

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on 22 June 2021 at 7:00pm.

MEMBERS PRESENT

Mayor A Wilson
Councillor R Abley
Councillor M Bouchee
Councillor R Clancy
Councillor J Fleming
Councillor S Lonie
Councillor W Miller
Councillor R Patton
Councillor R Snewin

STAFF IN ATTENDANCE

Chief Executive Officer – R Bria
A/General Manager Assets and Delivery – M de Heus
General Manager Community and Business– M Lock
General Manager Strategy and Corporate – P Jackson
General Manager Alwyndor – B Davidson-Park

1. OPENING

Her Worship the Mayor declared the meeting open at 7.00pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting Her Worship the Mayor stated:

We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

3. SERVICE TO COUNTRY ACKNOWLEDGEMENT

The City of Holdfast Bay acknowledged all personnel who have served in the Australian forces and services, including volunteers, for our country.

4. PRAYER

Her Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

5. APOLOGIES

- 5.1 Apologies Received – Councillor A Bradshaw, Councillor P Chabrel.
- 5.2 Absent - Councillor J Smedley and Councillor C Lindop (attendance at National General Assembly Conference, Canberra as approved by Council).

6. ITEMS PRESENTED TO COUNCIL - Nil**7. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

8. CONFIRMATION OF MINUTES**Motion****C220621/2317**

That the minutes of the Ordinary Meeting of Council held on 8 June 2021 be taken as read and confirmed.

Moved Councillor Miller, Seconded Councillor Lonie

Carried Unanimously

9. PUBLIC PRESENTATIONS**9.1 Petitions****Conflict of Interest**

Councillor Clancy declared a perceived conflict of interest for Item 9.1.1 Somerton Surf Life Saving Club – Application to Lessor for Approval to Sub Lease a Portion of its Clubhouse to Gambell and Sutton Pty Ltd. The nature of the perceived conflict of interest (pursuant to Section 73 and 74 of the *Local Government Act 1999*) was that she is Vice Patron of the Somerton Surf Life Saving Club.

Councillor Clancy dealt with the perceived conflict of interest by making it known and remaining in the meeting as she was acting in the best interests of the community.

Councillor Clancy voted for the motion.

9.1.1 Somerton Surf Life Saving Club – Application to Lessor for Approval to Sub Lease a Portion of its Clubhouse to Gambell and Sutton Pty Ltd (Report No: 205/21)

A petition has been received from Mr Davey Taylor of Apartment 114 Brighton Dunes. Mr Taylor lodged the petition on behalf of many residents at Brighton Dunes and members of the community who attended an event at the Somerton Surf Life Saving Club (SLSC). There were 216 signatories and the petition stated:

"I enclose a petition from Brighton Dunes residents supporting the above application, of which I am the head petitioner. I ask that the petition be

presented to Councillors with the other documentation relating to the application.

The purpose of the petition is to show that there is very strong support within Brighton Dunes for the club and its plans to sub-lease its upstairs bistro area. Each of the petitioners has been visited personally and has been provided with an explanation of why the club wants to enter into the sub-lease....."

Finally I believe that there is very strong support within the wider community for the club and its plans for a sub-lease and I ask that the Council recognize that support and approve the application."

Motion

C220621/2318

That Council note the petition from Mr Taylor regarding Somerton Surf Life Saving club and their application to Council (lessor), for approval to sub-lease a portion of its clubhouse to Gambell & Sutton Pty Ltd.

Moved Councillor Snewin, Seconded Councillor Clancy **Carried Unanimously**

9.2 **Presentations - Nil**

9.3 **Deputations - Nil**

10. QUESTIONS BY MEMBERS

10.1 **Without Notice**

10.1.1 **Winter Solstice Festival Brighton**

Councillor Fleming asked if Administration could provide the total cost of the recent festival and if it could be conducted seasonally.

General Manager Community and Business provided a response.

10.1.2 **Development Plan Amendment (DPA) – State Planning**

Councillor Bouchee asked if Council was required to undertake further Development Plan Amendments for changes to planning policy across the City and if so, could the State Commission Assessment Panel approve developments that did not comply with policy changes.

General Manager Strategy and Corporate provided a response.

10.2 **On Notice - Nil**

11. MEMBER'S ACTIVITY REPORTS - Nil

12. MOTIONS ON NOTICE - Nil

13. ADJOURNED MATTERS - Nil**14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES****Leave of the Meeting**

Councillor Clancy sought leave of the meeting to propose that Item 14.1 Draft Minutes – Alwyndor Management Committee - 27 May 2021 be adjourned and heard in confidence at Item 18, Items in Confidence.

Leave of the Meeting was granted.

14.2 Information Report – Southern Region Waste Resource Authority Board Meeting – 7 June 2021 (Report No: 200/21)

The information reports of the Southern Region Waste Resource Authority (SRWRA) Board meeting held on 7 June 2021 were attached and provided for information.

Motion**C220621/2319**

- 1. That the Information Reports of the Southern Region Waste Resource Authority Board meeting held on 7 June 2021 be noted.**

RETAIN IN CONFIDENCE – Section 91(7) Order

- 2. That having considered Attachment 2 to Report No: 200/21 Information Report – Southern Region Waste Resource Authority Board Meeting – 7 June 2021 in confidence under Section 90(2) and 3(b) and 3(d) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of the Act orders that Attachment 2 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

Moved Councillor Abley, Seconded Councillor Bouchee **Carried Unanimously**

14.3 Minutes – Jetty Road Mainstreet Committee – 7 April, 5 May and 2 June 2021 (Report No: 206/21)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 7 April, 5 May and 2 June 2021 were attached and presented for Council's information.

Motion**C220621/2320**

That Council notes the minutes of the Jetty Road Mainstreet Committee of 7 April, 5 May and 2 June 2021.

Moved Councillor Abley, Seconded Councillor Miller **Carried Unanimously**

15. REPORTS BY OFFICERS**15.1 Items in Brief (Report No: 199/21)**

The following items were presented for the information of Members.

Motion**C220621/2321**

That the following items be noted and items of interest discussed:

- 1. Birdlife Australia, Draft Annual Business Plan 2020/21**
- 2. Car Share Trial Report**
- 3. Council Protection Board Grant – Seawall Investigation**
- 4. Statutes Amendment (Local Government Review) Bill 2020**
- 5. Council Meeting Action List**

Moved Councillor Lonie, Seconded Councillor Abley

Carried**15.2 2021-2022 Annual Business Plan (Report No: 201/21)**

The 2021-22 Annual Business Plan was presented for consideration and adoption by Council following community consultation on its Draft Annual Business Plan.

Motion**C220621/2322**

That Council adopts the 2021-2022 Annual Business Plan, subject to final design and minor alterations.

Moved Councillor Snewin, Seconded Councillor Patton

Carried Unanimously**15.3 2021-2022 Budget Adoption (Report No: 202/21)**

The 2021-2022 Budget was presented for adoption following adoption of the Annual Business Plan.

Motion**C220621/2323**

That in respect of the financial year ended 30 June 2022:

- 1. The 2021-2022 Budget which consists of:**
 - (a) the Budgeted Income Statement;**
 - (b) the Budgeted Balance Sheet;**
 - (c) the Budgeted Statement of Changes in Equity;**
 - (d) the Budgeted Statement of Cash Flow;**
 - (e) the Budgeted Uniform Presentation of Finances; and**

(f) the Budgeted Financial Indicators

be adopted subject to the following amendments.

Any budget changes arising from Council's consideration of the 2021-2022 Annual Business Plan be included in the budgeted financial statements and relevant documents.

- 2. The fees and charges incorporated in the Annual Business Plan (Attachment 2) be adopted and that the relevant policies be updated accordingly.**
- 3. That Council approves new loan borrowings of up to \$ 5.58 million in accordance with Council's treasury policy to meet the funding requirements of the 2021-2022 budget.**

Moved Councillor Bouchee, Seconded Councillor Lonie **Carried Unanimously**

15.4 2021-2022 Rate Declaration (Report No: 204/21)

General, differential and separate rates were identified to fund Council's activities, together with the Regional Landscape Levy, as contained within the approved 2021-2022 budget document. Council was in a position to formally declare the rates for the 2021-2022 financial year.

Motion

C220621/2324

1. Adoption of Valuations

That the total capital value of land within Council's area of \$14,477,737,300, as provided by the State Valuation Office, be adopted for rating purposes for the 2021-2022 financial year.

2. Declaration of Differential General Rates

In order to raise a total net amount of \$37,049,400 from the differential general rate:

- (a) in respect of rateable land with a land use of Commercial-Shop (Category 2), Commercial-Office (Category 3), Commercial-Other (Category 4), Industrial-Light (Category 5), Industrial-Other (Category 6), and Vacant Land (Category 8) , a Differential General Rate of 0.396404 cents in the dollar is declared on the capital value of such land;**
- (b) in respect of rateable land with a land use of Residential (Category 1) and Other Land (Category 9) uses, a Differential General Rate of 0.243117 cents in the dollar is declared on the capital value of such land;**

- (c) pursuant to Section 158 of the *Local Government Act 1999*, a minimum amount payable by way of the General Rate is fixed at \$1,045;
- (d) pursuant to Section 153(3) and (4) of the *Local Government Act 1999*, a maximum increase of 6% (of the general rate declared for the same property for the 2021/2022 financial year) is fixed in the general rate charged on rateable land that is used for residential purposes and constitutes the principal place of residence of a principal ratepayer. Any amount exceeding the 6% increase will be remitted in full on application. The cap on an increase in general rates under this Section will not apply where property values have increased as a result of the following events: new building work and/or development activity greater than \$5,000; changes in land use wholly or partially; changes in zoning; the ownership of the rateable property has changed since 1 July of the previous year; the property is no longer the principal place of residence; and
- (e) Council grant a one-off discretionary rebate for 2021-2022 in accordance with Section 166(l)(ii) of the *Local Government Act 1999* to land use categories of commercial and industrial due to a substantial and rapid change in valuations for the 2021-2022 financial year applicable to those assessments whereby the increase in rates is greater than 6% based on the 2020-2021 financial year.

3. Declaration of Separate Rates

Jetty Road Mainstreet

- (a) In exercise of the powers contained in Section 154 of the *Local Government Act 1999* and in order to support and improve the activity of promoting and enhancing business viability, profitability and trade, commerce and industry in Jetty Road Glenelg, a Differential Separate Rate of 0.131985 cents in the dollar is declared on the capital value of all rateable land:
 - with a frontage to Jetty Road or Moseley Square;
 - within the side streets that intersect with Jetty Road between High Street and Augusta Street;
 - the entire site referred to as the Holdfast Shores 2B Entertainment Centre; and
 - that has a land use of Category 2 (Commercial – Shop), Category 3 (Commercial – Office) and Category 4 (Commercial – Other).

Patawalonga Marina**(b)**

- (i)** In exercise of the powers contained in Section 154 of the *Local Government Act 1999* and in order to carry out the activity of the maintenance and upkeep of the Boat Lock in the Patawalonga basin, a Separate Rate of 0.986446 cents in the dollar of the capital value of land, is declared on all rateable land within the Patawalonga basin bounded by the high water mark; and
- (ii)** in exercise of the powers contained in Section 158(1)(b) of the *Local Government Act 1999* the amount that would otherwise be payable by way of rates in respect of this separate rate is altered by fixing the maximum amount of the separate rate payable for assessments within the area to which this separate rate applies where the capital values of which exceed \$83,634 at \$825.

4. Imposition of Regional Landscape Levy

In exercise of the powers contained in Section 69 of the Landscape South Australia Act 2019 and Section 154 of the *Local Government Act 1999*, in order to reimburse the Council for the amount contributed to the Green Adelaide Board, being \$1,301,758, the Council declares a separate rate of 0.00936015 cents in the dollar of the capital value of all rateable land in the Council area.

5. Payment

That:

- (a)** in accordance with Section 181(1) of the *Local Government Act 1999*, all rates are payable in four equal (or approximately equal) instalments, the due dates being:

**1 September 2021
1 December 2021;
1 March 2022; and
1 June 2022.**

Provided that in cases where the initial account requiring payment of rates is not sent by the time set by the *Local Government Act 1999* (the "Act"), or an amended account is required to be sent, the Chief Executive Officer is authorised to fix the date by which rates must be paid in respect of those assessments affected; and

- (b) pursuant to Section 181 (4)(b) of the *Local Government Act 1999*, the Chief Executive Officer is authorised to enter into agreements with ratepayers relating to the payment of rates in any case of hardship or financial difficulty, or where it is considered in the best interests of Council so to do (as determined by the Chief Executive Officer).

6. **The current Rating Policy be updated to reflect Council's decision.**

Moved Councillor Snewin, Seconded Councillor Lonie **Carried Unanimously**

15.5 **Monthly Financial Report – 31 May 2021** (Report No: 207/21)

Attached were financial reports as at 31 May 2021. They comprised a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care. The adjusted forecast budget included the carried forward amount as approved by Council 11 August 2020 and the three quarterly budget updates approved by Council 20 October 2020, 9 February 2021 and 27 April 2021.

Alwyndor forecast an increase in their operating deficit of \$80,197 to \$747,195 principally due to resident turnover which was partially offset with the receipt of additional Federal funding of \$100,000.

No changes to Municipal budgets were recommended at this time, but the report highlighted items that showed a material variance from the YTD budget.

Motion

C220621/2325

1. **That Council receives the financial reports for the 11 months to 31 May 2021 and notes no change to the Municipal activities 2020/21 revised budget forecast.**
2. **That Council notes the second 2020/21 budget update for Alwyndor operations including:**
 - (a) **an increase in the forecast operating deficit for 2020/21 of \$80,197 from an operating deficit of \$666,998 to an operating deficit of \$747,195;**
 - (b) **no change in forecast capital expenditure of \$1,026,000; and**
 - (c) **an increase in the forecast funding required for 2020/21 of \$135,979 from a funding requirement of \$170,542 to a funding requirement of \$306,521.**

Moved Councillor Snewin, Seconded Councillor Patton **Carried Unanimously**

15.6 Draft Rating and Asset Accounting Policies (Report No: 203/21)

Council has in place a Rating Policy which is updated annually as part of the rate declaration process. The policy was in a document format that was inconsistent with other Council policies and required reformatting. As part of the exercise it was considered timely to include a rate declaration section and expand the payment of rates, debt recovery and rebate sections.

An Asset Accounting Policy was also drafted. This was in response to a recommendation from the internal audit review of financial controls reported to the Audit Committee (Report No: 245/20). The Policy included all relevant assumptions in regards to asset capitalisation, disposal and depreciation.

The proposed policies were provided for endorsement by Council, following consideration and support by the Audit Committee on 2 June 2021.

Motion**C220621/2326****That Council endorse and adopt the draft Rating and Asset Accounting Policies.**

Moved Councillor Lonie, Seconded Councillor Abley

Carried Unanimously**15.7 Risk Management Framework Review (Report No: 131/21)**

The Risk Management Framework, Policy and Procedure was endorsed by Council on 13 March 2018. The Risk Consequence Table in the Risk Management Framework was subsequently adjusted by the Audit Committee on 5 June 2019.

Since this time, it was identified that the current Consequence Scale and Descriptions Table (consequence table) of the Risk Management Framework had several very low thresholds, resulting in the over-assessment of risks.

After comparing with a sample of metropolitan Councils, it was recommended that both the consequence table and Risk Matrix be updated, to enable more balanced risk assessment and reporting.

The proposed amendments were provided for endorsement by Council, following consideration by the Audit Committee on 2 June 2021.

Motion**C220621/2327****That Council:**

- 1. endorses and adopts the amended Consequence Scale and Descriptions table to be updated in the Risk Management Framework; and**
- 2. endorses and adopts the amended Risk Matrix to be updated in the Risk Management Framework.**

Moved Councillor Abley, Seconded Councillor Clancy

Carried Unanimously

15.8 Customer Feedback and Complaints Policy Review (Report No: 189/21)

Council's Customer Feedback and Complaints Policy (the Policy) was reviewed and presented to Council for adoption.

The Policy was primarily focused on establishing a commitment in accepting and resolving complaints within the City of Holdfast Bay and a culture which encourages and values feedback from our community.

This Policy was reviewed substantially, therefore a copy of the current version of the policy and the proposed revised Policy were attached. This Policy was not required to undertake public consultation and was provided for endorsement by Council following endorsement by the Audit Committee.

Motion**C220621/2328**

That Council approve and endorse the Customer Feedback and Complaints Policy as amended.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried Unanimously**15.9 Draft Strategic Plan – Approval to Consult (Report No: 208/21)**

The *Local Government Act 1999* (the Act) requires Council to undertake a comprehensive review of its strategic management plans within two years after each general election. As the last general election was held in November 2018, a review of the current strategic plan - Our Place 2030 - was undertaken and received by Council in February 2021 (Report No 60/21). The review recommended that a new strategic plan be developed, which has now been done and is provided for Council's consideration as a draft (*Attachment 1*).

Due to COVID-19 restrictions limiting opportunities for public meetings, the review was limited to desktop review and direct inputs from Elected Members and Administration's Senior Leadership and Leadership Teams.

Section 122 (6) of the Act requires that "members of the public are given a reasonable opportunity to be involved in the development and review of its strategic management plans".

It was therefore recommended that Council undertake community consultation on the draft plan that has been prepared.

Motion**C220621/2329**

That Council:

- 1. accepts the draft Strategic Plan, subject to any minor typographical corrections that may be required; and**

2. **agrees to undertake community consultation on the draft Strategic Plan.**

Moved Councillor Miller, Seconded Councillor Patton **Carried Unanimously**

16. **RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**
17. **URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING – Nil**
18. **ITEMS IN CONFIDENCE**

Councillor Clancy sought leave of the meeting to propose that Item 14.1 Draft Minutes – Alwyndor Management Committee - 27 May 2021 be adjourned and heard in confidence at Item 18, Items in Confidence.

Leave of the Meeting was granted.

- 14.1 **Draft Minutes – Alwyndor Management Committee – 27 May 2021** (Report No: 198/21)

Motion - Exclusion of the Public – Section 90(3)(d) Order C220621/C2330

1. **That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 198/21 Draft Minutes – Alwyndor Management Committee – 27 May 2021 in confidence.**
2. **That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: Report No: 198/21 Draft Minutes – Alwyndor Management Committee on the following grounds:**
 - d. **pursuant to Section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.**

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. **The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved Councillor Abley, Seconded Councillor Snewin **Carried Unanimously**

The draft minutes of the Alwyndor Management Committee meeting held on 27 May 2021 were provided for information.

Motion

C220621/2331

1. **That the draft minutes of the Alwyndor Management Committee meeting held on 27 May 2021 be noted.**

RETAIN IN CONFIDENCE - Section 91(7) Order

2. **That having considered Attachment 2 to Report No: 198/2021 Draft Minutes – Alwyndor Management Committee – 27 May 2021 in confidence under Section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of the Act orders that Attachment 2 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

Moved Councillor Lonie, Seconded Councillor Miller **Carried Unanimously**

19. CLOSURE

The Meeting closed at 7.42pm.

CONFIRMED 13 JULY 2021

MAYOR