidate has been appointed, it is recommended that the report, annexures B and C and the minutes be released. Annexure A is recommended to be retained in confidence as it relates to the Employment Agreement of the CEO.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> The confidentiality order pertaining to the report, annexures B and C to the report and the minutes relating to the item <i>Appointment of Chief Executive Officer</i>, Item 5.1.2 considered at the 10 August 2020 Special Council meeting be revoked. 	PARTLY RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				<p>2. The confidentiality order pertaining to annexure A to the report relating to the item <i>Appointment of Chief Executive Officer</i>, Item 5.1.2 considered at the 10 August 2020 Special Council meeting be retained until either the CEO retires from gainful employment or agrees to the release of the document on the basis that it deals with the personal affairs of a person living or dead.</p> <p>3. The confidentiality order relating to item 2 above is to be reviewed at the December 2021 meeting of the Council</p>	
103.	17 August 2020 – Ordinary Council Meeting Item 19.1.1 Clean Seas C3766-2020	Clean Seas proposal to operate at Point Lowly Marina.	Section 90(3)(b) – Commercial information of a confidential nature.	<p>Given current developments and information in the public domain, it is recommended this confidentiality order be revoked.</p> <p>Recommendation:</p> <p>1. The confidentiality order pertaining to <i>Clean Seas</i>, Item 19.1.1 considered at the 17 August 2020 Council Meeting be revoked.</p>	RELEASE
104.	17 August 2020 – Ordinary Council Meeting Item 19.2.1 Progress on Economic Development Projects C3769-2020	To provide Council with a summary of progress on various economic development activities.	Section 90(3)(b) – Commercial information of a confidential nature	<p>Components of Report 19.2.1 are not finalised and therefore should not be released.</p> <p>Recommendation</p> <p>1. The confidentiality order pertaining to the report <i>‘Progress on Economic Development Projects</i>, Item 19.2.1 considered at the council meeting held on 17 August 2020 be retained until such time as the components are finalised on the basis it contains commercial information of a confidential nature.</p>	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.	
105.	17 August 2020 – Ordinary Council Meeting Item 19.2.2 Disposal of Crown Land and Council Interest C3772-2020	This report provided Council with the details of land being disposed of by the Crown, under the Crown Land Management Act 2009 and sought to determine any interest in acquiring the land	s90(3)(b) - Commercial information of a confidential nature – public interest	Council resolved not to proceed with interest in the land. Recommendation: 1. The confidentiality order pertaining to <i>Disposal of Crown Land and Council Interest</i>, Item 19.2.2 considered at the 17 August 2020 Council Meeting be revoked.	RELEASE
106.	17 August 2020 – Ordinary Council Meeting Item 19.2.3 ADANI Extension of Time – Agreement to Lease C3775-2020	This report sought Council's approval for an extension of time for ADANI to their Agreement to Lease	s90(3)(b) - Commercial information of a confidential nature	This matter is still under consideration and an Agreement to Lease is yet to be finalised. This matter should therefore remain in confidence. Recommendation: 1. The confidentiality order pertaining to the report, any annexures and minutes relating to the item '<i>ADANI Extension of Time – Agreement to Lease</i>', Item 19.2.3 considered at the council meeting held on 17 August 2020 be retained until such time as the Agreement to Lease is finalised on the basis it contains commercial information of a confidential nature. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.	RETAIN
107.	17 August 2020 – Ordinary Council Meeting Item 19.3.1 Whyalla Airport Screening and Terminal Upgrade – Award Contract C3778-2020	This report sought Council's approval to award the contract for the Whyalla Airport Screening and Terminal Upgrade, consisting of upgrades to the terminal building and baggage handling	s90(3)(b) - Commercial information of a confidential nature	The Whyalla Airport upgrade project is still underway and accordingly, all matters dealing with contractual arrangements for undertaking these works should remain in confidence for the duration of the works. Recommendation:	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				<ol style="list-style-type: none"> 1. The confidentiality order pertaining to the report, any annexures and minutes relating to the item <i>'Whyalla Airport Screening and Terminal Upgrade – Award Contract, Item 19.3.1</i> considered at the council meeting held on 17 August 2020 be retained until such time as the Airport upgrade project is finalised. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council. 	
108.	7 September 2020 – Special Council Meeting Item 6.1.1 Remuneration of Acting Chief Executive Officer C3786-2020	This report considers a review of the Acting Chief Executive Officer's salary during the extended period of acting	S90(3)(a) – personal affairs	<p>Given salary information is in the public domain via Council's salaries register, it is recommended that this item be released.</p> <ol style="list-style-type: none"> 1. The confidentiality order pertaining to <i>Remuneration of Acting Chief Executive Officer, Item 6.1.1</i> considered at the 7 September 2020 Council Meeting be revoked. 	RELEASE
109.	21 September 2020 Item 19.1.1 Expression of Interest to Purchase Lot 4 Ekblom Street owned by Council C3823-2020	This report provided Council with the details of an offer received for Lot 4 Ekblom Street, Whyalla Norrie, including details of the proposed land use, should the proponent be successful in purchasing the site	s90(3)(b) - Commercial information of a confidential nature – public interest	<p>Following undertaking an expression of interest process for the site, Council resolved the land was not surplus to Council's requirements and therefore to not sell the land. Accordingly this report can be released.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1. The confidentiality order pertaining to <i>Disposal of Lot 4 Ekblom Street – Owned by Council, Item 19.1.1</i> considered at the 21 September 2020 Council Meeting be revoked. 	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
110.	21 September 2020 Item 19.2.1 Council Confirm Interest in Crown Surplus Land C3826-2020	This report provided Council with the details of land being disposed of by the Crown, under the Crown Land Management Act 2009 and sought to determine any interest in acquiring the land	s90(3)(b) - Commercial information of a confidential nature – public interest	Council resolved not to proceed with interest in the land. Recommendation: 1. The confidentiality order pertaining to Council Confirm Interest in Crown Surplus Land, Item 19.2.1 considered at the 21 September 2020 Council Meeting be revoked.	RELEASE
111.	19 October 2020 – Ordinary Council Meeting Item 19.1.1 Mount Laura Landfill – Peats Soil and Garden Supplies Lease C3863-2020	The purpose of this report was to gain Council endorsement to enter a new lease, over a portion of the Mount Laura Landfill site, for Peats Soil and Garden Supplies	s90(3)(b) - Commercial information of a confidential nature	This matter is still under consideration / negotiation and should therefore remain in confidence. Recommendation: 1. The confidentiality order pertaining to the report, any annexures and minutes relating to the item 'Mount Laura Landfill – Peats Soil and Garden Supplies, Item 19.1.1 considered at the council meeting held on 19 October 2020 be retained for the term of the contract and to be reviewed at that time, for continued commercial content. 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.	RETAIN
112.	16 November 2020 – Ordinary Council Meeting Item 19.1.1 Future use of State-Owned High School Sites C3886-2020	For Council to endorse the proposed vision and suggested engagement strategy with the State Government, regarding the future use of the John Edward Eyre High School and Whyalla High School sites.	s90(3)(b) and (j)- Commercial information of a confidential nature and information provided by another public authority	Council is continuing discussions with the State Government regarding the future land use(s) on sites that are owned by the State Government and it is still considered premature to release this matter to the public. Recommendation: 1. The confidentiality order pertaining to the report, any annexures and minutes relating to the item 'Future Use of State Owned High School Sites, Item 19.1.1 considered at the council	RETAIN

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
				<p>meeting held on 16 November 2020 be retained for a period of two years from initially being made, notwithstanding that it will be reviewed annually in December of each year.</p> <p>2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.</p>	
113.	16 November 2020 – Ordinary Council Meeting Item 19.2.1 Whyalla Airport Screening and Baggage Handling Equipment – Award Contract C3888-2020	This report sought Council's approval to award the contract for the Whyalla Airport Screening and Baggage Handling Equipment, as part of the upgrades to the terminal	s90(3)(b) - Commercial information of a confidential nature	<p>The Whyalla Airport upgrade project is still underway and accordingly, all matters dealing with contractual arrangements for undertaking these works should remain in confidence for the duration of the works.</p> <p>Recommendation:</p> <p>1. The confidentiality order pertaining to the report, any annexures and minutes relating to the item <i>'Whyalla Airport Screening and Baggage Handling Equipment, Item 19.2.1 considered at the council meeting held on 16 November 2020 be retained until such time as the Airport upgrade project is finalised.</i></p> <p>2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council.</p>	RETAIN
114.	16 November 2020 – Ordinary Council Meeting Item 19.3.1 Expression of Interest to Purchase Lot 4 Ekblom Street owned by Council C3890-2020	This report provided Council with the details of an offer received for Lot 4 Ekblom Street, Whyalla Norrie, including details of the proposed land use, should the proponent be successful in purchasing the site	s90(3)(b) - Commercial information of a confidential nature – public interest	<p>Following undertaking an expression of interest process for the site, Council later resolved to not sell the land. Accordingly this report can be released.</p> <p>Recommendation:</p> <p>1. The confidentiality order pertaining to Expression of Interest to Purchase <i>Lot 4 Ekblom Street – Owned by Council, Item 19.3.1 considered at the 16 November 2020 Council Meeting be revoked.</i></p>	RELEASE

No	References	Description	Grounds for Confidential Order	Recommendation and Council resolution as at 15 February 2021	Release / Retain
115.	30 November 2020 – Special Council Meeting Item 5.1.1 Works Agreement – Waste Management and Disposal Services C3892-2020	The purpose of this report was to gain Council endorsement to execute a Deed of Variation and associated lease/licence to the Works Agreement between Council and Veolia for Waste Management and Disposal Services	s90(3)(b) - Commercial information of a confidential nature	<p>This matter is still under consideration / negotiation and should therefore remain in confidence.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1. The confidentiality order pertaining to the report, any annexures and minutes relating to the item <i>‘Works Agreement – Waste Management and Disposal Services, Item 5.1.1 considered at the council meeting held on 30 November 2020 be retained for the term of the Agreement and to be reviewed at that time, for continued commercial content</i> 2. This confidentiality order is to be reviewed at the December 2021 meeting of the Council. 	RETAIN
116.	30 November 2020 – Special Council Meeting Item 5.1.2 Foreshore Café C3894-2020	This report considered the current condition of the Foreshore Café premises and options for addressing same	s90(3)(b) - Commercial information of a confidential nature	<p>With the closure of the Foreshore Café occurring on 4 January 2021 and the ensuing information now in the public domain, it is recommended this report and the minutes pertaining to this report be released.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1. The confidentiality order pertaining to <i>Foreshore Cafe, Item 5.1.2 considered at the 30 November 2020 Council Meeting be revoked.</i> 	RELEASE

12.3 CITY GROWTH

12.3.1 Whyalla Child Care Centre Review

Council Meeting: 15 February 2021
Author's Title: Acting Director City Growth
Directorate: City Growth

File No.: 3-318

Annexures – Nil

Officer Direct or Indirect Conflict of Interest:

*In accordance with Local Government Act 1999,
Section 120*

☐

Yes

☒

No

Status:

*Information classified confidential under
Section 90(2) of the Local Government Act*

☐

Yes

☒

No

Reason – Not applicable

PURPOSE

The purpose of this report, is to review the progress of the resolution made at the Ordinary Council Meeting held on 16 September 2019, Agenda Item 12.2.1 “*Whyalla Child Care Centre Review, Parts 2 and 4*”.

SUMMARY

The investment in the two reviews of the Whyalla Child Care Centre has provided direction that is yielding great results for the community. Despite the impact of COVID-19, the Centre has increased its' average occupancy rate, revenue and reduced the deficit.

With the implementation of improved technology, an increase in fees in line with market rates, relevant policy approvals and an increase in occupancy, the Whyalla Child Care Centre is moving towards a cost-neutral service delivery model in 2021. Subject to any events beyond Councils' control, the move “*to a Child Care Subsidy Capped Hourly Rate*”, may be possible in 2022.

RECOMMENDATION

That Council receive and note the Whyalla Child Care Review report.

12.3.1 Whyalla Child Care Centre Review

REPORT

BACKGROUND

At the Ordinary Council Meeting held on 16 September 2019, the following resolution was carried:

12.2.1 *Whyalla Child Care Centre Review*

Moved Cr Knox, seconded Cr Stone

C3482-2019

“That Council:

- 1. receive the Whyalla Child Care Centre Business Plan(s) Report as prepared by Joyden Consulting;*
- 2. engage the services of Joyden Consulting to manage the implementation of a cost-neutral service delivery model;*
- 3. allocate \$85,000 to implement a cost-neutral service delivery model and reflect the allocation and any realised budget off-sets when undertaking a review of Council Annual Business Plan and Budget 2019/20; and*
- 4. undertake a fee structure and policy review with the inception date of 1 January 2020 and a transition to local market rates, then to a Child Care Subsidy capped hourly rate.”*

Carried

The following is an approximate timeline of key activities undertaken:

- September 2019 – commenced the implementation of a cost-neutral service delivery model.
 - *The first step taken, was to review the Child Care Centre policies.*
- October 2019 – all staff were individually interviewed; this was to build on the previous consultant’s research and confirm what they initially provided.
 - *Commenced review of the Centre’s organisational structure.*
- November 2019 – reviewed policies presented to Council, Cancelling Child Care Policy, Collection of Children – Habitual Lateness Policy, Enrolment of Children Policy, Child Care Centre Fees Policy and the revocation of the Hourly Care Policy.
 - *Review of software for the operation of the Centre, recommendations made to Director Corporate.*
 - *Consultant added the Whyalla Child Care Centre to Google maps!*

- December 2019 – audit of accounts receivable, data matching between Centre system and Council’s finance system.
- February 2020 – submissions following public consultation were presented to Council. The Cancelling Child Care Policy was not altered in response to the consultation process. Fees adopted were as per the consultant’s recommendation (“... *That the fee structure ... transition to local market rates then to Child Care Subsidy capped hourly rate ...*”). Fees increases were to be effective from 30 March 2020.
- March 2020 – COVID-19 impacts, the child care fees could not be implemented as per the Commonwealth Governments directive.
 - *Local Government was successful in negotiating the COVID-19 income package which supported Local Government Centres’ and families throughout that period, ending in early July 2020. Council were reimbursed, based on numbers of children attending the Centre in the last two weeks of February 2020, not the actual numbers attending from March to early July.*
- July 2020 – implementation of staff restructure, recruitment for Centre Manager, Childcare.
- August 2020 – Centre Manager, Childcare appointed.
- October 2020 – analysis data for the Cancelling Care Policy and notification of fee increase (rescheduling the March 2020 decision) submitted to Council.
- December 2020 – following public consultation, the Cancelling Care Policy was adopted as Whyalla Child Care Centre Absenteeism and Cancellation Policy.

The inception/implementation dates as resolved at 19 September 2019, have been largely impacted by the COVID-19 pandemic, however, the balance of the resolution continues.

DISCUSSION

The analysis in support of resolution **C3482-2019**, Part 2 and the Whyalla Child Care Centre Business Plan(s) Report (September 2019), is as follows:

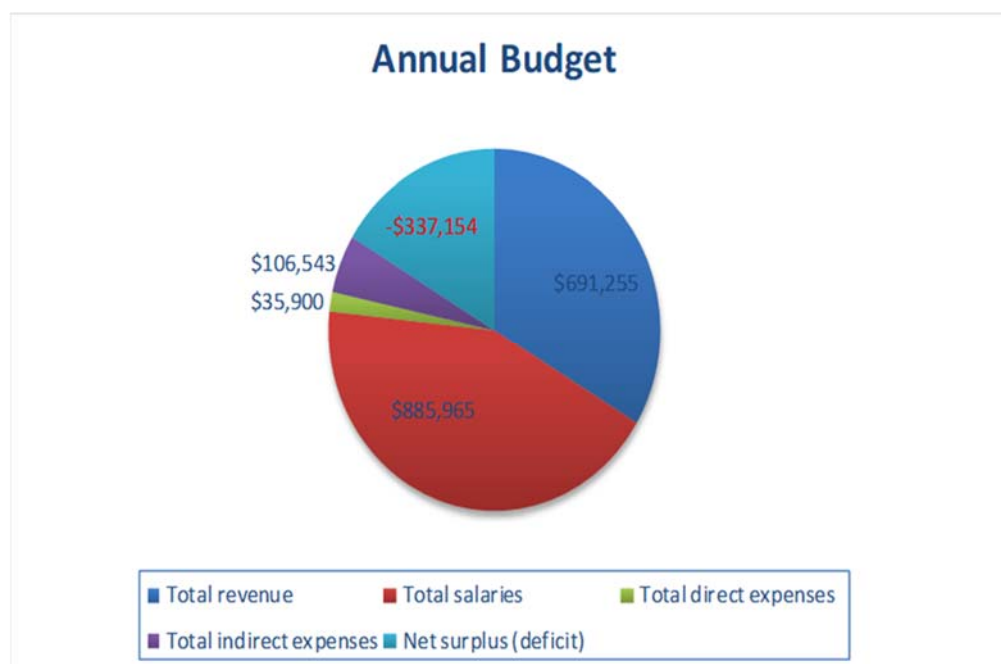
Summary Comparative Data for the Calendar Year of 2020 (Status Quo):

	<i>Estimated</i>	<i>Actual</i>	<i>Notes</i>
Occupancy (average)	63%	71%	Includes a reduction in last week of March and April, to 43% (COVID-19)
Fees (0-2 year olds)	\$83/day	\$85/day	2019/20 Fees and Charges
Net Surplus (deficit)	(\$337,154)	(\$329,816)	

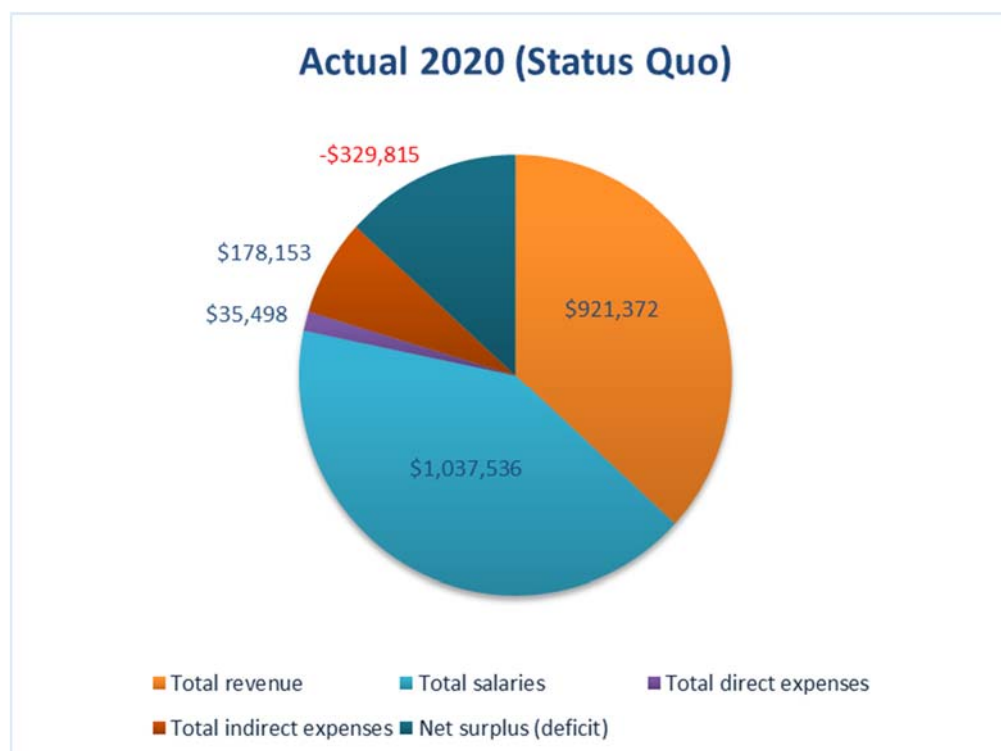
The investment in the two reviews of the Whyalla Child Care Centre, has provided direction that is yielding great results for the community. Despite the impact of COVID-19, the Centre has increased its’ average occupancy rate, revenue and reduced the deficit.

Below, are graphic illustrations of the comparative data as presented.

1. *This graph is from the Whyalla Child Care Centre Business Plans(s) September 2019 Report, illustrating the estimated financial position of the Centre.*



2. *This graph illustrates the actual financial result for the calendar year 2020.*



Financial Implications

Budget split into the calendar year of 2020 was for a deficit of \$328,815, excluding 'Full Cost Attribution (FCA)'. FCA was not included in the September 2019 calculations.

Strategic Plan

The Whyalla Child Care Centre is a key initiative that relates to the Councils' current Strategic Management Plan 2017 – 2022. It references as follows:

Objective 1.4 – To provide initiatives for the community to connect and work together to improve the lives of all community members.

Strategy 1.1.1 – Regularly inform the community of Council activities, decisions and actions.

Legislation

Local Government Act 1999

Education and Care Service National Regulations

Officer Direct or Indirect Interest – Nil

Risk Assessment – Nil

Social Considerations – Nil

Community Engagement – Nil

Environmental Implications – Nil

Communication – Nil

Conclusion

The investment in the two reviews of the Whyalla Child Care Centre has provided direction that is yielding great results for the community. Despite the impact of COVID-19, the Centre has increased its average occupancy rate, revenue and reduced the deficit. The fee increase (adopted 19 October 2020), implemented 1 January 2021 along with the increase in occupancy and relevant policy approvals, significantly improves the sustainability of the centre. Refer to Item 12.3.2 for the 2021 status of the Whyalla Child Care Centre.

12.3 CITY GROWTH

12.3.2 Whyalla Child Care Centre – 2021 Status Report

Council Meeting: 15 February 2021
Author's Title: Acting Director City Growth **File No.:** 3-318
Directorate: City Growth

Annexures:

A – Whyalla Centre Care Centre Waitlist – 8 February 2021

Officer Direct or Indirect Conflict of Interest:

*In accordance with Local Government Act 1999,
Section 120*

☐ Yes ☒ No

Status:

*Information classified confidential under
Section 90(2) of the Local Government Act*

☐ Yes ☒ No

Reason – Not applicable

PURPOSE

The purpose of this report, is to provide an update on the current status of the Whyalla Child Care Centre and the operating forecast for the first six (6) months of the financial year, and seek support for an application to the Community Child Care Fund Open Competitive grant opportunity – Round 3, Capital Support including a 50% co-contribution.

SUMMARY

The capability of the on-line management system has provided a day by day tool to improve the efficiency of service delivery at the Centre. Combined with the recent policy amendments, the fee structure determined in March 2020 and the demand (waitlist), the child care service is progressively moving to the '*cost neutral service delivery model*' as resolved by Council on 16 September 2019.

The opportunity to seek up to three (3) years funding to upgrade the child care facility is to support the proposed increase to licensed placement from 68 to 75. The Centre has rearranged the internal rooms to create a second 3 to 5 year old (senior kindy) area and the administration areas have been reduced. This allows the proposed increase although space will be tight. The kitchen, dining, amenities, play areas etc require investment to increase the space and improve the environment for children and the Educators delivering the service.

RECOMMENDATION

That Council:

1. receive and note the Whyalla Child Care Centre – 2021 Status Report'
2. approve the application to the Community Child Care Fund Open Competitive grant opportunity – Round 3, Capital Support; and
3. supports an in principle 50% co-contribution (a maximum of \$ 150,000 per annum for three (3) years.)

12.3.2 Whyalla Child Care Centre – 2021 Status Report

REPORT

BACKGROUND

The Whyalla Child Care Centre has undergone two reviews, commencing in 2018. The second phase being the business plan(s) implementation. commenced in September 2019 as per resolution **C3482-2019**.

Adjustments occurred due to the COVID-19 pandemic and the implementation is approximately twelve months behind the projected timelines.

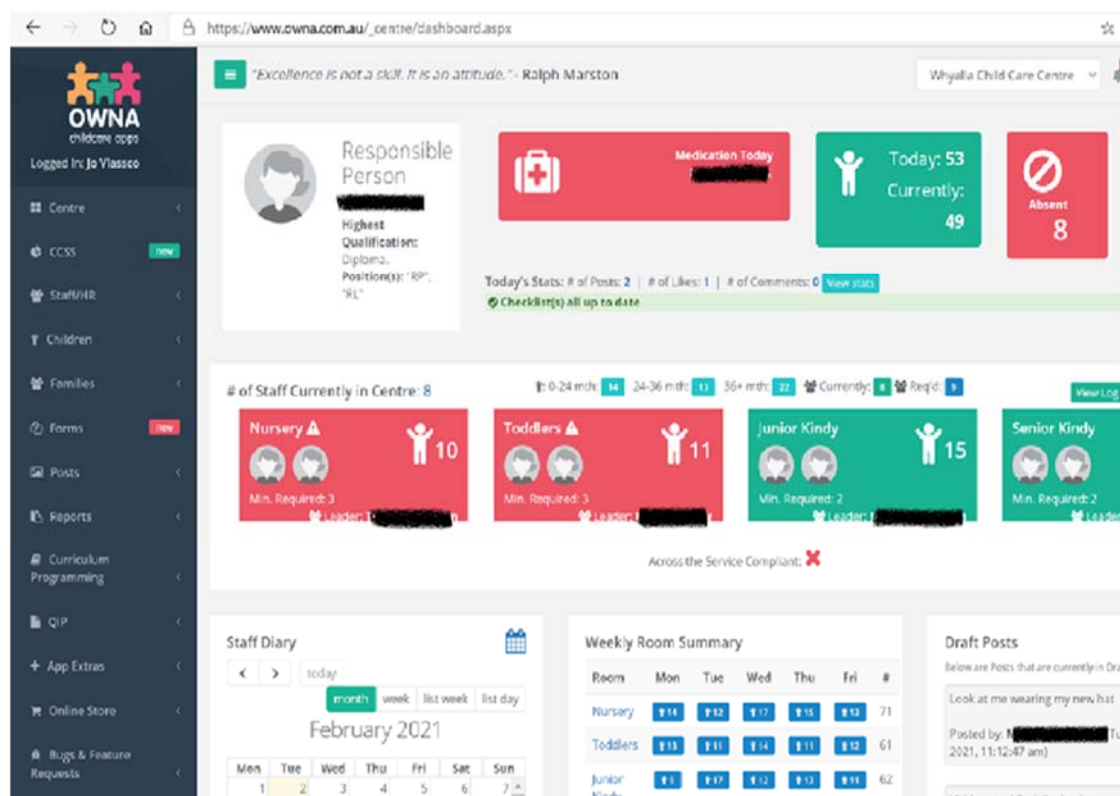
DISCUSSION

The key tool to operational improvements at the Centre has been the implementation (1 January 2021) of the OWNA on-line program (<https://www.owna.com.au>). The detail that the program delivers is a time-based current picture of the Centre. Elements of the system are currently being entered including the future enrolments where parents are committing to utilise the Centre.

Examples from the system are below:

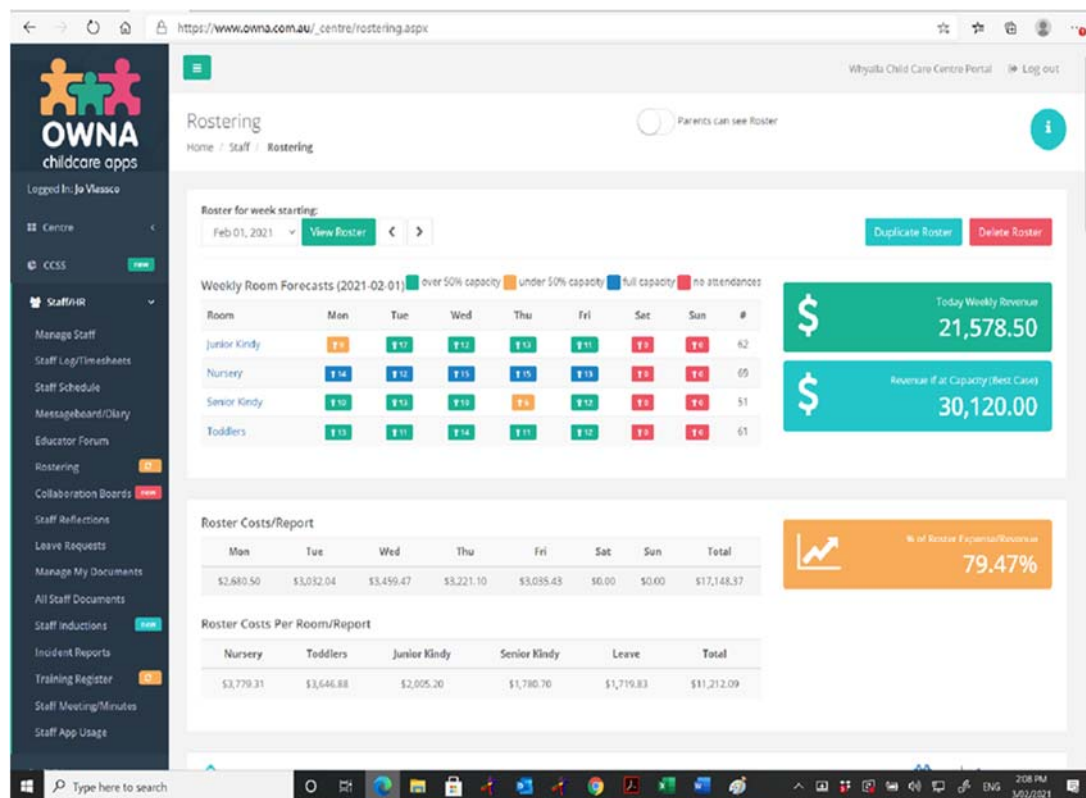
Dashboard

The OWNA Dashboard shows daily numbers, Centre compliance-based on ratios and staffing (screen shows noncompliance as we are not fully utilising the Centre sign-in section while staff learn other areas of platform). This staff sign-in area will allow for on-line contact time records in time and remove paper-based recordkeeping.



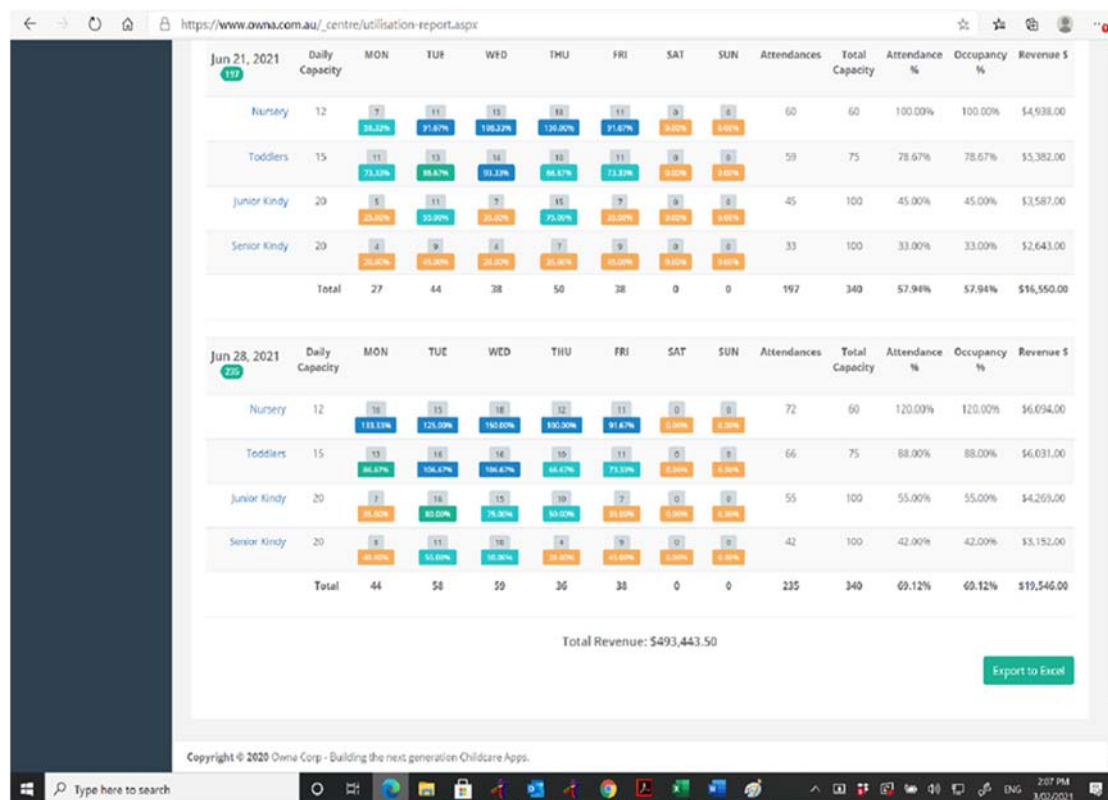
Rostering

The rostering feature shows projected income, based on booked places for the week against staffing costs. The aim is to reduce the % of roster expenses, the adoption of the Whyalla Child Care Centre Absenteeism and Cancellation Policy will assist.



Revenue

\$493,443.50 Tuesday 5 January 2021 through to Friday 2 July 2021. This is current booked placements and does not include waitlist families we are currently working through to book in for increased utilisation and revenue.



Waitlist

The current waitlist is 32 (31+1) children, refer **Annexure "A"**. The system assists with order of inquiry, type of placement and when the family requires the care.

Other

The following illustrates the attributes of the on-line program. Parents, educators, and management have access to an App.

What's Included in my FREE App?

For Educators	For Parents	For Owners/Directors/Management
<ul style="list-style-type: none"> ➔ Curriculum Programming & Planning ➔ Upload Images, Videos & PDFs ➔ Portfolios - Observations, Follow Ups, Learning Stories ++ ➔ Daily Routine - Meals, Sleep, Sunscreen, Nappies, Bottles, Sleep Check++ ➔ Complete Checklists ➔ Private Messaging ➔ Receive Notification Alerts ➔ Staff Reflections ➔ Checkin/Out (Timesheets) ➔ QIP - View & Contribute ➔ Looks Great & Easy to use ➔ Super fast and robust ➔ Plus loads more+++ 	<ul style="list-style-type: none"> ➔ View children's Daily Stats (meal, sleep, bottles etc) with past history ➔ Digital Attendances (time logged, signature captured) ➔ View Writeups, Images and Videos ➔ Read Children's Portfolios ➔ Notify Centre of Non Attendances ➔ Upload Immunisation Record ➔ View Programs, Policy Documents & more ➔ Events Calendar ➔ View Newsletters ➔ Secure Communication with Centre ➔ Receive Notification Alerts ➔ Looks Great & Easy to use ➔ Plus loads more+++ 	<ul style="list-style-type: none"> ➔ App for both Educators & Parents ➔ Responsible Person & Daily RP Log ➔ Room Ratio/Across the Service Check ➔ Digitise Reports - as per ACECQA's req'd ➔ Administration Dashboard to oversee your Centre or multiple Centres ➔ Centre Documents, Policies & Procedures, Helpful websites and more ➔ Staff Timesheets, Stats & Performance ➔ Events Calendar ➔ Centre's Menus with automatic rotation ➔ QIP Report ➔ Safe & Secure Platform. Data stored locally. Adhere to industry standards. ➔ Plus loads more+++

Parents view via the App

The screenshots illustrate the app's interface for parents. The first screenshot shows the 'All Posts' screen with a search bar, a list of posts, and a bottom navigation bar. The second screenshot shows a post titled 'Attendance (Wed Feb 03, 2021)' with details about attendance, UV alert, and daily information. The third screenshot shows a post titled 'Menu' with details about morning tea, lunch, afternoon tea, nappy changes, and sunscreen application.

Further changes to the Centre include:

- Re- arranging the internal rooms to create a second 3 to 5 year old (Senior Kindy) area.
- The administration areas have been reduced (previously part of the room above) but still provide an area for staff to complete on-line training, check their emails, etc.
- The Rooms have been allocated tablets to facilitate the implementation of the OWNA on-line platform. Educators can complete the children's observations as they happen.
- All storage areas have been cleaned and culled.
- Risk and WHS assessments have been completed and several deficiencies identified.

Capital Projects and Grant Funding Application

As noted in the two consultant Whyalla Child Care Centre Review Reports, the facility is in need of capital improvements. On 11 January 2021, the Commonwealth Government released the Community Child Care Fund Open Competitive grant opportunity – Round 3.

This funding has been released every three (3) years and includes three (3) types of funding opportunities.

1. Sustainability Support
2. Community Support
3. Capital Support.

“Capital Support: Helping eligible child care services by contributing towards the cost of modifying, renovating, extending or building child care facilities ('capital works'). These capital works must result in more child care places in areas where there is unmet demand.”

The value of the opportunities is:

“The value of money awarded under this grant opportunity cannot exceed the total funding available. Minimum and maximum grant amounts will apply under this grant opportunity as per the following table.”

CCCF Element	Minimum grant funding amount* (GST exclusive)	Maximum grant funding amount* (GST exclusive)	Total value of CCCF grant funding available under this grant opportunity (up to) (GST exclusive)
<i>Sustainability Support</i>	<i>\$2,000</i>	<i>\$200,000</i>	<i>2021-22 \$36.7 million</i>
<i>Community Support</i>	<i>\$5,000</i>	<i>\$100,000</i>	<i>2022-23 \$37.6 million</i>
<i>Capital Support</i>	<i>\$50,000</i>	<i>\$150,000</i>	<i>2023-24 \$43.1 million</i>

* These amounts are per CCCF element, per annum. “

Due to the short timeframes (applications are due 22 February 2021), administration has commenced an application for the Capital Support CCCF Element. This element requires a 50% co-contribution and in-kind contributions may be considered. At the time of preparing this report, we have not received an indication of the value of proposed capital works.

This application will be assessed and a shortlist created. If successful in gaining a shortlisting, there will be further information to be supplied.

The eligibility criteria states:

“To be eligible for this grant opportunity, at the date of application lodgement, you must be:

- *a CCS approved operator of an approved ECEC service and*
- *located in, or servicing families from a CCCF Priority Area or*
- *servicing regional, remote or very remote areas or*
- *providing specialised child care services to a vulnerable or disadvantaged sector of its community or*
- *the operator of the service previously funded under the CCCF Round 1 or 2 Open Competitive processes (to which the application relates).”*

Whyalla Child Care Centre meets all the above criteria.

If the application is successful, it is envisaged that the Centre will apply to increase the licensed placement from 68 to 75.

Financial Implications

The impacts of newly implemented measures on increasing overall income, will be tracked throughout 2021. Fees will then be reviewed in early 2022, with any required increase to commence from 1 July 2022, in conjunction with the 2022/23 Annual Business Plan and Budget.

The annual increase in income generated from increasing licences from 68 to 75 is estimated to be approximately \$124,000 per annum. The increased cost of Council undertaking a \$900,000 upgrade to the Child Care Centre, covering the building and surrounds, is expected to be a maximum of \$78,000, assuming the upgrade receives 50% grant funding.

The difference of \$46,000 is sufficient to cover an increase in employee costs of 0.6 full time equivalent. If the 7 additional licences can be accommodated within this increased labour allocation, then the project will be self-funding and should go ahead. Any additional fee increases in the future would then mean the project generates a surplus.

The project will be incorporated into Council’s Budget and Long Term Financial Plan once the outcome of the funding application is known.

Strategic Plan

Objective 1.4 – To provide initiatives for the community to connect and work together to improve the lives of all community members.

Strategy 1.1.1 – Regularly inform the community of Council activities, decisions and actions.

Legislation – Nil

Officer Direct or Indirect Interest – Nil

Risk Assessment – Nil

Social Considerations – Nil

Community Engagement – Nil

Environmental Implications – Nil

Communication – Nil

Conclusion

The capability of the on-line management system has provided a day by day tool to improve the efficiency of service delivery at the Centre. Combined with the recent policy amendments, the fee structure determined in March 2020 and the demand (waitlist), the child care service is progressively moving to the '*cost neutral service delivery model*' as resolved by Council on 16 September 2019.

The opportunity to apply for the Capital Support CCCF – Round 3 grant to facilitate the expansion of the Centre over the next three (3) years will reduce the impacts on general revenue if successful.

Annexure "A"

WCCC Waitlist

#	Details	Submitted
1	[REDACTED] Date Of Birth: 26/10/2020 Gender: Female Preferred Start Date: 7/9/21 Additional Info: waiting	Dec 10, 2020
2	[REDACTED] Date Of Birth: 2020/09/18 Gender: Male Preferred Start Date: 20/01/21 Additional Info: waiting	Dec 10, 2020
3	[REDACTED] Date Of Birth: 2021/02/15 Gender: TBC Preferred Start Date: 9/4/21 Additional Info: waiting	Dec 10, 2020
4	[REDACTED] Date Of Birth: 2020/08/10 Gender: Female Preferred Start Date: 16/03/21 Additional Info: waiting	Dec 11, 2020
5	[REDACTED] Date Of Birth: 2019/07/27 Gender: Female Preferred Start Date: 2021-01- 04 Additional Info:flexible on days waiting	Dec 16, 2020
6	[REDACTED] Date Of Birth: 2020/03/16 Gender: Female Preferred Start Date: 2021-01- 11 Additional Info:Tues and Thurs AM bookings waiting	Dec 16, 2020
7	[REDACTED] Date Of Birth: 2020/05/05 Gender: Female Preferred Start Date: Additional Info: waiting	Dec 17, 2020

8	<p>██████████ Date Of Birth: 2019/11/22 Gender: Male Preferred Start Date: Additional Info: Dec 18, waiting 2020</p>
9	<p>██████ Date Of Birth: 14/01/2020 Gender: MalePreferred Start Date: 2021-01-04 Additional Dec 22, Info:waiting 2020</p>
10	<p>██████████ Date Of Birth: 2019/09/26 Gender: Female Preferred Start Date: Additional Info: Dec 23, waiting 2020</p>
11	<p>██████████ Date Of Birth: 2017/07/10 Gender: Male Preferred Start Date: Additional Info:additional needs Dec 23, waiting 2020</p>
12	<p>██████████ Date Of Birth: 2020/10/22 Gender: Male Preferred Start Date: 2021-07- 01 Additional Info: Jan 06, waiting 2021</p>
13	<p>██████████ Date Of Birth: 2020/04/30 Gender: Male Preferred Start Date: 2021-02- 01 Additional Info:1 permanent day a week - flexible with days. Jan 07, waiting 2021</p>
14	<p>██████████ Date Of Birth: 2019/06/24 Gender: Male Preferred Start Date: Additional Info: Jan 08, waiting 2021</p>

15	<p>██████████ Date Of Birth: 2018/04/23 Gender: Female Preferred Start Date: Additional Info: Jan 18, waiting 2021</p>
16	<p>██████████ Date Of Birth: 2020/03/13 Gender: MalePreferred Start Date: Jan 18, Additional Info:waiting 2021</p>
17	<p>██████ Date Of Birth: 2019/05/06 Gender: Male Preferred Start Date: 2021-02- 08 Additional Info:██████ 6/5/19 ██████ 3/1/18 2 days a week looking to start 5 Feb Jan 19, waiting 2021</p>
18	<p>██████████ Date Of Birth: 2020/03/25 Gender: Male Preferred Start Date: Additional Info: Jan 19, waiting 2021</p>
19	<p>██████████ Date Of Birth: 2016/11/06 Gender: Female Preferred Start Date: Additional Info: Jan 21, waiting 2021</p>
20	<p>██████████ Date Of Birth: 12/12/19 Gender: Male Preferred Start Date: Additional Info: Jan 25, waiting 2021</p>
21	<p>██████████ Date Of Birth: 14/1/20 Gender: Male Preferred Start Date: Additional Info: Jan 28, waiting 2021</p>

22	<p>██████████ Date Of Birth: 27/11/19 Gender: Female Preferred Start Date: Additional Info: Jan 28, waiting 2021</p>
23	<p>██████████ Date Of Birth: 26/09/18 Gender: MalePreferred Start Date: Jan 28, Additional Info:waiting 2021</p>
24	<p>██████████ Date Of Birth: 2019/12/16 Gender: Female Preferred Start Date: 2021-02- 08 Additional Info:Prefer Monday & Thursdays, can be flexible. waiting Feb 02, 2021</p>
25	<p>██████████ Date Of Birth: 23/5/19 Gender: Male Preferred Start Date: Additional Info: Feb 04, waiting 2021</p>
26	<p>██████████ Date Of Birth: 2019-09-02 Gender: Male Preferred Start Date: Additional Info: Feb 04, waiting 2021</p>
27	<p>██████████ Date Of Birth: 2018/12/17 Gender: Female Preferred Start Date: Additional Info: Feb 04, waiting 2021</p>
28	<p>██████ Date Of Birth: 2020/01/13 Gender: Male Preferred Start Date: 2021-02- 22 Additional Info:also has Callum 14/1/19 flexible on days. call when space for both children waiting Feb 04, 2021</p>

29	<p> [REDACTED] Date Of Birth: 2018/09/26 Gender: Male Preferred Start Date: Additional Info:flexible on days - after 1/2 day waiting </p>	Feb 04, 2021
30	<p> [REDACTED] Date Of Birth: 2020/06/09 Gender: MalePreferred Start Date: Additional Info:flexible on daysleft message to offer care (M, Th, F)waiting </p>	Feb 04, 2021
31	<p> [REDACTED] Date Of Birth: 2019/11/05 Gender: Male Preferred Start Date: 2021-02- 15 Additional Info:will take a friday if available waiting </p>	Feb 08, 2021

12.3 CITY GROWTH**12.3.3 Community Grants****Council Meeting:** 15 February 2021**Author's Title:** Community Services Co-ordinator**File No.:** 4-89**Directorate:** City Growth**Annexures – Nil****Officer Direct or Indirect Conflict of Interest:***In accordance with Local Government Act 1999,
Section 120***Status:***Information classified confidential under
Section 90(2) of the Local Government Act*☐

Yes

☒

No

☐

Yes

☒

No

PURPOSE

To consider allocation of community grant funding (January 2021 round).

SUMMARY

Two community grant applications were submitted to the January 2021 funding round, requesting total financial assistance of \$10,000.

The applications have been assessed against the guidelines, and recommendations made to approve grant funding to those community groups.

RECOMMENDATION**That Council approve community grant funding, totalling \$10,000, as below:**

<u>Group</u>	<u>Project</u>	<u>Amount</u>
Whyalla Sporting Shooters Association	Finish-off new firing-line shed	\$5,000
Whyalla Steelers	Whyalla Steelers Junior Carnival	\$5,000

12.3.3 Community Grants

REPORT

BACKGROUND

The two community grant applications received, have been reviewed within a stringent assessment process by the Community Services Co-ordinator, in conjunction with the Executive Management Team.

DISCUSSION

The Community Grants Budget has an allocation of \$55,000 per annum, with six grant rounds per year.

The most recent community grant round closed on 15 January 2021, with a total of two community groups applying for \$10,000 in funding.

These applications have been assessed against the guidelines to ensure eligibility and to verify that the appropriate supportive documentation (such as financial statements) were included.

The review process has determined that the two projects are deemed eligible for funding and have merit.

The following is a synopsis of the applications received within this grant round.

Whyalla Sporting Shooters Association of Australia – Whyalla Branch

Request \$5,000 to concrete a new shooting shed that the club installed in 2020.

Once the concrete has been completed, the club will be inviting local clubs such as the Army and Navy Cadets to utilise the facility for firearms training, in addition to holding more open days for the general community.

The overall project will enable the club to be in a position to host State Title Shoots which will bring people to Whyalla to participate in these events.

The club has already constructed the shed at a cost of \$55,000 with the cost of the concreting being \$5,280.

Grant funding recommended \$5,000.

Whyalla Steelers

Request \$5,000 to conduct a junior basketball carnival. The carnival is expected to bring over 60 junior basketball teams from South Australia to Whyalla. With players and families, it is estimated that between 500 and 1,000 people will travel to Whyalla and spend two days in our city.

This will have a significant flow-on economic benefit to our community, with visitors seeking accommodation, purchase of meals and other sundry items.

The total cost of the project is \$15,296.

Grant funding recommended \$5,000.

Financial Implications

Budget 2020/2021	\$55,000
Amount Committed in Previous Rounds	\$8,000
Amount Allocated this Round	\$10,000
Remaining Funds	\$37,000

Strategic Plan

Objective 1.2 – To create a vibrant, diverse, actively engaged community with a sense of belonging.

Strategy 1.2.1 – To host, promote and support events and activities which encourage community involvement, celebrate our diverse multicultural heritage and foster a sense of pride in the community.

Strategy 1.2.2 - Promote and encourage artistic / cultural endeavours in the community.

Objective 1.3 – To improve the safety, health and well-being of our community.

Strategy 1.3.3 – To provide accessible social/physical infrastructure that promotes and supports the health of our community through active and passive recreation opportunities.

Objective 4.1 – Instil community pride.

Strategy 4.1.2 - Encourage the community to 'Unearth' pride in Whyalla as a thriving and vibrant community.

Legislation – Nil

Officer Direct or Indirect Interest – Nil

Risk Assessment – Nil

Social Considerations

The provision of grant funding enables community groups to hold events and activities, undertake initiatives, purchase new equipment, or make improvements to their facility. Community groups, such as the Whyalla Shooters Association and Whyalla Steelers play an important role in promoting a vibrant and engaged community.

Community Engagement – Nil

Environmental Implications – Nil

Communication

All grant applicants will be advised of the outcome.

Conclusion

That Council consider the current Community Grant applications and make recommendations accordingly.

12.3 CITY GROWTH**12.3.4 Community Services Department – Information Only Report****Council Meeting:** 15 February 2020**Author's Title:** Community Services Co-ordinator**File No.:** 4-89**Directorate:** City Growth**Annexures – Nil****Officer Direct or Indirect Conflict of Interest:***In accordance with Local Government Act 1999,
Section 120***Status:***Information classified confidential under
Section 90(2) of the Local Government Act*☐

Yes

☒

No

☐

Yes

☒

No

PURPOSE

To receive and note the activity report of the Community Services Department.

SUMMARY

A detailed summary of highlights within the Community Services Department is included within this report.

RECOMMENDATION**That Council receive and note the Community Services Department – Information Only Report.**

12.3.4 Community Services Department – Information Only Report

REPORT

BACKGROUND

The following report summarises and highlights recent activities of Council's Community Services Department, which consists of the Community Services Co-ordinator, Arts and Cultural Facilitator, Youth Development Officer and STARCLUB Field Officer.

DISCUSSION

The report has been compiled into four theme areas: Community Development, Arts and Culture, Youth Development, Sport and Recreation with each Officer submitting their section.

Manager Community Services - Community Development

COVID-19

Most agencies, community groups and agencies are almost back to normal with some COVID restrictions still in place. This is good news, resulting in Council's community services staff being able to meet with most agencies and groups on a more personal level.

The Community Services Co-ordinator has met with several groups/agencies recently with the following highlights:

Whyalla Christmas Relief Committee

The Whyalla Christmas Relief Committee set up a distribution centre at D'Faces building in Viscount Slim Avenue, during the week 14-18 December 2020, with Council Infrastructure staff assisting with the provision of bollards and traffic management measures.

The committee had a shortfall of appropriate gifts for the teenager cohort, so a call was put out to Council staff to assist. It was lovely to see the generosity of our staff who provided some lovely gifts to be added to the toy/gift collection for disbursement.

Foodbank also came on board and provided an abundance of fresh fruit and vegetables for families to collect.



The committee distributed 611 hampers last year and just over 600 this year.

Pictured above, are some of the donations from Council staff along with one of the work crews at the distribution centre. It is such a humbling experience working at the centre and seeing the joy that is brought to families.

Disability Royal Commission and Disability Advocacy and Complaints Service of South Australia Inc (DACSSA)

A face to face meeting was due to take place with representatives from the Disability Royal Commission and DACSSA in November 2020, however, it was postponed due to implications with COVID-19 restrictions. The meeting was rescheduled to December 2020 and held via video conference with a number of representatives from the Royal Commission and DACSSA present.

DACSSA provides a free independent and confidential disability advocacy service in South Australia which they are planning on rolling out to regional South Australia. The agency advocates for people to resolve disability related issues in areas such as:

- NDIS
- Education and Employment
- Health
- Abuse and Discrimination

DACSSA representatives discussed how they are partnering with Relationships Australia, SA First Peoples Disability Network, Australia Nunkuwarrin Yunti SA and the Aboriginal Legal Rights Movement.

Some of the items discussed during the meeting included:

- a. The Disability Royal Commission (DRC).
- b. Priority groups including first nations people and people in regional/remote areas.
- c. Priority of Whyalla to voice the need of constituents in order to advocate for regional areas.
- d. DRC role to make recommendations to government about what changes are necessary to better the lives of people with disability.
- e. Uniqueness of issues relating to disability for people in regional areas, for example, long travel distance to Adelaide for specialised health services, shortage of therapists and professionals due to high turnover.
- f. Potential for DACSSA and the DRC Directors to be involved in one of Whyalla's Interagency meetings or other meetings to share opportunities for DRC engagement or to work together on a joint submission.
- g. Relationships with the organisations and groups attending these meetings to foster trust relationships and to help in connecting with individuals with disability to ensure they are being heard.
- h. Potential for the relationship between DRC, DACSSA and Whyalla Council to contribute greatly towards Whyalla's DAIP commitments regarding access to services and independent advocacy.
- i. Free legal and counselling services available to people involved or affected by the DRC and DACSSA's ability to provide referral opportunities for these gateways.

As this was only an introductory meeting, further updates on the above will be presented within future reports.

Information Linkages and Capacity Building Working Group

Council's Community Services Co-ordinator was invited to join the SA Local Government's Information Linkages and Capacity Building Working Group (ILCBWG), to deliver a project that would benefit persons with a disability.

The original idea of the project was to interview persons living with a disability who identify as one of the following, Aboriginal or Torres Strait Islanders, Culturally and Linguistically Diverse (CALD) or lesbian, gay, bisexual, transgender, gender diverse, intersex, queer, asexual and questioning (LGBTIQA+)¹ from rural, regional or remote South Australia.

At the most recent project meeting, the group is now considering whether podcasts should include Council staff sharing their experience in addressing issues that they have encountered with persons with a disability in accessing Council infrastructure or inclusivity issues of attending programs or events.

It was thought that this might be a good approach given the audience for the podcasts is Council staff and Elected Members. The podcasts will be produced to enable Council staff and Elected Members to hear the voices of a diversity of people with lived experience of disability discussing where and how Council can be open to learning about how to eliminate disabling practices.

As the project evolves, further updates will continue to be provided.

Council's Community Services Co-ordinator was tasked with project management of three significant community development projects in 2020— Norton Park, Changing Places and the Disability Access and Inclusion Plan, the following is a brief update.

Norton Park – Changing Places

Norton Park and Changing Places are both completed in line with the scope of the projects. Some final touches to the Changing Places was made in mid-January, ensuring that the facility was given full National accreditation. What this means is that the Whyalla facility is included on the Changing Places website which is available for anyone to view. This is particularly useful for anyone wishing to visit our city that has a severe or profound disability.



Feedback from some of the users of the facility indicated that they feel this type of facility is life changing for them. They are now able to visit our foreshore and enjoy it as much as other residents without the fear of having to cut their outing short to rush home to use amenities.

This type of facility is new to Whyalla, so it will take a bit of time for the community to understand that this is not a regular disabled toilet facility. It is a specialised purpose built 'state of the art' facility for those residents that suffer from severe and profound disabilities that cannot comfortably access the standard disability compliant toilets which are located nearby at the rear of the Life Saving building.

Disability Access and Inclusion Plan – DAIP

The next phase of the DAIP will include an implementation plan which will see a number of actions being rolled out over the next three years. Each of the actions will be assigned to the relevant department of Council and costs included within each departments annual budget for execution during the three year period.

Development Projects 2021

Two new major community development projects for 2021 include, the upgrade of open space areas at Trevan Street and Loring Street. These will be joint projects between the Community Services Co-ordinator and the Project Manager Landscape.

Both projects will be released shortly for public consultation. As these projects progress further updates will occur.

Sport and Recreation – STARCLUB Field Officer

Sports Community Webinars

The Webinar series supported by the SA STARCLUB Field officer Program continued with two more webinars being held during the reporting period, including:

Grants and Fundraising in a COVID-19 environment

This webinar was developed to ensure clubs remain financial during the challenging COVID-19 period. Sponsorship revenue was discussed and the likely decrease for clubs in the short term and advise on how clubs remain financially stable.

The webinar also looked at upcoming grants available to clubs and showed how to prepare a successful grant application now and into the future. Other fundraising strategies and ideas that have been successfully used by clubs through the COVID-19 period were also discussed.

Attracting and Retaining Volunteers at your Club

A characteristic of all successful clubs, is that they have a culture of volunteering, that a culture where everybody in the club is helping and contributing towards its success. This webinar discussed strategies on how to create this amazing culture within your club. The session also discussed attracting volunteers, how to reduce the workload on your committee and how to ensure that each club is preparing your next generation of volunteers. This was a very practical session, that used many examples from clubs and how they have successfully created a culture of volunteering.

Whyalla Sports Advisory Group (WSAG)

Three WSAG meetings that were held in this reporting period, either face to face or online as well as two informal meetings to discuss specific topics. A presentation was also developed from these meetings and presented to Elected Members regarding development of a new multi-use facility for sporting groups.

Meetings with SACA and the SANFL

Along with the Director City Infrastructure, the STARCLUB Field Officer has been meeting regularly with representatives from the South Australian Cricket Association (SACA) and the South Australian National Football League (SANFL) to discuss future upgrades to Jubilee and Memorial Ovals.

Meetings with the Whyalla Cricket Association

Attended the Whyalla Cricket Association Committee meetings to discuss the current season and be the conduit between the Whyalla City Council and the Whyalla Cricket Association.

Assisted in discussions and organisation of the T20 double-header cricket matches held at Bennett Oval on 29 January.

Grants Review Online Information Session ORSR

The Office for Recreation Sport and Racing administers a number of Grant Programs that allocate grants to sporting associations and clubs, Councils, educational institutions, not-for-profit organisations, some for-profit organisations, and scholarships for individual athletes. In 2017/18, \$53 million of funding was distributed through the ORSR Grant Program. Grant Program guidelines, application forms and processes are subject to a retrospective review annually as part of our continuous improvement program. This review is forward looking and considers the future needs of the industry and the priorities of the Government. The review has been completed and has provided the Government of South Australia with a series of recommendations about the grant funding provided to the sport and active recreation sector. These findings can now be found at the ORSR website under the funding tab.

Meeting with WFL re AFL Game

A meeting was called with the Whyalla Football League and its clubs to discuss how they could get involved with the pre-season event and get the most out of it for their clubs. A good discussion was had by all involved and all were looking forward to the event.

Unfortunately, the much-anticipated pre-season event was cancelled due to implications with COVID-19.

Discussion was also had regarding the future of Whyalla football and what it could look like in 5 years' time. A future meeting will be called to discuss this topic further.

Meeting with Various Gun Clubs to discuss STARCLUB and Other Sport and Recreation Topics

Attended a meeting with all of the gun clubs in Whyalla to discuss the STARCLUB Club Development Tool from the Office for Recreation, Sport and Racing. A good discussion was had regarding the tool which has also opened discussions on how the clubs could work together in the future for the betterment of all clubs in the area. The clubs left the meeting positive and keen to work together in the future.

Youth Development Officer

Foreshore Reactivation Activities

Life in the youth sector of Council has been quite busy with school holiday activities and the development of youth programs for the coming year.

During January, the Youth Development Officer (YDO) delivered school holiday and reactivation activities at the foreshore for the families of Whyalla.

The white marquee located at the foreshore was made much more inviting by being decorated with colorful bunting, kites, rugs and beanbags, big games scattered over the lawns to occupy the children who participated. Our beautiful foreshore was the perfect backdrop for these reactivation activities.

Week 1 involved kite-making, this activity was the most popular, with kites of all shapes and sizes being created, a total of 266 kites made, decorated and flown, the foreshore was perfect for this activity, with families returning day after day to fly their kites fashioned at our workshops. Designs drawn on the kites ranged from superheroes, all sorts of animals, mandalas, and transformers.

Week 2 consisted of rock painting, some kite-making, big games, informal cricket matches and communal soccer. Approximately 30 kilograms of rocks were painted, with some hidden at the foreshore in line with the SA Rocks protocols, other rocks which were considered works of art were taken home to be treasured.

We had mums, dads, grandparents, carers, organisations, tourists, people with disability, an all-inclusive time was had by all!

In all, approximately 345 people passed through the marquee in 8 days, with many respectful community conversations taking place. Many participants thanked Council for the opportunity to engage with free activities during the summer break.

Thank you to Councillor Westerman who popped down to check out the activities during the reactivation.



STARSHIP ENTERPRISE – Youth-led Recovery Grant

Late last year, the Youth Development Officer (YDO) and Arts and Cultural Facilitator (ACF) applied for grant funding from formed partnership between the Department of Human Services (DHS) and the Local Government Association (LGA), giving South Australian Councils the opportunity to apply for one-off competitive small grants.

These grants were on offer recognising the role of young people as the innovators in their communities, Youth-led Recovery Grants are all about asking young people how we can support them to work towards recovery from the impacts of COVID-19. Young people are identified as one of the cohorts most impacted by the short and long-term effects of the global pandemic.

This grant is an opportunity for council to support and engage with our young people as South Australia adjusts to our 'new normal'. The grant is intended to arm our local youth with the skills and confidence to achieve their goals in these uncertain times.

This funding round closed on 28 September 2020, with 31 applications seeking a total of \$925,820 in funding, with available funds of all projects set at \$500,000 our project was obviously deemed worthy! The assessment panel consisted of members of the LGA, DHS and two young South Australians (12-24). Our total project value is \$48,000, funding amount being \$36,000 (excluding gst) with \$12,000 made up with in-kind support and contributions from community.

Fourteen projects were approved by the assessment panel, covering 23 Local Government areas, with a mix of rural, regional, and metropolitan Councils being successful.

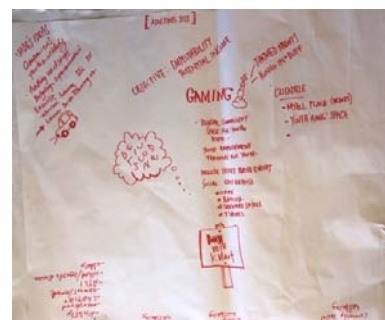
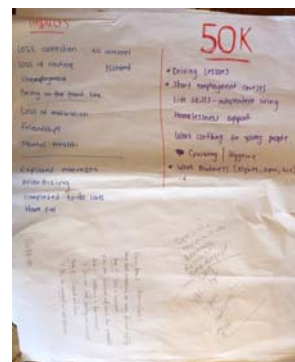
Our grant submission was developed by consulting with a steering committee comprising of young people from headspace Whyalla, D'faces of Youth Arts and the Whyalla Youth Advisory Committee, who spoke of their frustrations around underemployment, unemployment and lack of opportunities due to the worldwide pandemic shutting everything down.

The ideas our steering committee settled on include gaining certificated qualifications, running an enterprise café, building confidence, and gaining experience, for this project we are partnering with the awesome crew at headspace and D'faces. This program will run for four months, and will be evaluated at commencement, middle and completion. All participants taking part in the course will be supported by staff from Council (YDO and ACF) and Headspace, with resilience and mental health being at the forefront of the experience. Local Community Service organisations will also be involved therefore keeping the content and support localised.

For the first section of the program we have locked in courses and experiences the steering committee have suggested, the second section will be developed by the participants for the group.

This is a snippet of the program content:

Mental Health literacy
 Youth Mental Health First Aid
 Provide First Aid and CPR
 White Card
 Barista skills
 Adulting 101- 4-day course
 Cooking on a budget
 Intergenerational collaborations
 Get that Job workshop!
 Public Speaking and Confidence building
 And running a Friday night café' for their peers



Whyalla Youth Advisory Committee (YAC)

The YAC are proud to announce one of their own members has been successful in winning the Whyalla Australia Day Young Citizen of the Year. Blake Brougham is a young man who gives back to his community in so many ways through the Whyalla Music Association, COMET, the YAC and so much more. Blake always aspires to make Whyalla a better place to live and grow up in, always supporting and looking for opportunities for our youth to shine!

The YAC congratulate Blake on his award.



Australia Day saw three members of the YAC give freely of their time to perform at the foreshore after the official presentations, Blake, Ben and JJ, with Emily supporting from afar (due to work commitments), this amazing group of young people spent all day entertaining the crowds by busking, creating an atmosphere and showcasing the local youth talent. Well done crew!!

A big thank you to Harry who was on duty at the official ceremony showcasing his event management skills, including setting up, COVID-19 marshalling, directing patrons and packing down.

Zoe was also on the roster but due to breaking a bone was unable to assist, get well soon Zoe!

The YAC are in preparation and planning mode for 2021 carefully assessing our events strategy in this 'new norm' we now live in.

We are looking forward to SA Youth Week, UneARTH, the PRIDE march and advocating for our community!

Arts and Cultural Facilitator

Arts and Cultural Report – December/January 2021

Curate Your Own Festival Program – this collaboration with the Adelaide Film Festival has again delivered another great arts experience to our community and continuing to build audience for alternative content. Local artist Michal Hughes curated four great festival films including a sell-out session of ex-Whyalla resident Heather Croall's moving portrait of 'Me old Faithier', if you missed it there will be a session for UneARTH on 12 February.

Street Creatures – continuing our support of locals creating art within the community, Richard Parker set up his easel in Westland Shopping Centre and created artworks for the community. In his words *"Performative. Informative. Transformative"*. In his words, *"A local creative person (moi) will plonk himself in a public place for an entire day and paint watercolour art of dubious quality to give away to passers-by. Along the way, I will have conversations about my journey as an 'artist', my struggles with failure and perfectionism, and encourage the general and not-so public to embrace the therapeutic transformational potential of artistic practice"*.

The 'Street Creatures' program has been established to support and encourage local artists to create small public artworks, art interactions and placemaking activities in the community. We will roll this out in the next financial year as a more formalised program.



Arts and Cultural Hub Presence and Program –

The Arts and Cultural Facilitator has been utilising this space, using it as an office intermittently and supporting local artists to work in the space. In December D'faces ran a week-long project with theatre maker Yasmin Gureboo of ActNow Theatre and 13 young people creating impressions of 2020. The result will be a short film created by two of the senior D'faces members from the content from that week. There will be further artist activations over the next quarter will local Kish Collective doing a three-week residency and artists in residency planned for UneARTH as well as establishing UneARTH HQ for 2021.



Grants Round Opens 1 Feb – applications are now open for artists grants for projects starting after 1 July in the Regional Arts Fund. If you know of or come across any artists looking for funding in the city, please send them our way. This round closes on 15 March 2021.

Unearth 2021 Program – this is taking shape nicely with a broad range of activities to be held around the city. In planning our program for 2021, we focussed on how we can provide a smorgasbord of amazing arts activities for our community whilst still minimising the risk to the community and the financial risk to council as the COVID situation fluctuates. We have programmed activities to enable us to control numbers, trace attendance, activate city spaces and support other organisation to participate in the Festival.

The Festival will run from Friday 19 until Sunday 28 March. Here is a snapshot of the program. This is not an exhaustive list as there are still some events that are to be finalised.

- Friday 19 March – Ada Ryan Gardens – Caravan Sounds DJ with twilight markets
- Saturday 20 March – Norton Park – day time music event with Caravan Sounds, roving artists and visual artists working on enhancing the pump track
- Tuesday 23 and Wednesday 24 March – ActNow Theatre of the Global Majority public performance and workshop, stories of immigration; SANNA Inc creation of a public mural by Columbian born Kathryn and Port Augusta artist Scott Rathman, site to be confirmed
- Wednesday 24 March – Regional Film Festival Launch event, outdoor film event, Okipos Greenmarket
- Wednesday 24 and Thursday 25 March – Blueys Big Stage Show, Middelback Arts Centre
- Thursday 25 March – Greeks Ahoy – event at Okipos with great food and a screening of 'Zorba the Greek'
- Thursday 25 and Saturday 27 March – Meltdown, immersive theatre from D'faces about the end of the world
- Friday 26 March – Artists Long Lunch, artists workshop with Marli McCumber and Luaresha Champion at Roopeena; Amelia Ryan and Libby O'Donohue performing their show 'Unsung Women in Chains', Middleback Arts Centre followed by 'Leather Lungs'
- Saturday 27 and Sunday 28 March – our ex MC extraordinaire Sam McMahon is producing two days of short family entertainment in the old Girl Guide Hall; Jessop White park will be activated; Adelaide based experimental art troupe 'The Bait Fridge' will be between the park and the Arts Hub with strange costumes and general weirdness
- Saturday 27 March – Paper Sunsets and local bands will be performing in a music event at Roopeena; Amelia Ryan will perform her kids cabaret '80's Baby' and Drumming Monkeys, Kevin Kropinyeri and a tribute show 'Helpless, the songs of Neil Young' will be on stage at the Middleback Arts Centre

Financial Implications – Nil

Strategic Plan

Objective 1.2 - To create a vibrant, diverse, actively engaged community with a sense of belonging.

Strategy 1.2.1 - To host, promote and support events and activities which encourage community involvement, celebrate our diverse multicultural heritage, and foster a sense of pride in the community.

Strategy 1.2.4 -To develop and foster a community that provides opportunities for social, recreational, cultural, and educational interactions.

Objective 1.4 - To support and encourage initiatives for the community to connect and work together to improve.

Strategy 1.4.1 -Collaborate with government agencies, non-government organisations and other stakeholders, to provide a platform for effective collaboration and connection in our community.

Legislation – Nil

Officer Direct or Indirect Interest – Nil

Risk Assessment – Nil

Social Considerations – Nil

Community Engagement – Nil

Environmental Implications – Nil

Communication – Nil

Conclusion

That Council accepts this report outlining highlights within the Community Services Department.

12.3 CITY GROWTH**12.3.5 Events Department – Information Only**

Council Meeting: 15 February 2021
Author's Title: Events Co-ordinator **File No.:** 3-69
Directorate: City Growth

Annexures:

A – Correspondence from the Australian Football League

Officer Direct or Indirect Conflict of Interest:

*In accordance with Local Government Act 1999,
Section 120*

☐

Yes

☒

No

Status:

*Information classified confidential under
Section 90(2) of the Local Government Act*

☐

Yes

☒

No

PURPOSE

To receive and note the activity report of the Events Department.

SUMMARY

A detailed summary of highlights within the Events Department is included within this report.

RECOMMENDATION

That Council receive and note the Events Department – Information Only report.

12.3.5 Events Department – Information Only

REPORT

BACKGROUND

The following report summarises and highlights recent activities of Council's Events Department, which consists of the Events Co-ordinator and the Events Officer.

DISCUSSION

A summary of highlights within the Events Department is included within this report.

Events Information

New Year's Eve

For the first time in Whyalla, New Year's Eve was celebrated as a community. Due to COVID-19 restrictions, there was much thought having to go into the day and how this would be managed with such limited resources during this time of year?



A COVID-19 Management Plan had to be undertaken to allow for the number of attendances to view the fireworks and entertainment held between the gardens and the marina.

Activities held throughout the day were Caravan Sounds, 2.00 – 9.00 pm at the Ada Ryan Gardens with DJ Lil Mac entertained the community. Tickets were available from Eventbrite and were sold out in the first two days (500 tickets).

Unfortunately, due to the weather, there was poor attendance at this event but those who attended enjoyed themselves.

Carnival rides: 2.00 – 11.00 pm which saw their best day in attendance.

Fireworks; 9.10pm saw the fireworks begin. People came from all over the city and were viewing from all the way from South Football Club to Yacht Club, Hummock Hill and the new jetty. Was very well attended.

Australia Day – 26 January 2021

As Australia Day was held very differently this year, it seemed to have a better feel for the event. There were many things for the community to get involved in at all different locations throughout the city.



It started with the award winners and Australian citizenship service being held at the Ada Ryan Gardens from 10.30 – 11.30 am. This saw approximately 200 people attend with a mixture of family and friends of those receiving their awards and those who wanted to be a part of the community event.



From 10.00 am – 12 noon is where there were seven free BBQ's that were available to the community at different locations around the city; Norton Park, Wilson Park, Foreshore, Mitre 10, Foodland OneStop and Essington Lewis Avenue with most being 'sold' out.

The Whyalla Leisure Centre was filled with families from 12 noon until 5.00 pm, with activities ranging from swimming pool, jumping castles, kite-making and kindergym. Aqua classes and two group fitness classes which ran from 10.00 am – 12 noon.

A free community bus service was also put on for the community from 9.30 am – 6.00 pm. Routes for this were Ada Ryan Gardens, Foodland Essington Lewis Avenue, Stop 4 Wood Terrace, Wilson Park, ABC Shops, Jenkins Avenue shops, Norton Park, Foodland Onestop, McDouall Stuart Avenue, Menard St, Westland Shopping Centre, Leisure Centre, Nicolson Avenue, Bradford Street and return.

Usage of the bus service was low, which saw 18 people use it throughout the day.

Other events happening throughout the day were along the Foreshore; busking, food vendors, Carnival Rides and Sport Fishing Club.

AMMI AFL Pre-Season Match

The starting of planning for the AMMI AFL Pre-Season was well underway until the cancellation of the game.

Staff had commenced liaising with businesses to 'open Whyalla' during the game weekend. This included Dolphin Treasurers with a sunrise kayak, Peppercorn Markets to host their market in the Ada Ryan Gardens and the Plaza Traders looking into a street market.

A COVID-19 Management Plan was submitted with comments returned from SA Health – this has been cancelled.

Bookings have been cancelled and quotes filed.

Refer **Annexure "A"**.



Events Department Upcoming Events and Sponsored Events

- Peppercorn Markets, Ada Ryan Gardens – 20 February 2021
- Whyalla Speedway
- UneARTh Festival
 - o March will be filled with activities throughout the city including night market, family park day, workshops, film festival, children and adult entertainment.
- Umbrella Festival
 - o In discussions with the Umbrella Festival to participate in Whyalla this winter

Special Event Applications

Special event applications are still being heavily submitted into the events department which is creating a high demand on current resources. The online process is still being investigated, as well as the fees and charges relating to them.

Events being held over the city as of 1 December 2020:

- Birthday Parties
- Weddings
- Conferences
- Sporting Events

Financial Implications – Nil

Strategic Plan

Objective 1.2 - To create a vibrant, diverse, actively engaged community with a sense of belonging

Strategy 1.2.1 To host, promote and support events and activities which encourage community involvement, celebrate our diverse multicultural heritage, and foster a sense of pride to the community

Strategy 1.2.4 To develop and foster a community that provides opportunities for social, recreational, cultural and educational interaction

Objective 1.4 To support and encourage initiatives for the community to connect and work together to improve.

Strategy 1.4.1 Collaborate with government agencies, non-government organisations and other stakeholders, to provide a platform for effective collaboration and connection in our community

Legislation – Nil

Officer Direct or Indirect Interest – Nil

Risk Assessment – Nil

Social Considerations – Nil

Community Engagement – Not applicable

Environmental Implications – Nil

Communication – Not Applicable

Conclusion

That Council receive and note the Events Department – Information Only report.

Sunday January 31, 2021

Rebecca Neilson

Events & Tourism Development Partner
Whyalla City Council

Annexure "A"

Dear Ms. Neilson,

RE: 2021 AAMI Community Series

I am writing to pass on my thanks to you and the Whyalla community for all your work in supporting the AFL team to prepare your facilities, your grounds and your businesses to host a match as part of the 2021 AAMI Community Series.

We thank you for your patience and understanding as we worked through the safest options for players, staff and supporters across the country. The decision to revise the fixture for the 2021 AAMI Community Series and play matches at AFL and AFLW venues was made in order to protect the health and safety of the competition and the wider community which remains the priority in all of our decision-making.

While we are a game, we are not the main game, and our biggest responsibility as a code is to put the appropriate measures in place to ensure we are keeping the community as safe as possible during the ongoing pandemic.

Local communities like yours are the heartbeat of our game, underpinning its health and the success of the elite AFL and AFLW competitions, and we share in the disappointment of your community as we know how important Australian Football is to your local region.

Thank you again for all of your support of our code and we look forward to bringing AFL and AFLW football to your region at some stage in the future.

Yours sincerely,



Gillon McLachlan
Chief Executive Officer

12.3 CITY GROWTH

12.3.6 Whyalla Sports Advisory Group Meeting Minutes – Information Only

Council Meeting: 15 February 2021

Author's Title: STARCLUB Field Officer

File No.: 4-89

Directorate: City Growth

Annexures:

A – Minutes of the Whyalla Sports Advisory Group Meeting – 21 January 2021

Officer Direct or Indirect Conflict of Interest:

*In accordance with Local Government Act 1999,
Section 120*

☐

Yes

☒

No

Status:

*Information classified confidential under
Section 90(2) of the Local Government Act*

☐

Yes

☒

No

Reason – Not applicable

PURPOSE

To provide Elected Members the Minutes of the Whyalla Sports Advisory Group Meeting held on 21 January 2021.

SUMMARY

A copy of the minutes from the meeting of the Whyalla Sports Advisory Group held on 21 January 2021 (refer **Annexure "A"**) has been attached to keep the Elected Members informed of the group's discussions and next steps.

RECOMMENDATION

That Council receive and note the Whyalla Sports Advisory Group Meeting Minutes – Information Only report.

12.3.6 Whyalla Sports Advisory Group Meeting Minutes – Information Only

REPORT

BACKGROUND

The following report summarises the meeting of the Whyalla Sports Advisory Group held on 21 January 2021.

DISCUSSION

Advisory Group membership is made up of 9x Community representatives, three Council officer(s) including Director City Development, Manager Community Services and the STARCLUB Field Officer.

The group will be focusing specific objectives which are:

- 1.1. Assist with day to day management of the facility.
- 1.2. Provide recommendations to Council on other potential uses for sports ovals and facilities.
- 1.3. To assist with any future major events at sports ovals and facilities.
- 1.4. Assist in determining the future direction pertaining to the management of sports ovals and facilities.

Financial Implications –Nil

Strategic Plan

Objective 1.1 - Unearth community pride within the city.

Strategy 1.1.1 - Regularly inform the community of council activities, decisions, and actions by promoting positive stories and positive images.

1.1.2 - Take a proactive, collaborative approach to the revitalisation of council services to ensure that they adapt to the changing needs and expectations of the community

1.1.3 - To develop a network within the community to act as 'influencers' for our city as we create a thriving culture that embraces change and exhibits pride in our city.

Objective 1.2 - To create a vibrant, diverse, actively engaged community with a sense of belonging.

Strategy 1.2.1 - To host, promote and support events and activities which encourage community involvement, celebrate our diverse multicultural heritage, and foster a sense of pride in the community.

1.2.4 - To develop and foster a community that provides opportunities for social, recreational, cultural and educational interactions.

1.2.5 - Support and recognise the economic and social value of volunteering in our community.

Objective 1.3 - To improve the safety, health and well-being of our community.

Strategy 1.3.1 - To support and enhance community partnerships.

1.3.3 - To provide accessible social/physical infrastructure that promotes and supports the health of our community through active and passive recreation opportunities.

Objective 1.4 - To support and encourage initiatives for the community to connect and work together to improve.

Strategy 1.4.1 - Collaborate with government agencies, non-government organisations and other stakeholders, to provide a platform for effective collaboration and connection in our community.

Objective 2.1- To create a city that is attractive and showcases our natural and built assets.

Strategy 2.1.1 - Embed place making principles in council development to ensure that places reflect the needs and uses of the location.

Objective 2.4 - To ensure that infrastructure is maintained and managed to meet the community's economic, social and physical needs.

Strategy 2.4.2 - Continue to look for opportunities to rationalise and dispose of surplus assets in line with service delivery.

Legislation – Nil

Officer Direct or Indirect Interest – Nil

Risk Assessment – Not applicable

Social Considerations – Nil

Community Engagement – Nil

Environmental Implications – Nil

Communication

Agendas and minutes from each meeting will be made available publicly through Councils various communication streams.

Conclusion

That Council receive and note the Whyalla Sports Advisory Group Meeting Minutes – Information Only Report.

NOTES OF THE WHYALLA SPORTS ADVISORY GROUP MEETING**Annexure "A"****HELD ON THURSDAY 21 JANUARY 2021 AT 5.34PM VIA TEAMS**

PRESENT: Noel Goldsworthy
 David Sharp
 David Miller
 Andie Maxwell
 David Freeman
 David Miller
 Anthony Travers

OFFICERS: Acting Director City Development (Joy Hentschke)
 Manager Community Services (*Ann Ryan*)
 STARCLUB Field Officer (*Alberto Salatino*)
 Executive Assistant City Development (*Joanne Blayney*)

1. ACKNOWLEDGEMENT

We acknowledge that this meeting is held on Barngarla Land and we give thanks for the use of this Land.

2. WELCOME

Alberto welcomed everyone to the first WSAG meeting of the year and wished everyone a Happy New Year.

3. ATTENDANCE RECORD**3.1 Apologies**

Tony Appleyard, Jeff Spry and John O'Halloran.

4. NOTES OF PREVIOUS MEETING

Moved Noel Goldsworthy, Seconded David Freeman

That the Minutes of the previous Whyalla Sports Advisory Group Meeting held on Thursday 17 December 2020, as per copies supplied to Members, be adopted as a true and correct record of that meeting.

Carried

5. ITEMS FROM PREVIOUS MEETING

- 5.1 Governance – Hiring of Jubilee, Memorial and Bennett Ovals and facilities.
- 5.2 WFL incoming and outgoing figures.

6. UPDATE – COUNCIL REPORT

- 6.1 Alberto – Council Report content for 15 February 2021 meeting.

7. OTHER BUSINESS

- 7.1 New High School would like to present to the WSAG Group at the February meeting regarding community/sporting people. Joanne will add to the February Agenda.

- 7.2 Westlands Soccer Club – SA Water bill

All present WSAG members agreed that they would need more information on the type of support they are looking for before making any decisions about putting a report to Council. Alberto advised he would contact WUSC to confirm what they require i.e. is it water for the pitch to enable them to play the 50th Anniversary game there or is it for a monetary contribution towards their water bill. Alberto will advise the WSAG group of the club's request once he has the information.

- 7.3 Council Report

Alberto will send the council report to the WSAG members for comments.

- 7.4 Chair of WSAG Meetings

It was agreed unanimously that Noel Goldsworthy will Chair the next three WSAG meetings, Andie Maxwell will Chair the following three.

- 7.5 T20 Cricket

The T20 double header will be played at Bennett Oval on Friday 29 January, the Woolworths Cricket Bash for juniors will start at 4pm, SACA are coming to assist. The first game starts at 5.30pm. The Bennett Oval lights are the second brightest outside of Adelaide Oval.

- 7.6 Economic Report

Joy asked if the group would like a copy of the Economic Report that she put to the January Council Meeting, it shows figures in the days leading up to the AFL Game held here last year.

- Joanne to forward the report to WSAG Members.

7.7 Memorial Oval

Noel commented on Memorial lights being on and cricket being played. Alberto advised it was a double header at 5.00pm and 8.00pm, feedback was that the lights were amazing and has been well received by the Cricket Association.

8. ITEMS TO BE ADDED IN THE NEXT AGENDA

8.1 Presentation from the Whyalla Secondary School Principal.

The Principal would like to give an overview of the new school and show what will benefit sporting groups and the community groups i.e. ovals and facilities that could be hired/utilised.

8.2 General Business

David Freeman requested that General Business is a standing item on future agendas.

8.3 Junior Sports / Events

Noel reiterated that juniors are the future of sports and events in Whyalla, there is huge potential to tap into junior sports.

Alberto said we need to be open minded about attracting different sports / events, things like bmx, skate park and putput were mentioned as being an attraction.

9. DATE OF NEXT MEETING

The next ordinary WSAG Meeting will be held on Thursday 19 February 2021 at 5.30pm in the Council Chamber.

Alberto declared the meeting closed at 6.55pm.

12.4 CITY INFRASTRUCTURE

12.4.1 Point Lowly Cottages

Council Meeting 15 February 2021
Author's Title: Manager Capital Works Delivery **File No.:** 1-269
Directorate: City Infrastructure

Annexures:

A – Condition Photos

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1999, Section 120

☐

Yes

☒

No

Status:

Information classified confidential under Section 90(2) of the Local Government Act

☐

Yes

☒

No

Reason – Not applicable

PURPOSE

To achieve improved safety, health and wellbeing for the community, it is proposed that Council temporarily close Weeroona Cottage and undertake remediation work.

To relieve concerns in the community, it is proposed to research and investigate the feasibility of providing temporary accommodation facilities while the cottage is being upgraded, with the view of inviting expressions of interest based on a brief, conditions and selecting a suitable site.

SUMMARY

During inspection to repair a damaged wall in the interior bathroom at Weeroona Cottage, officers uncovered white ant damage, structural issues and further asbestos requiring that the whole bathroom including internal false ceiling and external walls, be demolished and rebuilt and tiled. The works include new ambulant toilet, vanity and shower fittings, new windows and new doors.

Builders have been instructed to temporarily seal and protect and weatherproof the exposed external walls and seal the exposed asbestos, pending funding and agreement to proceed with full remediation works.

There is evidence of white ant damage in window frames and sill in the stone section of the cottage. It appears that white ants are not active at present and it is noted that white ant treatment had taken place in the past as evidenced by drilling and injection treatment.

Council officers have inspected Lowly Cottage and it appears in reasonably good condition, however, we anticipate that the same issues would be present as have been uncovered at Weeroona Cottage.

It is proposed to close Weeroona Cottage until such time that the deterioration can be remedied and a fit for purpose facility can be returned to the community.

To remediate the Cottage, two options present themselves:

1. **OPTION 1** – A grant application has been made to completely refurbish both Weeroona and Lowly cottages. If successful, we would consider opting for accepting the grant and matching funds and proceed with the refurbishment forthwith.
2. **OPTION 2** – Proceed to fix damage and provide new bathroom at Weeroona Cottage only.

During works undertaken on 27 January 2021, to safely remove asbestos, further inspection of the site with the contractor observed that the following remediation works are required (refer **Annexure “A”** for photos showing extent of deterioration, below):

- White ant damage to the external timber framed walls is extensive with white ant attack evident through to the top plate and extending into the rafters that support the entire roof of the lean-to housing the bathroom, rear patio and kitchen. The ceiling throughout that area is also asbestos and would need replacing as do the rafters.
- The bathroom would effectively be demolished to replace the timber frame. The current layout of the bathroom is non-compliant with Disability Codes and Plumbing Codes and would need to be upgraded at the same time.
- Remediation works to replace damage and provide a new bathroom/toilet including new foundations, doors and windows, electrical, white ant treatment, plumbing tiling electrical, painting and clean.

The cost to remediate bathrooms at Lowly Cottage have been determined to be in the order of \$80,500 (obtained by one indicative quotation only, as an estimate).

***Note:** There is presence of white ant damage in other areas within the buildings and fence surrounds. A thorough inspection should be conducted by a Pest Control Company and report and costings to be presented to Council Works to protect remaining timbers in the building. Consideration should be given to installing protective meshes in walls and or providing sacrificial wood away from the main buildings.*

RECOMMENDATION

That Council endorse:

- 1. To temporarily close the Point lowly Cottages due to it not being fit-for-purpose on the grounds of deterioration of bathrooms, white ant intrusion, damage to timber walls and ceiling requiring demolition and remediation. Furthermore, the properties do not meet fire safety requirements and have insufficient toilets to cater for the number of occupants.**
- 2. The closure being temporary, pending grant application approval to refurbish both cottages. If the grant is not approved, Council to reconsider and further move to remediate Lowly Cottage in the coming years at a budget cost of \$80,500 and agree to preparing a strategy to remediate the cottages including inviting expressions of interest to remediate and operate accommodation.**
- 3. To off-set the temporary loss of facilities, Council to also consider inviting expressions of interest to set up temporary accommodation, perhaps in the form of glamping tents at a suitable site to be investigated and identified.**

12.4.1 Point Lowly Cottages

REPORT

BACKGROUND

The recommendation to temporarily close Weeroona Cottage or both Cottages, arose from inspection of the cottages in further detail, when damage to an external wall was arranged to be repaired, considering the successful outcome of a grant application to completely refurbish both Cottages.

DISCUSSION

Asbestos and white ant damage being an occupational and safety hazard needs to be removed and the area remediated once the issue is known.

The cottages cater for 30 beds and are booked for large functions. The toilet facilities are insufficient to cater for the population who use the cottages and cannot cope with the demand.

There are fire exit compliance and existing provisions do not comply to ensure the safety of occupants in the event of an emergency.

Financial Implications

A grant application has been submitted to the Local Government Infrastructure Partnership Program, for a complete refurbishment of both Weeroona and Lowly Cottages. Council would need to approve the expenditure of \$80,500 in next year's budget, pending prioritisation and consideration of other project requirements.

Strategic Plan

Objective 1.1 Unearth community pride within the city

Strategy 1.1.1 Regularly inform the community of council activities, decisions and actions by prompting positive stories and positive images.

Strategy 1.1.2 Take a proactive, collaborative approach to the revitalisation of council services to ensure that they adapt to the changing needs and expectation of the community.

Objective 1.3 To improve the safety, health and wellbeing of our community.

Strategy 1.3.3 To provide accessible social/physical infrastructure that promotes and supports the health of our community through active and passive recreation opportunities.

Objective 2.1 To create a city that is attractive and showcases our natural and built assets

Strategy 2.1.1 Embed place making principles in council development to ensure that places reflect the needs and uses of the location.

Strategy 2.1.3 Promote, protect, and rehabilitate the unique and historical built environment of Whyalla.

Legislation

Heritage Act

Local Government Act 1999

Work Health and Safety Act

Housing Improvement Regulations 2020:

<https://www.legislation.sa.gov.au/LZ/C/R/Housing%20Improvement%20Regulations%202017.aspx>

Guidelines to Upgrade Existing Buildings:

<http://www.abcb.gov.au/Resources/Publications/Education-Training/Upgrading-existing-buildings>

<http://www.legislation.sa.gov.au/LZ/C/A/WORK%20HEALTH%20AND%20SAFETY%20ACT%202012.aspx>

Officer Direct or Indirect Interest – Nil

Risk Assessment

Discuss any risks to the organisation here, including financial and reputational risks, potential missed opportunities, setting a potentially costly precedent, acting counter to a stated Council policy or good practice standard, etc.

By voting against the recommendation, Council is placing itself at risk of claims arising from breach of health and safety, voiding insurance policy, loss of reputation and lost opportunity to investigate the possibility of branding Point Lowly as a high quality destination that provides superb accommodation to access outstanding natural and cultural features along the Northern Coast.

Social Considerations – Nil

Conditions that make a property substandard

A property may be declared sub-standard if it does not comply with minimum housing standards (Part 3 of the Housing Improvement Regulations 2017, SA Gov) and presents a health or safety risk. Some examples include:

- inadequate kitchen, bathroom, toilet, or laundry facilities;
- defective plumbing, gas, or electrical services;
- poor lighting or ventilation;
- inadequate fire safety provisions;
- hazardous materials, e.g. disturbed or damaged asbestos;
- premises inadequately converted into a rooming house; and
- structures that are at risk of collapse.

In consideration that there are many public facilities that require hard decisions to temporarily close facilities that are unsafe or have passed their useful life, this decision could announce an escalation of the urgency to determine strategies to provide high quality temporary facilities to serve the needs of the community and visitors, by buying time to investigate and propose remediation of declined buildings and structures or design new facilities while determining optimum means for their delivery and enhanced offering.

Community Engagement

Considering the prominence and importance of the cottages to the Whyalla community and their cultural and heritage significance, it would be necessary to consult with the community to refine strategies.

No consultation has been conducted to date.

Environmental Implications

The matter of renewing the bathroom at Weeroona Cottage in general, does not constitute an environmental concern.

Site selection for temporary accommodation may trigger environmental impact considerations.

Communication

Background leading up to why the issue has arisen.

Inform community that Council has applied for a grant to refurbish both Cottages.

Conduct a workshop with focus groups and the community to engage with and inform of optimal solutions for managing, repurposing, and upgrading community facilities that have come into disrepair or have passed their design or operational life.

Present how assets could be repurposed, renewed, or divested.

Present Councils Asset Management Program to assess assets and provide a proactive approach to manage opportunities and risk with the view of increasing longevity and robustness.

Conclusion

Council officers had identified requirements to renew existing bathroom facilities, resulting from recent damage to an external wall at Weeroona Cottage.

This has opened an opportunity to be proactive and lateral and determine how Council can manage assets that come into disrepair or no longer are safe or fit for purpose.

Council and the community has a number of options to improve the quality of facilities and reduce long term inconvenience by agreeing to a temporary closure and to await the outcome of grant applications and defer improvements for budget allocation to create a better upgraded bathroom facility for visitors and the community at both cottages or presently at Weeroona Cottage.

Annexure "A"

PHOTOS EXTENT OF DETERIORATION WEEROONA COTTAGE



EXTERNAL WALL NEEDS RECONSTRUCTION



FALSE CEILING AND ASBESTOS



WHITE ANT DAMAGE



WHITE ANT DAMAGE



ASE CEILING AND WIRING TO BE REPLACED



DAMAGE TO BATHROOM INNACCESSIBLE FACILITY



SEPEARATOR WALL FOYER/BATHROOM



BATHROOM CORNER EXTERNAL VERANDAH



FALSE ASBESTOS CEILING

13. INFORMATION REPORT

13.1 Mayor C McLaughlin – List of Engagements

Council Meeting: 15 February 2021

Author's Title: Mayor

File No.: 0-97

Annexures – Nil

Officer Direct or Indirect Conflict of Interest:

*In accordance with Local Government Act 1999,
Section 120*

Status:

*Information classified confidential under
Section 90(2) of the Local Government Act*

☐ Yes

☒ No

☐ Yes

☒ No

Reason – Not applicable

PURPOSE

To provide a list of engagements attended by Mayor Clare McLaughlin for the period 13 January 2021 to 9 February 2021, inclusive.

SUMMARY

A list of engagements attended by Mayor Clare McLaughlin.

RECOMMENDATION

That Council receive and note the Mayor C McLaughlin – List of Engagements report.

13.1 Mayor C McLaughlin – List of Engagements

REPORT

BACKGROUND

A summary of engagements attended by Mayor McLaughlin is provided on a monthly basis.

DISCUSSION

Wednesday 13 January 2021

- Elected Member Briefing – Beach Cafe Community Forum – via ZOOM
- Whyalla Foreshore Community Forum

Friday 15 January 2021

- Meeting with Manager Communications and Public Relations, re topics for 5AU radio interview
- Australia Day Citizenship Judging Panel Meeting

Monday 18 January 2021

- Fortnightly 5AU radio interview with Jordan Curtis
- 2x Australian Citizenships
- Mayors Weekly Diary Review – Chief Executive Officer and Executive Co-ordinator
- Ordinary Council Meeting

Monday 18 January 2021

- Fortnightly 5AU radio interview with Jordan Curtis

Monday 25 January 2021

- Meeting with Chief Executive Officer and Director City Infrastructure, re Clean Seas
- Attended presentation of staff Australia Day medallions

Tuesday 26 January 2021

- Participated in Australia Day celebrations – Ada Ryan Gardens/Whyalla Foreshore

Wednesday 28 January 2021

- Media – Central Television, re Cricket Oval Upgrade/T20 Competition

Friday 29 January 2021

- Meeting with Manager Communications and Public Relations, re topics for 5AU radio interview

Monday 1 February 2021

- Fortnightly 5AU radio interview with Jordan Curtis

Tuesday 2 February 2021

- Meeting with resident, Ms K Paris and Chief Executive Officer, re hoon motor bike riders
- Spencer Gulf Cities Board Meeting – via ZOOM
- Meet and Welcome: 2021 Interns, Medical and Dental Students

Thursday 4 February 2021

- Attended Local Government House – Official Opening and Awards Ceremony – Adelaide

Monday 8 February 2021

- Mayors Weekly Diary Review – Chief Executive Officer and Executive Co-ordinator
- Elected Members Informal Gathering

Financial Implications – Nil

Strategic Plan

Objective 1.1 – Unearth community pride within the city

Strategy 1.1.1 – Regularly inform the community of Council activities, decisions and actions by promoting positive stories and positive images

Legislation – Not applicable

Officer Direct or Indirect Interest – Not applicable

Risk Assessment – Not applicable

Social Considerations – Not applicable

Community Engagement – Not applicable

Environmental Implications – Not applicable

Communication – Not applicable

Conclusion – Not applicable

14. NOTICES OF MOTION – Nil*Extract Regulation Local Government (Proceedings at Meetings) Regulations 2013***12—Motions**

- (1) *A Member may bring forward any business in the form of a written notice of motion.*
- (2) *The notice of motion must be given to the Chief Executive Officer at least five clear days before the date of the meeting at which the motion is to be moved.*
- (3) *A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last periodic election of the council must be brought by written notice of motion.*
- (4) *If a motion under sub-regulation (3) is lost, a motion to the same effect cannot be brought –*
 - (a) *until after the expiration of 12 months; or*
 - (b) *until after the next periodic election, whichever is the sooner.*

15. QUESTIONS ON NOTICE – Nil*Extract Regulation Local Government (Proceedings at Meetings) Regulations 2013***10—Questions**

- (1) *A Member may ask a question on notice by giving the Chief Executive Officer written notice of the question at least five clear days before the date of the meeting at which the question is to be asked.*
- (2) *If notice of a question is given under sub-regulation (1) –*
 - (a) *the Chief Executive Officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and*
 - (b) *the question and the reply must be entered in the minutes of the relevant meeting.*

16. QUESTIONS WITHOUT NOTICE**17. MOTIONS WITHOUT NOTICE**

18. COMMITTEE REPORTS

18.1 Audit Committee Meeting

18.1.1 Minutes of the Audit Committee Meeting held on Monday 1 February 2021

*18.1.1.1 Confirmation of Minutes – refer **Annexure A***

Recommendation

That the Minutes of the Audit Committee Meeting held on Wednesday 1 February 2021 be received and noted.

Summary

This Audit Committee Meeting dealt with the second quarter budget review, the 2021/22 Annual Business Plan and Budget process, a review of the Prudential Management Policy and improvements to corporate reporting, as well as normal standing items.



Annexure "A"

MINUTES OF THE AUDIT COMMITTEE MEETING

HELD ON **MONDAY 1 FEBRUARY 2021 AT 11:02 AM** IN THE **COUNCIL CHAMBER**

PRESENT: Mr A Rushbrook (*Chair*), Cr S Stuppos, D Knox, Mr P Klobucar

OBSERVERS: Chief Executive Officer (*Mr J Commons*)
 Director Corporate (*Ms K Jarrett*)
 Director Infrastructure (*Mr K Clark*)
 Business Planning Manager (*Mr G Jennings*)
 Senior Finance Officer (*Mrs S Vigar*)
 Governance Administration Officer (*Miss A Wood*)
 Corporate Executive Coordinator (*Miss D Edwards*)

1. Attendance Record

Apologies – Mayor Clare McLaughlin
 Leave of Absence – Nil

2. Declaration of Members' Conflict of Interests – Nil

3. Minutes of Previous Meeting

3.1 *Confirmation of the Minutes of the Audit Committee Meeting held on Wednesday 30 September 2020*

Moved Cr Knox, seconded Cr Stuppos

AC293-2021

That the Minutes of the Audit Committee Meeting held on Wednesday 30 September 2020, as per copies supplied to Members, be adopted as a true and correct record to that meeting.

Carried

4. Deputations/Presentations – Nil

5. Reports – Council Officers

5.1 Corporate – Ordinary Reports

5.1.1 2021-22 Annual Business Plan & Budget Process and Parameters

Moved Cr Knox, seconded Cr Stuppos

AC294-2021

That the Audit Committee:

1. notes the process and parameters for the development of the 2021-22 Annual Business Plan and Budget, as endorsed by Council; and
2. resolves to hold an additional meeting of the Audit Committee on 7 April 2021 to review the Draft 2021-22 Annual Business Plan and Budget.

Carried

5.1.2 Budget Review 2020-21 – Quarter 2

Moved Cr Stuppos, seconded Mr Klobucar

AC295-2021

That the Audit Committee:

1. recommend to Council the adoption of the Quarter 2 Budget Review, identifying an adjusted operating deficit of \$3,093,000 and an estimated cash position at the end of reporting period of \$224,000;
2. recommend to Council that the 2020-21 Annual Business Plan and Budget and Long Term Financial Plan be amended to reflect the variances; and
3. recommend that Council reduce the provision for Covid rate remissions by 50%, equivalent to \$320,000, based on the current rate of applications.

Carried

5.1.3 Corporate Reporting

Moved Cr Knox, seconded Mr Klobucar

AC296-2021

That the Audit Committee notes the work being undertaken to develop a framework for regular corporate reporting.

Carried

5.1.4 *Quarterly Report – Procurement*

Moved Cr Stuppos, seconded Cr Knox

AC297-2021

That the Audit Committee receive and note the Procurement Quarterly report.

Carried

5.1.5 *Prudential Management Policy*

Moved Cr Knox, seconded Cr Stuppos

AC298-2021

That the Audit Committee receive and note the draft Prudential Management Policy attached at Annexure “A” and recommends it to Council for adoption subject to the inclusion of provision for exemptions in line with the Local Government Act 1999.

Carried

5.1.6 *Audit Committee Work Plan*

Moved Cr Stuppos, seconded Mr Klobucar

AC299-2021

That the Audit Committee receive and note the Work Plan.

Carried

6. **Consideration of Confidential Items – Nil**

7. **Closure – Meeting concluded at 11:54am**

8. **Date of Next Meeting – Wednesday 7 April 2021 at 11:00am.**

18.1.1.2 Budget Review 2020/21 – Quarter 2 – refer **Annexure A1**

Recommendation

That Council:

- 1. adopts the Quarter 2 Budget Review, identifying an adjusted operating deficit of \$3,093,000 and an estimated cash position at the end of the reporting period of \$224,000;**
- 2. approve the 2020/21 Annual Business Plan and Budget and Long Term Financial Plan be amended to reflect the variances; and**
- 3. reduce the provision for COVID rate remissions by 50%, equivalent to \$320,000, based on the current rate of applications.**

Summary

*Refer **Annexure A1** – Budget Review 2020/21 Quarter 2*

The Budget Update comprises the following statements:

The main change to the budget and Long Term Financial Plan is the reduction in loan projections. This is primarily caused by additional grant funding received, with the majority of the reduction in borrowings being experienced by the airport. This brings the peak loan projections back in line with the original Long Term Financial Plan adopted in April 2020.

The budget review also includes a reduction of the allocation to cover COVID Rate Remission applications. This allocation was originally calculated based on the number of commercial properties in industries that were expected to be negatively impacted by COVID restrictions. There has been a much lower rate of applications received than was expected. This could be considered a sign that the local economy may be more resilient than was originally thought. Based on the current rate of uptake, the provision is recommended to be reduced by 50%, to \$320,000.

Budget 2020/21 Impact

If approved by Council, these amendments will:

- *increase Council's adjusted operating deficit by \$31,000 to a projected \$3.09 million;*
- *leave Council's Adjusted Operating Deficit Ratio unchanged at (10%);*
- *decrease Council's Net Financial Liabilities Ratio from 87% to 63%; and*
- *decrease Council's Asset Renewal Funding Ratio from 103% to 98%.*

Council is outside the target range for the Adjusted Operating Ratio. This was already the case for the original budget, as this allowed for targeted rates relief to be delivered as well as an organisational realignment to be undertaken.

The Net Financial Liabilities Ratio has come back into target range. This is due to funding received for the Airport Security and Terminal Upgrade.

The Asset Renewal Funding Ratio is within target range.

Long Term Financial Plan (LTFP) Impact

Council's operating results in future years are fairly consistent with previous projections, other than changes relating to Airport projections, which are explained below. The Net Financial Liabilities Ratio is estimated to peak at 76% in 2021/22, previously projected to peak at 88% in the same year. Borrowings are now estimated to peak at \$25.9 million in 2021/22, previously projected to peak at \$30.5 million in the same year. The loan balance is estimated to return to \$18.5 million by the year 2030/31, in line with previous projections.

Airport

The projected result for the airport in 2020/21 has been adjusted down significantly, due to the slow recovery from COVID being experienced, resulting in very low passenger numbers. It is now predicted that a maximum of around 30,000 passengers will use the airport this year, half of the reduced projections adopted at the start of the year. Passenger numbers are increasing slowly month on month and a watching brief will be maintained to understand if this trend continues.

The Airport's Long Term Financial Plan projections have been updated to reflect the much lower loan borrowings now required to fund the Terminal upgrade. This means passenger charges can increase by a much lower amount, a great outcome for airport users. As less upfront investment is required, the risk of this project to Council is greatly diminished, reducing the required return on investment. The plan now projects a break-even position on average across the term of the plan, still a great improvement from the losses that have been incurred in prior years. Loan borrowings are projected to peak at \$4.0 million in 2021/22, previously projected to peak at \$8.4 million in 2020/21.

BUDGET REVIEW 2020-21 2nd Quarter

KEY FINANCIAL INDICATORS	Target	Note	Original Budget 2020-21	Approved Amendments 2020-21	Current Budget 2020-21	Proposed Amendments 2020-21	Projected Total 2020-21	Note	Estimated Budget 2021-22	Estimated Budget 2022-23	Estimated Budget 2023-24
Council (including Airport)		1						2			
Operating Surplus/(Deficit) - \$'000			(2,530)	(722)	(3,252)	(31)	(3,283)		(1,401)	(955)	(718)
Adjusted Operating Surplus/(Deficit)* - \$'000			(2,340) ●	(722)	(3,062) ●	(31)	(3,093) ●		(1,401) ●	(955) ●	(718) ●
Adjusted Operating Surplus/(Deficit) Ratio	(2)% - 1%		(8%) ●	(2%)	(10%) ●	-	(10%) ●		(4%) ●	(3%) ●	(2%) ●
Net Financial Liabilities Ratio	< 80%		94% ●	(7%)	87% ●	(24%)	63% ●		76% ●	67% ●	64% ●
Asset Renewal Funding Ratio	90 - 110%		79% ●	24%	103% ●	(5%)	98% ●		112% ●	63% ●	101% ●
Whyalla Airport											
Operating Surplus/(Deficit) - \$'000		9	(418) ●	4	(414) ●	(184)	(598) ●		(72) ●	(98) ●	(92) ●
Operating Surplus/(Deficit) Ratio - %	1% - 6%		(42%) ●	-	(42%) ●	(57%)	(99%) ●		(3%) ●	(3%) ●	(3%) ●
Net Financial Liabilities Ratio - %	< 250%		852% ●	(14%)	838% ●	(475%)	363% ●		152% ●	106% ●	83% ●

KEY

In target range ●

Above target ●

Below target ●

* The Adjusted Operating Surplus/(Deficit) removes the impact of timing differences in the receipt of Financial Assistance Grant income and is considered to provide a more meaningful measurement of Council's underlying financial position.

Note Explanations – 2020-21 Quarter 2:

1. The adjusted operating deficit is expected to increase by \$31,000 to \$3.09 million. The Adjusted Operating Deficit Ratio is unchanged at (10%). The Net Financial Liabilities Ratio decreases by 24% from 87% to 63%. This is due to some capital expenditure being retimed to 2021-22, as well as an increase in capital grant funding. The Asset Renewal Funding Ratio decreases by 5% from 103% to 98%, due to some capital renewal expenditure being retimed to 2021-22.
2. Council's operating results in future years are in line with previous projections, other than changes relating to Airport projections, which are explained below. The Net Financial Liabilities Ratio is estimated to peak at 76% in 2021-22, previously projected to peak at 88% in the same year. Borrowings are now estimated to peak at \$25.9 million in 2021-22, previously projected to peak at \$30.5 million in the same year. The loan balance is estimated to return to \$18.5 million by the year 2030-31, in line with previous projections.
3. Operating income is expected to increase by \$91,000, this can be attributed to:
 - a reduction of \$320,000 in the allowance made for the remission of rates relating to COVID-19. The number of applications received is much lower than was expected, suggesting that the local economy has been more resilient than was first thought given the promotion of the initiative was wide;
 - \$111,000 of unbudgeted income related to operating the waste transfer station past the original closing date of 30 June 2020, offset by expenditure;
 - an increase in childcare income of \$70,000 generated from an increase in occupancy rate at the centre, offset by increased staffing costs;
 - grant funding of \$32,000 received for youth programs, offset by expenditure; offset by
 - a reduction in airport income of \$389,000 due to the COVID-19 recovery progressing at a slower rate than projected, partially offset by reduced expenditure;
 - a reduction in lease income of \$24,000, due to the start date of leases relating to the industrial estate being delayed;
 - a reduction of \$18,000 in special distributions received from Local Government Risk; and
 - Financial Assistance grant funding from the Federal Government being \$13,000 lower than projected.
4. Operating expenditure is expected to increase by \$122,000, this can be attributed to:
 - A decrease in labour costs of \$495,000 due to:
 - savings from vacant positions of \$425,000, a portion of which was used to fund labour hire; offset by
 - a \$70,000 increase in labour costs for the childcare centre due to increased occupancy, offset by income.
 - An increase in contract, material and other costs of \$592,000 due to:
 - an increase in labour hire and consulting costs of \$275,000 to backfill vacant positions, offset by labour savings;
 - \$173,000 of costs related to operating the waste transfer station past the original closing date of 30 June 2020, partially offset by income. Note that discussions are currently being held with Veolia regarding joint accountability for these costs;
 - \$54,000 of costs relating to a project to digitally archive essential files stored in the old cinema, due to the WHS risk currently posed;
 - expenses of \$93,000 incurred to purchase devices to allow more of the workforce to operate remotely, to assist with handling the impacts of COVID-19;
 - an increase of \$50,000 in water and maintenance costs due to the upgrade of Council's two main ovals;

- an increase in insurance expense of \$23,000 primarily related to the Jetty and Bennett Oval;
 - youth program costs of \$32,000, offset by grant funding;
 - \$15,000 to undertake the delegations review;
 - an increase of \$13,000 in the contract to remove rubbish, due to an increase in illegal dumping, particularly in laneways and at Pt Lowly;
 - a cost of \$8,000 to clean up the oil spill relating to the HMAS Whyalla; offset by
 - reduced fuel costs of \$30,000 for Council's fleet due to lower price; and
 - a reduction in fuel cost of \$120,000 for the airport, due to lower demand for aviation and domestic fuel resulting from low passenger numbers.
- An increase in depreciation, amortisation & impairments of \$165,000 due to:
 - an increase in depreciation of \$45,000 due to updated forecasts for the Transport asset class; and
 - a one-off increase in plant depreciation of \$120,000 related to a temporary increase in the fleet size to meet COVID-19 requirements and also due to Waste vehicles still being in the process of disposal.
 - A reduction in interest expenses of \$140,000 in line with updated cashflow projections.
5. A decrease of \$442,000 in the outlay on existing assets due to:
- \$869,000 of project expenditure carried forward to 2021-22 relating to the Airport Taxiway and Runway Safety Upgrade (this project has both renewal and new/upgrade portions); offset by
 - \$382,000 for the renewal of kerbing on 4 roads brought forward from 2021-22, as they are now being funded under the second round of the Local Roads and Community Infrastructure program and work needs to commence to ensure the final acquittal deadline is met; and
 - \$20,000 of expenditure transferred from New/Upgrade to Renewal relating to the Jetty and Marina Lighting projects.
6. A decrease of \$4.1 million in the outlay on new and upgraded assets due to:
- \$4.2 million of project expenditure carried forward to 2021-22 in line with updated project schedules, including \$2.8 million for the Airport Taxiway and Runway Safety Upgrade; \$1.2 million for Valley One Stormwater Stage 1 and \$82,000 for the Boat Ramp Upgrade;
 - \$20,000 of expenditure transferred from New/Upgrade to Renewal relating to the Jetty and Marina Lighting projects; offset by
 - an increase in budget of \$50,000 for the Shared Path program, offset by income; and
 - an increase of \$35,000 in the costs to improve the direct Wi-Fi connection between the Civic Building and Depot.
7. An increase of \$2.5 million in amounts received specifically for new and upgraded assets due to:
- \$4.2 million of grant funding received for the Airport Screening and Terminal Upgrade;
 - \$50,000 of funding received for shared paths;
 - \$440,000 of funds from the Local Roads and Community Infrastructure program, equal to 50% of Council's round 2 funding, with the rest to be received in 2021-22; offset by
 - \$2.2 million of grant funding to be re-budgeted in 2021-22 in line with updated project schedules, including \$1.6 million for the Airport Taxiway and Runway Safety Upgrade and \$630,000 for Valley One Stormwater Stage 1.
8. It is expected decreased borrowings of \$7.1 million will be required in 2020-21 to meet cash flow requirements, when compared to previous projections. This relates to the retiming of capital expenditure to 2021-22, as well as the additional capital grant funding that Council has been successful in receiving.

9. Whyalla Airport

- The operating deficit is expected to increase by \$184,000 to \$598,000. The Operating Deficit Ratio is expected to increase from (42%) to (99%). The Net Financial Liabilities Ratio decreases from 838% to 363%, due to additional capital grant funding.
- The Airport's Long Term Financial Plan projections have been updated to reflect the much lower loan borrowings now required to fund the Terminal. This means the passenger charge can increase by a much lower amount, a great outcome for airport users. As less upfront investment is required, the risk of this project to Council is greatly diminished, reducing the required return on investment. The plan now projects a break even position on average across the term of the plan, still a great improvement from the losses that have been incurred in prior years. Loan borrowings are projected to peak at \$4.0 million in 2021-22, previously projected to peak at \$8.4 million in 2020-21.
- The change to the operating result of \$184,000 is due to:
 - a reduction in airport income of \$389,000 due to the COVID-19 recovery progressing at a slower rate than projected; offset by
 - a reduction in fuel cost of \$120,000, due to lower demand for aviation and domestic fuel resulting from low passenger numbers; and
 - a reduction in interest expenses of \$85,000 in line with updated cashflow projections.

WHYALLA CITY COUNCIL

BUDGET REVIEW 2020-21 2nd Quarter

UNIFORM PRESENTATION OF FINANCES	Note	Original Budget 2020-21 \$000	Approved Amendments 2020-21 \$000	Current Budget 2020-21 \$000	Proposed Amendments 2020-21 \$000	Projected Total 2020-21 \$000	Note	Estimated Budget* 2021-222 \$000	Estimated Budget* 2022-23 \$000	Estimated Budget* 2023-24 \$000
OPERATING ACTIVITIES										
Operating Revenues	3	30,481	(131)	30,350	91	30,441		33,495	34,902	35,956
less Operating Expenses	4	(33,011)	(591)	(33,602)	(122)	(33,724)		(34,896)	(35,857)	(36,674)
Operating Surplus/ (Deficit)		(2,530)	(722)	(3,252)	(31)	(3,283)		(1,401)	(955)	(718)
CAPITAL ACTIVITIES										
Net Outlays on Existing Assets										
Capital Expense on renewal and replacement of Existing Assets	5	(6,004)	(1,945)	(7,949)	442	(7,507)		(8,735)	(3,637)	(5,662)
add back Depreciation, Amortisation and Impairment		6,766	270	7,036	165	7,201		7,605	8,002	8,155
add back Proceeds from Sale of Replaced Assets		202	60	262	-	262		195	156	143
Net Outlays on Existing Assets		964	(1,615)	(651)	607	(44)		(935)	4,521	2,636
Net Outlay on New and Upgraded Assets										
Capital Expenditure on New and Upgraded Assets	6	(15,773)	(1,748)	(17,521)	4,100	(13,421)		(7,069)	(1,796)	(1,836)
add back Amounts received specifically for New and Upgraded Assets	7	5,183	506	5,689	2,537	8,226		2,922	204	205
Net Outlays on New and Upgraded Assets		(10,590)	(1,242)	(11,832)	6,637	(5,195)		(4,147)	(1,592)	(1,631)
Net Lending/ (Borrowing) for Financial Year		(12,156)	(3,579)	(15,735)	7,213	(8,522)		(6,483)	1,974	287
Financing transactions associated with the above net overall deficit, or applying the overall net funding surplus are as follows:										
New Borrowings		12,500	7,100	19,600	(7,100)	12,500		6,400	-	300
Repayment of Principal		-	-	-	-	-		-	(2,100)	(600)
(Increase)/Decrease in Cash and Investments		51	112	163	(113)	50		8	51	(62)
Net Balance Sheet funding (debtors & creditors etc)		(395)	(3,633)	(4,028)	-	(4,028)		75	75	75
Financing Transactions	8	12,156	3,579	15,735	(7,213)	8,522		6,483	(1,974)	(287)

WHYALLA CITY COUNCIL

BUDGET REVIEW 2020-21 2nd Quarter

STATEMENT OF COMPREHENSIVE INCOME

	Original Budget	Approved	Current Budget	Proposed	Projected Total	Estimated	Estimated	Estimated
	2020-21	Amendments	2020-21	Amendments	2020-21	Budget*	Budget*	Budget*
	\$000	\$000	\$000	\$000	\$000	2021-222	2022-23	2023-24
						\$000	\$000	\$000
INCOME								
Rates	20,929	-	20,929	320	21,249	22,264	22,967	23,810
Statutory Charges	367	-	367	-	367	372	377	384
User Charges	2,881	(114)	2,767	(157)	2,610	4,620	5,250	5,365
Grants, subsidies and contributions	5,214	-	5,214	19	5,233	5,239	5,277	5,329
Investment Income	34	-	34	-	34	34	34	34
Reimbursements	13	-	13	-	13	13	13	13
Other Income	1,043	(17)	1,026	(91)	935	953	984	1,021
TOTAL INCOME	30,481	(131)	30,350	91	30,441	33,495	34,902	35,956
EXPENSES								
Employee Costs	12,895	(152)	12,743	(495)	12,248	12,723	12,539	12,827
Materials, contracts & other expenses	12,848	560	13,408	592	14,000	14,024	14,720	15,006
Depreciation, amortisation & impairments	6,766	270	7,036	165	7,201	7,605	8,002	8,155
Finance Costs	502	(87)	415	(140)	275	544	596	686
TOTAL EXPENSES	33,011	591	33,602	122	33,724	34,896	35,857	36,674
OPERATING SURPLUS/(DEFICIT)	(2,530)	(722)	(3,252)	(31)	(3,283)	(1,401)	(955)	(718)
Amounts specifically for new or upgraded assets	5,183	506	5,689	2,537	8,226	2,922	204	205
Net gain (loss)	-	-	-	-	-	-	-	-
NET SURPLUS/(DEFICIT)	2,653	(216)	2,437	2,506	4,943	1,521	(751)	(513)
Other Comprehensive Income	-	12,769	12,769	-	12,769	5,336	5,570	7,186
TOTAL COMPREHENSIVE INCOME	2,653	12,553	15,206	2,506	17,712	6,857	4,819	6,673

WHYALLA CITY COUNCIL

BUDGET REVIEW 2020-21 2nd Quarter

STATEMENT OF FINANCIAL POSITION

	Original Budget	Approved Amendments	Current Budget	Proposed Amendments	Projected Total	Estimated Budget*	Estimated Budget*	Estimated Budget*
	2020-21	2020-21	2020-21	2020-21	2020-21	2021-222	2022-23	2023-24
	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000
ASSETS								
Current Assets								
Cash & Cash Equivalents	223	(112)	111	113	224	216	165	227
Trade & Other Receivables	4,188	2,200	6,388	-	6,388	6,388	6,388	6,388
Inventories	114	-	114	-	114	114	114	114
TOTAL CURRENT ASSETS	4,525	2,088	6,613	113	6,726	6,718	6,667	6,729
Non-current Assets								
Infrastructure, Property, Plant & Equipment	294,622	16,132	310,754	(4,707)	306,047	319,387	322,232	328,618
Other Non-Current Assets	3,935	45	3,980	-	3,980	3,880	3,780	3,680
TOTAL NON-CURRENT ASSETS	298,557	16,177	314,734	(4,707)	310,027	323,267	326,012	332,298
Total Assets	303,082	18,265	321,347	(4,594)	316,753	329,985	332,679	339,027
LIABILITIES								
Current Liabilities								
Trade and Other Payables	4,539	(1,200)	3,339	-	3,339	3,339	3,339	3,339
Short Term Borrowings	500	-	500	(500)	-	2,100	600	2,200
Short Term Provisions	2,276	-	2,276	-	2,276	2,276	2,276	2,276
TOTAL CURRENT LIABILITIES	7,315	(1,200)	6,115	(500)	5,615	7,715	6,215	7,815
Non-Current Liabilities								
Long Term Borrowings	19,000	7,100	26,100	(6,600)	19,500	23,800	23,200	21,300
Long Term Provisions	853	(188)	665	-	665	640	615	590
TOTAL NON-CURRENT LIABILITIES	19,853	6,912	26,765	(6,600)	20,165	24,440	23,815	21,890
Total Liabilities	27,168	5,712	32,880	(7,100)	25,780	32,155	30,030	29,705
NET ASSETS	275,914	12,553	288,467	2,506	290,973	297,830	302,649	309,322
EQUITY								
Accumulated Surplus	44,458	(366)	44,092	2,506	46,598	48,119	47,368	46,855
Asset Revaluation Reserve	229,654	12,769	242,423	-	242,423	247,759	253,329	260,515
Reserves	1,802	150	1,952	-	1,952	1,952	1,952	1,952
TOTAL EQUITY	275,914	12,553	288,467	2,506	290,973	297,830	302,649	309,322

WHYALLA CITY COUNCIL

BUDGET REVIEW 2020-21 2nd Quarter

STATEMENT OF CHANGES IN EQUITY

	Original Budget	Approved Amendments	Current Budget	Proposed Amendments	Projected Total
	2020-21 \$000	2020-21 \$000	2020-21 \$000	2020-21 \$000	2020-21 \$000
Accumulated Surplus					
Balance at Beginning of Period	41,655	-	41,655	-	41,655
Change in financial position resulting from operations	2,653	(216)	2,437	2,506	4,943
Transfers from Other Reserves	550	(550)	-	-	-
Transfers to Other Reserves	(400)	400	-	-	-
Balance at End of Period	44,458	(366)	44,092	2,506	46,598
Asset Revaluation Reserve					
Balance at Beginning of Period	229,654	-	229,654	-	229,654
Revaluation Increment	-	12,769	12,769	-	12,769
Balance at End of Period	229,654	12,769	242,423	-	242,423
Other Reserves					
Balance at Beginning of Period	1,952	-	1,952	-	1,952
Transfers to Accumulated Surplus	(550)	550	-	-	-
Transfers from Accumulated Surplus	400	(400)	-	-	-
Balance at End of Period	1,802	150	1,952	-	1,952
TOTAL EQUITY AT END OF REPORTING PERIOD	275,914	12,553	288,467	2,506	290,973

Estimated Budget*	Estimated Budget*	Estimated Budget*
2021-22 \$000	2022-23 \$000	2023-24 \$000
46,598	48,119	47,368
1,521	(751)	(513)
-	-	-
-	-	-
48,119	47,368	46,855
242,423	247,759	253,329
5,336	5,570	7,186
247,759	253,329	260,515
1,952	1,952	1,952
-	-	-
-	-	-
1,952	1,952	1,952
297,830	302,649	309,322

WHYALLA CITY COUNCIL

BUDGET REVIEW 2020-21 2nd Quarter

STATEMENT OF CASH FLOWS

	Original Budget 2020-21 \$000	Approved Amendments 2020-21 \$000	Current Budget 2020-21 \$000	Proposed Amendments 2020-21 \$000	Projected Total 2020-21 \$000	Estimated Budget* 2021-222 \$000	Estimated Budget* 2022-23 \$000	Estimated Budget* 2023-24 \$000
CASH FLOWS FROM OPERATING ACTIVITIES								
Receipts								
Operating Receipts	30,447	(3,531)	26,916	91	27,007	33,461	34,868	35,922
Investment Income	34	-	34	-	34	34	34	34
Payments								
Operating Payments	(26,138)	(641)	(26,779)	(97)	(26,876)	(26,672)	(27,184)	(27,758)
Finance Costs	(502)	87	(415)	140	(275)	(544)	(596)	(686)
Net Cash provided by (or used in) Operating Activities	3,841	(4,085)	(244)	134	(110)	6,279	7,122	7,512
CASH FLOWS FROM INVESTMENT ACTIVITIES								
Receipts								
Amounts specifically for new or upgraded assets	5,183	506	5,689	2,537	8,226	2,922	204	205
Sale of replaced assets	202	60	262	-	262	195	156	143
Sale of surplus assets	-	-	-	-	-	-	-	-
Payments								
Purchase of Renewal/Replacement Assets	(6,004)	(1,945)	(7,949)	442	(7,507)	(8,735)	(3,637)	(5,662)
Purchase of New/Expansion Assets	(15,773)	(1,748)	(17,521)	4,100	(13,421)	(7,069)	(1,796)	(1,836)
Net Cash provided by (or used in) Investing Activities	(16,392)	(3,127)	(19,519)	7,079	(12,440)	(12,687)	(5,073)	(7,150)
CASH FLOWS FROM FINANCING ACTIVITIES								
Receipts								
Proceeds from Borrowings - Council	12,500	7,100	19,600	(7,100)	12,500	6,400	-	300
Payments								
Repayment of Borrowings	-	-	-	-	-	-	(2,100)	(600)
Net Cash provided by (or used in) Financing Activities	12,500	7,100	19,600	(7,100)	12,500	6,400	(2,100)	(300)
Net Increase (Decrease) in Cash Held	(51)	(112)	(163)	113	(50)	(8)	(51)	62
Cash & cash equivalents at beginning of period	274	-	274	-	274	224	216	165
Cash & cash equivalents at end of period	223	(112)	111	113	224	216	165	227

18.1.1.3 Corporate Reporting – refer **Annexures A2 and A3**

Recommendation

That Council receive and note the Corporate Report for December 2020 and the Budget Report for January 2021.

Summary

Council's current corporate reporting process consists primarily of two key documents, the Annual Business Plan and Budget and the Annual Report. Alongside these, Council receives ad hoc reports on key activities, such as Project Reporting and other reports on departmental activity. This means that there is often a lack of timeliness and consistency in activities being reported to Council.

To ensure that Whyalla City Council can continue to grow as a modern organisation, it is considered timely to implement a framework for regular corporate reporting. The delivery of timely, relevant information on organisational performance to Council increases transparency and accountability and leads to improved decision making. Performance against strategic direction can be tracked and the organisation can react more quickly to threats and opportunities.

This framework is based around increased reporting to Council, with different timeframes proposed as follows:

- *A monthly report on Council's high level financial position. This report would also include information on the progress of high value "Major Projects" as well as high value ongoing contracts, e.g. Waste Management.*
- *A quarterly report, providing information on the City Profile, Organisational Performance and Project Delivery.*

The section of the report titled Organisational Performance is proposed to cover a number of areas, including:

- *Community Satisfaction*
- *Key accountability areas: Customer Service; Governance; Workforce; Environment; and Corporate Citizenship*
- *Performance of key service areas e.g. Assets, Transport, Recreation, Economic Development, Regulatory Services, Community Development, Arts and Culture, Childcare Centre, Airport*
- *Performance Against Strategic Plan*
- *Delivery against other adopted plans*

One key outcome of this additional information is that it will allow Council to develop meaningful KPIs against which service delivery can be measured.

Section 123(2)(b)(iii) of the Local Government Act 1999 requires Council to outline the measures, both financial and non-financial, that Council intends to use to assess performance against the annual objectives outlined in the Annual Business Plan. The non-financial measures are always much more difficult to quantify than the financial ones, but these KPIs will greatly improve Council's ability to articulate to the community how they are performing against their plans.

*The initial report, for the period ending December 2020, is included as **Annexure A2**. This report is considered a work in progress, with Council feedback to be incorporated into the next iteration.*

*Also included as **Annexure A3**, is the first finance report that will be presented on a monthly basis, for the period ending 31 January 2021.*

Annexure "A2"

Whyalla City Council Corporate Performance Report For the period ending 31 December 2020

Table of Contents

1. Whyalla's Profile

- 1.1. Population
- 1.2. Demographics
- 1.3. Household Income
- 1.4. Gross Regional Product
- 1.5. Local Economy

This area will facilitate continuous environmental scanning, ensuring we maintain a deep understanding of the Whyalla community. This in turn will assist us in keeping under review our service design and delivery.

2. Council's Strategic Plan

- 2.1. Strategic Plan
- 2.2. Community Scorecard

3. Performance - Service Delivery

- 3.1. Assets
- 3.2. Transport - footpaths, roads, bridges, traffic management
- 3.3. Recreation - jetty, parks and gardens, playgrounds, sports facilities, marina, Leisure Centre
- 3.4. Community Amenities - cemetery, street furniture, streetscape, public toilets
- 3.5. Waste Management - kerbside collection and landfill operations
- 3.6. Other Environment - street cleaning, street lighting, stormwater, coastal protection, Landscapes and EPA Levy
- 3.7. Cultural Services - youth services, arts and culture
- 3.8. Community Support - community centres/halls, aged services, grants/donations
- 3.9. Economic Development - events, support to local business, tourism, visitor services
- 3.10. Library Services
- 3.11. Regulatory Services - health services, environmental health, animal management, parking control, development
- 3.12. Business Undertakings - childcare centre, airport

4. Performance - Leadership

- 4.1. Governance / community leadership
- 4.2. Customer experience
- 4.3. Workforce
- 4.4. Organisational Culture
- 4.5. Environmental sustainability
- 4.6. Corporate citizenship

5. Performance - Project Delivery

- 5.1. Quarterly Project Update

Introduction

There is considerable data available on the activities of Whyalla City Council. This data, when analysed and reported as outlined in this Performance Report (Report) provides information in a manner that is easy to understand as well as shows how Council is performing in key areas of operation.

The objectives of this Report are to provide information:

- that supports Council's strategic decision-making
- about Council's performance and productivity
- highlighting where there is scope for improvement
- about compliance with relevant reporting requirements
- that enhances transparency and informs debate
- that tells the story about Council's operations and achievements, and whether or not the Whyalla community is getting 'value for money'.

SCOPE OF REPORT

Section 1 of this Report provides contextual information about the City of Whyalla. Over time, as our measurement and reporting develop, this information may lead to a series of indicators demonstrating the Whyalla community's overall wellbeing.

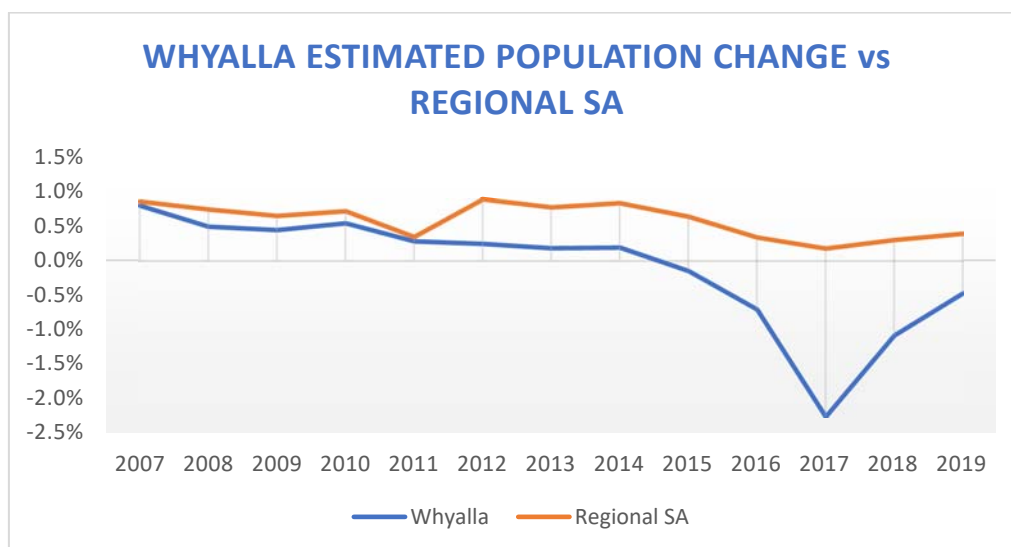
In the meantime, some key information about Whyalla is presented such as population and economic data. Council's activities and operations has some influence over these indicators; however, Council is not the only contributor. Most significantly, the policies and activities of the Federal and State government influence these aspects of Whyalla's overall wellbeing as does major business.

Section 2 of this Report turns towards Council's operations. Firstly, Council's four strategic themes are presented, followed by the outcomes of a Community Survey undertaken in the second half of 2020 seeking feedback on Council's performance against each of the themes as well as a fifth theme, being leadership.

The following pages then present information and performance data about key areas of Council operations, all of which are focused on contributing to the achievement of the strategic themes and 'value for money'.

Section 1 - Whyalla Profile

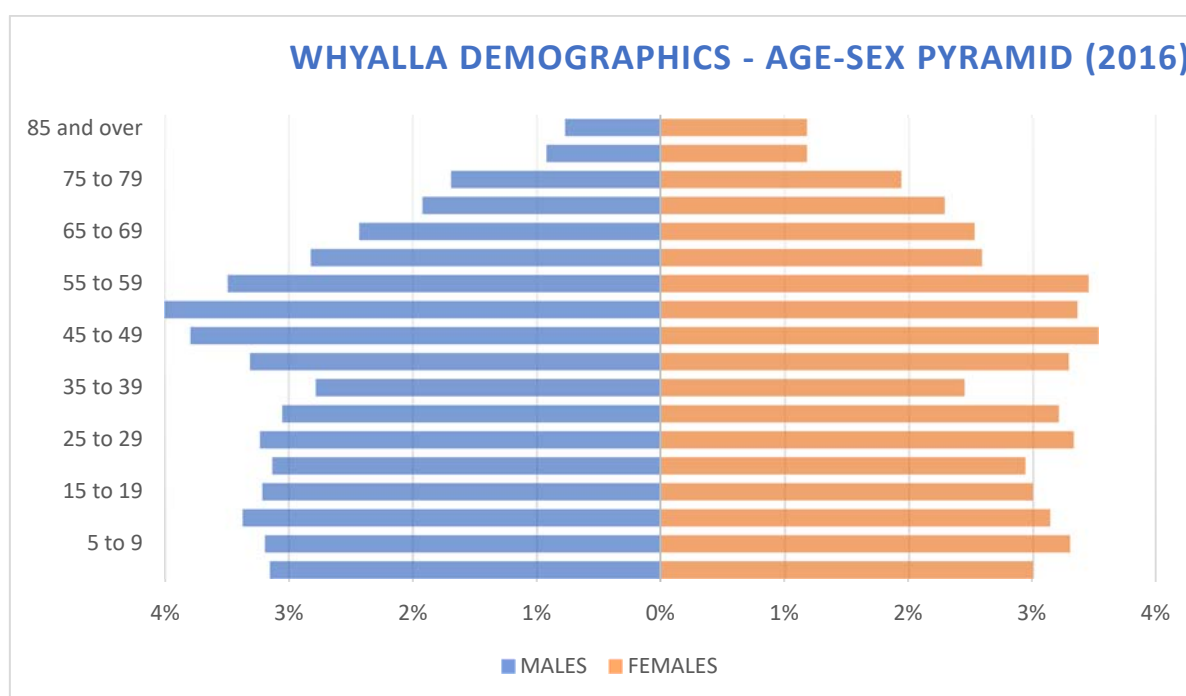
1.1 Population



Whyalla's Estimated Resident Population as at 30 June 2019 was 21,665.

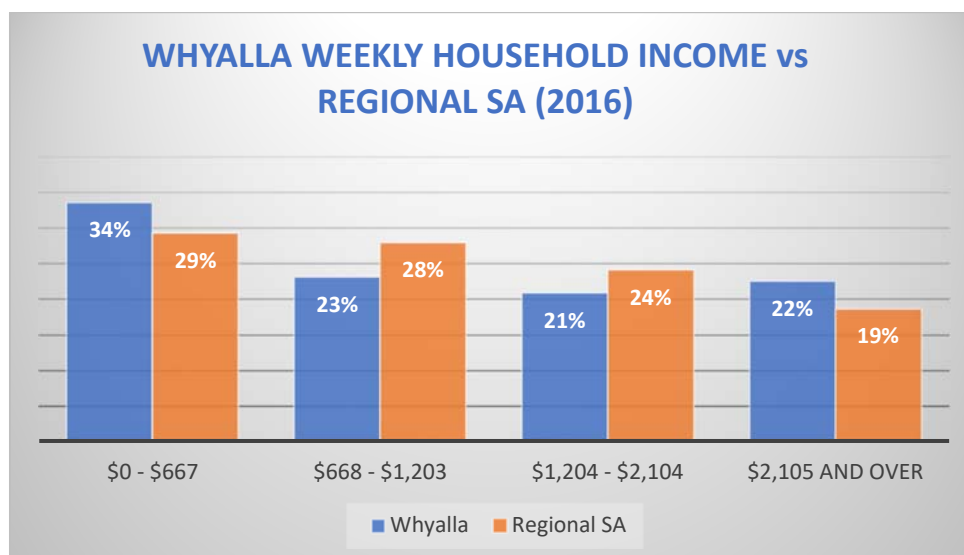
Whyalla's population has been declining since 2015 by an average of 0.9% per annum. Over the same period Regional SA has averaged a population increase of 0.4% per annum. Council's objective is to make the city an attractive place for new residents.

1.2 Demographics



As at the 2016 census, Whyalla's largest demographic was the 50 to 54 age group. The 35 to 39 age group is underrepresented when compared to adjacent age groups. Strategies to attract younger families may be required to avoid a quickly ageing population.

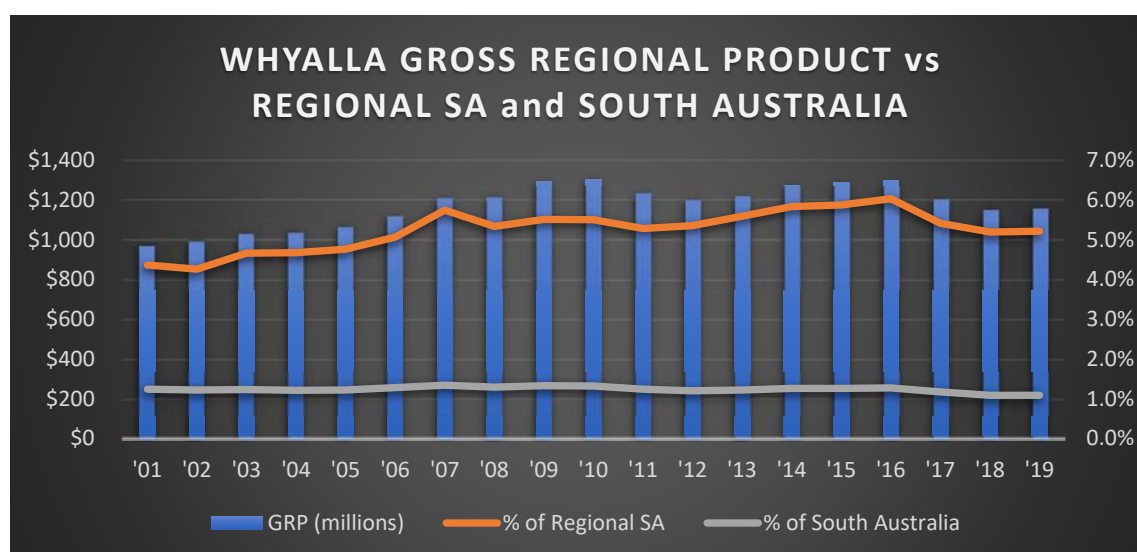
1.3 Household Income



When compared to Regional SA, Whyalla had a higher number of households in the **top 25%** and **bottom 25%** of income brackets for SA at the 2016 census.

This suggests a higher level of **income inequality** compared to Regional SA, which can lead to a higher instance of social issues.

1.4 Gross Regional Product

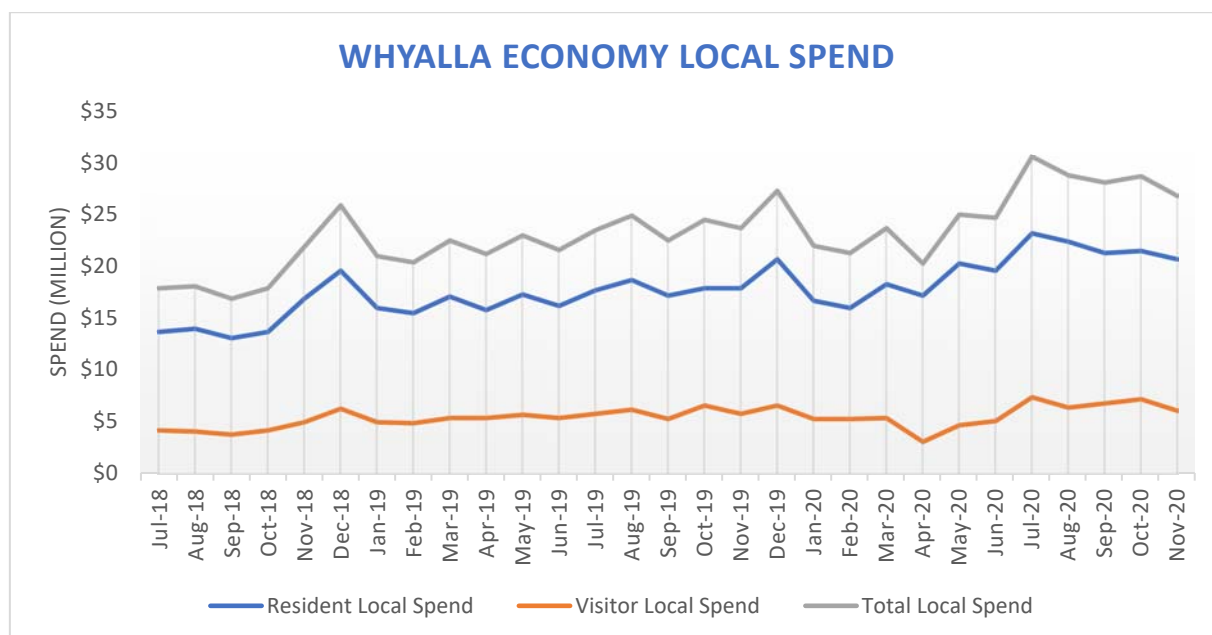


Gross Regional Product (GRP) for Whyalla for 2018/19 was estimated to be **\$1.16 billion**, down from a high of **\$1.30 billion** in 2009/10.

This contributed **1.1%** of South Australia's GRP and **5.2%** of Regional SA's GRP.

[include comment here about what this means for service design and delivery]

1.5 Local Economy



Visitors to Whyalla spent a total of **\$33.9 million** in the first 5 months of 2020/21. This is an **increase** of **\$4.2 million** or **14%** from the same period last year.

The total spend in the local economy for the first 5 months of 2020/21 was **\$143.0 million**. This is an **increase** of **\$23.9 million** or **20%** from the same period last year. This shows that the local economy has been fairly resilient to the negative impacts of Covid-19.

Section 2 - Council's Strategic Plan

2.1 Strategic Plan

STRATEGIC PLAN 2021-2030 FRAMEWORK

Summary of Council's long term objectives.

GOAL

Unearth a bright future for Whyalla.

VALUES

- We Care
- We Work Together
- We're Committed
- We Own It

OUTCOMES

- Confident, engaged and proud community
- Integrated education and training opportunities
- Attractive city
- Diverse economy
- Integrated health, disability and aged care services

VISION

Whyalla will be a vibrant, attractive city offering the community a diverse range of sustainable economic, social, environmental and cultural opportunities.

OUR 4 KEY THEMES



Our People

Provide a range of services and facilities which promote a safe and engaged community, which is healthy, culturally and socially rich.



Our Places

Protect our natural environment and enhance our built environment to ensure the environmental, social, physical and economic needs of the city are met.



Our Economy

Whyalla has a diverse and sustainable economy.



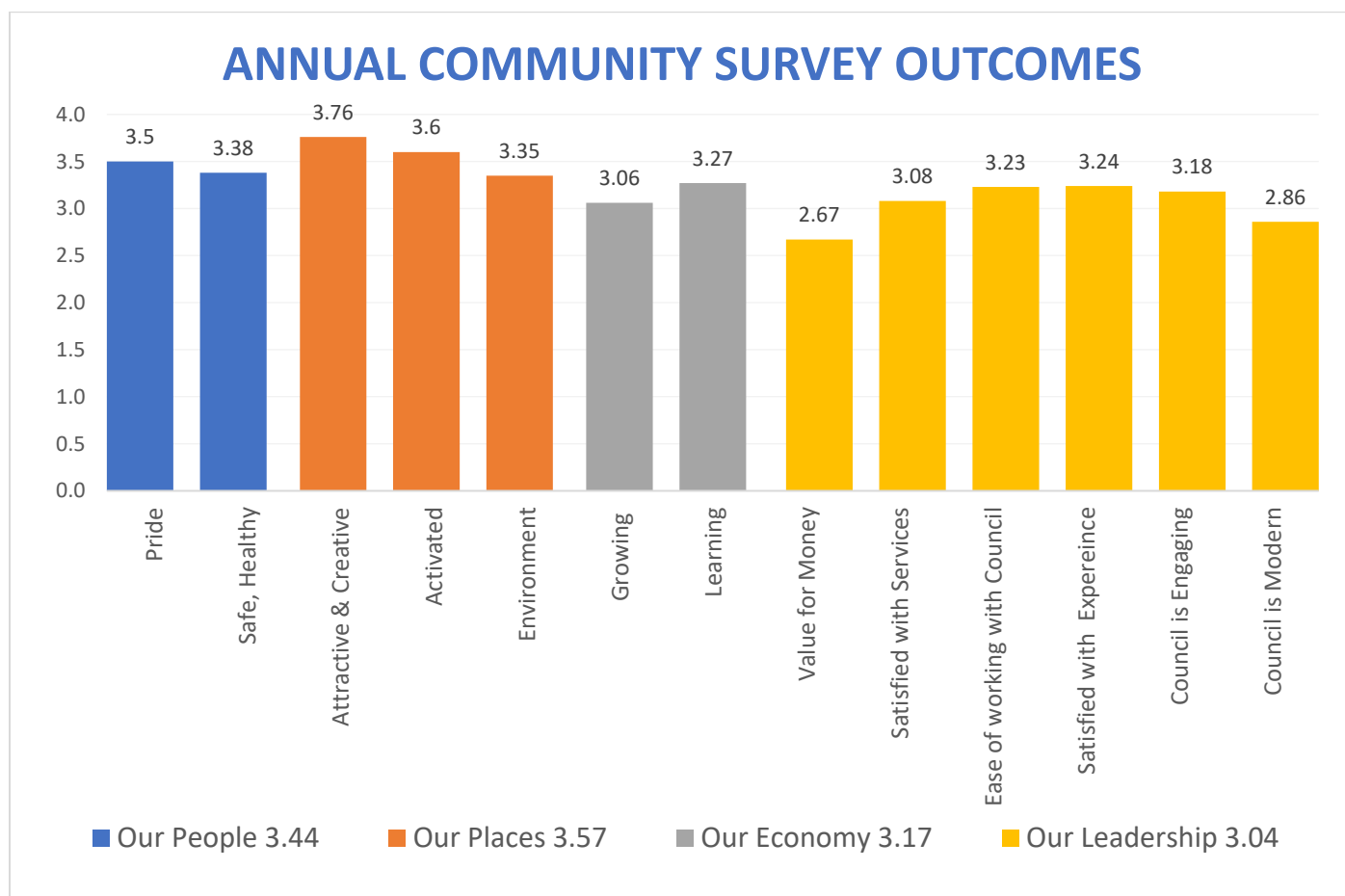
Our Image

Whyalla is well-respected and recognised as a community of strength, whose people have a bright, positive and sustainable future.

Performance Against Strategic Plan

Theme	Area of focus	Activities undertaken
Our People	Organisational Culture	Second cultural survey undertaken and learnings shared with staff
	Inclusion	Changing Places Toilet
Our Places	Assets	Development of detailed renewal program for Buildings and Open Space assets
		Second year of \$14 million Transport Renewal Program well underway
	Forward Planning	Adoption of Disability Inclusion Action Plan
		Adoption of Art & Culture Plan
		Commencement of Foreshore Masterplan process
		Completion of Stormwater Harvesting and Reuse Strategy
		Commencement of detailed design on all stages of the Valley One project, a significant part of the Stormwater Management Plan
Our Economy	Economic Development	Commencement of Economic Development Plan process
		Expression of Interest process for the management of the Point Lowly Cottages
		Coverage of the Jetty
		Support of local club to allow them to deliver a stage wide event (tennis courts)
	Grants	Undertaking detailed scoping to enable Council to access State Government recovery funding for the Northern Coastline Masterplan
		Approval for an additional \$4.2 million of funding for the Airport after much Council advocacy, reducing the up front cost to Council and the ongoing cost to users
Our Image	Customer Service	Initial work on a Customer Service Framework for Council
		Community Survey undertaken
Our Leadership	Governance	Complete review of delegation register undertaken
		Holistic review of Council's policy framework
	Risk Management	Strategic Risk Management framework developed

2.2 Community Scorecard



Our Image (Net Promoter Score)

Would you recommend Whyalla as a place to live? **-20**

Would you recommend Whyalla as a place to do business? **-44**

This is the first time that the Annual Community Survey was undertaken and provides a baseline against which future Council performance in delivering on Strategic Direction can be measured.

The initial results are encouraging, with the majority of categories receiving an above average score. Two key areas for improvement are in showing **Value for Money** and that **Council is Modern**.

Council's two Net Promoter Scores are both currently negative. However, around 30% of respondents in both categories were in the neutral group, so with some effort it should be possible to significantly improve these results in future years.

Section 3 - Performance – Service Delivery

3.1 Assets

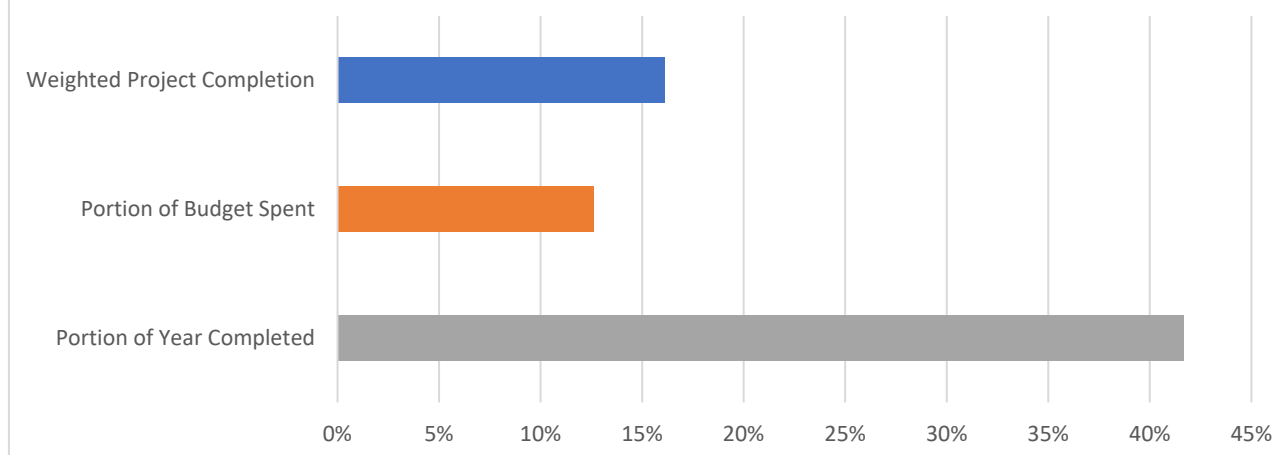


Council four main asset classes have a combined replacement value of **\$374.0 million**, 89% of Council's total depreciable assets at 30 June 2020.

A higher condition rating indicates an older asset, indicating an asset that will require significant investment in a shorter timeframe. Assets are condition rated and valued on a 5-year cycle, this process being undertaken by an independent expert, with this data forming the basis of Council's Asset Management Strategy and Renewal projections.

The data shows that the building asset class is ageing, meaning that renewal expenditure will be expected to increase over time, outside the timeframe of the current Long Term Financial Plan. The condition of Stormwater assets is largely based on age, hence the large portion of the assets with a similar condition.

CAPITAL SPEND and % COMPLETE - December 2020



The overall spend on capital works is lower than would be expected halfway through the financial year. This is in part due to the budget being adopted later than usual, meaning a delayed start for some projects, but is also due to the complex nature of some of the projects being undertaken. Work on some, such as the Airport Terminal are beginning to ramp up, which means expenditure will begin to increase. Some projects, such as the Airport Runway and Valley One Stormwater, have updated project schedules which will see some expenditure deferred into 2021/22.

Budgeted Renewal per ratepayer for 2020-21 is **\$520**

Comparative Data

To allow for comparisons between Whyalla and like Council's, Grants Commission data from 2018-19 has been used in the following sections. Sector wide data for 2019-20 is not yet available.

Comparison has been made against councils in Group 2 in relation to the Remuneration Tribunal, those being:

Adelaide Hills	Mount Gambier
Alexandrina	Murray Bridge
Barossa	Norwood, Payneham & St Peters
Burnside	Port Augusta
Campbelltown	Prospect
Gawler	Unley
Mount Barker	

The total spend per ratepayer for Whyalla in this comparison is **\$2,406**, while the average for Group 2 councils is **\$2,380**.

3.2 Transport - Footpaths, roads and bridges



Whyalla % spend on Transport	Whyalla spend per ratepayer on Transport
21%	\$506
Group 2 councils % spend on Transport	Group 2 councils spend per ratepayer on Transport
18%	\$436

The recent increased spend on road, kerb and footpath renewal will greatly improve the overall condition of this asset class and in the medium term should begin to decrease the cost of maintaining assets that are beyond end of life. This may see Whyalla's spend on Transport move in line with comparable councils.

This asset class can have significant variance between councils due to a large number of factors.

Whyalla total length of roads	Whyalla kms of road per 1,000 properties
353 kms	29 kms

3.3 Recreation - jetty, parks & gardens, playgrounds, marina, leisure centre and sports facilities

Whyalla % spend on Recreation	Whyalla spend per ratepayer on Recreation
15%	\$364
Group 2 councils % spend on Recreation	Group 2 councils spend per ratepayer on Recreation
16%	\$377



Number of Playgrounds Inspected	Number of Trees Planted
Pending	Pending

Jetty

In the first 3 and a half months that the Jetty has been open, it is estimated that there have been approximately **48,000** visits.

This is approximately **450 visitors per day**.

Leisure Centre



Members	Member visitors	Other visitors
942	23,987	29,600

Memberships for the Leisure Centre have averaged **942** over the first 6 months of 2020/21, an **increase** of **91** or **11%** over the same period last year. This is despite the impacts that Covid has had on the centre, including a number of compulsory closures.

The total number of member visits is **up 2,627** or **12%**. Members visit the centre an average of **4.3** times per month, consistent with last year.

Non-member visits are **down 8,083** or **21%**. This figure has been more significantly impacted by Covid, with the November closure falling when visits would normally be increasing and the cancellation of some swimming programs.

3.4 Community Amenities - cemetery, streetscape and public toilets

Whyalla % spend on Community Amenities	Whyalla spend per ratepayer on Community Amenities
4%	\$86
Group 2 councils % spend on Community Amenities	Group 2 councils spend per ratepayer on Community Amenities
2%	\$55



3.5 Waste Management - kerbside collection and landfill operations



Whyalla % spend on Waste Management	Whyalla spend per ratepayer on Waste Management
12%	\$287
Group 2 councils % spend on Waste Management	Group 2 councils spend per ratepayer on Waste Management
11%	\$254

As comparative figures are taken from 2018-19, this still includes the operation of the landfill site. Council's overall spend on Waste will drop once due to ceasing operation of this service.



For the first 6 months of 2020/21, kerbside collection of General Waste was **up 193 tonnes** or **9%**, Recycling was **up 17 tonnes** or **2%** and Organics was **up 156 tonnes** or **18%** compared to the same period last year.

Hard Waste collections were **up** by **46** or **20%** for the same period. This is likely due to the increase in gate costs at the new transfer station.

The current kerbside contract expires in October 2021, with a change of service provider from this time. Extensive work will need to occur in the intervening period to ensure that this is a smooth transition.

Waste education undertaken activities undertaken:

Pending

3.6 Other Environment - street cleaning, street lighting, stormwater, coastal protection, Landscapes and EPA Levy



Whyalla % spend on Other Environment	Whyalla spend per ratepayer on Other Environment
15%	\$347
Group 2 councils % spend on Other Environment	Group 2 councils spend per ratepayer on Other Environment
12%	\$290

Other Environment includes the cost of the NRM/Landscapes Levy, as well as the cost of the EPA Levy where it is paid directly. As Council will no longer run a landfill site, this expenditure will drop, with EPA Levy relating to the kerbside contract instead being classified under Waste Management.

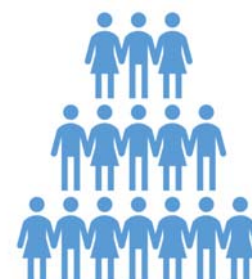
3.7 Cultural Services - youth services, arts and culture



Whyalla % spend on Cultural Services	Whyalla spend per ratepayer on Cultural Services
1%	\$31
Group 2 councils % spend on Cultural Services	Group 2 councils spend per ratepayer on Cultural Services
2%	\$55

3.8 Community Support - community centres/halls, aged services, grants/donations

Whyalla % spend on Community Support	Whyalla spend per ratepayer on Community Support
4%	\$88
Group 3 councils % spend on Community Support	Group 3 councils spend per ratepayer on Community Support
10%	\$233



Whyalla's spend on Community Support is lower than comparable councils. Many councils run their own Community Centres or deliver Community Connect and Home Assist Services on behalf of the Federal Government. This is not the case for Whyalla and may explain the difference.

3.9 Economic Development - events, support to local business, tourism, visitor services

Whyalla % spend on Economic Development	Whyalla spend per ratepayer on Economic Development
7%	\$177
Group 2 councils % spend on Economic Development	Group 2 councils spend per ratepayer on Economic Development
4%	\$96



Whyalla's spend on Economic Development Activities is higher than comparable councils, which is in line with this function being a high priority for the city.

Participation is Council run events:

Pending

Engagement with local businesses:

Pending

Visitor Services

Visitor Centre visits for the first 6 months of 2020/21 are **down 1,340** or **12%** on the same period last year. However, for the October to December period visitor numbers were actually **up 19%** on last year, so there are positive signs of a post Covid recovery.

Maritime Museum visits are **up 1,037** or **28%** on last year.

HMAS Whyalla tours are **down 25%** and Steelworks tours **down 61%** on last year. These have both been heavily impacted by Covid, but HMAS Whyalla tours for October to December were **up 49%** on last year.



Visitor Centre	Maritime Museum
10,259	4,725
Steelworks	HMAS Whyalla
438	1,946

3.10 Library Services

Whyalla % spend on Library Services	Whyalla spend per ratepayer on Library Services
4%	\$101
Group 2 councils % spend on Library Services	Group 2 councils spend per ratepayer on Library Services
7%	\$165



Membership by Population	Loans per Capita	Items per Capita
24%	6.63	1.67

For 2019/20, the proportion of the Whyalla population that were library members **fell 1%**, the number of Loans per Capita **increased 1.64** or **33%** and the number of Items per Capita **decreased 0.1** or **6%**.

This shows that existing library members are increasing their utilisation of the library service.

Whyalla's spend on Library Services is lower than comparable councils. One possible explanation is that Council is able to provide the service more efficiently from a centralised hub, rather than multiple sites, which is the case for some other councils.

3.11 Regulatory Services - health services, environmental health, animal management, parking control, development

Whyalla % spend on Regulatory Services	Whyalla spend per ratepayer on Regulatory Services
8%	\$196
Group 2 councils % spend on Regulatory Services	Group 2 councils spend per ratepayer on Regulatory Services
12%	\$304

Animal Management



	Registered	Impounded	Reunited	Rehomed
Dogs	4,070	133	70%	30%
Cats	1,327	150	5%	77%

The number of dogs registered at 31 December 2021 has **decreased** by **74** or **2%** compared to the year before. The number of registered cats has **increased** by **65** or **5%** for the same period.

The number of impounded dogs has **decreased** by **58** or **30%** compared to last year, while the number of impounded cats has **decreased** by **5** or **3%**.

The proportion of animals reunited with their owners or rehomed are consistent with last year.

Development

Full development approval has been granted to a total of \$17.0 million of works during the first 6 months of 2020/21.

This is an increase of \$6.2 million or 57% from the same period last year.



Environmental Health



Number of food safety inspections undertaken:

Pending

3.12 Business Undertakings - childcare centre, airport, caravan parks

Whyalla % spend on Regulatory Services	Whyalla spend per ratepayer on Regulatory Services
9%	\$223
Group 2 councils % spend on Regulatory Services	Group 2 councils spend per ratepayer on Regulatory Services
5%	\$115



Most Council's don't run childcare centres and airports. For other Group 3 Council's, the majority of the spend on Business Undertakings relates to running Community Wastewater Management Schemes, with a small portion relating to operation of caravan parks.

Child Care



Occupancy at the Child Care Centre is averaging **80%** for the first 6 months of 2020/21, an **increase** of **8%** compared to last year.

This is due to new processes that have been put into place and is expected to increase further with the implementation of the new cancellation policy.

Airport



12,268 passengers used Whyalla Airport in the first 6 months of 2020/21.

This is a **reduction** of **29,094** or **70%** from the same period last year. Before the impact of Covid-19 had set in, passenger numbers had been trending up towards record highs. It is hoped this will occur again in the near future.

Section 4 - Performance - Leadership

4.1 Governance / Community Leadership

Elected Member Responsibility

During the first 6 months of 2020/21, Council held a total of **22** meetings, comprising **6** ordinary meetings, **6** informal gatherings and **10** special meetings. There were 3 special meetings held in both September and November.

During this period, Council's Audit Committee met on **2** occasions.

Attendance for Ordinary Meetings was **98%** while Special Meetings had an attendance rate of **84%**.

Improvements in Governance and Community Leadership is a key focus for the organisation and future reports will look to include much more information in this area, including:

- Delivery of Council resolutions
- Use of confidentiality provisions
- FOI requests
- Ombudsman's complaints
- Review of Council decisions
- Progress towards achievement of adopted plans
- Community engagement activities
- Statistics on Council's website / facebook / social media
- Statistics on WHS performance

4.2 Customer Experience

Customer Requests by Category	2019/20	2020/21	Change
Maintenance Requests	704	870	166
Animal Management, Health and Compliance	509	440	-69
Planning & Development	280	468	188
Finance	453	318	-135
General Enquiries	631	570	-61
Total	2,577	2,666	89

In the first 6 months of 2020/21, there was a total of **2,666** customer requests logged, an increase of **89** or **3%** on the same period last year.

The reduction in Finance requests is likely due to the fact that the second rates instalment was due in January this year.

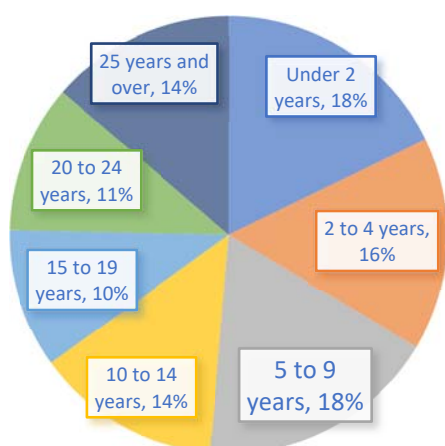
The increase in Planning & Development requests is likely due to the increase in development activity shown earlier.

The decrease in Animal Management, Health & Compliance requests may be due to the lower number of animals impounded.

It is Council's intention to develop customer request measures as part of implementing a customer experience framework by 31 December 2021.

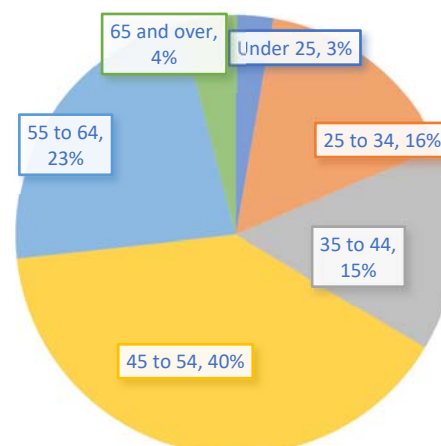
4.3 Workforce

LENGTH OF SERVICE



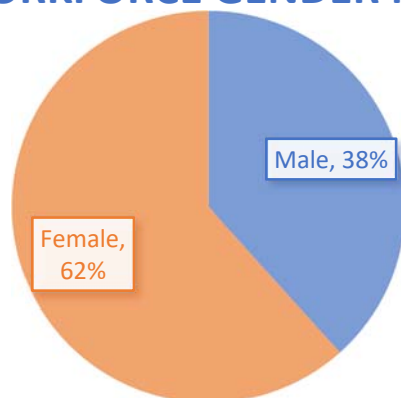
The average length of service for employees is 12.1 years

AGE OF WORKFORCE

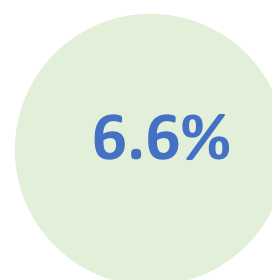


The average age of the workforce is 47.7 years

WORKFORCE GENDER MIX



YTD STAFF TURNOVER



Whyalla FTE per 1,000 properties

9.7

Group 2 councils FTE per 1,000 properties

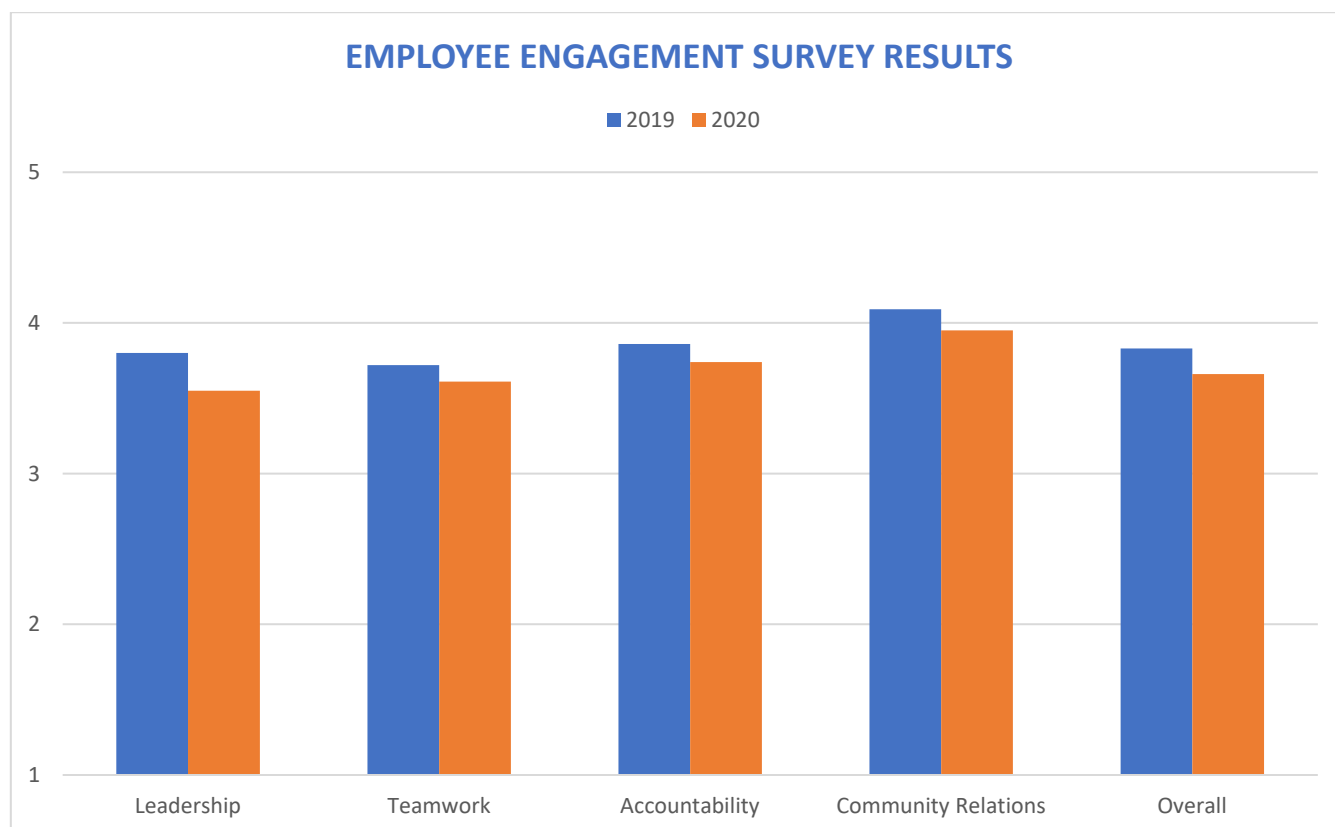
10.1

There is a good mix of experience across the workforce, with an average length of service of **21.1 years** and 52% of employees with less than 10 years of service.

The average age of the workforce is **47.7 years** and 27% of employees are over the age of 55. This increases the importance of succession and transition to retirement planning.

Council's employees numbers in relation to ratepayers is slightly lower than similar councils.

4.4 Organisational Culture



The graph above shows a summary of the results from the Employee Engagement Survey run for the last two years. The results relate to 50 questions that have been placed into 4 categories, with a score of between 1 and 5, 1 representing a strongly negative perception and 5 representing a strongly positive perception.

The results show that employee perception fell for all categories between 2019 and 2020, with the overall score **dropping** from **3.83** to **3.66**. Council is still early in the journey of cultural change and the long-term trends will be important in tracking progress.

There were some positive outcomes, with an **increase in participation** of **13%**, from 91 to 103. Also, the number of responses that were strong, either positive or negative, **increased** from **30%** to **33%**. This may indicate that employees feel more comfortable in expressing an honest opinion, an important part of improving culture.

4.5 Environmental Sustainability



Electricity usage	Gas usage	Water usage
6,047 GJ	5,798 GJ	192 ML

Electricity usage has **increased** by **53 GJ** or **1%** compared to last year.

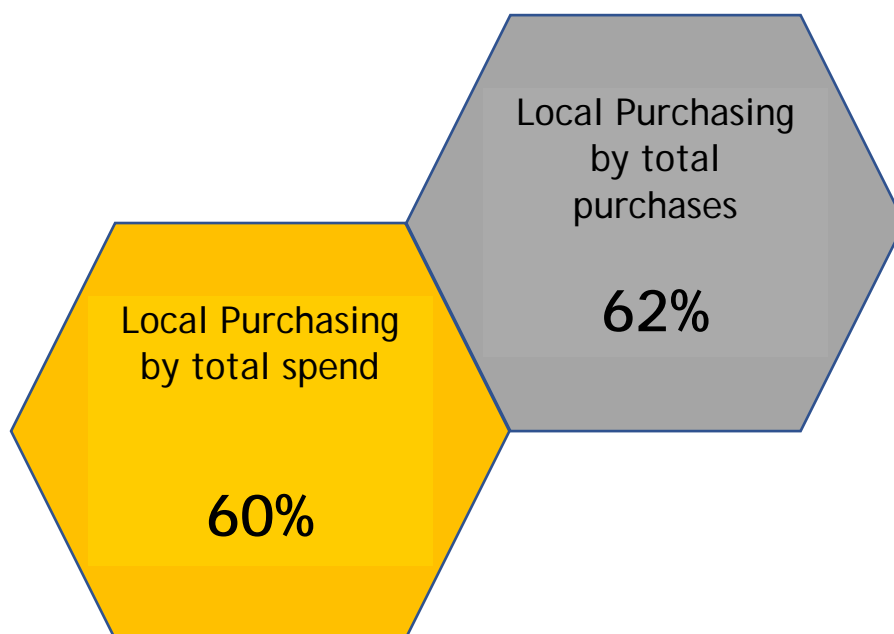
Gas usage has **decreased** by **659 GJ** or **10%**. This is heavily impacted by the Leisure Centre, which has had periods of closure over this time.

Water usage is **down** by **30 ML** or **14%**. This will be investigated, to ensure that data is complete.

Council's long term goal is to reduce its carbon footprint.

4.6 Corporate Citizenship

In the first 6 months of 2020/21, Council has provided support to Community groups to the value of **\$44,430**, including both cash and in-kind contributions.



For the first 6 months of 2020/21, **62%** of transactions for goods and services requiring procurement related to local suppliers, **down 4%** from the same period last year.









When the value of transactions is taken into account, local purchases over this period accounted for **60%**, **up 18%** from the same period last year. Last year, a number of large capital projects were being undertaken, that required the use non-local suppliers.

Council's goal is to increase local purchasing over time as a rolling average. Once data has been collected for a longer period of time, the trend data will help to remove the impacts of short term fluctuations.

Quarterly Project Update - December 2020

2020-21 Capital Program - Monthly Reporting

Budget Actual Costs Total Committed Stage % Spent % Complete Expected Completion

Project		Budget	Actual Costs	Total Committed	Stage	% Spent	% Complete	Expected Completion
Transport Renewal Program		\$ 4,393,500	\$ 1,267,440	\$ 3,047,333	Delivery	29%	30%	June 2021
Description: A Three Year Road Delivery Program to address maintenance and backlog work including road resurfacing, kerbing, pavement patching, asphalt & spray sealing to 43.8km over 40 roads. 2020/21 is the second year of this three year road delivery program in accordance with Council's 10 year Asset Management Strategy.			Progress: The second year of the Three-Year Road Delivery Program has continued to progress from the successful first year of delivery. Boral have already completed one mobilisation during August where they sealed Barson Street, Randell Street, Broadbent Tce, Peters St, McBryde Tce and Nicolson Ave. Kerbing works are completed for the current financial year ahead of the second resealing program to be undertaken in March 2021 when Boral asphalt plant upgrade is completed.					
			On Time 					
			On Budget 					
Airport Screening and Terminal Upgrade		\$ 6,442,000	\$ 57,459	\$ 4,077,572	Delivery	1%	10%	2021-22
Description: The objective of the upgrade of the Whyalla Airport, is to meet Australian Government announced measures to further strengthen Australia's domestic and international aviation security. This will see the airport screening outgoing passengers and baggage for the first time. Council has currently secured a \$1.85 million contribution from the Federal Government towards these works, and is currently working to secure a further contribution from a recently announced grant opportunity. The works will future proof the airport terminal while increasing safety and amenity. The works will likely span two financial years.			Progress: Due to changes in federal government requirements and upgrade to the Airport Terminal to allow for screening is required. Council have received funding for both the upgrade of the terminal as well as some additional funding to upgrade the secondary runway and parking area for the planes. Detailed design for the runway work is underway and contractor engagement for the terminal upgrade is almost complete with works to begin prior to Christmas.					
			On Time 					
			On Budget 					
Airport Taxiway and Runway Safety Upgrade		\$ 5,710,000	\$ 5,844	\$ 5,844	Detailed Design	0%	0%	2021-22
Description: The Federal Government is investing \$100 million over 4 years to help owners of regional airports right across Australia deliver safer runways and taxiways. Council has been successful in securing \$2.455 million for airside upgrades to the apron and taxiway that will separate Royal Flying Doctor Service (RFDS) from other users, significantly improving safety. In addition, sealing of the second runway will improve all weather access and will provide much need alternative for the RFDS, reducing aircraft damage from loose gravel.			Progress: Due to changes in federal government requirements and upgrade to the Airport Terminal to allow for screening is required. Council have received funding for both the upgrade of the terminal as well as some additional funding to upgrade the secondary runway and parking area for the planes. Detailed design for the runway work is underway and contractor engagement for the terminal upgrade is almost complete with works to begin prior to Christmas.					
			On Time 					
			On Budget 					
Valley One Stormwater Stage 1		\$ 1,400,000	\$ -	\$ -	Detailed Design	0%	5%	2021-22
Description: This is stage one of five for one of the key projects included in Council's Stormwater Management Plan. Stage one will see an expansion to the stormwater basin at the Aquifer Storage and Recovery (ASR) site and connect this to the new swale for the combined school precinct. This may be a two year project with detailed design commencing in 2020-21. This project is subject to 50% external funding.			Progress: The Whyalla Stormwater Management Plan (the Plan) identifies a significant area that is prone to flooding. This area is a broad and shallow area running south east through the community that includes public spaces and residential and industrial allotments such as Bennett Oval, Westland Shopping Precinct, Civic Park and the Education Precinct. The Plan provides recommendations for flood mitigation in this area which Council developed into a concept plan. The Stormwater Management Authority (SMA) have committed \$70k towards the development of this concept into a detailed design. Council has engaged a consultant experienced with Whyalla to carryout further investigations and develop this design which is expected to be complete mid-2021. This will lead to the construction of infrastructure in this area to manage stormwater and reduce flooding.					
			On Time 					
			On Budget 					

2020-21 Capital Program - Quarterly Reporting

Budget		Actual Costs	Total Committed	Stage	% Spent	% Complete	Expected Completion
Project	Newton Street and Broadbent Terrace Flood Mitigation	\$ 892,500	\$ -	Detailed Design	0%	5%	June 2021
Description:	<p>Installation of underground stormwater infrastructure starting from Newton Street, following Kirwan Street and onto Broadbent Terrace. Additionally the upgrade of Side Entry Pits near the intersection of Essington Lewis Avenue as well as cross overs for Broadbent Terrace. This will mitigate flood water at these two known problem areas.</p> <p>Progress: The Whyalla Stormwater Management Plan highlighted known flooding issues along Broadbent Terrace, at the Essington Lewis Avenue and Barson Street intersections, and Newton Street. These streets form part of the 3-year roadwork program currently being delivered by Council. This presented an opportunity to combine upgrade and renewal works to improve stormwater infrastructure in the area. Council developed a concept design and have engaged a consultant to develop the construction plans which is expected early 2021.</p>						
		On Time		On Budget			
Project	Stormwater Levee Repair and Extension	\$ 189,500	\$ 4,500	7,000	Planning	2%	2021-22
Description:	<p>Includes works to the existing levee bank to ensure continued functionality as well as the installation of bunds to retain water outside the city to improve overall flood mitigation.</p> <p>Progress: The existing Northern Stormwater Levee significantly reduces flooding throughout Whyalla caused by stormwater. This levee is compromised by several breach points where the height of the levee has been reduced. These breach points are identified by the Stormwater Management Plan and require repair work to maintain the existing protection. In addition to these repairs there are a series of areas north east of the existing levee where extensions would increase protection against flooding. These areas are adjacent Iron Knob Road and make use of the existing topography of the area.</p>						
		On Time		On Budget			
Project	Plant Replacement Program	\$ 1,302,900	\$ 281,083	281,408	Delivery	22%	25%
Description:	<p>Each year Council replaces items of plant and machinery that are no longer fit for purpose to ensure the fleet is up to date and operable in a safe condition. This year's program includes: Bitumen Patching Truck; 3.5 Tonne Canter; Irrigation Truck; Stump Cutter; 5 Mowers and 2 Light Fleet vehicles.</p> <p>Progress:</p>						
		On Time		On Budget			
Project	HMAS Whyalla	\$ 104,000	\$ 99,201	99,201	Completed	95%	100%
Description:	<p>Works will continue on the HMAS Whyalla including further waterproofing of the upper deck of the ship to help reduce deterioration due to rust as well as commencing refurbishment of critical areas below deck.</p> <p>Progress: Further major repairs will continue to be completed on the HMAS Whyalla. This years works are focused on the stern of the ship and the roof of the bridge to further reduce leaking. These work will include some steel fabrication and installation as well as the painting of these areas.</p>						
		On Time		On Budget			
Project	Reconstruction of Wall Street and Darling Terrace	\$ 547,000	\$ 31,430	36,360	Detailed Design	6%	June 2021
Description:	<p>The reconstruction of Wall Street and Darling Terrace will see the installation of stormwater infrastructure that will help reduce the flood risk on Walls Street, Wallack Terrace and surrounding areas. It will also involve the reconstruction of the road, kerb and footpaths in conjunction with the roadworks program.</p> <p>Progress: Wall St, Darling Terrace and Wallack Terrace are all part of the 3 year road resal program. Council have taken this opportunity to address some critical design features of these roads. This will see features of stormwater, road crossfall and footpaths all reconstructed as part of this project.</p>						
		On Time		On Budget			

[illegible]

Project	Old Airport Hangar Refurbishment - Stage 2	Budget	Actual Costs	Total Committed	Stage	% Spent	% Complete	Expected Completion
Description:	This project will be Stage 2 of works at the Old Aerodrome Hangar continuing the replacement of critical structural items to ensure the longevity of the building.	\$ 165,000	\$ -	\$ 2,750	Detailed Design	0%	5%	
Progress: Works were carried out on the Old Aerodrome Hangar on Keith Street in response to termites damage in 2018/19. This involved replacement of major structural columns and beams with like materials that maintained the original character of the building. The current project is stage 2 of this work which involves replacement of the remaining columns and beams damaged by termites. This work will ensure the structural integrity of the building is maintained allowing its ongoing use by community groups into the future. All work will be carried out to maintain the heritage of this building that is significant to Whyalla's history.								
			On Time		On Budget			
Project	Natural Conservation Improvement Projects	\$ 116,000	\$ -	\$ -	Detailed Design	0%	15%	April 2021
Description:	Several natural conservation projects have been scoped in conjunction with the Natural Resource Management Board and include: Eight Mile Creek gazebo; mangrove boardwalk; Point Lowly campground revegetation; Foreshore track closures; Conservation Park weed program and Wild Dog Hill Access Road resheeting. These projects are all subject to 50% external funding.	Progress: Council has received funding (\$10,000 Grant) from Landscapes SA for unauthorised track close works. This work has been planned with a contractor to begin works in February 2021						
			On Time		On Budget			
Project	Street Tree Replacement Program	\$ 90,000	\$ 67,019	\$ 81,548	Delivery	74%	75%	June 2021
Description:	This program will continue to ensure more of the gaps within our street tree network are filled, with the establishment of trees which are appropriate when taking into account the climate and Council's current irrigation network.	Progress: The street tree replacement program will continue from last years successful delivery. Again we will see further irrigation upgrades that will assist in the upkeep of newly planted and already established trees. From here will we also see further trees planted to fill in the gaps along the streetscapes around the Whyalla community.						
			On Time		On Budget			
Project	Patterson Street Hub	\$ 58,300	\$ -	\$ -	Not Started	0%	0%	Unknown
Description:	Fit out of the newly refurbished facility at 3 Patterson Street to allow for this to be a multi-use facility.	Progress:						
			On Time		On Budget			
Project	Child Care Centre	\$ 50,000	\$ -	\$ -	Tender	0%	5%	June 2021
Description:	Renewal works required to ensure service standards are met e.g. flooring.	Progress: Works include refurbishment of an existing bathroom and the relaying of a portion of the centre's flooring. Pricing is currently being sought.						
			On Time		On Budget			
Project	Crematorium Floor Bricks	\$ 40,000	\$ 15,648	\$ 31,296	Planning	39%	40%	
Description:	This project will replace the floor of the crematorium at the cemetery as it is no longer fit for purpose.	Progress:						
			On Time		On Budget			

Carry Forward Projects

Project	Services to Jetty	\$	92,000	\$	124,655	\$	124,655	Completed	135%	100%	Complete
Description:	The Whyalla jetty and foreshore area upgrade of power and water supplies to allow access when required.										
		Progress: After the construction of the Jetty had been completed, work to supply the Jetty with electricity was undertaken. This work is now complete with the Jetty now open and in use by the community. Internal costings will be journalled to operating expenditure and excess is offset by Marina lighting project surplus.									
		On Time		On Budget							

WHYALLA CITY COUNCIL

MONTHLY BUDGET REPORT - January 2021

UNIFORM PRESENTATION OF FINANCES	Original Budget \$000	Current Budget \$000	YTD Actual \$000	% Budget
OPERATING ACTIVITIES				
Operating Revenues	30,481	30,372	24,592	81%
less Operating Expenses	(33,011)	(33,506)	(18,192)	54%
Operating Surplus/ (Deficit)	(2,530)	(3,134)	6,400	
CAPITAL ACTIVITIES				
Net Outlays on Existing Assets				
Capital Expense on renewal and replacement of Existing Assets	(6,004)	(7,949)	(1,860)	23%
add back Depreciation, Amortisation and Impairment	6,766	7,036	4,221	60%
add back Proceeds from Sale of Replaced Assets	202	262	80	31%
Net Outlays on Existing Assets	964	(651)	2,441	
Net Outlay on New and Upgraded Assets				
Capital Expenditure on New and Upgraded Assets	(15,773)	(17,521)	(2,656)	15%
add back Amounts received specifically for New and Upgraded Ass	5,183	5,689	2,439	43%
Net Outlays on New and Upgraded Assets	(10,590)	(11,832)	(217)	
Net Lending/ (Borrowing) for Financial Year	(12,156)	(15,617)	8,624	
FINANCING ACTIVITIES				
New Borrowings	12,500	19,500	2,700	
Repayment of Principal	-	-	-	
(Increase)/Decrease in Cash and Investments	51	145	93	
Net Balance Sheet funding (debtors & creditors etc)	(395)	(4,028)	(11,423)	
Total Financing Transactions	12,156	15,617	(8,630)	

WHYALLA CITY COUNCIL

MONTHLY BUDGET REPORT - January 2021

STATEMENT OF COMPREHENSIVE INCOME	Original Budget \$000	Current Budget \$000	YTD Actual \$000	% Budget
INCOME				
Rates	20,929	20,929	20,902	100%
Statutory Charges	367	367	267	73%
User Charges	2,881	2,789	1,346	48%
Grants, subsidies and contributions	5,214	5,214	1,670	32%
Investment Income	34	34	11	32%
Reimbursements	13	13	11	85%
Other Income	1,043	1,026	385	38%
TOTAL INCOME	30,481	30,372	24,592	
EXPENSES				
Employee Costs	12,895	12,743	6,505	51%
Materials, contracts & other expenses	12,848	13,312	7,363	55%
Depreciation, amortisation & impairments	6,766	7,036	4,221	60%
Finance Costs	502	415	103	25%
TOTAL EXPENSES	33,011	33,506	18,192	
OPERATING SURPLUS/(DEFICIT)	(2,530)	(3,134)	6,400	
Amounts specifically for new or upgraded assets	5,183	5,689	2,439	
Net gain (loss)	-	-	(116)	
NET SURPLUS/(DEFICIT)	2,653	2,555	8,723	
Other Comprehensive Income	-	12,769	-	
TOTAL COMPREHENSIVE INCOME	2,653	15,324	8,723	

WHYALLA CITY COUNCIL

MONTHLY BUDGET REPORT - January 2021

STATEMENT OF FINANCIAL POSITION	Original Budget \$000	Current Budget \$000	YTD Actual \$000
ASSETS			
Current Assets			
Cash & Cash Equivalents	223	129	181
Trade & Other Receivables	4,188	6,388	11,968
Inventories	114	114	154
TOTAL CURRENT ASSETS	4,525	6,631	12,303
Non-current Assets			
Infrastructure, Property, Plant & Equipment	294,622	310,754	279,730
Other Non-Current Assets	3,935	3,980	4,080
TOTAL NON-CURRENT ASSETS	298,557	314,734	283,810
Total Assets	303,082	321,365	296,113
LIABILITIES			
Current Liabilities			
Trade and Other Payables	4,539	3,339	877
Short Term Borrowings	500	500	500
Short Term Provisions	2,276	2,276	2,516
TOTAL CURRENT LIABILITIES	7,315	6,115	3,893
Non-Current Liabilities			
Long Term Borrowings	19,000	26,000	9,200
Long Term Provisions	853	665	1,035
TOTAL NON-CURRENT LIABILITIES	19,853	26,665	10,235
Total Liabilities	27,168	32,780	14,128
NET ASSETS	275,914	288,585	281,985
EQUITY			
Accumulated Surplus	44,458	44,210	50,378
Asset Revaluation Reserve	229,654	242,423	229,654
Reserves	1,802	1,952	1,952
TOTAL EQUITY	275,914	288,585	281,984

WHYALLA CITY COUNCIL

MONTHLY BUDGET REPORT - January 2021

STATEMENT OF CHANGES IN EQUITY	Original Budget \$000	Current Budget \$000	YTD Actual \$000
Accumulated Surplus			
Balance at Beginning of Period	41,655	41,655	41,655
Change in financial position resulting from operations	2,653	2,555	8,723
Transfers from Other Reserves	550	-	-
Transfers to Other Reserves	(400)	-	-
Balance at End of Period	44,458	44,210	50,378
Asset Revaluation Reserve			
Balance at Beginning of Period	229,654	229,654	229,654
Revaluation Increment	-	12,769	-
Balance at End of Period	229,654	242,423	229,654
Other Reserves			
Balance at Beginning of Period	1,952	1,952	1,952
Transfers to Accumulated Surplus	(550)	-	-
Transfers from Accumulated Surplus	400	-	-
Balance at End of Period	1,802	1,952	1,952
TOTAL EQUITY AT END OF REPORTING PERIOD	275,914	288,585	281,984

STATEMENT OF CASH FLOWS	Original Budget \$000	Current Budget \$000	YTD Actual \$000
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts			
Operating Receipts	30,447	26,938	16,801
Investment Income	34	34	11
Payments			
Operating Payments	(26,138)	(26,683)	(17,505)
Finance Costs	(502)	(415)	(103)
Net Cash provided by (or used in) Operating Activities	3,841	(126)	(796)
CASH FLOWS FROM INVESTMENT ACTIVITIES			
Receipts			
Amounts specifically for new or upgraded assets	5,183	5,689	2,439
Sale of replaced assets	202	262	80
Payments			
Purchase of Renewal/Replacement Assets	(6,004)	(7,949)	(1,860)
Purchase of New/Expansion Assets	(15,773)	(17,521)	(2,656)
Net Cash provided by (or used in) Investing Activities	(16,392)	(19,519)	(1,997)
CASH FLOWS FROM FINANCING ACTIVITIES			
Receipts			
Proceeds from Borrowings - Council	12,500	19,500	2,700
Payments			
Repayment of Borrowings	-	-	-
Net Cash provided by (or used in) Financing Activities	12,500	19,500	2,700
Net Increase (Decrease) in Cash Held	(51)	(145)	(93)
Cash & cash equivalents at beginning of period	274	274	274
Cash & cash equivalents at end of period	223	129	181

WHYALLA CITY COUNCIL

MONTHLY BUDGET REPORT - January 2021

Loans - January 2021

Fixed Loans				
Loan	Term	Loan Value	Interest Rate	Expiry
139	1 year	\$1,500,000	1.65%	16/07/2021
139	3 years	\$1,500,000	1.70%	16/07/2023
139	5 years	\$2,000,000	1.90%	16/07/2025
		\$5,000,000		
Variable Loans				
Loan	Total Facility Value	Drawn Down Value	Interest Rate	Expiry
136	\$5,000,000	\$0	2.20%	15/12/2021
137	\$7,000,000	\$0	2.20%	15/01/2024
139	\$5,800,000	\$1,500,000	2.20%	15/07/2030
139 CV19	\$3,200,000	\$3,200,000	1.45%	15/07/2023
	\$21,000,000	\$4,700,000		
Loan Summary				
Fixed Loan Balance		\$5,000,000	52%	
Variable Loan Balance		\$4,700,000	48%	
Total Loan Balance		\$9,700,000		
Loan Funds Available			\$16,300,000	
Weighted Interest Rate			1.73%	

Accounts Payable - January 2021

Total Value of Payments made this month	\$1,910,388
Total Value of Outstanding Accounts Payable	\$569,495

Rates - January 2021

Value of Rates Payments received this month		\$3,187,339
Overdue Rates Value		\$2,304,750
Age of debt	Properties	Value
Current Year	1730	\$957,710
2019-20	410	\$533,358
2018-19	190	\$284,387
2017-18	107	\$187,784
2016-17 and earlier	80	\$341,510

WHYALLA CITY COUNCIL

MONTHLY BUDGET REPORT - January 2021

Accounts Receivable - January 2021

Value of Invoices issued this month	\$282,961
Value of Payments received this month	\$122,487
Net Increase/(Decrease) in Accounts Receivable	\$160,474
Total Value of Outstanding Accounts Receivable	\$1,104,969
Value of Doubtful Debt Provision	-\$220,973
Expected value of Accounts Receivable to be received	\$883,996

Consultants - January 2021

Total value of consultants used this month	\$29,926
Total value of consultants used year to date	\$387,637

High Value Operating Contracts - January 2021

Kerbside Waste Collection

Total estimated annual value of contract	\$	1,642,400
Total expected spend year to date	\$	821,300
Actual spend year to date	\$	837,332
Variance	-\$	16,032

Comments

The estimated value of the contract is based on past number of bins collected and total tonnages. Increases in these items lead to increased costs to Council, which is occurring this year. This will continue to be monitored.

The current contracts ends in October 2021 at which time it will transfer to a new provider.

WHYALLA CITY COUNCIL

MONTHLY BUDGET REPORT - January 2021

Operating Income

All operating income is tracking as expected, with the exception of:

- Airport Charges, as passenger numbers are tracking significantly lower than projections;
- General Rates Income, as the uptake of the Covid Rate Remission offered by Council has been much lower than expected; and
- Waste User Charges, as none were budgeted for the year, but the Council run landfill continued to operate past the end of June 2020.

Grant Income may appear to be tracking significantly under, however as the Federal Government is currently paying Financial Assistance Grants 6 months in advance, the timing is skewed, with a large payment received in June each year.

Operating Expenditure

Employee Costs are tracking under, as there are a number of vacant positions in the organisation. Some of these are being covered by contractors and labour hire, so there is an offsetting increase in this area.

Materials, Contracts & Other Expenditure is tracking higher than expected due to:

- The cost of vacant positions being temporarily backfilled by labour hire and contractors as mentioned above;
- Costs related to running the Council landfill site past 30 June 2020; and
- The cost to Council of purchasing additional devices so that more employees can work remotely as an impact of Covid.

Deprecation expense is tracking slightly higher than expected due to a temporary increase in the size of Council's fleet, relating to Covid restrictions and the extended operating period of the Council landfill.

Interest Expenses are expected to fall, as much of Council's capital expenditure for this year is occurring in the second half, reducing cash flow projections.

Updated projections will be included in the Second Quarter budget review.

WHYALLA CITY COUNCIL

MONTHLY BUDGET REPORT - January 2021

Capital Activities

The overall spend on capital works is lower than would be expected at this point of the financial year. This is in part due to the budget being adopted later than usual, meaning a delayed start for some projects, but is also due to the complex nature of some of the projects being undertaken. Work on some, such as the Airport Terminal are beginning to ramp up, which means expenditure will begin to increase. Some projects, such as the Airport Runway and Valley One Stormwater, have updated project schedules which will see some expenditure deferred into 2021/22.

Capital Income is tracking as expected, although some additional grant funding is now expected.

Updated projections will be included in the Second Quarter budget review.

Statement of Financial Position

The balance of Trade & Receivables reduces gradually over the financial year. This is because Rates become a receivable at the time that they are declared, but don't fall due until each quarterly due date.

The value of Council's assets will increase in line with capital expenditure. Also, any revaluation of assets occurs at 30 June, so will not be shown until after year end.

The projected balance of Trade and Other Payables is often low during the year but will increase in June to allow for the accrual of work undertaken in the last weeks of the year.

Borrowings are expected to increase in line with the capital expenditure during the second half of the year.

WHYALLA CITY COUNCIL

MONTHLY BUDGET REPORT - January 2021

Loans

Council's target is for fixed loans to make up between 10% and 50% of total loan balances. Currently they are just outside of this range at 52%, but this will fall back into the mid-range as loan balances increase during the year.

Council's weighted interest rate is currently 1.73%, but this will increase gradually as the loan balances do, as the current variable rate is 2.20%.

Council's current available loan capacity is \$16.3 million.

Consultants

Over one third of Council's consulting spend relates to the use of skilled contractors to fill key vacant positions. Other areas of expenditure include; assistance with asset management data; engineering assessments of Council buildings; assistance with governance tasks; and preparation of key planning documents.

18.1.1.4 Prudential Management Policy – refer **Annexure A4** and **A5**

Recommendation

That Council adopts the Prudential Management Policy attached at Annexure “A4”.

Summary

The Prudential Management Policy is required under Section 48 of the Local Government Act (SA) 1999 (“the Act”).

A draft version of the Prudential Management Policy was presented to the Audit Committee at their previous meeting, held 30 September 2020. The Audit Committee reviewed the policy and requested that a redrafted version be brought back to this meeting, with the intention that the policy be updated with clearer wording on what is required to be considered for new projects.

*Council has developed the draft Prudential Management Policy (refer **Annexure A4**) upon review of the previous version, current requirements under the Act and feedback received from the Audit Committee.*

The draft Prudential Management Policy reflects the financial and non-financial considerations Council should undertake before deciding to proceed with a project.



Annexure "A4"

Whyalla City Council

Prudential Management Policy	
Type	Governance
GDS Category	Governance – Public
Responsible Officer	Group Manager Finance and Corporate
Policy Adopted	February 2021
Review Period	Two years
Last Reviewed	January 2016
Next Review Date	February 2023
Policy Version Number	2
Applicable Legislation	Local Government Act 1999; Section 48
Related Documents	<ul style="list-style-type: none"> • Risk Management Plan and Policy • Procurement Policy • Project Management Budget Application Template • Project Evaluation Procedure • Risk Management Procedure • Decision-making Procedure
Public Consultation Required	No
Purpose	This policy is a guide on prudential management of all Council projects.

1. INTRODUCTION

This document sets out the policy of the Whyalla Council for prudential management of all its projects. This policy applies to all projects (as defined below).

2. PROJECT DEFINITION

A project may be defined as:

“A new and discrete undertaking or activity that would involve the expenditure of money, deployment of resources, incurring or assuming a liability or accepting an asset.”

This should not be interpreted to mean that all Council activities are “projects”. Regular, ongoing deliveries of Council services are not “new and discrete” activities so therefore are not included within this definition. A project is a temporary endeavour with a defined beginning and end. The temporary nature of projects stands in contrast to business as usual (or operations) which are repetitive, ongoing functional activities to produce products or services. Projects should be considered under this policy where the total value of the project phase is \$100,000 or greater. Any ongoing costs will be considered separately during the project assessment.

This policy does not apply to projects exempted under Section 48(3) of the [Local Government Act 1999](#) (“the Act”), being:

- (a) road construction or maintenance; or*
- (b) drainage works.*

All projects should be considered in the context of not only this policy but also Council’s Risk Management Plan.

3. POLICY OBJECTIVES

This policy has two objectives:

- 3.1 to ensure that a Council project is undertaken only after an appropriate level of “due diligence” is applied to the proposed project; and
- 3.2 to ensure that each Council project is managed during the project and evaluated after the project to achieve identified public benefits or needs and to minimise financial risks.

The objectives of this policy shall be considered in a report on any potential project, regardless of the financial impact or the size of the project.

4. LEGISLATION

This policy is made pursuant to Section 48(aa1) of the the Act which provides:

“A Council must develop and maintain prudential management policies practices and procedures for the assessment of projects to ensure that the Council:

- a) *acts with due care diligence and foresight; and*
- b) *identifies and manages risks associated with a project; and*
- c) *makes informed decisions; and*
- d) *is accountable for the use of Council and other public resources.”*

As such, this policy applies to all Council projects over the threshold of \$100,000, excluding those exempted under Section 48(3), to ensure compliance with this provision, and that decision-making in respect of any project is made with reliable, accurate and timely information.

5. DUE DILIGENCE BEFORE A DECISION ON WHETHER TO PROCEED

Depending upon the extent of due diligence required by the decision-maker, a Business Case of greater or lesser detail will be prepared. At a minimum this Business Case will include:

- analysis of the community need addressed by the project;
- information on how the project fits with Council’s strategic direction and any existing or proposed Masterplans;
- quantification of the likely whole-of-life financial and other costs, including staffing and project management costs;
- consideration of any social, environmental and economic outcomes; and
- assessment of project risks and consideration of ways they can be managed and/or mitigated.

For the smaller projects with a low level of risk, this Business Case may comprise only a single page and may be prepared by a single staff member. Higher value projects with a higher level of risk will require a more detailed Business Case.

For projects with a value of over \$1 million, or that are considered to be high risk, the Business Case should include, in addition to the items listed above, the following information:

- a feasibility study, or other relevant independent advice;
- consideration of stakeholder management; and
- consideration of governance issues.

Section 48(1) of the Act requires that a full prudential report be prepared for Council for projects that meet one of the following conditions:

- the capital value of the project over the next 5 years is expected to exceed \$4,939,000. This figure is as at January 2021, and is indexed annually using the previous September’s CPI for Adelaide; or
- the operating costs related to the project over the next 5 years are expected to exceed 20% of the Council’s operating costs over the last 5 years. After the 2019-20 financial year, this would require total operating costs of \$30 million over 5 years, or \$6 million per annum.

A full prudential report may also be commissioned under Section 48, for “any other project for which the Council considers that it is necessary or appropriate”.

The issues that must be addressed by this report are set out in Section 48(2) of the Act, as follows:

- the relationship between the project and relevant strategic management plans;
- the objectives of the Development Plan in the area where the project is to occur;
- the expected contribution of the project to the economic development of the local area, the impact that the project may have on businesses carried on in the proximity and, if appropriate, how the project should be established in a way that ensures fair competition in the market place;
- the level of consultation with the local community, including contact with persons who may be affected by the project and the representations that have been made by them, and the means by which the community can influence or contribute to the project or its outcomes;
- if the project is intended to produce revenue, revenue projections and potential financial risks;
- the recurrent and whole-of-life costs associated with the project including any costs arising out of proposed financial arrangements;
- the financial viability of the project, and the short and longer term estimated net effect of the project on the financial position of the council;
- any risks associated with the project, and the steps that can be taken to manage, reduce or eliminate those risks (including by the provision of periodic reports to the chief executive officer and to the council);
- the most appropriate mechanisms or arrangements for carrying out the project;
- if the project involves the sale or disposition of land, the valuation of the land by a qualified valuer under the Land Valuers Act 1994.

A report prepared under Section 48(1) must be prepared by a person considered qualified to address the prudential issues required, and who does not have an interest in the project. Council can ensure compliance with this requirement by appointing an external consultant to prepare this report. Reports prepared under Section 48(1) are to be made available to the public after a decision is made on whether to proceed with the project, unless Council orders that it be kept confidential.

6. DUE DILIGENCE DURING A PROJECT

After a decision has been made to commence a project, it will be managed according to the principles of due diligence.

The Council will take action to manage the project so that:

- the project remains focussed upon the expected public benefits or needs that have been identified in the Business Case; and
- financial risks identified in the Case are managed appropriately.

7. DUE DILIGENCE AFTER A PROJECT

After a project has been completed, it will be evaluated, according to the principles of due diligence to determine the extent to which the project:

- has achieved the public benefits or needs identified in the Business Case that it was intended to achieve or satisfy; and

- has avoided or mitigated the financial risks identified in the Business Case.

8. AUTHORITY

Adopted by Council – February 2021

9. HISTORY

Version 2 – adopted by Council February 2021

Version 1 – adopted by Council January 2016

Annexure "A5"



Whyalla City Council

Prudential Management Policy	
Type	Governance
GDS Category	Governance – Public
Responsible Officer	Group Manager Finance and Corporate
Policy Adopted	January 2016 February 2021
Review Period	Two years
Last Reviewed	January 2016
Next Review Date	January 2018 February 2023
Policy Version Number	21
Applicable Legislation	Local Government Act 1999; Section 48 (aa1)
Related Documents	<ul style="list-style-type: none"> • Risk Management Plan and Policy • Procurement Policy • Project Management Budget Application Template • Project Evaluation Procedure • Risk Management Procedure • Decision-making Procedure
Public Consultation Required	No
Purpose	This policy is a guide on prudential management of all Council projects.

1. INTRODUCTION

This document sets out the policy of the Whyalla Council for prudential management of all its projects. This policy applies to all projects (as defined below) ~~regardless of size.~~

2. PROJECT DEFINITION

A project may be defined as:

“A new and discrete undertaking or activity that would involve the expenditure of money, deployment of resources, incurring or assuming a liability or accepting an asset.”

This should not be interpreted to mean that all Council activities are “projects”. Regular, ongoing deliveries of Council services are not “new and discrete” activities so therefore are not included within this definition. A project is a temporary endeavour with a defined beginning and end. The temporary nature of projects stands in contrast to business as usual (or operations) which are repetitive, ongoing functional activities to produce products or services. Projects should be considered under this policy where the total value of the project phase is \$100,000 or greater. Any ongoing costs will be considered separately during the project assessment.

This policy does not apply to projects exempted under Section 48(3) of the Local Government Act 1999 (“the Act”), being:

- (a) road construction or maintenance; or
- (b) drainage works.

~~Simply purchasing an item of plant or equipment, e.g. a single vehicle or a parcel of land, will constitute a “project” if the purchase is not part of a wider project or part of ongoing operations. Any purchase must comply with Council’s Procurement Policy, however, a “project” will typically involve more than merely purchasing. It will always involve Council staff time, often in undertaking activities in association with other organisations. On the other hand, a project need not entail any expenditure, it may include, for example, receiving land or other assets for free or granting permission for a private activity on Council land.~~

All projects should be considered in the context of not only this policy but also Council’s Risk Management Plan.

3. POLICY OBJECTIVES

This policy has two objectives:

~~3.1~~ ~~3.1~~ to ensure that a Council project is undertaken only after an appropriate level of “due diligence” is applied to the proposed project; and

~~3.2~~ to ensure that each Council project is:

- managed during the project; and
- evaluated after the project

Prudential Management Policy – Version ~~21~~ – ~~January 2016~~February, 2021 3

3.2 to achieve identified public ~~health~~ benefits or needs and to minimise financial risks.

The objectives of this policy shall be considered in a report on any potential project, regardless of the financial impact or the size of the project.

4. LEGISLATION

This policy is made pursuant to Section 48-(aa1) of the ~~Local Government Act 1999~~ (“the Act”) which provides:

“A Council must develop and maintain prudential management policies practices and procedures for the assessment of projects to ensure that the Council:

- a) acts with due care diligence and foresight; and*
- b) identifies and manages risks associated with a project; and*
- c) makes informed decisions; and*
- d) is accountable for the use of Council and other public resources.”*

As such, this policy applies to all Council projects ~~over the threshold of \$100,000, no matter how large or small, excluding those exempted under Section 48(3),~~ to ensure compliance with this provision, and that decision-making in respect of any project is made with reliable, accurate and timely information.

~~5. DECIDING UPON AN APPROPRIATE LEVEL OF DUE DILIGENCE~~

~~ANY PROPOSED PROJECT MUST FIRST BE ASSESSED AS TO THE LEVEL OF DUE DILIGENCE THAT IS REQUIRED.~~

~~A GROUP MANAGER OR THE CHIEF EXECUTIVE OFFICER HAS DELEGATED AUTHORITY TO EXERCISE SOME OF THE COUNCIL'S POWERS TO APPROVE PROJECTS (DEPENDING UPON BUDGETARY ALLOCATIONS AND OTHER COUNCIL POLICIES). THEREFORE, FOR A PARTICULAR PROJECT, THE DECISION-MAKER MAY BE A GROUP MANAGER, THE CHIEF EXECUTIVE OFFICER OR THE COUNCIL.~~

~~WHEN APPROVAL IS BEING SOUGHT OR CONSIDERED FOR A SPECIFIC PROJECT, INFORMATION MUST BE PROVIDED TO THE DECISION-MAKER TO INDICATE APPROXIMATELY, AT FIRST INSTANCE:~~

- ~~• THE SPECIFIC BENEFITS OR NEEDS TO BE ADDRESSED;~~
- ~~• THE EXTENT TO WHICH IT MAY BE SUBSTANTIALLY SIMILAR TO OTHER PAST PROJECTS;~~
- ~~• THE EXPECTED WHOLE-OF-LIFE COSTS OF THE PROJECT; AND~~
- ~~• WHAT, IF ANYTHING, IS KNOWN ABOUT THE LEVELS OF FINANCIAL RISK THAT MAY BE INVOLVED.~~

~~5.1 TWO THRESHOLD QUESTIONS~~

~~THE DECISION-MAKER ACCORDINGLY SHOULD MAKE AN EVALUATION AS TO THE EXTENT OF DUE DILIGENCE THAT MUST BE EMBARKED UPON BEFORE ANY SUBSEQUENT DECISION IS MADE WHETHER OR NOT TO PROCEED WITH THE PROPOSED PROJECT.~~

~~As a first step, the decision-maker must ascertain:~~

- ~~• whether funding of the whole-of-life costs of the proposed project will (or might) require additional allocations beyond those already accommodated in Council's long-term financial plan; and~~
- ~~• whether the proposed project will (or might) generate any additional financial risk for the Council.~~

~~Seeking the answers to these two questions is a threshold 'due diligence' test. If the decision-maker is sure that whole-of-life costs and financial risks are already accounted for, then no further action is necessary, however, in many cases, the decision-maker will not be sure of these answers, and will require a second step.~~

~~5.2 Due Diligence Report~~

~~To resolve any doubt, the decision-maker must request preparation of a *due diligence report* (DDR) (refer Section 6 below).~~

~~For large commercial or non-commercial projects, Section 48(1) of the Act requires that a full prudential report be prepared for Council. A report under Section 48 will be regarded as the highest-level, most thorough type of DDR for the purposes of this policy.~~

~~A full prudential report may also be commissioned under Section 48, for "any other project for which the Council considers that it is necessary or appropriate".~~

~~If a full prudential report is not sought, the Council will record its reasons for not obtaining such a report. This might be satisfied simply by noting (if appropriate) that the proposed project has been assessed under 5.1 of this policy, or under a DDR as being of low or negligible financial risk.~~

~~5.6. DUE DILIGENCE BEFORE A DECISION ON WHETHER TO PROCEED~~

~~Depending upon the extent of due diligence required by the decision-maker, a DDR-Business Case of greater or lesser detail will be prepared. At a minimum ~~the~~ this DDR-Business Case will include, ~~in relation to the proposed project:~~~~

- ~~• an analysis of the community need or demand addressed by the project;~~
- ~~• information on how the project fits with Council's strategic direction and any existing or proposed Masterplans;~~
- ~~• identification and quantification of the expected financial and other benefits;~~
- ~~• identification and quantification of the likely whole-of-life financial and other costs, including staffing and project management costs;~~
- ~~• consideration of any social, environmental and economic outcomes; and~~
- ~~• assessment of the associated financial project risks (including the financial risks of not proceeding or delaying the project) and consideration of ways they can be managed and/or mitigated; and~~

- an evaluation that weighs up all of the factors above.

For the smallerst projects with ~~least financial risk~~ low level of risk, this ~~DDR-Business Case~~ may comprise only a single page and may be prepared by a single staff member. ~~Larger~~ Higher value projects with a higher level of risk, ~~more complicated and/or financially riskier~~ projects will require a ~~DDR~~ more detailed Business Case.

For projects with a value of over \$1 million, or that are considered to be high risk, the Business Case should include, in addition to the items listed above, the following information:

- a feasibility study, or other relevant independent advice; ~~containing correspondingly more information and assessment, as required by the decision maker, with input from two or more officers;~~
- consideration of stakeholder management; and
- consideration of governance issues.

For example, the decision maker may request a DDR from a working party of Council officers or an external consultant, or a combination of both. Consideration will be given to whether those preparing a DDR require special skills such as engineering, finance, banking, town planning, etc.

Section 48(1) of the Act requires that a full prudential report be prepared for Council for projects that meet one of the following conditions:

- the capital value of the project over the next 5 years is expected to exceed \$4,939,000. This figure is as at January 2021, and is indexed annually using the previous September's CPI for Adelaide; or
- the operating costs related to the project over the next 5 years are expected to exceed 20% of the Council's operating costs over the last 5 years. After the 2019-20 financial year, this would require total operating costs of \$30 million over 5 years, or \$6 million per annum.

A full prudential report may also be commissioned under Section 48, for "any other project for which the Council considers that it is necessary or appropriate".

The issues that must be addressed by this report are set out in Section 48(2) of the Act, as follows:

- the relationship between the project and relevant strategic management plans;
- the objectives of the Development Plan in the area where the project is to occur;
- the expected contribution of the project to the economic development of the local area, the impact that the project may have on businesses carried on in the proximity and, if appropriate, how the project should be established in a way that ensures fair competition in the market place;
- the level of consultation with the local community, including contact with persons who may be affected by the project and the representations that have been made by them, and the means by which the community can influence or contribute to the project or its outcomes;
- if the project is intended to produce revenue, revenue projections and potential financial risks;
- the recurrent and whole-of-life costs associated with the project including any costs arising out of proposed financial arrangements;

- the financial viability of the project, and the short and longer term estimated net effect of the project on the financial position of the council;
- any risks associated with the project, and the steps that can be taken to manage, reduce or eliminate those risks (including by the provision of periodic reports to the chief executive officer and to the council);
- the most appropriate mechanisms or arrangements for carrying out the project;
- if the project involves the sale or disposition of land, the valuation of the land by a qualified valuer under the Land Valuers Act 1994.

A report prepared under Section 48(1) must be prepared by a person considered qualified to address the prudential issues required, and who does not have an interest in the project. Council can ensure compliance with this requirement by appointing an external consultant to prepare this report. Reports prepared under Section 48(1) are to be made available to the public after a decision is made on whether to proceed with the project, unless Council orders that it be kept confidential.

▲ In requesting and preparing a DDR, the decision-maker and Council officers must consider where the proposed project should be placed within each of the following two tables.

Financial Risk (FR) over the whole of life (FR)	Insignificant (i.e. FR less than 1% of \$5,000)	Minor i.e. FR Up to 5% of budget (or ≤\$50K)	Moderate i.e. FR Up to 20% of budget (or ≤500K)	Major i.e. FR Up to 40% of budget (or ≤\$5M)	Serious i.e. FR Greater than 40% of budget (or >\$5M)
Almost certain	Medium	High	High	Very High	Very High
Likely	Medium	Medium	High	High	Very High
Possible	Low	Medium	High	High	High
Unlikely	Low	Low	Medium	High	High
Rare	Low	Low	Medium	Medium	High

Whole of life (WOL) costs	Insignificant (i.e. WOL costs less than \$20,000)	Minor i.e. WOL costs between \$20,000	Moderate i.e. WOL costs between \$20,000	Major i.e. WOL costs between \$100,000	Serious i.e. WOL costs greater than \$100,000
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For any project that falls into the orange and red shaded area of either table, a DDR must also include a project feasibility study to provide a high level consideration of the expected costs and revenues over the life of the project, using discounted cash-flow analysis. One important aspect that will be considered in such a study is the reliability of these costs and revenues within these calculations, particularly if revenues are dependent on future market conditions.

67. DUE DILIGENCE DURING A PROJECT

After a decision has been made to commence a project, it will be managed according to the principles of due diligence.

The Council will take action to manage the project so that:

- the project remains focussed upon the expected public benefits or needs that have been identified in the ~~DDR~~Business Case; and
- financial risks identified in the ~~DDR~~Case are managed appropriately.

78. DUE DILIGENCE ~~AFTER~~DURING A PROJECT

After a project has been completed, it will be evaluated, according to the principles of due diligence to determine the extent to which the project:

- has achieved the public benefits or needs identified in the ~~DDR~~Business Case that it was intended to achieve or satisfy; and
- has avoided or mitigated the financial risks identified in the ~~DDR~~Business Case.

89. ~~FURTHER INFORMATION~~AUTHORITY

Adopted by Council – February 2021This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's web site ~~site~~ www.whyalga.sa.gov.au.

9. HISTORY

Version 2 – adopted by Council February 2021

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Version 1 – adopted by Council January 2016

~~Copies will be provided to interested parties upon request. Email council@whyalla.sa.gov.au~~

~~Grievances in relation to this policy or its application should be forwarded in writing and addressed to:~~

~~Chief Executive Officer
Corporation of the City of Whyalla
PO Box 126
WHYALLA SA 5600~~

19. CONSIDERATION OF CONFIDENTIAL ITEMS**19.1 CITY INFRASTRUCTURE****19.1.1 ADANI Extension of Time – Agreement to Lease – CONFIDENTIAL****Council Meeting:** 15 February 2021**Author's Title:** Property and Leasing Officer**File No.:** 1-285**Directorate:** City Infrastructure**Annexures:**

A – Correspondence from ADANI Renewables

Officer Direct or Indirect Conflict of Interest:*In accordance with Local Government Act 1999,
Section 120*☐

Yes

☒

No

Status:*Information classified confidential under
Section 90(2) of the Local Government Act*☒

Yes

☐

No

Reason – Commercial in Confidence**RECOMMENDATION**

Pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of Justin Commons; Chief Executive Officer, Kristen Clark; Director City Infrastructure, Kathy Jarrett; Director Corporate Services, Joy Hentschke; Acting Director City Growth, Sean Kelly; Manager Communications and Public Relations and Michelle Armstrong; Executive Co-ordinator for Agenda Item 19.1.1 – ADANI Extension of Time – Agreement to Lease.

The Council is satisfied that, pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct business, or to prejudice the commercial position of Council.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because on balance it would be contrary to the public interest as commercial information is to be discussed and disclosed.

19.1 CITY INFRASTRUCTURE**19.1.2 SIMEC Operations Extension of Time – Agreement to Lease – CONFIDENTIAL**

Council Meeting: 15 February 2021
Author's Title: Property and Leasing Officer **File No.:** 1-286
Directorate: Infrastructure

Annexures:

A – Letter from SIMEC Operations requesting extension of time

B – Plan of Lease Area

C – Deed

D – Plan of Leased Area 2

Officer Direct or Indirect Conflict of Interest:

*In accordance with Local Government Act 1999,
Section 120*

☐

Yes

☒

No

Status:

*Information classified confidential under
Section 90(2) of the Local Government Act*

☒

Yes

☐

No

Reason – Commercial in Confidence**RECOMMENDATION**

Pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of Justin Commons; Chief Executive Officer, Kristen Clark; Director City Infrastructure, Kathy Jarrett; Director Corporate Services, Joy Hentschke; Acting Director City Growth, Sean Kelly; Manager Communications and Public Relations and Michelle Armstrong; Executive Co-Ordinator for Agenda Item 19.1.2 – SIMEC Operations Extension of Time – Agreement to Lease.

The Council is satisfied that, pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct business, or to prejudice the commercial position of Council.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because on balance it would be contrary to the public interest as commercial information is to be discussed and disclosed.

20. CLOSURE

21. DATE OF NEXT MEETING

Elected Members Informal Gathering – Monday 1 March 2021

Ordinary Council Meeting – Monday 15 March 2021