

District Council of Robe

MINUTES

Minutes of the Ordinary Council Meeting held 10 December 2013, commencing at 6.02 pm at the District Council of Robe Chambers, Smillie Street Robe.

ACKNOWLEDGEMENT

Acknowledgement of Traditional Owners

The District Council of Robe acknowledges and respects the traditional owners of the ancestral lands of the Robe district. We acknowledge elders past and present and we respect the deep feelings of attachment and relationship of Aboriginal peoples to this country.

WELCOME Mayor Riseley welcomed the Elected Members, Staff and Gallery.

PRESENT Mayor Peter Riseley; Crs Rino Dell'Antonio, Jenny Mathews, John Enright, Harvey Nolan, Kristina Alexander and Lawrence Polomka.

STAFF IN ATTENDANCE

Chief Executive, Mr Roger Sweetman, Deputy Chief Executive, Mr Lyndon Prior, Works Operation Co-ordinator, Mr Trevor Hondow and Minute Taker, Ms Anne-Marie Peters.

APOLOGIES Nil

CONFLICT OF INTEREST

Cr Enright declared a conflict of interest at in respect to item 14.1.8 "Permit for Business Use of Road – Unmade Road Adjacent Lake Robe P/L" as he owns the property.

Cr Mathews declared a conflict of interest in respect to item 14.6.1 "Parking Controls" as a member of her family leases the adjacent property.

PUBLIC FORUM Rolf Petrovic
Addressed Council on the proposal to dispose of portion of the road reserve at the Esplanade and unloading of vehicles on Banks Street.

Cr Enright entered the meeting at 6.06 pm.

ADDRESS Mr Frank Brennan from the South East Natural Resources Management Board addressed Council on the Board's draft Business Plan for 2014-15.

Cr Alexander entered the meeting at 6.13 pm.

ADJOURNED MATTERS

7.1 Walkway Adjacent Part Lot 11 Victoria Street Robe

Cr Nolan moved **that agenda item 7.1 "Walkway Adjacent Part Lot 11 Victoria Street Robe" be adjourned pending further information being obtained.** (161/2014)

Seconded Cr Mathews

Carried

7.2 Proposed Road Closure Esplanade

Cr Polomka moved **that the officer's report 7.2 "Proposed Road Closure Esplanade" be amended noting that No.84 the Esplanade is adjacent to the unmade road reserve being considered for disposal.** (162/2014)

Seconded Cr Nolan

Carried

Cr Polomka moved **that the District Council of Robe having considered Report No 7.2 "Proposed Road Closure Esplanade" agree to proceed with a Roads (Opening and Closing) procedure for portion of the Esplanade that adjoins No. 82 Esplanade subject to the**

applicant, 50th Bristling Woods Pty Ltd agreeing in principle that:

- (a) The purchaser of the road reserve being responsible for all costs associated with the process of undertaking the road closure; and**
- (b) The road reserve is sold for a value as determined by Council, being \$300,000. (163/2014)**

Seconded Cr Alexander

Carried

7.3 Robe Marina – Breach of Underlease Covenants

Cr Dell'Antonio moved that the District Council of Robe having considered the Report No 7.3“Robe Marina – Proposal to Alter Covenants” issues notice to the owner of Berth A11 pursuant to clause 5.11 of the Underlease, that they are in breach of the Underlease covenants, in particular Item 7 of the Schedule and provide them with 21 days to rectify the breach. (164/2014)

Seconded Cr Nolan

Carried

CONFIRMATION OF MINUTES

8.1 Ordinary Council Meeting Minutes 12 November 2013

Cr Alexander moved that the minutes of the Ordinary Council meeting held on 12 November 2013 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting, with a correction to minute 127/2014, Cr Mathews as Council’s representative to CCOWS Management Committee, not proxy to the Committee, replacing Cr Alexander. (165/2014)

Seconded Cr Mathews

Carried

BUSINESS ARISING FROM MINUTES

Nil

MAYOR'S REPORT

Summer Season

With summer holidays fast approaching it is great to note how amazing the town is looking the Council out door staff have been doing a great job in preparation for the summer season.

Many Robe businesses have made substantial upgrades and improvements to their businesses and there is a sense of excitement in the village that Robe has reached a new and exciting level.

I would like to wish all the businesses including our fishers and farmers a successful season.

Surf Club Event

Unfortunately I was unable to attend the Surfboat event but have heard of how successful it was.

Cr Kristina Alexander has been a passionate advocate for the club, Kristina and the very dedicated committee should be applauded for their hard work and resolve in getting the club to the level of staging events of this caliber in such a short time.

There is great interest in this type of event and a range of spin of events that are likely to be positives for Robe.

Thank you also to Deputy Mayor Harvey Nolan for officiating at the welcome.

Holiday Home Owners

If you are a holiday homeowner welcome to Robe for your summer vacation. While here in summer it is possible you may read this Newsletter but perhaps unlikely at other times of the year.

Council would like your input as to the best options for communication with you as ratepayers that need to occur from time to time on matters of consultation.

Council use a range of methods including this Newsletter, email [where email address has been provided], letters by Postal service and newspaper advertisements. Your assistance with this matter will help to improve more inclusive consultation.

ELECTED MEMBER REPORTS

Cr Rino Dell'Antonio

- 12/11/13 Ordinary Council Meeting
- 10/12/13 Robe Marina Berth Discussions

Cr Jenny Mathews

- 11/11/13 Robe Tourism Association Meeting
- 12/11/13 Ordinary Council Meeting
- 19/11/13 CDAP Meeting
- 19/11/13 Strategic Planning Meeting

Cr Harvey Nolan

- 12/11/13 Ordinary Council Meeting
- 19/11/13 Strategic Planning Meeting
- 21/11/13 RDA Meeting with Economic Development Board
- 29/11/13 Meeting with SA & Robe Surf Lifesaving
- 29/11/13 Official Welcome Surf Lifesaving
- 3/12/13 Meeting re Precinct Entrance to Marina
- 3/12/13 Robe Marina Committee Meeting
- 5/12/13 RDA & SELGA China Potential
- 6/12/13 SELGA Meeting Beachport
- 10/12/13 Robe Marina Berth Discussions

Mayor Peter Riseley

- 15/11/13 When Love Comes to Town
- 15/11/13 Meeting with CE
- 19/11/13 CDAP Meeting
- 19/11/13 Elected Member Forum
- 20/11/13 Marine Parks Council – Adelaide
- 21/11/13 Discovery CP Meeting
- 21/11/13 CAS Meeting – Kingston
- 3/12/13 Meeting re Precinct Entrance to Marina
- 3/12/13 Robe Marina Committee Meeting
- 4/12/13 Meeting with CE
- 4/12/13 Marina Entrance Meeting with CE, Cr Nolan & John Hinge
- 10/12/13 Robe Marina Berth Discussions

COUNCIL COMMITTEES

12.1 CDAP Minutes 19 November 2013

Cr Mathews moved that **the minutes of the CDAP meeting held on 19 November 2013 be received.** (166/2014)

Seconded Cr Enright

Carried

REPORTS OF ASSOCIATED BODIES

13.1 CCOWS Management Committee Meeting 6 November 2013

Cr Mathews moved that **the minutes of the CCOWS Management Committee meeting held on 6 November 2013 be received.** (167/2014)

Seconded Cr Nolan

Carried

OFFICER'S REPORTS – Chief Executive

14.1.1 Information Communications Technology (ICT)

Cr Alexander moved that **the District Council of Robe having considered Report No 14.1.1 “Information Communications Technology (ICT)” receive the report and instruct staff to obtain prices for the upgrade of the Councils ICT systems for consideration during the preparation of the 2013-2014 Annual Business Plan and Budget.** (168/2014)

Seconded Cr Mathews

Carried

Cr Alexander left the meeting at 7.02 pm.

Cr Alexander entered the meeting at 7.04 pm

14.1.2 Annual Review of Delegations to the Chief Executive

Cr Polomka that the District Council of Robe having considered Report No 14.1.2 “Annual Review of Delegations to the Chief Executive” pursuant to section 44 (6) of the Local Government Act 1999 adopt the changes to the delegations as appearing below:

DEVELOPMENT ACT 1993, DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006 AND DEVELOPMENT REGULATIONS 2008

Additional delegated powers by virtue of legislative amendments

Development Plan Assessment Audits
The power pursuant to section 56C(10) of the Act to provide a response with a view to correcting any error of fact in relation to a report prepared by an auditor under section 56C of the Act within the reasonable time allowed by the auditor for such response.
The power pursuant to section 56C (14) of the Act to make submissions to the Minister in relation to any action the Minister proposes to take under section 56C (12) of the Act.
The power pursuant to section 56C(15) of the Act, where the Minister considers the Council has not, within a reasonable period, taken appropriate action in relation to a recommendation made by the Minister under section 56C(12)(a) of the Act, to consult with the Minister in relation to any directions the Minister intends to give the Council.

Documents to be Preserved by a Council
The power pursuant to and in accordance with Regulation 101(3) of the Regulations to offer to give plans and specifications in the Council's possession to a building owner and if the building

<p>owner declines the offer, the power to destroy the documents.</p>
<p>The power pursuant to and in accordance with Regulation 101(4) of the Regulations to fix a fee for the provision of a copy of any document retained by the council under regulations 101(a1) or (1) of the Regulations.</p>
<p>The power pursuant to Regulation 101(5) (a) of the Regulations to determine not to make available any plans, drawing, specification or other documents or information for inspection under regulation 101(4) (a) of the Regulations if to do so would-in the opinion of the delegate, unreasonably jeopardise the present or future security of the building; or constitute a breach of any other law.</p> <p>The power pursuant to Regulation 101(5)(b) of the Regulations to determine not to make available any plans, drawings, specifications or other documents or information for copying under regulations 101(4)(b) of the Regulations if to do so would-in the opinion of the delegate, unreasonably jeopardise the present or future security of the building; or</p> <ul style="list-style-type: none">involve an infringement of copyright in matter contained in a document; orconstitute a breach of any other law.
<p>Documents to be provided by a private certifier</p>
<p>The power pursuant to regulation 102(2) of the Regulations to request that a private certifier produce to the council within a reasonable period, a copy of any document that has been submitted to the private certifier for the purposes of an application for development plan consent (and that is no already held by the Council under the Regulations) so that the council can respond to a request form a member of the public for access to such a document.</p>

**NATURAL RESOURCES MANAGEMENT ACT 2004 THE
NATURAL RESOURCES MANAGEMENT (GENERAL)
REGULATIONS 2005 AND THE NATURAL RESOURCES
MANAGEMENT (TRANSITIONAL PROVISIONS LEVIES)
REGULATIONS 2004**

**Removal of delegated powers by virtue legislative
amendments**

Concept statements

Section 78 (4) - Council to provide comment on NRM Board Concept Statements has been repealed

LOCAL GOVERNMENT ACT 1999

**Removal of delegated powers by virtue legislative
amendments**

Code of Conduct – Elected members

Section 63 (3) ability to alter code or substitute a replacement code has been repealed

Section 110 (3) ability to alter or substitute a code of conduct has been repealed

Rebate of rates

Section 165 (1) has been amended to remove reference to University or College

**Additional delegated powers by virtue of legislative
amendments**

Investigation of grounds of complaint by Ombudsman

The power pursuant to section 263A (2) of the Act to make a complaint to the Ombudsman setting out matters alleged to constitute grounds for complaint under the Act against a member of the Council.

Outcome of Ombudsman Investigation
The power, pursuant to section 263B(3) of the Act to act according to any recommendations made by the Ombudsman under the <i>Ombudsman Act 1972</i> on the completion of an investigation of a complaint against a member of the Council, which may include the following action:
reprimand the member (including by means of a public statement); or
require the member to attend a specified course of training or instruction, to issue an apology in a particular form or to take other steps; or
require the member to reimburse the council a specified amount; or
ensure that a complaint is lodged against the member in the District Court.

Investigation of a Council
The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter to the Ombudsman for investigation and Report under section 272(1) of the Act, explain the Council's actions and make submissions to the Minister.

Investigation of a subsidiary
The power pursuant to Section 274(1) of the Act to undertake an investigation and prepare a report in relation to a matter involving a subsidiary upon referral of the matter to the Council by the Minister.

(169/2014)

Seconded Cr Mathews

Carried

14.1.3 Contracts/Tenders/Purchasing Policy – Variation to Policy – Bitumen Sealing Tenders

Cr Enright moved that **the District Council of Robe having considered Report No 14.1.3 “Contracts /Tenders /Purchasing Policy Variation to Policy – Bitumen Sealing”, pursuant to Section 7 Variations to Purchase methods and Requirements of the Contracts /Tenders /Purchasing Policy endorse the action of the Chief Executive in Awarding the Bitumen Sealing Tender to Gambier Earthmovers. (170/2014)**

Seconded Cr Polomka

Carried

14.1.4 Review of Council's Strategic Plan

Cr Nolan moved that **the District Council of Robe having considered Report No 14.1.4 “Review of Council’s Strategic Plan” receive the Draft Strategic Plan, as attached to this agenda, and forward any comments/corrections to the Chief Executive. (171/2014)**

Seconded Cr Alexander

Carried

14.1.5 Retirement Living

Cr Dell’Antonio moved that **the District Council of Robe having considered Report No 14.1.5 “Retirement Living”:**

- (a) Establish a Retirement Living Working Group to assist Council in formulating its position in relation to retirement living opportunities in Robe;**
- (b) Membership of the Working Group be all Elected Members, and an invitation be extended to Mr R White, Mr I Bruce and Ms H Fuhlbohm to attend the Working Group as community members; and**
- (c) Call an initial meeting of the Working Group (date to be decided) to meet with representatives of Anglican Community Care to discuss opportunities**

**for the provision of Retirement Living facilities
within Robe. (172/2014)**

Seconded Cr Nolan

Carried

14.1.6 Review of Planning Advice and Services

Cr Mathews moved that the District Council of Robe having considered Report No 14.1.6 “Review of Planning Advice and Services” reappoint Access Planning to provide Council with planning advice and services for the next two years. (173/2014)

Seconded Cr Enright

Carried

14.1.7 Liquor License Application – Lakeside Manor

Cr Dell’Antonio moved that District Council of Robe having considered Report No 14.1.7 “Liquor License Application – Lakeside Manor” respond that Council supports the application for a Special Circumstances Liquor License for Lakeside Manor. (174/2014)

Seconded Cr Nolan

Carried

Cr Enright declared a conflict of interest in respect to item 14.1.8 and left the meeting at 7.18 pm.

14.1.8 Permit for Business Use of Road – Unmade Road Adjacent Lake Robe P/L

Cr Polomka moved that the District Council of Robe having considered Report No 14.1.8 “Permit for Business Use of Road – Unmade Road Adjacent Lake Robe P/L” grant an annual permit to Lake Robe P/L to use the unmade road reserve adjacent D64340 Lot 32 Hundred of Waterhouse for the purpose of de-pasturing stock pursuant to Section 222 of the Local Government Act 1999 subject to:

- (a) The payment of an annual fee of \$50, and**
- (b) Lake Robe P/L providing evidence of Public Liability Insurance noting their use of the road reserve. (175/2014)**

Seconded Cr Dell'Antonio

Carried

Cr Enright entered the meeting at 7.21 pm.

14.1.9 Information Report November 2013

Cr Mathews moved that the District Council of Robe having considered Report No 14.1.9 "Information Report November 2013" receive the report. (176/2014)

Seconded Cr Dell'Antonio

Carried

OFFICER'S REPORTS – Deputy Chief Executive

14.2.1 Policy Review – Waste Collection & Recycling Policy

Cr Dell'Antonio moved that the District Council of Robe having considered Report No. 14.2.1 "Policy Review - Waste Collection & Recycling Policy" adopts the attached amended Waste Collection & Recycling Policy as its Waste Collection & Recycling Policy. (177/2014)

Seconded Cr Nolan

Carried

14.2.2 Audit Committee – Registration of Interest – Independent Member

Cr Dell'Antonio moved that the District Council of Robe having considered Report No. 14.2.2 "Audit Committee – Registration of Interest - Independent Member" appoints Mr Will Peden as the independent member of Council's

Audit Committee pursuant to the Committees Terms of Reference. (178/2014)

Seconded Cr Polomka

Carried

OFFICER'S REPORTS – Works Operation Co-ordinator

14.3.1 Works Report November 2013

Cr Dell'Antonio moved **that the Works Report November 2013 be received.** (179/2014)

Seconded Cr Mathews

Carried

OFFICER'S REPORTS – Finance Officer

14.4.1 Finance Report November 2013

Cr Polomka moved **that the District Council of Robe having considered Report No 14.4.1 "Finance Report November 2013" receive the report.** (180/2014)

Seconded Cr Enright

Carried

OFFICER'S REPORTS – Director of Childcare

14.5.1 CCOWS Report November 2013

Cr Alexander moved **that the District Council of Robe receives the CCOWS Report November 2013.** (181/2014)

Seconded Cr Mathews

Carried

OFFICER'S REPORTS – General Inspector

Cr Mathews declared a conflict of interest in respect to section 3 of item 14.6.1 “Parking Controls”.

14.6.1 Parking Controls

Cr Mathews moved **that the District Council of Robe having considered Report No 14.6.1 “Parking Controls”:**

- 1. Supports the introduction of a thirty minute parking time limit on the western side of Bagot Street, between Mundy Terrace and Smillie Street, from Monday to Friday between the hours of 9.00am to 5.00pm; (182/2014)**

Seconded Cr Enright

Carried

Cr Mathews left the meeting at 7.45 pm.

Cr Mathews entered the meeting at 8.57 pm.

14.6.2 Reduction in Hardstand Fees

Cr Nolan moved **that the District Council of Robe having considered Report No 14.6.2 “Reduction in Hardstand Fees” do not consider Mr Marshall’s request for reduction in hardstand fees and that Council take action to recover outstanding monies. (183/2014)**

Seconded Cr Enright

Carried

CORRESPONDENCE

Cr Enright moved **that correspondence items No.15.1 to 15.8 be received en mass. (184/2014)**

Seconded Cr Alexander

Carried

NOTICES OF MOTION

Nil

QUESTIONS ON NOTICE

Nil

LATE ITEMS

Nil

CONFIDENTIAL ITEMS

19.1 Australia Day Award Nominations 2014

Cr Dell'Antonio moved that pursuant to Section 90(2) of the Local Government Act 1999 (the Act), the Council orders the public to be excluded, with the exception of the Chief Executive, Deputy Chief Executive, Works Operation Co-Ordinator and Minute Secretary being present on the basis that it will receive, discuss and consider information relating to report number 19.1 titled "Australia Day Award Nominations 2014" and that the Council is satisfied pursuant to Section 83(5) of the Act with the principal that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter by the need to keep the discussion, report and supporting documentation confidential on the following basis; Section 90(3)(a):

- Information the disclosure of which would involve the reasonable disclosure of information concerning the personal affairs of any person (living or dead) (185/2014)**

Seconded Cr Polomka

Carried

Cr Dell'Antonio moved that an order be made under the provisions of Section 91(7) of the Local Government Act 1999 that the documents relating to Agenda Item 19.1 Australia Day Award Nominations 2014, including the minutes of the council relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, shall be kept confidential on the ground that: *(Section 90(3)(a)) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead),* for a period of 18 months. (186/2014)

Seconded Cr Nolan

Carried

Cr Polomka moved that Mrs Helen Lehmann and Mrs Michelle Everett be joint recipients of the 2014 Citizen of the Year Australia Day Award. (187/2014)

Seconded Cr Enright

Carried

Cr Nolan moved that the Robe Professional Fishermen's Association "Dinner on the Boats".be the recipient of the Community Event of the Year 2014 Australia Day Award. (188/2014)

Seconded Cr Dell'Antonio

Carried

19.2 Celebration of Fishing History

Cr Nolan moved that pursuant to Section 90(2) of the Local Government Act 1999 (the Act), the Council orders the public to be excluded, with the exception of the Chief Executive, Deputy Chief Executive, Works Operation Co-Ordinator and Minute Secretary being present on the basis that it will receive, discuss and consider information relating to report number 19.2 titled

“Celebration of Fishing History” and that the Council is satisfied pursuant to Section 83(5) of the Act with the principal that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter by the need to keep the discussion, report and supporting documentation confidential on the following basis; Section 90(3)(b)

- **Information the disclosure of which – (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and (ii) would, on balance, be contrary to the public interest. (189/2014)**

Seconded Cr Mathews

Carried

Cr Dell’Antonio moved that having considered the report 19.2 titled “Celebration of Fishing History” in confidence under Section 90(2) and (3)(b) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of the Act orders that the Minutes of Confidential Meeting held on 10 December 2013 be retained in confidence for a period of 18 months or finalisation of negotiations, whichever is sooner. (191/2014)

Seconded Cr Nolan

Carried

Next Ordinary Meeting of Council to be held 6.00 pm Tuesday 14 January 2014.

Meeting closed at 8.33 pm.

_____ signed _____ date
Mayor Peter Riseley