

MINUTES

Special Council Meeting 29 June 2021

VENUE: Council Chamber
Civic Centre, Ramsay Place, Noarlunga Centre

MEETING COMMENCED: 6.32pm

PRESENT: Mayor Thompson (Chair)
Cr Bray
Cr Brown (6.34pm)
Cr de Graaf
Cr Eaton
Cr Greaves
Cr Jamieson (6.36pm)
Cr McMahon
Cr O'Brien
Cr Peat
Cr Themeliotis
Cr Tonkin (6.33pm)

APOLOGIES: Cr Olsen

LEAVE OF ABSENCE: Nil

ABSENT: Nil

Pledge

We recognise this City's considerable natural and cultural heritage, including thousands of years of traditional ownership by Kaurna, and the more recent contribution from people either born here or who have migrated here. As we meet together, we build on this heritage by respecting and listening to each other, thinking clearly, being receptive to new ideas, speaking honestly, and deciding wisely for the current and future well-being of those we serve.

1. Opening of meeting

Mayor Thompson officially declared the meeting open at 6.32pm.

Cr de Graaf read the pledge.

Cr Tonkin entered the meeting at 6.33pm.

Cr Brown entered the meeting at 6.34pm.

2. Reports of officers

2.1 2021–22 Adoption of Annual Business Plan, Budget, Valuations and Declaration of Rates

MOVED Cr McMahon.

That Council, in exercise of the powers contained in Chapters 8, 9 and 10 of the Local Government Act 1999 (the Act), and in respect of the financial year ending 30 June 2021 and in the following order:

1. Adopt the Annual Business Plan

- in accordance with Section 123 of the Local Government Act 1999 (the Act) and Regulation 6 of the Local Government (Financial Management) Regulations 2011 (the Financial Management Regulations), having considered all submissions and any new or revised information in the possession of the Council that is relevant to the material contained in the draft annual business plan in accordance with Section 123(6) of the Act, that Council adopts the City of Onkaparinga Annual Business Plan as per attachment 1.*
- the Chief Executive Officer be authorised to make any necessary changes to the text of the Annual Business Plan document prior to formal publication.*

Seconded by Cr Eaton.

CARRIED

Cr Jamieson entered the meeting at 6.36pm.

MOVED Cr Greaves.

2. Adopt the budget

Council adopts the budget for 2021–22, as detailed in appendices 1 to 7 to the Annual Business Plan and as laid before Council at this meeting as required by Section 123 of the Local Government Act 1999 and Regulation 7 of the Local Government (Financial Management) Regulations 2011 be adopted, involving:

- total estimated operating expenditure of \$183.4 million*
- total estimated operating income from sources other than rates of \$38.5 million*
- total amount required to be raised from rates of \$140.4 million*
- total estimated capital expenditure of \$50.3 million*
- total estimated capital income of \$8.6 million.*

3. *Revision of the budget*

Council notes that the budget will be reviewed in accordance with regulation 9 of the Local Government (Financial Management) Regulations 2011 effective of the periods ended:

- *30 September 2021*
- *31 December 2021*
- *31 March 2022*
- *30 June 2022 (as part of our end of financial year processes).*

Seconded by Cr Peat.

CARRIED

MOVED Cr Greaves.

4. *Adopt the valuation*

Pursuant to section 167(2)(a) of the Act, the most recent valuations of the Valuer-General available to Council of the capital value of land within Council's area totalling \$33,756,429,320 be adopted for rating purposes at the date of preparation of the relevant report. Minor adjustments to the valuation total may need to be made to reflect changes between preparation of the relevant Council report and the date of the meeting where the valuations are adopted. The total valuations as at 28 June 2021 will be provided as an update to this Council report ahead of the meeting on 29 June 2021.

Seconded by Cr Eaton.

CARRIED

MOVED Cr Greaves.

5. *Declaration of the general rates*

Having considered and taken into account the general principles of rating contained in Section 150 of the Local Government Act 1999 and, in accordance with Section 153(2) of the Local Government Act 1999, issues of consistency and comparability across council areas in the imposition of rates on various sectors of the business and wider community, Council determines that in exercise of the powers contained in sections 152(1)(c), 153(1)(b) and 156(1)(a) of the Act, it is appropriate to declare differential general rates for the 2021-22 year on all rateable land in the area of Council based on the following two components:

- *One being a fixed charge of \$705.00*
- *The other being a differential general rate based on the capital value of the land varying according to land use in accordance with Regulation 14 of the Local Government (General) Regulations 2013 as follows:*
 - i. 0.233107 cents in the dollar on rateable land of category (a)(Residential) use*
 - ii. 0.402894 cents in the dollar on rateable land of categories of (b), (c), (d), (Commercial - Shop, Commercial - Office and Commercial - Other respectively) and (e) and (f) (Industry - Light and Industry - Other respectively) uses*
 - iii. 0.274545 cents in the dollar on rateable land of category (g) (Primary Production) use*
 - iv. 0.331781 cents in the dollar on rateable land of category (h) (Vacant Land) use and*

- v. *0.254877 cents in the dollar on rateable land of category (i) (Other) use*
 - *Pursuant to section 153(3) of the Act Council will not fix a maximum increase in the general rate to be charged on any rateable land that constitutes the principal place of residence of a principal ratepayer.*
 - i. *Pursuant to section 166(1)(l)(i) & (ii) of the Act and to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to a change to the structure of the Council's rates and/or rapid changes in valuations, Council will grant a rebate of general rates to the principal ratepayer of land which has a land use of category (a) (Residential), in the monetary amount equivalent to the difference between the rates payable in respect of the land for 2021-22 and the rates payable in respect of the land for 2020-21 plus 10 per cent (excluding any other concession or relief granted in respect of the land) except that this rebate will not apply where the land has had significant capital improvements (regardless of when the improvements occurred); or*
 - ii. *a change to the land use since 1 July 2020 or*
 - iii. *a change in ownership of the rateable property since 1 July 2019*
6. *Declaration of separate rates – Regional Landscape levies*
- In exercise of the powers contained in section 69 of the Landscape South Australia Act 2019 and section 154(1) of Act, in order to reimburse Council the amount contributed to the Regional Landscape Boards, Council declares a separate rate upon the capital value of rateable land as follows:*
- *0.009179 cents in the dollar on all rateable land in the council's area of the Hills and Fleurieu landscape management region*
 - *0.009179 cents in the dollar on all rateable land in the council's area of the Green Adelaide landscape management region*
7. *Services charges*
- a) *That pursuant to section 155 (2) of the Local Government Act 1999 and Regulation 12 of the Local Government (General) Regulations 2013, the Council imposes the following annual service charges on all land (rateable and non-rateable) to which it provides or makes available the CWMS prescribed service of collection, disposal and treatment of waste based on the CWMS Property Units Code:*
 - *an annual service charge of \$999.51 per unit on each occupied allotment*
 - *an annual service charge of \$999.51 per unit on each vacant allotment*
 - b) *That pursuant to Section 166(1)(m)(ii) of the Local Government Act 1999 for the year ended 30 June 2022 the Council grants a discretionary rebate of the service charge for the collection, disposal and treatment of waste on all land to which the service charge applies in the amount of \$207.51 per unit.*
8. *Payment pursuant to the provisions of section 181 of the Act Council resolves that the above rates and charges, which have been imposed for the financial year ending 30 June 2022 will fall due in four equal or approximately equal instalments on the following days:*
- *1 September 2021*
 - *1 December 2021*
 - *1 March 2022*
 - *1 June 2022.*

9. That pursuant to section 44 of the Act Council delegate authority to the Chief Executive Officer to alter any due date where it is necessary to ensure compliance with section 181(7) of the Act.

Seconded by Cr McMahon.

CARRIED

Cr de Graaf called a DIVISION and the decision was set aside.

For:

Cr Peat	Cr McMahon	Cr Bray	Cr Jamieson	Cr Tonkin
Cr Greaves	Cr Themeliotis	Cr Eaton		

Against:

Cr Brown	Cr O'Brien	Cr de Graaf		
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CARRIED

2.2 Witton Bluff Base Trail

Cr de Graaf sought and was granted leave of the meeting for 2 minutes to make a personal explanation (refer attachment 1 to these minutes).

MOVED Cr Greaves.

That Council:

1. Notes the agenda report and attachments to the agenda report.
2. Approves the lodgement of an application for authorisation under Section 23 of the Aboriginal Heritage Act 1988 (Section 23 application) for the Witton Bluff Base Trail project including the installation of fitness equipment at Tutu Wirra Reserve, Port Noarlunga.
3. Approves the Chief Executive Officer to write to the Minister for Aboriginal Affairs and Reconciliation (the Premier) advising that Council will lodge a Section 23 application and advocating for support for the process (attachment 3 to the agenda report).
4. Approves the Chief Executive Officer to write to the Minister for Planning (the Attorney General) advising that Council will lodge a Section 23 application under the Heritage Act and that this will further delay the delivery of the Witton Bluff Base Trail project and advocating for support for the process (attachment 4 to the agenda report).

Seconded by Cr Bray.

CARRIED

Cr McMahon called a DIVISION and the decision was set aside.

For:

Cr Peat	Cr McMahon	Cr Bray	Cr Jamieson	Cr Tonkin
Cr Brown	Cr O'Brien	Cr Greaves	Cr Themeliotis	Cr Eaton

Against:

Cr de Graaf				
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CARRIED

3. Closure

Mayor Thompson officially declared the meeting closed at 7.29pm.

*Certified Correct**Chair*
/ /2021

Personal statement – Cr Alayna de Graaf.

I am aware there are some amongst us who believe i am responsible for the requirement of a Section 23 approval under the Aboriginal Heritage Act. To those amongst us , I offer the following, but firstly I apologise to our First Nations people with my personal oversight in not bringing the AARD letter to their attention sooner.

It was an unintentional error, where I inadvertently missed attached correspondence to an email. As soon as I became aware of the attached correspondence, I believe I have immediately met my obligations as a public officer with doing what is required of me when receiving such correspondence.

To my critics in this chamber I offer the following - A section 23 is a process that is legally required to be undertaken when a site of cultural significance is proposed to be interfered with. Witton Bluff Base Trail is said to interfere with a site of cultural significance, it would appear that this now has been unequivocally verified by AARD The Department of Aboriginal Affairs and Reconciliation.

My priority in considerations on Witton Bluff base trail have been consistent. Since May 2020, when council resolved to proceed with WBBT, I have raised many concerns in this very council chamber with the processes of council with known cultural heritage concerns.

Leading up to, and also after councils 17 November 2020 meeting, I brought specific concerns to the attention of our CEO as a result of deputations provided verbally and in writing on that night. These concerns queried the potential liability and risk to council with being sued for not giving the required considerations under the Aboriginal Heritage Act to a deputation that raised Native Title and traditional owner concerns, a deputation that specifically asked council to quote ‘stop hacking Witton Bluff” end quote and A deputation that specifically stated quote “do not proceed with the base trail.” End quote. It was clear to me traditional owners had expressed cultural heritage concerns unresolved since at least since the 2008 ACHM Cultural Heritage Survey. The CEO accepted my concerns as a formal complaint on 12 November 2020. Unfortunately the matter was subsequently dropped though as apparently I did not have enough evidence to pin point the ways in which I believed The Aboriginal Heritage Act had been breached.

I had written to AARD a number of times, as any person is entitled to do so, asking from a personal perspective about this project, and some of the other projects. I did try to raise these concerns at the Council through various channels but was unsuccessful in having the concerns raised that I was raising on behalf of the various community members. There was also the issue that the Council itself could be sued from what it appeared, if intending to tamper with a site of significance, but without permission. It was constantly stated in various council papers that there were “no recognised sites of significance at Witton Bluff”. My view was that according to the Aboriginal Heritage Act – it states that a site is a site – whether officially recorded or not if there are reasons to think that that might be so. The reasons why I thought it was so was that Aunty Georgina

and Buster Turner and senior women of water – and that Witton Bluff is a water site – and so their views were very important in the conversations, and that we needed to hear from them in person. And that the 2008 survey was too long ago to be of proper relevance. Aunty Georgina also commenced recording of that songline in 2018 – and that was what I brought to Council and Staff's attention – to validate that that was a site of significance.

It is my view, we can not continue to assert to the public in good conscience that we did not know cultural heritage concerns existed that trigger section 23 considerations before determining to proceed with WBBT, because we did know, we received those concerns in writing and we received those concerns verbally the night council reaffirmed its decision to continue with the project. We have recently gained a new appreciation with First Nations peoples connection to country as expressed by the Mayor recent media statement.

We make a pledge at the beginning of every council meeting about our commitment to serve the people of our city, both current and future generations and serve their wellbeing. It's my view and I'm sure the view of others in this chamber, our priority in this instance is to ensure our First Nations people current and future wellbeing and to ensure connection to country is not compromised by this project, in my view this should be our first priority in decision making not our last priority as evident with how this has unfolded.

END