

Minutes

of Wakefield Regional Council's Ordinary Meeting held in the Phil Barry Chamber, commencing at 6.30 pm on Wednesday 27 March 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 J Greenshields, M R May, J D Nicholls, D J Russell, T A Williams, W Williams

Apologies: M R Rankine, J S Wood

Leave: Nil

Absent: Nil

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

3 Confirmation of Minutes

Moved Cr May

Seconded Cr Bowyer

Minute No. 2019/03-09

3.1 Audit Independent Member Appointment Committee – 12 March 2019

That the Minutes of the Audit Independent Member Appointment Committee held on Wednesday, 12 March 2019 be taken as read and noted.

Carried

Moved Cr Bowyer

Seconded Cr T Williams

Minute No. 2019/03-10

3.2 Special Meeting of Council – 18 March 2019

That the Minutes of the Special Meeting of Council held on Monday, 18 March 2019 be taken as read and a true and correct record.

Carried

4. Business Adjourned

Nil

5. Declaration of Interest by Council Members

Nil

6. Deputations

Nil

7. Presentations

Nil

8. Questions with Notice

- 8.1 Cr Bowyer - In response to the letter received from the Minister for Local Government, will Council be making recommendations on the official website in relation to reforms to the Local Government Act and other issues raised within the letter, as the letter was inviting a response both from individual Elected Members as well as the Council's collective submission?

Response: Yes

9. Questions without Notice

Cr Bowyer

1. During a recent workshop to discuss the draft Code of Practice, Norman Waterhouse Lawyers indicated that they would be providing follow up information in regards to their legal opinion of the draft codes. Has that information been received from Norman Waterhouse and if not could enquiries be made as to when the information will be made available to the Elected Members?
2. Considering that during the term of the current Council the following motion was moved and was lost,
"That a code of Practice Committee consisting of all Elected Members be formed in accordance with section 41 of the Local Government Act and a workshop be held prior to the first committee meeting to allow re-elected Members to discuss with newly Elected members the code as drafted to date"
and that a workshop attended by Norman Waterhouse Lawyers to discuss the codes has been held as required by a motion that was passed, subsequent to the lost motion, will an agenda item with an Officer recommendation or a motion of notice from Elected Member be required to complete the enactment of the motion adopted by the previous Council to draft a Code of Practice as that motion has not been revoked?
3. Taking into account that the previous Council adopted a resolution on the 23rd of November 2016 to form a Section 41 Committee to draft a Code of Practice and that the current Council has neither revoked that resolution, nor appointed a Code of Practice Committee at this time, how can the current Acting CEO or future CEO enact the resolution in a timely manner as required under the Local Government Act?

Answer: Questions were taken on notice and answers will be provided to all elected members.

Cr May requested the following:

1. Summary of costs and on costs of administration for the last four years.
2. Summary of costs and on costs of operating staff for the last four years.
3. Cost of lawyers and what work was done in the last twelve months.

Answer: A report will come to a future meeting.

Cr Russell queried a previous motion of Council to hold meetings outside of Balaklava in different towns within the region.

Answer: Mayor Reid answered that the April Ordinary meeting of Council will be held at Blyth and a further two meetings will be held away from the Phil Barry Chamber in 2019.

Moved Cr Bowyer

Seconded Cr W Williams

Minute No. 2019/03-11

That the questions and answers be recorded in the minutes

Carried

10. Motions on Notice

Moved Cr Russell

Seconded Cr T Williams

Minute No. 2019/03-12

That a 'Statement of Acknowledgement' is to be read out at the commencement of all Council and Committee Meetings and workshops held within the Wakefield Regional Council area. The 'Statement of Acknowledgment' should read as follows; "We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today. We acknowledge the Kaurua, Ngadjuri and Narungga people as the traditional custodians of the Wakefield Regional Council area. We acknowledge the deep feelings of attachment and relationship of Aboriginal peoples to Country. We also pay respects to the cultural authority of Aboriginal peoples visiting or attending from other areas of Australia present today."

Carried

11. Mayor's Report

Moved Cr T Williams

Seconded Cr W Williams

Minute No. 2019/03-13

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

Carried

Mayor Reid added to his report that the new CEO, Andrew MacDonald will commence work on 27 May 2019.

12 Elected Member Reports and Briefings

Cr Nicholls –

- Attended Brighter Futures meeting at Snowtown with Cr Russell and Christopher Parish.
- Attended Destination Marketing Strategy at Auburn.

Cr Russell – also attended the Brighter Futures meeting at Snowtown. It is a partnership across four Council areas which teaches project management skills to community groups.

13. Delegates' or Representatives' Reports

Cr T Williams -

- March 17 – Port Wakefield CMC meeting.
- March 25 – Balaklava Town Hall Committee. Town Hall open day will be held on March 30th.
- March 25 – Lower North Health Advisory Committee – Lumeah Homes discussed.
- March 27 – Attended briefing on Lumeah Homes development.

14. Petitions

Nil

15. Protocol

The following items were withdrawn for discussion, namely items:

- 16.1 Community Grants Assessment Committee and Terms of Reference
- 16.2 Project Co-funding – Angle Grove Road, Brinkworth
- 16.3 Bridging the Walk the Yorke – Change of Scope
- 16.4 Review of Council Policies
- 16.5 Hummocks / Watchman Eagles Football Club, Port Wakefield - Drought Communities Program project
- 17.4 Grant Funding
- 17.5 Drought Communities Programme- Extension project report
- 18.1 Appointment of Audit Committee Independent Member

Moved Cr May

Seconded Cr Nicholls

Minute No. 2019/03-14

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

- 17.1 Financial Report - February 2019
- 17.2 Community & Development Services Report – February 2019
- 17.3 Acting Chief Executive Officer Report – March 2019

Carried

Items adopted under protocol

17.1 Financial Report - February 2019

Minute No. 2019/03-15

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

17.2 Community & Development Services Report – February 2019

Minute No. 2019/03-16

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

17.3 Acting Chief Executive Officer Report – March 2019

Minute No. 2019/03-17

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

Items for Decision

16.1 Community Grants Assessment Committee and Terms of Reference

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 16.1 – Community Grants Assessment Committee and Terms of Reference.

7.08 pm Formal meeting proceedings were suspended for ten minutes

7.18 pm Formal meeting proceedings resumed

Moved Cr T Williams

Seconded Cr Bowyer

Minute No. 2019/03-18

1B. That the Community Grants Assessment Committee Terms of Reference 2019 be adopted with the following amendments:

- **That the quorum be four**
- **Delete 'The Mayor' from Terms of Reference 4.1**

Carried

Moved Cr T Williams

Seconded Cr Bowyer

Minute No. 2019/03-19

2. That the following Council Members be appointed as members of the Wakefield Regional Council Community Grant Assessment Committee:

North Ward Cr Russell

North Ward Cr J Wood

Central Ward Cr M Rankine

Central Ward Cr T Williams

South Ward Cr W Williams

South Ward Cr P Bowyer

Carried

Moved Cr Bowyer

Seconded Cr Russell

Minute No. 2019/03-20

- 3. That the Community & Development Services Manager be appointed as the Presiding member of the Council Community Grant Assessment Committee.**

Carried

Moved Cr Russell

Seconded Cr Nicholls

Minute No. 2019/03-21

- 4. That in accordance with section 44(2)(a), delegated authority is granted to the Community Grants Assessment Committee to approve grants within the overall budget set by Council relating to section 137 – expenditure of approved budget funds limited to \$5000 per water application per annum; \$25,000 per infrastructure application per annum and \$5,000 per community benefit program application per annum**

Carried

Moved Cr Russell

Seconded Cr Greenshields

Minute No. 2019/03-22

- 5. That the Community Grants Assessment Committee be given authority to redirect funding from one grant stream to another if the budget is not completely expended on other eligible and prioritised projects within that stream.**

Carried

16.2 Project Co-funding – Angle Grove Road, Brinkworth

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 five minutes to allow informal discussion on item 16.2 – Project Co-funding – Angle Grove Road, Brinkworth.

7.30 pm Formal meeting proceedings were suspended for five minutes

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

7.45 pm Formal meeting proceedings resumed

Moved Cr Russell

Seconded Cr Nicholls

Minute No. 2019/03-23

That Council provisionally budgets to co-fund 20% of the total project costs to the amount of \$303,281, to seal Angle Grove Road, Brinkworth, pending a successful outcome of the application for the 2019-2020 Special Local Roads Program funding and that Council provisionally allocates 30% of the total project costs from the 2019/20-2023/24 Roads to Recovery funding.

Carried

16.3 Bridging the Walk the Yorke – Change of Scope

Cr Russell declared a perceived conflict of interest because the report discusses negotiations with the Department of Environment and Water of which she is an employee.

Cr Russell remained in the meeting.

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 16.3 – Bridging the Walk the Yorke – Change of Scope

7.48 pm Formal meeting proceedings were suspended for ten minutes

7.48 pm Cr Greenshields left the meeting

7.50 pm Cr Greenshields returned to the meeting

7.58 pm Formal meeting proceedings resumed

Moved Cr T Williams

Formal Motion: That the question lie on the table

Formal Motion lapsed

Moved Cr May

Seconded Cr Nicholls

Minute No. 2019/03-24

That Council endorse to co-fund up to \$62,000 towards the Bridging the Walk the Yorke project for the purpose of a grant application from the 2018-19 Open Space and Places for People Program. If the application proves to be unsuccessful, Council terminates the Bridging the Walk the Yorke project and returns the grant funding of \$62,000 to the Office for Recreation and Sport.

Moved Cr Bowyer

Formal Motion: That the question be adjourned

Cr Bowyer withdrew the formal motion

Carried

Mayor Reid called a division

Those voting in the affirmative

Councillors T Williams, Russell, Nicholls and May

Those voting in the negative

Councillors Greenshields, Bowyer and W Williams

Carried

16.4 Review of Council Policies

Moved T Williams

Seconded Cr May

Minute No. 2019/03-25

6. **That amended Policy E18 – Tree Policy be adopted with the following amendment**
Under heading Removal, after the final dot point of the first paragraph add the following:
Council also recognises other methods of tree and root control which could be applied before removal, particularly in consultation (where necessary) with an arborist.
These methods could include but not be limited to (for example) root barrier systems, canopy trimming or others to mitigate damage, risk and safety to immediate and nearby environs.

Carried

Cr Bowyer called a division

Those voting in the affirmative

Councillors Greenshields, T Williams, Russell, Nicholls and May

Those voting in the negative

Councillors Bowyer and W Williams

Carried

Moved Cr Russell

Seconded Cr Greenshields

Minute No. 2019/03-26

1. **That amended Policy D1– Flag Management be adopted.**
2. **That amended Policy D10 – Local Town Committee Contributions be adopted.**
3. **That amended Policy D11 – Nuclear Free Zone be adopted.**
4. **That amended Policy E1 – Use of Transfer Stations by Community Groups be adopted.**
5. **That amended Policy E15 – Selection of Road & Public Place Names be adopted.**

Carried

16.5 Hummocks/Watchman Eagles Football Club, Port Wakefield - Drought Communities Program project

Cr Nicholls declared a conflict of interest because he is a life member of the club.

Cr Nicholls remained in the meeting.

Moved Cr T Williams

Seconded Cr Russell

Minute No. 2019/03-27

That Council

1. **Pursuant to Section 221 –Alteration of road- of the Local Government Act 1999, provide authorisation, for a 5 year period, for the road reserve, Parcel number R7554AA, Thomas Crescent, Port Wakefield to be used as the location to construct a toilet and storage facility, as part of the endorsed Drought Communities programme project, AND**

2. in the 2019/2020 financial year, commence the formal process pursuant to the Roads Opening and Closing Act for the closure of the road reserve, parcel number R7554AA, Thomas Crescent, Port Wakefield, that is required for built infrastructure and open space.

Carried

Mayor Reid called a division

Those voting in the affirmative

Councillors Greenshields, Bowyer, T Williams, Russell, W Williams and May

8.44 pm Cr Nicholls left the meeting

Those voting in the negative

Nil

Carried

8.46 pm Cr Nicholls returned to the meeting

17.4 Grant Funding

Moved Cr Bowyer

Seconded Cr Greenshields

Minute No. 2019/03-28

That Council notes the details provided on grant funding applications lodged by staff.

Carried

17.5 Drought Communities Programme- Extension project report

Moved Cr Greenshields

Seconded Cr W Williams

Minute No. 2019/03-29

That the Drought Communities Programme project report for March 2019 be received and noted.

Carried

18. Confidential Items

18.1 Appointment of Audit Committee Independent Member

Moved Cr Greenshields

Seconded Cr Russell

Minute No. 2019/03-30

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 Kelly Westell (Acting Chief Executive Officer), 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- '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

9.00 pm The meeting was closed to the public

9.00 pm Recording of the meeting ceased

Moved Cr May

Seconded Cr Greenshields

Minute No. 2019/03-31

4. That the Council appoints Michele Bennetts to the role of Independent Member until the 2022 Local Government elections.

Carried

Moved Cr T Williams

Seconded Cr Nicholls

Minute No. 2019/03-32

That the meeting move out of confidence

Carried

9.02 pm The meeting was re-opened to the public

9.02 pm Recording of the meeting re-started

Moved Cr Greenshields

Seconded Cr Russell

Minute No. 2019/03-33

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 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 9.04 pm

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MAYOR