

# Minutes

of Wakefield Regional Council's Ordinary Meeting held in the Blyth Bowling Club, commencing at 6.30 pm on Wednesday 17 April 2019.



## 1. Opening and Welcome

The Mayor read the Council's vision and statement of acknowledgement of country 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, M R Rankine, D J Russell, T A Williams, W Williams, J S Wood

Apologies: Nil

Leave: Nil

Absent: Nil

Staff Present: M McShane - Acting Chief Executive Officer  
K J Westell – Corporate Services Manager  
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 Bowyer

Seconded Cr Rankine

Minute No. 2019/04-001

3.1 Ordinary Meeting of Council – 27 March 2019

**That the Minutes of the Ordinary Meeting of Council held on Wednesday, 27 March 2019 be taken as read and a true and correct record.**

Carried

## 4. Business Adjourned

Nil

## 5. Declaration of Interest by Council Members

Cr Russell declared an interest in Item 16.1 - Dog and Cat Management Fees

## 6. Deputations

Nil

## 7. Presentations

- 7.1 Simon Millcock, Chief Executive Officer, Legatus Group
- 7.2 A J Wood, Chairperson, Blyth Management Committee

## 8. Questions with Notice

- 8.1 Cr Bowyer - *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?*

**Response:** Yes, incorporated into a report in this Council agenda.

- 8.2 Cr Bowyer - 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?

**Response:** Yes, an item is included in the agenda for this Council meeting 17 April, 2019.

- 8.3. Cr Bowyer - Taking into account that the previous Council adopted a resolution on the 23<sup>rd</sup> 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?

**Response:** As resolved by Council on 23 November 2016, the matter of developing a Code of Practice has been considered by a Council Committee formed for that purpose. The Local Government Act 1999 Chapter 7 Part 1 Section 99 Role of Chief Executive Officer notes function of the CEO including:

*“c) To ensure that the policies and lawful decisions of the Council are implemented in a timely and efficient manner”*

Whilst noting the intent of the Act and the role of the CEO, the appointment of a Code of Practice Committee rests with the Council and is the subject of a report in the Council agenda 17 April 2019 for Councillors' consideration.

8.4 Cr May - Please Provide:

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.

**Response:** Answers provided in this Agenda *17.1 - Employee and legal costs – response*

## 9. Questions without Notice

Questions were asked and answered.

## 10. Motions on Notice

Moved Cr Rankine

Seconded Cr Bowyer

Minute No. 2019/04-002

**That the report regarding Townsvale Estate considered in confidence by Council in December 2018 (minute Number 2018/012-018) and resolved to Lay on the Table now be lifted from the table for further consideration in confidence.**

Carried

Moved Cr T Williams

Seconded Cr May

Minute No. 2019/04-003

1. **That Council increase the number of Councillors on its Infrastructure Committee by allowing those elected members NOT on this current Infrastructure Committee to be nominated - or to self nominate - to join the Infrastructure Committee, and**
2. **That the Infrastructure Committee current Terms of Reference be amended so the composition of the committee be “Mayor and all Councillors as nominated and resolved by Council to be members of the committee”.**
3. **That a quorum for a meeting of the Committee shall be FOUR members of the committee in office. No business can be transacted at a meeting of the Committee unless a quorum is present.**
4. **That Term 6.9 in the Terms of Reference be amended to read “Each member of the Committee who is present at a meeting must vote on a question arising for decision at that meeting. The Presiding Member has a deliberative vote but does not, in the event of an equality of votes, have a casting vote.”**

Carried

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 membership of the Infrastructure Committee.

7.17 pm Formal meeting proceedings were suspended for ten minutes

7.22 pm Formal meeting proceedings resumed

Moved Cr T Williams

Seconded Cr Greenshields

Minute No. 2019/04-004

**5. That Council endorse the following additional Council Members as members of the Infrastructure Committee: Cr T Williams, Cr Russell, Cr May and Cr Nicholls.**

Carried

Moved Cr Bowyer

Seconded Cr W Williams

Minute No. 2019/04-005

**That Council rescind the motion, (Minute No 2016/205) adopted by the previous Council that introduced the Agenda Protocol process of en-bloc adoption of multiple agenda items by the resolution of a single motion and that Council reverts to dealing with agenda items, item by item.**

Lost

## **11. Mayor's Report**

Moved Cr Wood

Seconded Cr Nicholls

Minute No. 2019/04-006

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

Carried

Correspondence has been received from His Excellency the Governor's Office confirming a visit to our region on 5 June 2019. Mayor Reid requested the visit after attending the Australia Day Awards ceremony at Government House in January. On that occasion, Owen Primary School was awarded the title of South Australian Community Event of the Year for their "Rope4Hope" fundraising event. Wakefield's 2019 Citizen of the Year, Derryn Stringer received an honourable mention from the Governor. We will work with the Governor's staff to put together a program for the visit which will include the Owen Primary School and sporting facilities at Snowtown.

## **12 Elected Member Reports and Briefings**

Cr Rankine attended the Port Wakefield Community Management Committee meeting along with Cr T Williams where they discussed the Master Plan for Port Wakefield

### 13. Delegates' or Representatives' Reports

Cr T Williams

- Clarified that the open evening of the Balaklava Town Hall is on 30 April, 2019.
- 9 April 2019 - Attended Courthouse Gallery. They are gearing up for the Balco art prize and have received financial support from the Balaklava Area Committee.
- 9 April 2019 - Balaklava Area Committee Meeting. Well attended meeting. Holly Cowan was in attendance representing the Women's Business Collective.

### 14. Petitions

Nil

### 15. Protocol

The following items were withdrawn for discussion, namely items:

- 16.1 Dog and Cat Management Fees
- 16.2 Buildings and Structures IAMP
- 16.3 Code of Practice
- 16.4 Local Government reforms – Council Feedback
- 17.1 Employee and legal costs - response
- 17.2 Customer Survey Feedback
- 17.4 Community & Development Services Report – March 2019
- 17.5 Drought Communities Programme- Extension project report
- 17.7 Grant Funding Opportunities

#### Confidential Item

- 18.1 Townsvale Estate: Additional Information

Moved Cr Wood

Seconded Cr Russell

Minute No. 2019/04-007

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

- 17.3 Financial Report – March 2019
- 17.6 Progress Report on Infrastructure Services Capital Program

Carried

#### Items adopted under protocol

### 17.3 Financial Report – March 2019

Minute No. 2019/04-008

**That the Financial Report – March 2019 be received and noted.**

### 17.6 Progress Report on Infrastructure Services Capital Program

Minute No. 2019/04-009

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

## Items for Decision

### 16.1 Dog and Cat Management Fees 2019-2020

Cr Russell declared a perceived conflict of interest in item 16.1 - Dog and Cat Management Fees 2019-2020 because it falls within the purview of the Minister of Environment of which she is an employee.

Moved Cr T Williams

Seconded Cr Rankine

Minute No. 2019/04-010

**That the fee structure for dog and cat registrations for 2019-2020, as documented in the attachment to the report titled 'Dog & Cat Management Fees 2019-2020' be endorsed.**

Carried

Mayor Reid called for a division

*Those voting in the affirmative*

Councillors May, Greenshields, Nicholls, Bowyer, Wood, Russell, Rankine, T Williams and W Williams

*Those voting in the negative*

Nil

### 16.2 Buildings and Structures IAMP

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 – Buildings and Structures IAMP.

7.48 pm Formal meeting proceedings were suspended for five minutes

7.50 pm Formal meeting proceedings resumed

Moved Cr Rankine

Seconded Cr Wood

Minute No. 2019/04-011

**That the draft Buildings & Structures Infrastructure Asset Management Plan be endorsed including minor changes for the purpose of community consultation.**

Carried

### 16.3 Code of Practice

Moved Cr Bowyer

Seconded Cr T Williams

Minute No. 2019/04-012

**1. That the report by the Acting CEO on the draft Code of Practice be received.**

Carried

Moved Cr Bowyer

Seconded Cr T Williams

Minute No. 2019/04-013

**2. That the revised draft Code of Practice as attached to this report be endorsed by Council.**

Lost

Cr Bowyer called for a division

*Those voting in the affirmative*

Councillors Bowyer, T Williams and W Williams

*Those voting in the negative*

Councillors May, Greenshields, Nicholls, Wood, Russell and Rankine

The motion was lost

Moved Cr

Seconded Cr

**3. As required by the Local Government (Procedures at meetings) regulation 2013, Council reviews the operation of the Code every financial year.**

Lapsed

Moved Cr Rankine

Seconded Cr Russell

Minute No. 2019/04-014

**4. That the Code of Practice Committee be discontinued from the 17 April 2019.**

Carried

8.29 pm Cr Nicholls left the meeting

8.31 pm Cr Nicholls returned to the meeting

#### 16.4 Local Government reforms – Council Feedback

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 16.4 – Local Government reforms – Council Feedback.

8.38 pm Formal meeting proceedings were suspended for ten minutes

8.48 pm Formal meeting proceedings resumed

Moved Cr T Williams

Seconded Cr Greenshields

Minute No. 2019/04-015

**That Council advises the Local Government Association (SA) that it supports the preliminary reform ideas outlined in the LGA discussion paper on local government reform and will continue to provide feedback on the reform as it develops.**

Carried

Moved Cr Russell

Seconded Cr Bowyer

Minute No. 2019/04-016

**That this Council requests that the Acting CEO write a letter to Minister Knoll indicating our interest in the consultation process and Council holds a workshop to formulate a response to the LGA in relation to Local Government reform.**

Carried

## Items for Information

### 17.1 Employee and legal costs - response

Moved Cr May

Seconded Cr Rankine

Minute No. 2019/04-017

**That staff notify Council of legal matters spending on a monthly basis in the financial reports.**

Carried

9.16 pm Cr W Williams left the meeting

9.19 pm Cr W Williams returned to the meeting

Moved Cr Rankine

Seconded Cr May

Minute No. 2019/04-018

**That the report be received and noted.**

Carried

### 17.2 Customer Survey Feedback

Moved Cr Wood

Seconded Cr Rankine

Minute No. 2019/04-019

**That the report 'Customer survey feedback' be received and noted.**

Carried



#### 17.4 Community & Development Services Report – March 2019

Moved Cr Russell

Seconded Cr Greenshields

Minute No. 2019/04-020

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

Carried

#### 17.5 Drought Communities Programme- Extension project report

Moved Cr Rankine

Seconded Cr May

Minute No. 2019/04-021

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

Carried

#### 17.7 Grant Funding Opportunities

Moved Cr Bowyer

Seconded Cr Wood

Minute No. 2019/04-022

**That the report on grant funding opportunities be noted.**

Carried

### 18. Confidential Item

#### 18.1 Townsvale Estate: Additional Information

Moved Cr Nicholls

Seconded Cr Rankine

Minute No. 2019/04-023

- 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 Mark McShane (Acting Chief Executive Officer), Kelly Westell (Corporate Services Manager), Leon Kruger (Infrastructure Services Manager), Chris Parish (Community and Development Services Manager) and Debra Swan (Admin Officer), be excluded from attendance at the meeting for Agenda Item 18.1– Townsvale Estate: Additional Information**
- 2. That the Council is satisfied that pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda item contains, as an attachment, legal advice provided by Norman Waterhouse.**
- 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

9.50 pm The meeting was closed to the public

9.50 pm Recording of the meeting ceased

9.57 pm The meeting was re-opened to the public

9.57 pm Recording of the meeting re-started

Moved Cr Wood

Seconded Cr Rankine

Minute No. 2019/04-026

- 4. That, having considered the Agenda Item 18.1 - Townsvale Estate: Additional Information' in confidence under Sections 90(2) and 90(3)(h) 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 includes legal advice pertaining to an ongoing matter.**

Carried

## 19. Closure

Meeting closed at 9.58 pm

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MAYOR