

District Council of Robe

**MINUTES**

Minutes of the Ordinary Council Meeting held Tuesday 13 March 2012, commencing at 6.00 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 Lawrence Polomka, Rino Dell'Antonio, Jenny Mathews, Kristina Alexander and Harvey Nolan.

**APOLOGY**

Cr John Enright

**STAFF IN ATTENDANCE**

Chief Executive Officer, Mr Bill Hender, Works Operation Coordinator, Mr Trevor Hondow and Minute Takers, Miss Kellie Jordan and Ms Anne-Marie Peters

Cr Dell'Antonio entered the meeting at 6.02 pm

**CONFLICT OF INTEREST**

Nil

**PUBLIC FORUM**

Mr Mark Giles – Robe Bowling Club

Request for loan from Council to install synthetic greens, which would reduce maintenance costs and provide longer greens.

Financial figures of Robe Bowling Club was presented to Council.

Mr Ian Bruce

Endorsed Robe Bowling Club's request to Council for loan of \$100,000 to install synthetic greens.

Mr Bruce farewelled CEO Mr Bill Hender and Ms Kellie Jordan, thanking them for their efforts and contributions to Council and community at large.

## CONFIRMATION OF MINUTES

### 8.1 Ordinary Council Meeting Minutes 14 February 2012

Cr Alexander moved that **the minutes of the Ordinary Council Meeting 14 February 2012 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting (168/2012)**

Seconded Cr Nolan

Carried

### 8.2 Special and Confidential Council Meeting Minutes 23 February 2012

Cr Mathews moved that **the minutes of the Special and Confidential Council Meeting 23 February 2012 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting. (169/2012)**

Seconded Dell'Antonio

Carried

## BUSINESS ARISING FROM MINUTES

Nil

## MAYOR'S REPORT

### CEO RECRUITMENT PROCESS

McArthur [SA] Pty Ltd has been appointed to run the recruitment process. Advertising will commence on the 17/3/12 the closing date being Monday 2/4/12.

It is anticipated the successful candidate should commence duty early to mid June.

### INTERIM RELIEVING CEO

Mr Dean Gollan will commence as relieving CEO from Monday 19 March until the commencement of the successful candidate.

Dean has recently retired as the CEO of the Mid Murray Council and comes highly recommended.

On behalf of Council and the community I would like to extend a very warm welcome to Dean and his family.

### TREE REMOVAL LAKESIDE CORNER

There have been several queries about the tree removed from the Lakeside corner. It is not Council policy to unnecessarily remove trees; this particular Cypress Pine was assessed as being in poor health and a liability to public safety. The cost of removal has been shared equally between Council and the Department of Planning Transport and Infrastructure.

### INTERSECTION UPGRADES

The intersections at Fairfield road and Sandy Lane are being upgraded as a joint project between Council and the Department of Planning Transport and Infrastructure.

Further upgrades are under consideration of other intersections where rural roads intersect with the highway in future budgets.

## **ELECTED MEMBER REPORTS**

### Cr Rino Dell'Antonio

- 21/02/2012 Robe Marina Committee Meeting
- 23/02/2012 Council Workshop
- 23/02/2012 Special Council Meeting
- 28/02/2012 Council Member Induction with John Comrie
- 05/03/2012 Meet with McArthur Consulting re CEO Recruitment

### Cr Jenny Mathews

- 16/02/2012 Training with Mellor Olsson
- 16/02/2012 Meeting with Alice Ralph & Gabriella Vikor DPLG re Funding
- 21/02/2012 Royal Circus Opening Meeting
- 23/02/2012 Obelisk Carpark re Funding
- 23/02/2012 Council Workshop
- 23/02/2012 Special Council Meeting
- 28/02/2012 Council Member Induction with John Comrie
- 05/03/2012 Meet with McArthur Consulting re CEO Recruitment
- 07/03/2012 Meet with DENR re Saving Obelisk
- 08/03/2012 Bill Hender's Farewell
- 13/03/2012 Meet with Rowe & Associates
- 13/03/2012 Council Meeting

Mayor Peter Riseley

- 16/02/2012 Training with Mellor Olsson
- 20/02/2012 Audit Committee Meeting
- 21/02/2012 Royal Circus Opening Meeting
- 21/02/2012 CDAP Committee Meeting
- 21/02/2012 Marina Committee Meeting
- 23/02/2012 Council Workshop
- 23/02/2012 Special Council Meeting
- 27/02/2012 Meet with Minster Caica in Mt Gambier re Marine Parks
- 28/02/2012 Council Member Induction with John Comrie
- 29/02/2012 Meet with Bill Hender, Geoff Wells and Ritchie White
- 04/03/2012 Clean Up Australia Day
- 05/03/2012 Radio Interview
- 05/03/2012 Selection Panel
- 05/03/2012 Meet with Bill Hender and Dean Gollan
- 06/03/2012 Coast Care Meeting
- 07/03/2012 Meet with DENR re Obelisk
- 08/03/2012 LCCCMG
- 08/03/2012 Bill Hender's Public Farewell
- 09/03/2012 Meeting with Mark Giles & CEO re Bowling Club
- 13/03/2012 Representation Review with Craig Lowe & Associates

**SECTION 41 COMMITTEES**

12.1 Robe Marina Committee Meeting Minutes 21 February 2012

Cr Nolan moved that **the minutes of the Robe Marina Committee Meeting 21 February 2012 be received.**  
(170/2012)

Seconded Cr Dell'Antonio

Carried

12.2 CDAP Meeting Minutes 21 February 2012

Cr Mathews moved that **the minutes of the CDAP Committee meeting 21 February 2012 be received.**  
(171/2012)

Seconded Cr Alexander

Carried

12.3 Audit Committee Minutes 20 February 2012

Cr Polomka moved that **the minutes of the Audit Committee Meeting 20 February 2012 be received.**  
(172/2012)

Seconded Cr Alexander

Carried

**OFFICER'S REPORTS – Chief Executive Officer**

14.1.1 Alteration to Bank Signatories

Cr Nolan moved that **Council's bank signatories be altered to add Dean Gollan and delete William Hender at the conclusion of the term of employment of the current CEO.** (173/2012)

Seconded Cr Polomka

Carried

14.1.2 Boatlift Fees – Request to Waive

Cr Nolan moved that Council waive the \$562.09 boat lift fee charged to Steven Kennett, owner of "Loaded Dice".

Seconded Cr Polomka

*Defeated*

14.1.3 Financial Support Grant – Call for Applications

Cr Alexander moved that **Council calls for applications for the Financial Support Grant 2012/2013, to assist local sporting and community organisations.**  
(174/2012)

Seconded Cr Dell'Antonio

Carried

14.1.4 Policy 1.30 Interaction of Acts

Cr Mathews moved that **Council adopts Policy 1.30 Interaction of the Development Act 1993 (SA), the State Records Act 1997 (SA) and the Freedom of Information Act 1991 (SA) with the Copyright Act 1968 (CTH), as presented.** (175/2012)

Seconded Cr Dell'Antonio

Carried

14.1.5 Request for Loan – Robe Bowling Club

Cr Dell'Antonio moved **that Council agree to the request from the Robe Bowling Club for a loan of \$100,000 for a period of ten years with the Club to make annual principal and interest repayments.**  
(176/2012)

Seconded Cr Mathews

Carried

14.1.6 Road Closures – Royal Circus Redevelopment Opening

Cr Alexander moved **that pursuant to the powers conferred on the Minister for Transport in Section 33 of the Road Traffic Act 1961 and delegated to Council's by the Minister on 12 March 2001, the District Council of Robe hereby advises that the event known as the "Royal Circus Redevelopment Opening" be an event to which Section 33 of the Road Traffic Act 1961 applies and; makes this order, temporarily closing the following streets in the Robe Township:**

**The following roads will be closed to traffic between 8.30am – 11.30am Sunday 1 April 2012:**

- **Royal Circus – between Mundy Terrace and Lipson Terrace (southern side)**
- **Cooper Street, from Royal Circus to Smillie Street**

**Makes an order exempting persons participating in the event from the following Australian Road Rules:**

- **230 Crossing a road (general)**
- **Pedestrians traveling along a road (except in or on a wheeled recreational device or toy)**
- **How persons must travel in a vehicle do not exceed the speed of 25km/hr on the portions of the road described above during the period specified above. (177/2012)**

Seconded Cr Polomka

Carried

Cr Alexander left the meeting at 6.37pm.

Cr Alexander returned to the meeting at 6.39pm.

14.1.7 Robe Airfield Lease

Cr Alexander moved **that Council lease the Robe Airfield to Dylan Coxon for a term of two years under similar terms and conditions as the previous lease agreement.** (178/2012)

Seconded Cr Dell'Antonio

Carried

14.1.8 Robe Football Club – Alteration to Clubrooms

Cr Dell'Antonio moved **that the Robe Football Club be advised that Council has no objection to the proposed alteration to their clubrooms subject to Development Approval being granted.** (179/2012)

Seconded Cr Mathews

Carried

14.1.9 Selection Panel CEO Recruitment

Cr Mathews moved **that Council advise McArthurs that the selection panel for the recruitment of a new Chief Executive Officer will consist of all Elected Members who are available to participate in the process.** (180/2012)

Seconded Cr Alexander

Carried

**OFFICER'S REPORTS – Finance Officer**

14.2.1 Finance Report February 2012

14.2.2 Payment Listing February 2012

Cr Polomka moved **that Council notes the Finance Report and Payment Listing February 2012.** (181/2012)

Seconded Cr Nolan

Carried

## OFFICER'S REPORTS – General Inspector

### 14.3.1 Dog Registration Fees

Cr Alexander moved **that Council adopts the new dog fee schedule for 2012/2013, as presented.** (182/2012)

Seconded Cr Mathews

Carried

## OFFICER'S REPORTS – Works Operation Coordinator

### 14.4.1 Works report February 2012

Construction of the walkway on Harold Street has been completed. Line marking contractors will be in Robe in April, so signage and line marking will happen then. Construction has started on the entrance and car park in front of Robe Garage and Sky Seafood – this will continue throughout March.

Contractors are working on the Sandy Lane entrance to the Southern Ports Highway; this will be bituminised in the next month.

Street sweeping throughout the town has been started and will be completed before Easter. Storm water pit cleaning has been completed.

The patrol grader is having maintenance carried out on it while the conditions for grading are dry. Roads graded in the last month were Barnett Swamp Road, Baxter's Hill Road, Bog Lane, Bowaka Road, Dairy Range Road, Nora Creina Road and Powells Road.

Cr Polomka moved **that Council receives the Works Operation Coordinator Report February 2012.** (183/2012)

Seconded Cr Nolan

Carried

## OFFICER'S REPORTS – Director of Childcare Services

### 14.5.1 CCOWS Report February 2012

Cr Alexander moved **that Council receives the CCOWS Report February 2012.** (184/2012)

Seconded Cr Nolan

Carried

## URGENT BUSINESS

Nil

## CONFIDENTIAL ITEMS

### 19.1 Appointment to Council's Development Assessment Panel

Cr Mathews moved:

- i. that under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public (not including Chief Executive Officer Bill Hender, Works Operation Co-ordinator Trevor Hondow and Minute Takers Kellie Jordan and Anne-Marie Peters) be excluded from attendance at the Meeting in order to consider in confidence Agenda Item titled 19.1 Appointment to Council's Development Assessment Panel;
- ii. that under the provisions of Section 83(5) the council is satisfied that it is necessary that the public be excluded to enable the council to consider the matter on the following grounds:  
*-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);*
- iii. that accordingly on this basis, the council considers it necessary and appropriate to act in a meeting closed to the public in order to receive, discuss and consider information and that the council is satisfied that the principle of the meeting should be conducted in a place open to the public has been outweighed. (185/2012)

Seconded Cr Dell'Antonio

Carried

**Cr Alexander moved that the report concerning the appointment of members to Council's Development Assessment Panel be received. (186/2012)**

Seconded Cr Nolan

Carried

**Cr Mathews moved that Council appoint Mr Robert Miles as an independent member of Council's Development Assessment Panel for a two year period, effective 7 April 2012 and concluding on 7 April 2014. (187/2012)**

Seconded Cr Dell'Antonio

Carried

**Cr Nolan moved that Council appoint Mr Neils Hansen as an independent member of Council's Development Assessment Panel for a two year period, effective 7 April 2012 and concluding on 7 April 2014. (188/2012)**

Seconded Cr Mathews

Carried

**Cr Nolan moved that Council appoint Mr David Yates as an independent member of Council's Development Assessment Panel for a two year period, effective 7 April 2012 and concluding on 7 April 2014. (189/2012)**

Seconded Cr Alexander

Carried

**Cr Nolan moved that Council appoint Mayor Riseley and Crs Mathews and Enright as members on Council's Development Assessment Panel for a two year period effective 7 April 2012 and concluding on 7 April 2014. (190/2012)**

Seconded Cr Dell'Antonio

Carried

**Cr Nolan moved that Council appoint David Chapman to the position of Presiding Member of Council's Development Assessment Panel for a two year period effective 7 April 2012 and concluding on 7 April 2014. (191/2012)**

Seconded Cr Alexander

Carried

**Cr Alexander 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 CDAP Membership, 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. (192/2012)**

Seconded Cr Dell'Antonio

Carried

## 19.2 Review of Confidential Minutes

Cr Dell'Antonio moved:

- i. that under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public (not including Chief Executive Officer Bill Hender, Works Operation Co-ordinator Trevor Hondow and Minute Takers Kellie Jordan and Anne-Marie Peters) be excluded from attendance at the Meeting in order to consider in confidence Agenda Item titled 19.2 Confidential Minutes Review;
- ii. that under the provisions of Section 83(5) the council is satisfied that it is necessary that the public be excluded to enable the council to consider the matter on the following grounds:  
**-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);*
  - (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;*
  - (d) *Commercial information of a confidential nature (not being a trade secret) the disclosure of which – (i) 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 (ii) would, on balance, be contrary to the public interest;*
  - (e) *Matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person;*
  - (g) *Matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;*
  - (h) *Legal advice;*
  - (i) *Information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take*

*place, involving the council or an employee of the council;*

*(k) Tenders for the supply of goods the provision of services or the carrying out of works;*

iii. that accordingly on this basis, the council considers it necessary and appropriate to act in a meeting closed to the public in order to receive, discuss and consider information and that the council is satisfied that the principle of the meeting should be conducted in a place open to the public has been outweighed. (193/2012)

Seconded Cr Alexander

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 19.2 Review of Confidential Minutes, 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);*

*(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;*

*(d) Commercial information of a confidential nature (not being a trade secret) the disclosure of which – (i) 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 (ii) would, on balance, be contrary to the public interest;*

*(e) Matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person;*

*(g) Matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or*

- tribunal constituted by law, any duty of confidence, or other legal obligation or duty;*
- (h) Legal advice;**
  - (i) Information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;**
  - (k) Tenders for the supply of goods the provision of services or the carrying out of works; for a period of 18 months. (217/2012)**

Seconded Cr Alexander

Carried

Next Ordinary Meeting of Council to be held: 6.00 pm Tuesday 10 April 2012.

Meeting closed at 7.42 pm.

\_\_\_\_\_ signed  
Mayor Peter Riseley

\_\_\_\_\_ date