

Minutes

of Wakefield Regional Council's Ordinary Meeting held in the Phil Barry Chamber, commencing at 6.30 pm on Wednesday 23 January 2019.



1. Opening and Welcome

1.1 The Mayor read the vision and declared the meeting open.

2 Attendance Record

Councillors Present: Mayor R J Reid, P N Bowyer, M R May, M J Greenshields, J D Nicholls, M R Rankine, D J Russell, T A Williams, W Williams, J S Wood.

Apologies: Nil

Leave: Nil

Absent: Nil

Staff Present: Steven Griffiths – Acting Chief Executive Officer
K J Westell - Corporate Services Manager
S Jones – Acting Community & Development Services Manager
L Kruger - Infrastructure Services Manager
D Swan– Executive Assistant
M Jawad – Accountant

3 Confirmation of Minutes

Moved Cr T Williams

Seconded Cr Rankine

Minute No. 2019/01-001

3.1 Council Assessment Panel – 13 December 2018

That the Minutes of the Council Assessment Panel held on Thursday, 13 December 2018, be taken as read and noted.

Carried

Moved Cr Russell

Seconded Cr Wood

Minute No. 2019/01-002

3.2 Special Meeting of Council – 17 December 2018

That the Minutes of the Special Meeting of Council held on Monday, 17 December 2018, be taken as read and a true and correct record.

Carried

Moved Cr Bowyer

Seconded Cr Greenshields

Minute No. 2019/01-003

3.3 Infrastructure Committee Meeting – 15 January 2019

That the Minutes of the Infrastructure Committee Meeting held on Tuesday, 15 January 2019, be taken as read and noted.

Carried

4. Business Adjourned

Nil

5. Declaration of Interest by Council Members

Nil

6. Deputations

Nil

7. Presentations

Samantha Freeman, STARCLUB Field Officer

8. Questions with Notice

- 8.1 Cr Bowyer - Are the Infrastructure Committee Terms of Reference in conflict with the Local Government(Procedures at Meetings)Regulations 2013 in respect to the following- the Infrastructure Committee Terms of Reference 6.9 states, "All Members of the Committee, excluding the Presiding Member, shall have a deliberative vote.", the Local Government Regulations, Part4, 27(3), states, "The Presiding Member of a Council Committee has a deliberative vote on a question arising for decision at a meeting but does not, in the event of an equality of votes, have a casting vote."?

Response: A legal opinion was obtained from Sathish Dasan of Norman Waterhouse Lawyers, who confirms:

The effect of Regulation 27(3) of the Local Government (Procedures at Meetings) Regulations 2013 (Regulations) is that the presiding member of a committee does have a deliberative vote (and no casting vote). Indeed, the presiding member must exercise that deliberative vote, by virtue of Section 27(2) of the Regulations (unless there is a conflict of interest). This applies to all committees.

While some aspect of the Regulations can be varied by the discretion of the Council, this particular provision cannot be varied. Accordingly, Regulation 27(3) of the Regulations overrides clause 6.9 of the Infrastructure Committee Terms of Reference. Clause 6.9 of those Terms of Reference should therefore simply be ignored for the time being, and we agree that the Terms of Reference should be amended.

8.2 Cr Bowyer - Would the Acting CEO consider holding a workshop or including an agenda item for a Council Meeting to discuss topics relevant to the upcoming visit by the Minister for Local Government, with the aim of compiling a list of issues for discussion and Council's stance on those issues?

Response: Issues for discussion with Minister Knoll are invited from Elected Members, individually in the first instance, with a Workshop meeting held before the discussion to prioritise.

8.3 Cr Bowyer - Would the Acting CEO, prior to the Code of Practice workshop listed for the 27th February, provide all Elected Members with a copy of the letter from Norman Waterhouse (Refvxl/m00287976F04191641), dated the 26th of April 2016, that provided answers to questions submitted to Norman Waterhouse in regards to meeting procedures and also provide a copy of the email from Chris Alexandrides of Norman Waterhouse, dated the 18th of October 2018 in relation to the draft codes adopted by the committee to date?

Response: The identified letter will be forwarded to Elected Members.

8.4 Cr Bowyer - Following a letter received by Council during November 2018 from the Honourable Michael McCormack, the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development in regards to various grants available under the Financial assistance Grants Program, have the Staff considered whether opportunities exist under these schemes to boost Council's grant intake across our three departments and in particular our road network?

Response: No additional grant funds have been sought from the programs outlined. The Executive Team will review this and report to Council on opportunities at the March meeting of Council.

8.5 Cr Bowyer - During the previous term of Council (2014-2018) what was the total in dollar terms for grants or any other funding from the Federal Government and during that term what was the total funding received from the State Government?

Response:

Sources of Grant	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
	\$'000	\$'000	\$'000	\$'000	\$'000
Commonwealth Government	4,507	1,011	1,084	1,257	1,765
State Government	1,608	2,510	2,551	3,679	2,899
Other	174	233	28	99	-
Total	6,289	3,754	3,663	5,035	4,664

9. Questions without Notice

Questions were asked and answered.

10. Motions on Notice

Nil

11. Mayor's Report

Mayor Reid corrected the name of Frank Pearson (7/12/2018), and Mayor Reid recognised the Event of the Year for WRC being chosen as the State Winner and the Citizen of the Year for WRC being given a Commendation in the State awards.

Moved Cr Bowyer

Seconded Cr Nicholls

Minute No. 2019/01-004

1. That the Mayor's report for December 2018 be received and noted.

Carried

Moved Cr Bowyer

Seconded Cr Rankine

Minute No. 2019/01-005

A minute be recorded within the minutes of tonight's meeting recognising that the Owen Primary School has been awarded the South Australian Community Event of the Year Award and that Derryn Stringer has been awarded a Commendation as part of the South Australian Citizen of the Year Awards.

Carried

Moved Cr Bowyer

Seconded Cr W Williams

Minute No. 2019/01-006

That the acting CEO write to both Owen Primary School and Derryn Stringer, to express on behalf of the Elected Members, their congratulations to the Owen Primary School on winning the State Event of the Year Award and to Derryn on being awarded a Commendation as part of the State Citizen of the Year Award.

Carried

12. Elected Member Reports and Briefings

Cr T Williams – Attended a meeting held at Ralli Park in December with some of the sporting clubs to discuss matters including problems with lighting and court surfaces and beautification of the area. He feels it would be beneficial to have further discussions.

13. Delegates' or Representatives' Reports

Nil

14. Petitions

Nil

15. Protocol

The following items were withdrawn for discussion, namely

Items:

- 16.1 Environment Protection Agency fees
- 16.2 2019 National General Assembly of Local Government
- 16.3 Buildings & Structures Infrastructure Asset Management Plan
- 16.4 Customer experience survey – project brief
- 16.6 Acting CEO Appointment
- 16.7 Local Government (Ratepayers Protection and Related Measures) Amendment Bill 2018
- 16.8 Road Reserve Sale – Hughes Park Pty Ltd
- 17.2 Acting Chief Executive Officer Report – January 2019

Confidential Items

- 18.1 Appointment of Audit Committee Independent Member
- 18.2 Townsvale Estate: Appointment of Consultant

Moved Cr Wood

Seconded Cr Russell

Minute No. 2019/01-007

That the recommendations contained in the following reports, be approved as printed, namely-

Items:

- 16.5 Bridges Renewal Program Application
- 17.1 Chief Executive Officer Report – January 2019
- 17.3 Financial Report – December 2018
- 17.4 Community & Development Services Report – December 2018

Carried

Items adopted under protocol

16.5 Bridges Renewal Program Application

Minute No. 2019/01-008

That Council authorise Council administration to proceed with an application for Round 4 of the Bridges Renewal Program to fund the renewal of Kybunga Top Road Bridge (Asset Reference – BR02) and for Council to co-fund 50% of the project total cost as per the Program guidelines.

17.1 Chief Executive Officer Report – January 2019

Minute No. 2019/01-009

That the Chief Executive Officer's report for January 2019 be received and noted.

17.3 Financial Report – December 2018

Minute No. 2019/01-010

That the 'Financial Report – December 2018' be received and noted.

17.4 Community & Development Services Report – December 2018

Minute No. 2019/01-011

That the Community & Development Services Report for December 2018 be received and noted.

Items for Decision

16.1 Environment Protection Agency fees

Moved Cr Greenshields

Seconded Cr T Williams

Minute No. 2019/01-012

Council request the Local Government Association of South Australia to lobby the State Government on Environment Protection Authority licensing / levy cost increases.

Carried

16.2 2019 National General Assembly of Local Government

Moved Cr Rankine

Seconded Cr Russell

Minute No. 2019/01-013

That Council approve the attendance of Mayor Reid and the CEO at the Australian Local Government Association National General Assembly, 16-19 June 2019.

Carried

16.3 Buildings & Structures Infrastructure Asset Management Plan

Moved Cr Bowyer

Seconded Cr T Williams

Minute No. 2019/01-014

That the draft Buildings & Structures Infrastructure Asset Management Plan, as attached to this report and subject to any amendments discussed by the Council, be endorsed for the next stage of community engagement.

Carried

16.4 Customer experience survey – project brief

Moved Cr Greenshields

Seconded Cr Wood

Minute No. 2019/01-015

1. That staff be authorised to seek tenders from suitably qualified research companies to undertake a customer experience survey in 2019 based on the draft brief attached to this report.
2. That a further report be presented to Council at the February Ordinary Meeting to allow Council to select a research company for the assignment.

Carried

16.6 Acting CEO Appointment

Moved Cr Bowyer

Seconded Cr W Williams

Minute No. 2019/01-016

That Council appoints Steven Griffiths to the role of Acting Chief Executive Officer until such time as the ongoing CEO role is filled.

Carried

16.7 Local Government (Ratepayers Protection and Related Measures) Amendment Bill 2018

Moved Cr T Williams

Seconded Cr Greenshields

Minute No. 2019/01-017

1. That Council adopt the position of endorsing the comments from the Local Government Association of SA (LGA) on the Local Government (Ratepayers Protection and Related Matters) Amendment Bill 2018, and authorises the LGA to pursue on its behalf this position with all Members of Parliament.
2. Confirm with Hon Geoff Brock MP that Council supports the LGA position and actions on the Bill.

Lost

Cr Bowyer called for a division

Mayor Reid declared the vote set aside

Members voting in the affirmative

Cr T Williams

Cr J Wood

Cr Greenshields

Cr Rankine

Cr Russell

Members voting in the negative

Cr Bowyer

Cr Nicholls

Cr W Williams

Cr May

Mayor Reid declared the vote Carried

16.8 Road Reserve Sale – Hughes Park Pty Ltd

Moved Cr Wood

Seconded Cr Rankine

Minute No. 2019/01-018

1. That Council endorses the sale of the unmade road reserve adjacent Lot 127, 124, and 110 in the Hundred of Hall respectively to Hughes Park Pty Ltd and Greenwood Holdings Pty Ltd, and surrenders any sale profits to the Clare and Gilbert Valley Council.
2. That Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to dispose the unmade road reserve adjacent Lot 127, 124, and 110 in the Hundred of Hall respectively to Hughes Park Pty Ltd and Greenwood Holdings Pty Ltd.

Carried

Items for Information

17.2 Acting Chief Executive Officer Report – January 2019

Moved Cr Bowyer

Seconded Cr Greenshields

Minute No. 2019/01-019

That the Acting Chief Executive Officer's report for January 2019 be received and noted.

Carried

18. Confidential Items

18.1 Appointment of Audit Committee Independent Member

Moved Cr Russell

Seconded Cr Rankine

Minute No. 2019/01-020

1. That, pursuant to Section 90(2) of the *Local Government Act 1999* ("the Act"), the Council orders that all members of the public except Steven Griffiths (Acting Chief Executive Officer), Kelly Westell (Corporate Services Manager), Leon Kruger (Infrastructure Services Manager), Sonya Jones (Acting Community and Development Services Manager), Muhammad Jawad (Accountant) and Debra Swan (Admin Officer), be excluded from attendance at the meeting for Agenda Item 18.1 – 'Appointment of Audit Committee Independent Member'.
2. That the Council is satisfied that pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of those applying for the role of independent member of the Audit Committee.
3. That the Council is satisfied that the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.

Carried

8.16 pm – the meeting was closed to the public

8.16 pm - recording of the meeting ceased.

Moved Cr W Williams

Seconded Cr Rankine

Minute No. 2019/01-021

That formal meeting proceedings be suspended to allow informal discussion for a period of 15 minutes.

Carried

Formal proceedings were suspended at 8.18 pm

Moved Cr W Williams

Seconded Cr Wood

Minute No. 2019/01-022

That formal meeting proceedings be resumed.

Carried

Formal proceedings resumed at 8.26pm

Moved Cr May

Seconded Cr Greenshields

That applicants Michelle Bennetts, Rob Adam and David Peters be interviewed to hold the position of independent member of the Wakefield Regional Council Audit Committee.

Amendment

Moved Cr Wood

Seconded Cr Nicholls

Minute No. 2019/01-023

That applicants Michelle Bennetts, Rob Adam, David Peters and Rob Reiman be interviewed to hold the position of independent member of the Wakefield Regional Council Audit Committee.

Lost

Moved Cr May

Seconded Cr Greenshields

Minute No. 2019/01-024

That applicants Michelle Bennetts, Rob Adam and David Peters be interviewed to hold the position of independent member of the Wakefield Regional Council Audit Committee.

Carried

Moved Cr Greenshields

Seconded Cr Rankine

Minute No. 2019/01-025

That the meeting move out of confidence.

Carried

8.37pm – the meeting was re-opened to the public

8.37pm -recording of the meeting re-started

Moved Cr Rankine

Seconded Cr Russell

Minute No. 2019/01-026

4. That Council authorises the Mayor, Cr May and Cr Wood to interview the shortlisted applicants to further assess their suitability and desire for the role and to make the appointment of an independent member to the Wakefield Regional Council Audit Committee for a term concluding at the 2022 Local Government elections.

Carried

Moved Cr Greenshields

Seconded Cr Russell

Minute No. 2019/01-027

5. That, having considered Agenda Item 18.1 'Appointment of Audit Committee Independent Member' in confidence under Sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7)(b) of the Act orders that all the discussion and minutes be retained in confidence and not available to the public – on the basis that they contain information concerning the personal affairs of applicants – until such time as the preferred candidate has accepted the position and all applicants have been informed of the Council's decision.

Carried

18.2 Townsvale Estate: Appointment of Consultant

Moved Cr Wood

Seconded Cr Nicholls

Minute No. 2019/01-028

1. That, pursuant to Section 90(2) of the *Local Government Act 1999* ("the Act"), the Council orders that all members of the public except Steven Griffiths (Acting Chief Executive Officer), Kelly Westell (Corporate Services Manager), Leon Kruger (Infrastructure Services Manager), Sonya Jones (Acting Community and Development Services Manager) and Debra Swan (Admin Officer), be excluded from attendance at the meeting for Agenda Item 18.2 – Townsvale Estate:
Appointment of Consultant
2. That the Council is satisfied that pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda item is a selected tenders for the provision of services related to information required on a confidential matter.
3. That the Council is satisfied that the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.

Carried

8.43 pm - the meeting was closed to the public

8.43 pm - recording of the meeting ceased

9.01pm - the meeting was re-opened to the public

9.01pm - recording re-started

Moved Cr Rankine

Seconded Cr May

Minute No. 2019/01-031

5. That, having considered the Agenda Item 18.2 Townsvale Estate: Appointment of Consultant in confidence under Sections 90(2) and 90(3)(k) of the Local Government Act 1999, the Council, pursuant to Section 91(7)(b) of the Act orders that the report and all the discussion be retained in confidence and not available to the public until the matter is resolved to the satisfaction of Council on the basis that it is advice pertaining to an ongoing matter, with the minutes to be made available to the public upon publication.

Carried

19. Closure

Meeting closed at 9.03 pm

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MAYOR