

# Minutes

of Wakefield Regional Council's Ordinary Meeting held in the  
Phil Barry Chamber, commencing at 6.30pm on  
Wednesday 24 July 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, T A Williams, W Williams, J S Wood, D Russell

Apologies: Nil

Leave: Nil

Absent: Nil

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

## 3. Confirmation of Minutes

Moved Cr Russell

Seconded Cr Nicholls

Minute No. 2019/07-001

3.1 Ordinary Meeting of Council – 26 June 2019

**That the Minutes of the Ordinary Meeting of Council held on Wednesday, 26 June 2019 be taken as read and a true and correct record.**

Carried

Moved Cr Wood

Seconded Cr May

Minute No. 2019/07-002

3.2 Audit Committee Meeting – 10 July 2019

**That the Minutes of the Audit Committee Meeting held on Wednesday, 10 July 2019 be taken as read and noted.**

Carried

Moved Cr Bowyer

Seconded Cr Rankine

Minute No. 2019/07-003

3.3 Community Grants Assessment Committee Meeting – 11 July 2019

**That the Minutes of the Community Grants Assessment Committee held on Thursday, 11 July 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**

Nil

**8. Questions with Notice**

Nil

**9. Questions without Notice**

Questions were asked and answered.

**10. Motions on Notice**

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 this item.

6.47 pm Formal meeting proceedings were suspended for ten minutes

6.57 pm Formal meeting proceedings resumed

Moved Cr Russell

Seconded Cr Greenshields

Minute No. 2019/07-004

**10.1** That the following decisions of Council be revoked:

**Ordinary Council Meeting held 26 April 2017 Moved Cr Pain Seconded Cr Stevens**

That Council Workshops and Council Training Sessions be held on the days that Council's Ordinary Council Meetings are held during the month, unless circumstances require a date change due to unavailability of presenter(s).

**Ordinary Council Meeting held 26 April 2017 Moved Cr Pain Seconded Cr Williams**

That any informal gathering of a non-urgent matter be held on the days that Council's Ordinary Council Meetings are held during the month.

**Ordinary Council Meeting 28 November 2018 Moved Cr Bowyer Seconded Cr Greenshields**

That Council's ordinary meetings for 2019 be held at 6:30pm every 4th Wednesday of each month with the following exceptions a. April 2019, where the meeting shall be held on the 3rd Wednesday due to the timing of Easter and Anzac Day b. December 2019, where the meeting shall be held on the 3rd Wednesday due to the timing of Christmas Day.

**Ordinary Council Meeting 28 November 2018 Moved Cr Russell Seconded Cr May**

That Council Meetings be held in the seven other major towns around the district over a two year period if invited by Management Committees, with the remainder of the Council Meetings being held in the Phil Barry Chamber.

Carried

Moved Cr Russell

Seconded Cr Greenshields

Minute No. 2019/07-005

**10.2** 1. That for the remaining term of council, ordinary meetings be held at 5:00pm in the Phil Barry Chamber on the 4th Wednesday of each month, with the exception of months where key public holidays necessitate a change to the ordinary meeting time. For such months, Council will adopt an alternative meeting time and publicise in accordance with Section 84 of the Local Government Act 1999.

Carried

## 11. Mayor's Report

Moved Cr Bowyer

Seconded Cr Nicholls

Minute No. 2019/07-006

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

Carried

## 12 Elected Member Reports and Briefings

Cr Bowyer – 12 July 2019 - attended the Legatus Road and Transport Forum held in Clare. The forum was also attended by Cr May and staff members Ryan Graetz, and Hayden Battle

7.31pm Cr Greenshields left the meeting

7.33pm Cr Greenshields returned to the meeting

Cr May gave a short update on the Mill Court Committee

(reported here but presented under 13. Delegates' or Representatives' Reports)

## 13. Delegates' or Representatives' Reports

Cr T Williams – attended Balaklava Area Committee meeting in Balaklava

Cr T Williams – attended the Lower North Health Advisory Committee

## 14. Petitions

Nil

## 15. Protocol

The following items were withdrawn for discussion, namely items:

- 16.4 Legatus Group Call for Nominations – Chair and Deputy Chairs
- 17.2 Financial Report – June 2019
- 17.3 Community & Development Services Report – June 2019
- 17.4 Progress Report on Infrastructure Services Capital Program
- 17.5 Interim Audit Letter – Review
- 17.6 Community Grants Assessment Committee - Outcomes
- 18.1 Rating review – use of consultant
- 18.2 Townsvale Estate: Proceed with Negotiations

Moved Cr Wood

Seconded Cr Rankine

Minute No. 2019/07-007

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

- 16.1 Annual Review of Confidential Items
- 16.2 WHS & Risk Review Action Plan
- 16.3 Public Interest Disclosure Procedure
- 17.1 Section 270 – Annual Review

Carried

## Items adopted under protocol

### 16.1 Annual Review of Confidential Items

Minute No. 2019/07-008

That Council, having undertaken a review of current confidential orders as detailed in the report 'Annual Review of Confidential Items', hereby:

1. Endorses that the 'Industrial relations matter' considered by Council on the 23 November 2016 (minute 2016/86), 14 December 2016 (minute 2016/139) and 31 January 2017 (minute 2016/164) and all associated documents be retained in confidence under Section 90(3)(g) of the *Local Government Act 1999* (matter that must be considered in confidence in order to ensure that the council does not breach any law, or order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty) as the release of such information would see Council breach its contractual requirement (under the Deed of Discharge and Release) to indefinitely maintain the confidentiality of the matters contained within the Deed;
2. Revokes the following orders in relation to the release of documents:
  - Minute 2018/07-031 Council Land Purchase – Proposal (25 July 2018);
  - Minute 2019/02-26 Top of the Gulf Enterprises Pty Ltd – Road Closure Request (27 February 2019);
  - Minute 2019/02-30 Proposed Amendment to Hamley Bridge Council Land Purchase (27 February 2019).

### 16.2 WHS & Risk Review Action Plan

Minute No. 2019/07-009

That the report 'WHS & Risk Review Action Plan' be noted.

### 16.3 Public Interest Disclosure Procedure

Minute No. 2019/07-010

1. That Council adopt the Public Interest Disclosure Procedure as attached to this report.
2. That Council revoke policy A22 – Whistleblowers Protection.

### 17.1 Section 270 – Annual Review

Minute No. 2019/07-011

That the report 'Section 270 – Annual Review' be received and noted.

## Items for Decision

### 16.4 Legatus Group Call for Nominations – Chair and Deputy Chairs

Mayor Reid sought and was granted leave of the meeting to speak.

Moved Cr May

Seconded Cr T Williams

Minute No. 2019/07-012

1. That Council nominates Mayor Matthey for the position of Chair for the Legatus Group.
2. That Council nominates Kathie Bowman and Mayor Bill O'Brien for the position of Deputy Chairs for the Legatus Group.

Carried

8.02pm Cr Nicholls left the meeting  
8.04pm Cr Nicholls returned to the meeting

### Items for Information

#### 17.2 Financial Report – June 2019

Moved Cr May

Seconded Cr Russell

Minute No. 2019/07-013

**That the Financial Report as at 30 June 2019 be received and noted.**

Carried

#### 17.3 Community & Development Services Report – June 2019

Moved Cr Russell

Seconded Cr Rankine

Minute No. 2019/07-014

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

Carried

#### 17.4 Progress Report on Infrastructure Services Capital Program

Moved Cr Bowyer

Seconded Cr Wood

Minute No. 2019/07-015

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

Carried

Moved Cr Bowyer

Seconded Cr May

Minute No. 2019/07-016

**That the Council recognises the efforts of the Infrastructure Services Manager Leon Kruger and Staff in the considerable improvement in the completion rate of projects listed on capital works program during the current financial year and compliments them on completing the majority of the backlog of works projects.**

Carried

#### 17.5 Interim Audit Letter – Review

Moved Cr Greenshields

Seconded Cr Wood

Minute No. 2019/07-017

**That the report 'Interim Audit Letter – Review' be received and noted.**

Carried

## 17.6 Community Grants Assessment Committee - Outcomes

Moved Cr Russell

Seconded Cr T Williams

Minute No. 2019/07-018

**That the funds allocated by the Grants Assessment Committee on Thursday 11 July 2019 be received and noted.**

Carried

## 18. Confidential Items

### 18.1 Rating review – use of consultant

Moved Cr Russell

Seconded Cr W Williams

Minute No. 2019/07-019

- 1. Pursuant to Section 90 (2) of the Local Government Act 1999, Council orders that all members of the public, except Chief Executive Officer Andrew MacDonald, Executive Assistant Debra Swan, Corporate Services Manager Kelly Westell, Community & Development Services Manager Christopher Parish and Infrastructure Services Manager Leon Kruger, be excluded from attendance at the meeting for agenda item 18.1 - Rating review – use of consultant.**
- 2. 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 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, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest.**
- 3. In addition, Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the item includes commercial information, the disclosure of which may be detrimental to the person who supplied the information.**

Carried

8.43 The meeting was closed to the public

8.43 Recording of the meeting ceased

8.48 pm The meeting was re-opened to the public

8.48 pm Recording of the meeting resumed

Moved Cr Rankine

Seconded Cr Wood

Minute No. 2019/07-021

- 5. That, pursuant to Section 91(7) and having considered Item 18.1– ‘Rating review – use of consultant’ in confidence under Section 90(2) and 90(3)(d) of the *Local Government Act 1999*, Council orders that the UHY submission attached to the report titled ‘Rating review – use of consultant’ be retained in confidence and not available for public inspection for a period of 12 months.**

Carried

## 18.2 Townsvale Estate: Proceed with Negotiations

Moved Cr Greenshields

Seconded Cr Bowyer

Minute No. 2019/07-022

1. Pursuant to Section 90(2) of the Local Government Act 1999, Council orders that all members of the public, except Chief Executive Officer Andrew MacDonald, Executive Assistant Debra Swan, Corporate Services Manager Kelly Westell, Community & Development Services Manager Christopher Parish and Infrastructure Services Manager Leon Kruger, be excluded from attendance at the meeting for agenda item 18.2 - Townsvale Estate: Proceed with Negotiations.
2. That Council is satisfied that pursuant to section 90(3)(b)(i) and 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda item contains legal advice provided by Norman Waterhouse and information that could reasonably be expected to confer a commercial advantage on a person with which Council is conducting business
3. In addition, 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

8.50 pm The meeting was closed to the public

8.50 pm Recording of the meeting ceased

9.05pm The meeting was re-opened to the public

9.05pm Recording of the meeting resumed

Moved Cr May

Seconded Cr Rankine

Minute No. 2019/07-024

5. That, pursuant to Section 91(7) and having considered Agenda Item 18.2 – ‘Townsvale Estate: Proceed with Negotiations’ in confidence under Sections 90(2), section 90(3)(b)(i) and 90(3)(h) of the Local Government Act 1999, Council 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 and information that could reasonably be expected to confer a commercial advantage on a person with which Council is conducting business

Carried

## 19. Closure

Meeting closed at 9.09 pm

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MAYOR