

Minutes

of Wakefield Regional Council's Ordinary Meeting held in the Phil Barry Chamber, commencing at 6.30 pm on Wednesday 27 February 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, M R Rankine, D J Russell, T A Williams, J S Wood.

Apologies: J D Nicholls, W Williams

Leave: Nil

Absent: Nil

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

3. Confirmation of Minutes

Moved Cr Wood

Seconded Cr Russell

Minute No. 2019/02-01

3.1 Ordinary Meeting of Council – 23 January 2019

That the Minutes of the Ordinary Meeting of Council held on Wednesday, 23 January 2019, be taken as read and a true and correct record.

Carried

Moved Cr Rankine

Seconded Cr Wood

Minute No. 2019/02-02

3.2 Audit Committee Meeting – 6 February 2019

That the Minutes of the Audit Committee Meeting held on Wednesday, 6 February 2019, be taken as read and noted.

Carried

4. Business Adjourned

Nil

5. Declaration of Interest by Council Members

Cr T Williams – Item 17.3 Balaklava Recycled Irrigation Supply

6. Deputations

Nil

7. Presentations

Nil

8. Questions with Notice

Nil

9. Questions without Notice

Questions were asked and answered

10. Motions on Notice

Moved Cr Rankine

Seconded Cr Bowyer

Minute No. 2019/02-03

That the decision made at the ordinary Council Meeting of 23 January 2019 Minute No. 2019/01-026 "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" be revoked.

Carried

Mayor Reid sought leave of the meeting to respond to Councillor Bowyer

11. Mayor's Report

Moved Cr Bowyer

Seconded Cr May

Minute No. 2019/02-04

That the Mayor's report for February 2019 be received and noted.

Carried

Corrections

Mayor Reid apologised and corrected the following names in his report: Cr Denni Russell, Skana Gallery

12. Elected Member Reports and Briefings

Cr T Williams – 19 February - Attended the Port Wakefield CMC meeting. The committee members elected were almost entirely new apart from one person. It is a good step forward for the community and encouraging to see such a good turnout of people.

Cr Bowyer – Attended the Fire and Emergency Services Amendment Bill Select Committee public hearing held in the Phil Barry Chamber on 7 February 2019. Cr Bowyer felt that it was a great opportunity to have the hearing here at Wakefield Regional Council and congratulated the Acting Chief Executive Officer, Steven Griffiths, on his submission. There was a large attendance and all submissions were of a high standard. Cr Bowyer noted that the hearing participants were protected by parliamentary privilege and lamented the fact that Elected Members of Council are afforded no such protection. He felt that the Local Government Act should give this some consideration as lack of protection can at times restrict Councillors' ability to debate issues without fear.

13. Delegates' or Representatives' Reports

Cr T Williams – 25 February 2019 – Attended the Lower North Health Advisory Committee meeting in Clare. \$2.6 million will be spent on Lumeah Homes at Snowtown for renovations. This will secure the future of Lumeah Homes. Improvements will include a new roof, refurbishment of rooms and better fire safety provisions. Work is scheduled to start in July. Completion of the works, in approximately twelve months, will see occupancy rates increase from 15 – 19. Concept plans are being drawn up in consultation with residents and families. This is great news for the region and town as they can continue to provide care for their aged residents. Lumeah Homes employs 35 people, making it one of the largest employers in the town.

14. Petitions

Nil

15. Protocol

The following items were withdrawn for discussion, namely items:

- 16.1 LED Street Lighting
- 16.2 Hamley Bridge Senior Citizens Homes Inc.
- 16.4 December (Mid Year) Budget Review
- 16.6 Cash Advance Debenture Facility - Renewal
- 16.8 CEO Selection Panel – Terms of Reference
- 16.9 Naming of Walking/Cycling/Leisure Trails
- 16.10 UniSA Sustainable Urban Design Project
- 17.2 Community & Development Services Report – January 2019
- 17.3 Information Report - Balaklava Recycled Irrigation Supply
- 17.4 Balaklava Community Garden
- 17.5 Acting Chief Executive Officer Report – February 2019
- 17.7 Progress Report on Infrastructure Services Capital Program

Confidential Items

- 18.1 Top of the Gulf Enterprises Pty Ltd – Road Closure Request
- 18.2 Proposed Amendment to Hamley Bridge Council Land Purchase
- 18.3 Customer Experience Survey – Tender Proposals
- 18.4 Appointment of Audit Committee Independent Member

Moved Cr Rankine

Seconded Cr Wood

Minute No. 2019/02-05

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

- 16.3 Legatus – Audit Committee
- 16.5 Quarterly Review of Council Policies
- 16.7 Halbury Church – 2018/19 rates and fines
- 17.1 Financial Report – January 2019
- 17.6 Childcare Services Demand Study

Carried

Items adopted under protocol

16.3 Legatus – Audit Committee

Minute No. 2019/02-06

That Wakefield Regional Council confirm its support for an application to be lodged by the Legatus local government group to the Minister for Local Government for an exemption from the provisions of Clause 30, Schedule 2, of the Local Government Act, 1999, on the requirement for a regional subsidiary to establish an audit committee.

16.5 Quarterly Review of Council Policies

Minute No. 2019/02-07

That having considered the Audit Committee recommendations;

1. Policy A2 – Asset Management be adopted
2. Policy A15 – Disposal of Land and Assets be adopted
3. Policy C10 – Prudential Management be adopted
4. Policy E6 – Disposal of Unused Road Reserves be deleted
5. Policy A3 – CDAP Member Conduct Complaint Handling be deleted

16.7 Halbury Church – 2018/19 rates and fines

Minute No. 2019/02-08

That Council, in respect to the property at Hardy Terrace, Halbury (assessment number A44119):

1. Grants a 100% rebate in respect to general rates charged against the land, and;
2. Remits all fines related to the non-payment of rates.

17.1 Financial Report – January 2019

Minute No. 2019/02-09

That the Financial Report – January 2019 be received and noted.

17.6 Childcare Services Demand Study

Minute No. 2019/02-10

That the report titled “Childcare Services Demand Study” be received and noted.

Items for Decision

16.1 LED Street Lighting

Moved Cr Rankine

Seconded Cr T Williams

Minute No. 2019/02-11

1. **That Wakefield Regional Council confirm with SA Power Networks that it does not wish to proceed with the rollout of LED street lights at this stage and asks that the program be put on hold.**
2. **That the Acting CEO ensures a subsequent report on street lighting options is considered by the May meeting of Council.**

Carried

16.2 Hamley Bridge District Senior Citizens Homes Inc

Moved Cr Greenshields

Seconded Cr May

Minute No. 2019/02-12

1. **That Council confirm with Hamley Bridge District Senior Citizen Homes Inc. its willingness to transfer the land upon which the old Hamley Bridge CFS Station sits.**
2. **That Hamley Bridge District Senior Citizens Homes be required to fund all necessary subdivision and transfer costs.**
3. **That Council confirm that while it will not demolish and remove the old CFS Station structure, it will make a post transfer payment of \$ 5000 to assist with these demolition and removal costs.**

Carried

Mayor Reid sought leave of the meeting to respond to Councillor Bowyer

16.4 December (Mid Year) Budget Review

Moved Cr Greenshields

Seconded Cr Rankine

Minute No. 2019/02-13

That, in accordance with Regulation 9 of the *Local Government (Financial Management) Regulations 2011*, the recommended budget amendments contained within the 2018/19 December Budget Review be adopted.

Carried

16.6 Cash Advance Debenture Facility - Renewal

Moved Cr Rankine

Seconded Cr Russell

Minute No. 2019/02-14

That Council approve renewal of the Cash Advance Debenture facility with the Local Government Finance Authority for the amount of \$1,800,000 over a period of 10 years, and the Mayor and Chief Executive Officer be authorised to sign and affix the common seal to the agreement.

Carried

16.8 CEO Selection Panel – Terms of Reference

7.40 pm - Cr Greenshields left the meeting

7.41 pm - Cr Greenshields returned to the meeting

Moved Cr Wood

Seconded Cr T Williams

Minute No. 2019/02-15

That the draft Terms of Reference as attached to the report titled 'CEO Selection Panel – Terms of Reference' be adopted.

Carried

16.9 Naming of Walking/Cycling/Leisure Trails

Moved Cr May

Seconded Cr Greenshields

1. To name the walk/cycle trail linking the Liptrot Trail in Halbury to the Riesling Trail in the Clare and Gilbert Valley Council, the 'Copper Trail'.
2. To name the walk/cycle trail from Council's boundary west of Barunga Gap to Brinkworth, the 'Grain Trail'.
3. To name the walk/cycle trail from Lochiel to Blyth, the 'Salt Trail'.
4. To name the walk/cycle trail from Halbury to Council boundary north of Brinkworth the 'Wool Trail'.
5. To name the walk/cycle trail from Balaklava to Hamley Bridge the 'Kaurna Trail'.
6. To name the walk/cycle trail from Balaklava to Port Wakefield the 'Copper Trail'.

Amendment

Moved Cr Rankine

Seconded Cr T Williams

1. To name the walk/cycle trail linking the Liptrot Trail in Halbury to the Riesling Trail in the Clare and Gilbert Valley Council, the 'Copper Trail'.
2. To name the walk/cycle trail from Council's boundary west of Barunga Gap to Brinkworth, the 'Grain Trail'.
3. To name the walk/cycle trail from Lochiel to Blyth, the 'Salt Trail'.

4. To name the walk/cycle trail from Halbury to Council boundary north of Brinkworth the 'Wool Trail'.
5. To name the walk/cycle trail from Balaklava to Port Wakefield the 'Copper Trail'.

Amendment was carried

Moved Cr May

Seconded Cr Greenshields

Minute No. 2019/02-16

1. To name the walk/cycle trail linking the Liptrot Trail in Halbury to the Riesling Trail in the Clare and Gilbert Valley Council, the 'Copper Trail'.
2. To name the walk/cycle trail from Council's boundary west of Barunga Gap to Brinkworth, the 'Grain Trail'.
3. To name the walk/cycle trail from Lochiel to Blyth, the 'Salt Trail'.
4. To name the walk/cycle trail from Halbury to Council boundary north of Brinkworth the 'Wool Trail'.
5. To name the walk/cycle trail from Balaklava to Port Wakefield the 'Copper Trail'.

Carried

16.10 UniSA Sustainable Urban Design Project

Moved Cr T Williams

Seconded Cr Greenshields

Minute No. 2019/02-17

- 1 That the Council endorses the project to work with Urban Design Masters students from the University of South Australia to develop an Urban Design framework for Balaklava.
- 2 That Council provides a budget of up to \$2,000 to cover students' travel costs, community consultation costs and incorporating an amount of \$300 for student prizes awarded in the form of a voucher to be spent anywhere in the Wakefield Regional Council Area.
- 3 That council staff be authorised to negotiate further with the University of South Australia for future involvement of Urban Design Masters students in other designated towns of the council district.

Carried

17.2 Community & Development Services Report – January 2019

Moved Cr Greenshields

Seconded Cr Wood

Minute No. 2019/02-18

That the Community & Development Services Report for January 2019 be received and noted.

Carried

8.20 pm - Cr Russell left the meeting

8.21 pm - Cr Russell returned to the meeting

17.3 Information Report- Balaklava Recycled Irrigation Supply

Cr Williams declared a conflict of interest as he is a member of the Management Committee of the Balaklava Racing Club and also a part time employee.

Cr Williams remained in the meeting.

Moved Cr Greenshields

Seconded Cr May

Minute No. 2019/02-19

That the report be noted.

Carried

17.4 Balaklava Community Garden

The Mayor, with approval of two-thirds of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the Local Government (Procedures at Meetings) Regulations 2013, for a period of ten minutes to allow informal discussion on item 17.4 – Balaklava Community Garden.

8.27 pm Formal meeting proceedings were suspended for ten minutes

8.37 pm Formal meeting proceedings were suspended for a further ten minutes

8.48 pm Formal meeting proceedings were suspended for a further ten minutes

8.57 pm Formal meeting proceedings resumed

Moved Cr T Williams

Seconded Cr May

1. **That Council endorse the Balaklava community garden to be established in the Apex Park precinct.**
2. **Council endorses to insure the community garden through LGRS.**
3. **Council endorse payment of SA Water costs for the first year following the gardens establishment, with funding to be sourced by the community garden management committee once this committee has established.**

Amendment

Moved Cr Russell

Seconded Cr Wood

1. **That Council endorse the Balaklava community garden to be established in the Apex Park precinct.**
2. **Council endorses to insure the community garden through LGRS.**
3. **Council endorse payment of SA Water costs for the first year following the gardens establishment, with funding to be sourced by the community garden management committee once this committee has established.**
4. **That Council consult with community members about incorporation of a bike track within future proposed developments if the current bike track is removed.**

Amendment was carried

Moved Cr T Williams

Seconded Cr May

Minute No. 2019/02-20

1. That Council endorse the Balaklava community garden to be established in the Apex Park precinct.
2. Council endorses to insure the community garden through LGRS.
3. Council endorse payment of SA Water costs for the first year following the gardens establishment, with funding to be sourced by the community garden management committee once this committee has established.
4. That Council consult with community members about incorporation of a bike track within future proposed developments if the current bike track is removed.

Carried

17.5 Acting Chief Executive Officer Report – February 2019

Moved Cr Greenshields

Seconded Cr Russell

Minute No. 2019/02-21

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

Carried

17.7 Progress Report on Infrastructure Services Capital Program

Moved Cr Greenshields

Seconded Cr Wood

Minute No. 2019/02-22

That the report, Progress Report on Infrastructure Services Capital Program, be noted.

Carried

18. Confidential Items

18.1 Top of the Gulf Enterprises Pty Ltd – Road Closure Request

Moved Cr Greenshields

Seconded Cr Russell

Minute No. 2019/02-23

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), Christopher Parish (Community and Development Services Manager) and Debra Swan (Acting Executive Assistant), be excluded from attendance at the meeting for Agenda Item 18.1 – 'Top of the Gulf Enterprises Pty Ltd'.
2. That the Council is satisfied that 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.

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 in the circumstances because disclosure of the information could be detrimental to the developer.

Carried

Cr Bowyer called for a division

Members voting in the affirmative:

Councillors T Williams, Greenshields, Wood, Rankine, Russell and May

Members voting in the negative:

Cr Bowyer

The Mayor declared the motion Carried

9.24 pm The meeting was closed to the public

9.24 pm Recording of the meeting ceased

9.46 pm The meeting was re-opened to the public

9.46 pm Recording of the meeting re-started

Moved Cr Greenshields

Seconded Cr T Williams

Minute No. 2019/02-26

6. That, having considered Agenda Item 18.1 Top of the Gulf Enterprises Pty Ltd – Road Closure Request in confidence under Section 90(3)(d) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7)(b) of the Act orders that the discussion and minutes be retained in confidence and not available to the public – on the basis that they contain commercial information of a confidential nature – until such time as a development proposal for the site has been lodged.

Carried

18.2 Proposed Amendment to Hamley Bridge Council Land Purchase

Moved Cr Russell

Seconded Cr T Williams

Minute No. 2019/02-27

1. That, pursuant to Section 90(2) of the Local Government Act 1999 orders that all members of the public except, Steven Griffiths (Acting Chief Executive Officer), Kelly Westell (Corporate Services Manager), Leon Kruger (Infrastructure Services Manager), Chris Parish (Community and Development Services Manager) and Debra Swan (Acting Executive Assistant), be excluded from attendance at the meeting for Agenda Item 18.2 – Disposal of part Council land located at 12 Light Street Hamley Bridge Lot 2 D78987 (was PT Lot 501 D77830 & Lot 42 D270 previous Lot 223 F174690) Hamley Bridge.

2. That the Council is satisfied that 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 financial position of the person who supplied the information.
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 in the circumstances because the financial position of the person will be discussed.

Carried

10.02 pm The meeting was closed to the public

10.02 pm Recording of the meeting ceased

10.21 pm The meeting was re-opened to the public

10.21 pm Recording of the meeting re-started

Moved Cr T Williams

Seconded Cr Rankine

Minute No. 2019/02-30

4. That, having considered Agenda item 18.2 in confidence under Sections 90(2) and 90(3)(c) of the Local Government Act 1999, the Council, pursuant to Section 91(8) of the Act orders that all the documentation and minutes be retained in confidence in accordance with section 91(8)(c) until the finalisation of the land transfer.

Carried

18.3 Customer Experience Survey – Tender Proposals

Moved Cr Russell

Seconded Cr Wood

Minute No. 2019/02-31

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), Christopher Parish (Community and Development Services Manager) and Debra Swan (Acting Executive Assistant), be excluded from attendance at the meeting for Agenda Item 18.3 – ‘Customer experience survey – tender proposals’.
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 are tenders for the provision of services in that they are to provide the service of undertaking a customer experience survey on behalf of Council.

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 in the circumstances because the information to be disclosed and discussed has the potential to impact adversely on each of the tenderers as competitive commercial information will be disclosed.

Carried

10.25 pm The meeting was closed to the public

10.25 pm Recording of the meeting ceased

10.53 pm The meeting was re-opened to the public

10.53 pm Recording of the meeting re-started

Moved Cr Wood

Seconded Cr Russell

Minute No. 2019/02-34

- 4 That, having considered Agenda Item 18.3 Customer experience survey – tender proposals in confidence under Sections 90(2) and 90(3)(k) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of the Act orders that the agenda item, report and annexures and any other associated information submitted to this meeting and the minutes in relation to the matter be retained in confidence for period of 12 months.

Carried

18.4 Appointment of Audit Committee Independent Member

Moved Cr Russell

Seconded Cr Greenshields

Minute No. 2019/02-35

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), Christopher Parish (Community and Development Services Manager), Muhammad Jawad (Accountant) and Debra Swan (Acting Executive Assistant), be excluded from attendance at the meeting for Agenda Item 18.4 – ‘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

10.56 pm The meeting was closed to the public

10.56 pm Recording of the meeting ceased

11.39 pm The meeting was re-opened to the public

11.39 pm Recording of the meeting re-started

Moved Cr Rankine

Seconded Cr Russell

Minute No. 2019/02-39

- 4. That, having considered Agenda Item 18.4 '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 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

19. Closure

Meeting closed at 11.41 pm

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MAYOR