



GLAMORGAN SPRING BAY
COUNCIL

Unconfirmed Minutes

For the **Special
Meeting of Council**
held via remote
conference

6 July 2020

NOTICE OF SPECIAL MEETING

Notice is hereby given that the Mayor has called a Special Meeting of the Glamorgan Spring Bay Council to be held on Monday 6 July 2020 commencing at 2.30pm **via remote video conference**.

Please note in response to COVID-19 social gathering regulations, members of the public will be unable to attend the meeting.

Dated this Friday 3 July 2020.



**Marissa Walters
ACTING GENERAL MANAGER**

"I certify that with respect to all advice, information and recommendations provided to Council with this agenda:

- 1. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation, and**
- 2. Where any advice is given directly to the Council by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from any appropriately qualified or experienced person. "**

Note: Section 65 of The Local Government Act 1993 states:

- (1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.**
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council or council committee.**



**Marissa Walters
ACTING GENERAL MANAGER**

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Please Note: Due to limits imposed on public gatherings for coronavirus (COVID-19) this meeting will be held via remote conference. Members of the public will be unable to attend the meeting.

Audio/Video Recording of Ordinary and Special Meetings of Council

As determined by Glamorgan Spring Bay Council in April 2017 all Ordinary and Special Meetings of Council are to be audio/visually recorded and streamed live.

In response to COVID-19 social gathering regulations, this meeting will be held remotely via video conference. Where possible a live stream of the meeting will be made available.

In accordance with the GSBC Council Meetings – Audio/Visual Recording and Live Streaming Policy No. 6.2, a recording of the meeting will be available via the link on the Glamorgan Spring Bay Council website within five business days of the meeting.

In accordance with the Local Government Act 1993 and Regulation 33, these video/audio files will be retained by Council for at least 6 months and made available for viewing live, as well as online within 5 days of the scheduled meeting. The written minutes of a meeting, once confirmed, prevail over the video/audio recording of the meeting.

1. Opening

The Mayor welcomed Councillors and staff and declared the meeting open at 2:35pm.

1.1 Acknowledgement of Country

The Glamorgan Spring Bay Council acknowledges the Traditional Owners of our region and recognises their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.

1.2 Present and Apologies

Present (via remote conference)

Mayor Debbie Wisby
Deputy Mayor Jenny Woods
Clr Cheryl Arnol
Clr Keith Breheny
Clr Annie Browning
Clr Rob Churchill
Clr Grant Robinson

Apologies

Clr Michael Symons (due to work commitments)

1.3 In Attendance

Mrs Marissa Walters, Acting General Manager
Ms Josie Higgins, Executive Officer

1.4 Declaration of Interest or Conflict

The Mayor requests Elected Members to indicate whether they have:

- 1. any interest (personally or via a close associate) as defined in s.49 of the Local Government Act 1993; or*
- 2. any conflict as described in Council's Code of Conduct for Councillors,*

in any item included in the Agenda.

Nil.

2. Officers' Reports Requiring a Decision

2.1 Response to Minister for Local Government re Performance Improvement Direction

Responsible Officer – Acting General Manager

BACKGROUND / OVERVIEW

Council has received written notification from the Minister for Local Government of his intentions to issue a Performance Improvement Direction (PID) to Glamorgan Spring Bay Council. Council have 14 days to respond to the Minister's letter with a Milestone Plan included.

After issuing the PID Council will be required to report to the Director and Minister on progress at the end of each month.

The Director of Local Government has recommended to the Minister that a PID should be issued in relation to the following components that form part of Council's Strategic Plans that are currently not compliant with the requirements of the *Local Government Act*:

- Long Term Financial Management Plan
- Long Term Strategic Asset Management Plan
- Financial Management Strategy
- Asset Management Strategy
- Asset Management Policy

The Director's recommendation to the Minister is that Council complete all directed actions within 180 days from the issue of the PID. However, the Director has also recommended that Council be provided the opportunity for a revised timeframe not more than 8 months and staged completion dates included.

PROGRAM OUTLINE

Long Term Financial Management Plan

A first cut of the Long Term Financial Management Plan could be prepared and presented to Council by 31 December 2020. However, this will need to be revised once the Long Term Strategic Asset Management Plan is completed. Therefore, a revised draft is expected to be presented to Council in April 2021. The Long Term Financial Management Plan is required to be reviewed annually.

Long Term Strategic Asset Management Plan

The Long Term Strategic Asset Management Plan will take the most work, given the need to get condition assessment data, audit and in some places revaluation of Council assets before the plan can be developed. This needs to incorporate nearly all asset classes including Roads & Footpaths, Kerb & Channel, Bridges & Culverts, Stormwater & Drainage, Marine Infrastructure, Buildings and Parks, and potentially Open Spaces & Streetscape. Any asset class that is more than 5% of overall asset value must be included.

Council are currently in the process of engaging consultants and additional in-house engineering resources to work on this project. The Stormwater component is expected to take at least six months to complete and then needs to be fed into the Long Term Strategic Asset Management Plan. It is expected that we can have the Long Term Asset Management Plan completed by 31 March 2021, Council may have to accept a level of risk if not all asset classes can be fully detailed as Council would otherwise like in order to meet these timeframes. This will need to be assessed as the project progresses.

Council are required to review the Long Term Strategic Asset Management Plan annually in conjunction with the Long Term Financial Management Plan.

Financial Management Strategy

The Financial Management Strategy should be prepared and reviewed in conjunction with preparing the Long Term Financial Plan.

The Financial Management Strategy should be ready to present to Council by 31 December 2020.

Asset Management Strategy

The Asset Management Strategy should be developed and reviewed in conjunction with preparing the Long Term Strategic Asset Management Plan and needs to align to Council's recently adopted Strategic Plan. It will need to include updated data post the condition assessments, audit and revaluation of assets. A draft should be ready to present to Council by 28 February 2021.

Asset Management Policy

The Asset Management Policy may be ready to review by Council by 30 September 2020 based on current data, however will require updating post any revaluation of assets.

STRATEGIC PLAN

Key Foundations

1. *Sound governance and financial management that shows Council is using ratepayer funds to deliver best value and impact for the GSBC community.*
4. *Delivering high quality, cost-effective infrastructure and services that meets the needs of our communities, residents and visitors.*

What we plan to do:

- *Planned asset renewal expenditure based on agreed asset management plans (key foundation 1); and*
- *Complete all asset management plans and policies for Council infrastructure (including assessment of condition) in 2020. (key foundation 4).*

STATUTORY IMPLICATIONS

*s.70 Local Government Act
s.70A-E Local Government Act
214L-N Local Government Act*

BUDGET IMPLICATIONS

The estimated cost of completing the condition assessment and asset management plan is in the order of \$200-250k. This will be funded from the operational budget. This does not include the costs associated with Stormwater which will be funded from the Stormwater project identified in the Capital Works Budget. The component related to consultants for the Stormwater Management Plans is expected to be in the order of \$100-200k.

RISK CONSIDERATIONS

The Minister has advised that, once formally issued, should Council fail to comply with the PID he may exercise his powers to take the following action:

1. Suspend any or all Councillors for a period not exceeding six months.
2. Establish a Local Government Board of Review to commence a specific or general review of the Council.
3. Establish a Board of Inquiry to commence an investigation into the activities of the Council.



OFFICER'S RECOMMENDATION

That Council authorise the Acting General Manager to write a letter of response to the Minister for Local Government in relation to his intentions to issue a Performance Improvement Direction, including a Milestone Plan and request that Council be given until 30 April 2021 to complete all directed action.

DECISION 231/20

Moved Cllr Rob Churchill, seconded Deputy Mayor Jenny Woods that Council authorise the Acting General Manager to write a letter of response to the Minister for Local Government in relation to his intentions to issue a Performance Improvement Direction, including a Milestone Plan and request that Council be given until 30 April 2021 to complete all directed action.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Mayor Debbie Wisby, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol,
Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson

Against:

2.2 Natural Resource Management Committee – Submission on the Rural Water Use Strategy Position Paper

Responsible Officer – Manager Natural Resources

ATTACHMENT/S

1. Rural Water Use Strategy Position Paper Submission GSB NRMC
2. Rural Water Use Strategy Position Paper

BACKGROUND / OVERVIEW

This submission has been prepared by a working group of the Glamorgan Spring Bay Natural Resource Management Committee (NRMC).

The NRMC is a Special Committee of the Glamorgan Spring Bay Council (GSBC) pursuant to Section 24 (S24) of the Local Government Act 1993.

The purpose of the NRMC as per the 2018 Terms of Reference is to:

'provide a means of exchanging information about, participates in and progresses NRM initiatives involving the community (via the committee), stakeholders and GSBC.'

The Objectives of the Committee are as follows:

To conserve and protect the natural environment and improve natural resource management in the Glamorgan Spring Bay municipal area by:

- carrying out, supporting and / or assisting with on-ground works that address priority environmental management and sustainability issues;
- carrying out, supporting and / or assisting with studies, research and projects to improve our knowledge of the natural environment and natural resources, and facilitate practices of sustainable development and planning;
- provide support and advice on matters relevant to natural resource management within the area;
- organise and deliver community educational and awareness programmes;
- provide opportunities, support mechanisms and / or resources to enhance community capacity to participate in natural resource management practices, activities and projects.

Oversee the development and implementation of the Catchments to Coast program.

Oversee the development and implementation of the Prosser, Little Swanport and Swan Apsley Catchment Plans, and the Glamorgan Spring Bay Weed Management Plan.

Form positive community, government, business and industry partnerships for the purposes of attracting resources for Natural Resource Management activities within the area.

The water management catchments of the Prosser, Little Swanport and Swan Apsley have been the focus of much work by the NRMC, together with many different stakeholders.

The significance of the water values in these catchments to all those who work, play and visit this beautiful part of the world cannot be understated.

The NRMC is pleased that this important strategy is being developed and believe that this is the perfect opportunity for their local knowledge and insights around water management issues within the key water catchments in Glamorgan Spring Bay to be shared in context of the Goals and Proposals identified in the Position Paper.

STRATEGIC PLAN

Guiding Principle

1. Balance economic and tourism growth with preserving our lifestyle, celebrating our rich history and protecting the region's unique and precious characteristics
6. Draw on the knowledge and expertise of local people and communities in shaping and delivering our initiatives and plans - listening to and taking account of ideas and feedback from residents, businesses and ratepayers.

Key Foundations

5. OUR ENVIRONMENT

- Collaborating with our communities to value, manage and improve our natural resources

What we plan to do to achieve results:

- Involve, engage and equip groups and individuals in Natural Resource Management

STATUTORY IMPLICATIONS

The Local Government Act 1993

Part 3. Division 2.

20. Functions and Powers

(1) In addition to any functions of a council in this or any other Act, a council has the following functions:

- (a) to provide for the health, safety and welfare of the community;
- (b) to represent and promote the interests of the community;
- (c) to provide for the peace, order and good government of the municipal area.

BUDGET IMPLICATIONS

There is no budget implication for Council.

OFFICER'S RECOMMENDATION

That Council endorses the Natural Resource Management Committee Submission on the Rural Water Use Strategy Position Paper to enable it to be submitted by the (extended) deadline which is 10th July 2020.

DECISION 232/20

Moved Cllr Cheryl Arnol, seconded Cllr Keith Breheny that Council endorses the Glamorgan Spring Bay Natural Resource Management Special Committee Submission on the Rural Water Use Strategy Position Paper to enable it to be submitted by the (extended) deadline of 10th July 2020 with the following amendments:

1. **Page 3, 3rd paragraph under heading "In respect to accountability" to read:**
At the other end of the scale, historical Water Licences appear far from fair. Individuals can hold numerous entitlements with negligible monitoring, no metering and no publicly available enforcement or penalty records.
2. **Page 4, 9th paragraph to read:**
The current penalties for unauthorised water take by those operating on Water Licences are demerit points alone. Demerit points have no meaningful consequences.
3. **Page 4: The removal of the following two paragraphs:**
Access to water to generate a profit is a privilege not a right. People who steal property from others in the community face consequences for stealing through the court system. People who steal water should also face consequences for their actions.

Urban water users don't have the opportunity to steal water because our water use is metered. Despite this entitlement which we pay for, from time to time we are required to comply with water restrictions with financial penalties if we don't comply.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Mayor Debbie Wisby, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol,
Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson

Against:

2.3 Marine Infrastructure (Boat Ramps and Associated Jetties)

Responsible Officer – Acting General Manager

BACKGROUND / OVERVIEW

Council currently hold either licenses or leases for boat ramps and associated jetties within the municipality. MAST support Council through Grants for major works and at time maintenance. Council bear the responsibility for public liability, regular inspections and maintenance. MAST provide no commitment for the long term replacement of these recreational Boat Ramps and Associated Jetties, therefore Council are required to financially provide for the replacement of these assets and fund this through depreciation each year.

MAST are currently looking at preparing a new 10 year plan and it is an opportune time for Council to contact MAST to explain Council's concerns and request for a long term commitment.

This matter relates to decision 210/20 and 220/20 of the Ordinary Council Meeting held 23 June 2020. Council are obliged under the Local Government Act to depreciate all assets in accordance with qualified advice on the replacement cost of that asset and at the appropriate depreciation rate.

As an example, a new \$1m boat ramp with a depreciation rate of 2% will result in Council being required to raise additional income of a minimum of \$20,000 every year, whilst ever that asset exists, solely for the purpose of depreciation (this figure does not cover the cost to ratepayers for maintenance or liability). The \$20,000 income is raised by increasing rates charged to ratepayers (that is equal to 0.3% increase in General Rate for 1 boat ramp). To prevent this for occurring, if MAST agreed to either take over ownership of the boat ramps and associated jetties or formally agree to replace these assets and provide funding for ongoing maintenance and liability costs, it would result in minimal (if any) impact on ratepayers.

STRATEGIC PLAN

Guiding Principle

5. *Ensure that our current expenditure and ongoing commitments fall within our means so that rates can be maintained at a manageable and affordable level.*

Key Foundations

2. *Sound governance and financial management that shows Council is using ratepayer funds to deliver best value and impact for the GSBC community.*
4. *Delivering high quality, cost-effective infrastructure and services that meets the needs of our communities, residents and visitors.*

What we plan to do:

- *Planned asset renewal expenditure based on agreed asset management plans (key foundation 1); and*
- *Advocate and lobby effectively on behalf of the community (key foundation 1).*
- *Maintain public amenities and recreational facilities (key foundation 4)*

STATUTORY IMPLICATIONS

Local Government Act 1993

BUDGET IMPLICATIONS

Depreciation in 2018/2019 for Boat Ramps & Jetties was \$45,143. However, this was based on a depreciation rate of 2% (50 year life). As part of Council's review of assets this year it is highly likely to result in an overall higher rate of depreciation for this class of asset.

Maintenance costs in 2018/19 was an additional \$38,305. This does not include insurance.

Maintenance costs in 2019/20 so far is \$13,808, not including insurance. With the addition of the Prosser sea wall, depreciation is expected to increase in this asset class to at least \$166,355 without taking into account the planned review of these assets.

Excluding the Prosser sea wall, the value of boat ramps and associated jetty assets at 30 June 2019 was \$2,376,506.

These figures do not include the Triabunna Marina & Wharf.

RISK CONSIDERATIONS

If we do not ask MAST or MAST do not commit to the request there will be an ongoing commitment and Council will continue to carry the ongoing cost of maintenance, depreciation and liability. This will need to be factored into to every decision regarding upgrading or new boat ramps and associated jetties.

OFFICER'S RECOMMENDATION

That Council:

1. Authorise the Acting General Manager to write a letter to MAST requesting that:
 - A. MAST consider taking over ownership of the boat ramps and associated jetty assets including maintenance, liability and associated depreciation costs of same, or at a minimum;
 - B. MAST consider a formal agreement to replace boat ramps and associated jetty assets to reduce Council's depreciation costs, provide additional funding to cover ongoing maintenance and liability costs.
2. Authorise the Acting General Manager to provide a copy of the letter to the Minister for Primary Industries and Water and the Minister for State Growth.

DECISION 233/20

Moved Cllr Keith Breheny, seconded Cllr Rob Churchill, that Council:

1. Authorise the Acting General Manager to write a letter to MAST requesting that:
 - A. MAST consider taking over ownership of the boat ramps and associated jetty assets including maintenance, liability and associated depreciation costs of same, or at a minimum;
 - B. MAST formally agree to replace boat ramps and associated jetty assets to reduce Council's depreciation costs and provide additional funding to cover ongoing maintenance and liability costs.
2. Authorise the Acting General Manager to provide a copy of the letter to the Minister for Primary Industries and Water and the Minister for State Growth.

THE MOTION WAS PUT AND CARRIED 6/1

For: Mayor Debbie Wisby, Deputy Mayor Jenny Woods, Cllr Keith Breheny,
Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson

Against: Cllr Cheryl Arnol

3. Confidential Items (Closed Session)

Nil.

The recording of the meeting was switched off.

4. Close

The Mayor declared the Special Meeting closed at 3.22pm.

CONFIRMED as a true and correct record.

Date:

Acting Mayor Jenny Woods