

District Council of Robe

MINUTES

Minutes of the Ordinary Council Meeting held 13 November 2012, commencing at 6.01 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, Kristina Alexander, Harvey Nolan and Lawrence Polomka.

STAFF IN ATTENDANCE

Chief Executive, Mr Roger Sweetman, Works Operation Coordinator, Mr Trevor Hondow, Minute Taker, Ms Anne-Marie Peters.

Cr Dell'Antonio entered the meeting at 6.02 pm.

APOLOGIES Nil

CONFLICT OF INTEREST

Nil

PUBLIC FORUM

- 5.1 Elector Representation Review
Mr & Mrs Aylesbury were invited to address Council in support of their submission, but were unable to attend meeting.

ADDRESS

Nil

ADJOURNED MATTERS

- 7.1 Statement of Intent (SOI) – Development Plan Amendment for the Robe Golf Course and Adjoining Land

Cr Nolan moved that **the District Council of Robe having considered Report No 7.1 “Statement of Intent (SOI) – Development Plan Amendment for the Robe Golf Course and Adjoining Land”, accept the Statement of Intent as presented. (101/2013)**

Seconded Cr Enright

Carried

CONFIRMATION OF MINUTES

- 8.1 Ordinary Council Meeting Minutes 9 October 2012

Cr Alexander moved that **the minutes of the Ordinary Council meeting held on 9 October 2012 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting. (102/2013)**

Seconded Cr Dell'Antonio

Carried

- 8.2 Confidential Council Meeting Minutes 9 October 2012

Cr Mathews moved that **the minutes of the Confidential Council meeting held on 9 October 2012 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting. (103/2013)**

Seconded Cr Enright

Carried

BUSINESS ARISING FROM MINUTES

Nil

MAYOR'S REPORT

Southern Ocean Art Prize

Well done to the organising committee, sponsors and entrants, once again you have delivered a well run and enjoyable event. The standard of entries was amazing and we look forward to next year's event.

Advantage SA Awards

Congratulations to Jo Jo Spook on winning the DR PC arts award category.

Coastal Walking Trail

With the completion of the new walking trail from the Caledonian to the Obelisk there is the need to upgrade the faded and rusted out signage. If any person has what they consider interesting photographs pertaining to historical sights along the pathway, could they please contact Council.

Examples are the old slipway, unloading at the old jetty, Fords Fish Factory, old jail and the cannery at Factory Bay.

Tourism Operators & Businesses

50 to 60 interested persons attended the meeting held at the Football Club on 7 November 2012. It was clearly articulated that Robe needed a representative body and a strong voice, which needs to be comprehensive, inclusive with all sectors of the business community being involved, and needs to be district wide and affordable to all levels of business both large and small.

As a result, a Steering Group volunteered with representatives from all business sectors being included. The immediate tasks identified by the meeting being that of a robust and legally sound constitution. Further news will be conveyed as the group progresses.

Coast Protection Board

A regional visit by the Coast Protection Board on Thursday 8 November 2012 provided the opportunity for Board members to view first hand a range of local sites. Those visited were the cliff collapse site near Sea Vu Caravan Park, town beach and

associated dune system, Karatta beach and the breakwater and the Obelisk.

Council expects the Board will forward a report of the visit including advice and management options to mitigate the associated risks.

Robetown Tour

On the weekend of 10 and 11 November 2012 the Southern Ports Vehicle and Restoration Club SA was the host club for the annual Upper South East 4 Clubs Tour.

It was a great event with perfect weather; well organised, nostalgic and great to be invited to. The dinner, prepared and served by the Robe Lions Club, was great as was the entertainment from the Robe Players and Elise Lehmann. Congratulations on a great event to all involved.

Season's Greetings

As the next newsletter is the last one before Christmas, I would like to wish all in the community and visitors to our town a very joyous Christmas and prosperous New Year.

ELECTED MEMBER REPORTS

Cr Rino Dell'Antonio

- 30/10/12 Delegations Workshop
- 13/11/12 Ordinary Council Meeting

Cr Jenny Mathews

- 16/10/12 CDAP Meeting
- 16/10/12 Council Workshop
- 26/10/12 Greet the Governor SA
- 26/10/12 Opening Bird Hide by Governor
- 30/10/12 Delegations Workshop
- 02/11/12 Meet & Greet Kiwi Fishermen Wives for tour of Robe
- 07/11/12 Tourism Meeting
- 08/11/12 Coast Protection Board
- 13/11/12 Regional Trails – Katnook Winery
- 13/11/12 Ordinary Council Meeting

Cr Harvey Nolan

- 09/10/12 Ordinary Council Meeting
- 11/10/12 Lions Club – Boat Show Inspection
- 16/10/12 Robe Marina Committee Meeting

- 16/10/12 Delegations Workshop
- 22/10/12 Cruise Ship Meeting
- 22/10/12 Meeting with CE and Harbour Master - Marina
- 22/10/12 Meeting with Jamie Aitken – Boat Show
- 26/10/12 His Excellency Kevin Scarce & Mrs Scarce Visit to Robe
- 29/10/12 Attended a Meeting of Residents – Regarding Communication between Council & Community
- 07/11/12 Tourism Meeting
- 12/11/12 Vanessa McDonald – Robe Marina Accounts

Mayor Peter Riseley

- 09/10/12 Ordinary Council Meeting
- 10/10/12 Friends of SOAP Sponsors Night
- 12/10/12 Interviews Deputy Chief Executive
- 14/10/12 Working Bee Kingston Turnoff
- 15/10/12 Staff Meeting
- 15/10/12 Working Bee McIntyre Reserve – Coast Care
- 16/10/12 DAP Meeting, Robe Marina Committee Meeting, Council Workshop
- 22/10/12 Staff Meeting
- 22/10/12 SE Flows Meeting at Kingston
- 23/10/12 Meeting with Robe Golf Club and Chief Executive
- 23/10/12 Friends of Little Dip Meeting
- 24/10/12 Marine Parks Council Meeting in Adelaide
- 25/10/12 LGA Annual General Meeting
- 26/10/12 LGA Annual General Meeting
- 27/10/12 Southern Ocean Arts Prize
- 29/10/12 Regional Economic Diversity Forum at Mt Gambier
- 30/10/12 WIN TV Interview
- 30/10/12 KelledyJones Lawyers Delegations Workshop
- 31/10/12 Carparking meeting with Chief Executive
- 05/11/12 Marine Parks Council Meeting in Adelaide
- 07/11/12 Tourism Meeting
- 08/11/12 Coast Protection Board
- 08/11/12 Lions Business Dinner
- 10/11/12 SE Vehicle Restoration Club Robe Tour
- 13/11/12 Trails Project at Penola
- 13/11/12 Tourism Meeting at Penola

SECTION 41 COMMITTEES

12.1 CDAP Minutes 16 October 2012

Cr Enright moved that **the minutes of the CDAP meeting held on 16 October 2012 be received.** (104/2013)

Seconded Cr Mathews

Carried

12.2 Robe Marina Committee Minutes 16 October 2012

Cr Nolan moved that **the minutes of the Robe Marina Committee meeting held on 16 October 2012 be received.** (105/2013)

Seconded Cr Dell'Antonio

Carried

REPORTS OF ASSOCIATED BODIES

Nil

OFFICER'S REPORTS – Chief Executive

14.1.1 Elector Representation Review

The District Council of Robe having considered report No. 14.1.1 "Elector Representation Review" pursuant to Section 12 of the Local Government Act, place the following proposal before the community seeking their comment:

Cr Mathews moved **that the Elector Representation proposal state that the Presiding Member of Council be a Mayor elected by the electors.** (106/2013)

Seconded Cr Enright

Carried

Cr Dell'Antonio moved **that the Elector Representation proposal state that Council will not be divided into wards.** (107/2013)

Seconded Cr Nolan

Carried

Cr Dell'Antonio moved **that the Elector Representation proposal state that the number of councilors, excluding the Presiding Member, be six.** (108/2013)

Seconded Cr Polomka Carried

Cr Mathews moved **that the Elector Representation proposal state that there is no change to the name of the Council.** (109/2013)

Seconded Cr Dell'Antonio Carried

14.1.2 Appointment of Deputy Chief Executive

Cr Nolan moved that **the District Council of Robe having considered Report No 14.1.2 "Appointment of Deputy Chief Executive", appoint Lyndon Prior as the Deputy Chief Executive pursuant to Section 100 of the Local Government Act 1999.** (110/2013)

Seconded Cr Mathews Carried

14.1.3 Request for Refund of Development Application Fees – L Holloway

Cr Alexander moved that the District Council of Robe having considered report No. 14.1.3 "Request for Refund of Development Application Fees – L Holloway" refund the entire application fees of \$573.00.

Seconded Cr Dell'Antonio

Amendment

Cr Enright moved that half the fees be refunded to Ms Holloway. (111/2013)

Seconded Cr Nolan

The amendment became the motion and was put to the vote and was carried. Carried

14.1.4 Review of Council Policies – Public Consultation Policy

Cr Alexander moved **that the District Council of Robe having considered report No. 14.1.4 “Review of Council Policies – Public Consultation Policy”, adopt the policy as appearing at the conclusion of this meetings minutes. (112/2013)**

Seconded Cr Mathews

Carried

14.1.5 Adoption of a Busking Policy Robe

Cr Dell’Antonio moved that the District Council of Robe having considered report No. 14.1.5 “Adoption of Busking Policy Robe does not allow busking within Robe.

No Seconder

Lapsed

Cr Mathews moved **that the District Council of Robe having considered report No. 14.1.5 “Adoption of Busking Policy Robe”**

- 1. Allows busking within Robe.**
- 2. Adopts the Busking Policy appearing at the conclusion of this meetings minutes. (113/2013)**

Seconded Cr Nolan

Carried

14.1.6 Adoption of 2011-2012 District Council of Robe Annual Report

Cr Dell’Antonio moved **that the District Council of Robe having considered report No. 14.1.6 “Adoption of 2011-2012 District Council of Robe Annual Report, adopt the 2011-2012 Annual Report pursuant to Section 131 of the Local Government Act 1999 as appearing at the conclusion of these minutes. (114/2013)**

Seconded Cr Enright

Carried

14.1.7 Annual Review of Delegations to the Chief Executive

Cr Dell'Antonio moved that having conducted its annual review of Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. Revocations

1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

- 1.1.1 Community Titles Act 1996
- 1.1.2 Development Act 1993 and Development Regulations 1993
- 1.1.3 Dog & Cat Management Act 1995
- 1.1.4 Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 1994
- 1.1.5 Expiation of Offences Act 1996
- 1.1.6 Fences Act 1975
- 1.1.7 Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
- 1.1.8 Food Act 2001
- 1.1.9 Freedom of Information Act 1991
- 1.1.10 Housing Improvement Act 1940
- 1.1.11 Land & Business (Sale and Conveyancing) Act 1994
- 1.1.12 Liquor Licensing Act 1997
- 1.1.13 Local Government Act 1934
- 1.1.14 Local Government Act 1999
- 1.1.15 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions – Levies) Regulations 2005
- 1.1.16 Occupational Health Safety & Welfare Act 1986
- 1.1.17 Public and Environmental Health Act 1987 and Public and Environmental Health (Waste Control) Regulations 1995
- 1.1.18 Roads (Opening & Closing) Act 1991

- 2.1.10 Liquor Licensing Act 1997 (Appendix 10)
 - 2.1.11 Local Government Act 1934 (Appendix 11)
 - 2.1.12 Local Government Act 1999 (Appendix 12)
 - 2.1.13 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions – Levies) Regulations 2005 (Appendix 13)
 - 2.1.14 Roads (Opening & Closing) Act 1991 (Appendix 14)
 - 2.1.15 Occupational Health Safety and Welfare Act 1986 (Appendix 15)
 - 2.1.16 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999 (Appendix 16)
 - 2.1.17 Unclaimed Goods Act 1987 (Appendix 17)
- 2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each proposed Instrument of Delegation
3. Delegations made under Development Act 1993
- 3.1 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (annexed to the Report dated 13 November 2012 and entitled “Annual Review of Delegations to the Chief Executive” and marked Appendix 18) (distributed under separate cover) are hereby delegated this 13th day of November 2012 to the person occupying the office of Chief Executive Officer, subject to the conditions or

limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

- 3.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.**
- 3.3 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993 the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (annexed to the Report dated 13 November 2012 and entitled “Annual Review of Delegations to the Chief Executive” (disturbed under separate cover) and which are specified below are hereby delegated to the Council’s Development Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.**
- 3.4 The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):**
- 3.4.1 the provisions of the appropriate Development Plan;**
 - 3.4.2 In relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;**

- 3.4.3 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;**
- 3.4.4 the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and**
- 3.4.5 such other matters as may be prescribed.**
- 3.4.6 The power pursuant to Section 33(3) of the Act, when granting development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.**
- 3.5 The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.**
- 3.6 The power pursuant to Section 38 of the Act to assign a public notification category to a development application.**
- 3.7 If a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the Delegate's absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation.**

- 3.8 The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.**
- 3.9 The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act.**
- 3.10 The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38.**
- 3.11 The power pursuant to Section 39(2), but subject to Section 39(2a) and (2b), of the Act to request an applicant to:**
- 3.11.1 provide such additional documents or information to enable assessment of the application;**
 - 3.11.2 remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;**
 - 3.11.3 consult with an authority or body prescribed by the Regulations;**
 - 3.11.4 (where required by the Regulations) prepare a statement of effect in relation to non-complying development; and**

- 3.11.5** comply with any other requirement prescribed by the Regulations.
- 3.11.6** Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to -
 - 3.11.6.1** subject to Section 39(3)(b)(ii) of the Act, refuse the application; and
 - 3.11.6.1** refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).
- 3.12** The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.
- 3.13** The power pursuant to Section 39(4) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed.

- 3.14 The power pursuant to Section 39(7) of the Act to approve of an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative.**
- 3.15 The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development.**
- 3.16 The power pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative.**
- 3.17 Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7)(a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.**
- 3.18 The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.**
- 3.19 The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application.**
- 3.20 The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.**

3.21 The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments where one or more allotments is less than one hectare in area, to require:

- 3.21.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as opens space; or**
- 3.21.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of by Section 50 of the Act; or**
- 3.21.3 that the land be vested in the Council and that the applicant make a contribution determined in accordance with Section (7) of the Act,**
- 3.21.4 according to the determination of the Council or Delegate.**

3.22 The power pursuant to Section 50(1) of the Act, when proposing to take any action that is at variance with the Council's Development Plan to seek the concurrence of the Development Assessment Commission.

3.23 The power pursuant to Section 50(3) and 50(2)(d) of the Act to enter into an agreement on behalf of Council with the Development Assessment Commission and the applicant under which certain land described by the relevant plan of division will be vested in the Council

3.24 The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in ages such that Section 50 of the Act does not apply to an application for development authorization to the extent that an earlier application in respect of the same development has addressed the requirement of Section 50 of the Act in respect of the area of land as a whole.

- 3.25 The power pursuant to Section 50A(5)(c) of the Act to determine that a proposal does not provide sufficient spaces for the parking of cars at the site of a development.**
- 3.26 The power pursuant to Section 50A(5)(d) of the Act to agree with an applicant that a contribution calculated in accordance with a determination of the Council or the Delegate can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of the development.**
- 3.27 The power pursuant to Section 50A(5) of the Act to make a determination for the purpose of calculating amounts to be paid into a car parking fund.**
- 3.28 The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a “Commonwealth Act document”) as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act.**
- 3.29 The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act in relation to the procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.**
- 3.30 The power pursuant to Section 52A((2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement,**

assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protections and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of eth Act.

- 3.31 The power pursuant to Section 52A(5) of the Act where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity or includes an activity for which a development authorization is required under the Act to, when considering an application for a development authorization or for the variation of a development authorization, for the activity, use information and other material provided to the Commonwealth Minister under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.**
- 3.32 The power pursuant to Section 101(1) of the Act, in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications.**
- 3.33 The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have concluded.**
- 3.34 The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and**

convenient movement of vehicles or pedestrians or for underground services.

3.35 The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of very cul-de-sac where it appears that the cul-de-sac is likely to become a through road.

3.36 The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.

3.37 The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.

3.38 The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the head of a cul-de-sac where the Delegate is of the opinion that the cul-de-sac is likely to become a through road.

3.39 The power pursuant to Regulation 53(6) of the Regulations to dispense with the requirement of Regulation 43(5) dealing with the forming of footpaths, water-tables, kerbing, culverts and drains on proposed roads.

3.40 The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing for the roadway of proposed roads.

3.41 The power pursuant to Regulation 77(3)(b) of the Regulations to approve the manner of installation of a waste control system for the treatment and disposal of sewage and sullage from a building.

4 Delegations made under Food Act 2001

4.1 In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the

proposed Instrument of Delegation (annexed to the Report dated 13 November 2012 and entitled “Annual Review of Delegations to the Chief Executive” and marked Appendix 19) (distributed under separate cover) are hereby delegated this 13th day of November 2012 to the person occupying the office of Chief Executive Officer (“the head of the enforcement agency” for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.

4.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.

5 Delegations made under Public and Environmental Health Act 1987

5.1 In exercise of the power contained in Section 6 of the Public and Environmental Health Act 1987, the powers and functions under the Public and Environmental Health Act 1987, Public and Environmental Health (Waste Control) Regulations 2010 and Public and Environmental Health (Legionella) Regulations 2008 contained in the proposed Instrument of Delegation (annexed to the Report dated 13 November 2012 and entitled “Annual Review of Delegations to the Chief Executive” and marked Appendix 20) (distributed under separate cover) are hereby delegated this 13th day of November 2012 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Public Environmental Health Act 1987.

5.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Public and Environmental Health Act 1987.

6 Delegations under Supported Residential Facilities Act 1992

6.1 In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in the proposed Instrument of Delegation (annexed to the Report dated 13 November 2012 and entitled "Annual Review of Delegations to the Chief Executive" and marked Appendix 21) (distributed under separate cover) are hereby delegated this 13th day of November 2012 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

7 Authorisation and Sub-delegation under the Road Traffic Act 1961

7.1 That, in accordance with the Notice to Council dated 27 April 2009 from the Minister of Transport ("the Minister's Notice"), the Council authorizes the following officers to exercise, for, and on behalf of the Council, the power conferred on the Council pursuant to the following clauses of the Minister's Notice in relation to the Road Traffic Act 1961:

- Clause A.1 Works Operation Co-ordinator and General Inspector**
- Clause B.1 Works Operation Co-ordinator and General Inspector**
- Clause C.1 Works Operation Co-ordinator and General Inspector**

**Clause D.1 Works Operation Co-ordinator and
General Inspector**

**Clause E.1 Works Operation Co-ordinator and
General Inspector**

subject to:

- (i) the conditions contained in the Minister's Notice; and**
- (ii) where applicable the conditions contained within the "Notice from the Commissioner of Highways for the Temporary use of Traffic Control Devices by persons other than Road Authorities" dated 8 April 2002, as amended from time to time;**
- (iii) any conditions contained in this Resolution or in such instrument; and**
- (iv) the creation of a separate instrument in writing reflecting such authorisations under the Minister's Notice and this Resolution.**

7.2 The said instrument shall be in substantially the same form as the proposed instrument of authorization annexed to the Report dated 13 November 2012 and entitled "Annual Review of Delegations to the Chief Executive" and marked Appendix 22 (distributed under separate cover).

7.3 In exercise of the power contained in, and in accordance with, Clause F.1 of the Notice to Council dated 27 April 2009 from the Minister for Transport ("the Minister's Notice"), the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause F of the Minister's Notice is hereby sub-delegated to the person occupying the office of Chief Executive Officer of the Council subject to:

- (i) the conditions contained in the Minister's Notice; and**
- (ii) any conditions contained in this Resolution or in such instrument; and**
- (iii) the creation of a separate instrument in writing reflecting such sub-delegation under the Minister's Notice and this Resolution.**

- 7.4 The said instrument shall be in substantially the same form as the proposed instrument of sub-delegation annexed to this Report dated 13 November 2012 and entitled “Annual Review of Delegations to Chief Executive” and marked Appendix 23 (distributed under separate cover). (115/2013)**

Seconded Cr Alexander

Carried

14.1.8 Mayoral Christmas Parade – Road Closure Requirements

Cr Enright moved that the District Council of Robe having considered Report No 14.1.8 “Mayoral Christmas Parade – Road Closure Requirements” pursuant to the powers conferred on the Minister for Transport by Section 33 of the Road Traffic Act 1961 and delegated to Council by the Minister on 12 March 2001, the District Council of Robe hereby advises:

That the event known as “Mayoral Christmas Parade” to 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:

(a) The following roads will be closed to traffic from 4.30pm to 8.30pm Saturday 15 December 2012;

- Mundy Terrace from the intersection of Morphett Street to the intersection of Davenport Street, and**
- Bagot Street from the intersection of Smillie Street to the intersection of Mundy Terrace**

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

230 – Crossing a road (general)

238 – Pedestrians travelling along a road (except in or on a wheeled recreational device only)

268 - 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.

298 - Driving with a person in a trailer only when the participating vehicles do not exceed the speed of 25km/hr on the portion of the road described above and during the period above. (116/2013)

Seconded Cr Mathews

Carried

14.1.9 Information Report October 2012

Cr Nolan moved that the District Council of Robe having considered Report No 14.1.9 "Information Report October 2012" be received. (117/2013)

Seconded Cr Polomka

Carried

Cr Dell'Antonio left the meeting at 7.02pm

OFFICER'S REPORTS – Works Operation Coordinator

14.2.1 Works Report October 2012

Cr Enright moved that report No. 14.2.1 "Works Report October 2012" be received. (118/2013)

Seconded Cr Polomka

Carried

OFFICER'S REPORTS – Finance Officer

14.3.1 Finance Report October 2012

Cr Polomka moved that the District Council of Robe having considered Report No 14.3.1 "Finance Report October 2012" receives the report. (119/2013)

Seconded Cr Nolan

Carried

OFFICER'S REPORTS – Director of Childcare

14.4.1 CCOWS Report October 2012

Cr Alexander moved **that the District Council of Robe having considered Report No 14.4.1 “CCOW Report October 2012” receives the report.** (120/2013)

Seconded Cr Enright Carried

CORRESPONDENCE

Cr Alexander moved **that correspondence items No.15.1 to 15.15 be received en mass.** (121/2013)

Seconded Cr Polomka Carried

15.10 Wendy Campana – Development (Private Certification) Amendment Bill 2012

Cr Enright moved **that the Chief Executive write to the Local Government Association (copy to Minister of Planning and the Local Member) regarding the Development (Private Certification Amendment Bill) 2012 expressing Council's concerns.** (122/2013)

Seconded Cr Mathews Carried

15.16 The Hon Simon Crean MP – RDAF Keeps Delivering for Regional Australia

Cr Nolan moved **that the correspondence be received.** (123/2013)

Seconded Cr Enright Carried

Cr Nolan moved **that the District Council of Robe submit an application for funding from the Regional Development Australia Fund, (round three/round four), for upgrading marine facilities including the strategic dredging areas at the Robe Marina, and investigate the possibility of making a**

**joint application with the District Council of Grant.
(124/2013)**

Seconded Cr Enright

Carried

Cr Mathews called for a division:

For

Cr Nolan
Cr Enright
Cr Polomka
Cr Alexander

Against

Cr Mathews

NOTICES OF MOTION

Nil

QUESTIONS ON NOTICE

Nil

GENERAL BUSINESS

Regional Trail Plan

Cr Enright moved **that the District Council of Robe provide in principle support to the establishment of a Regional Trails Master Plan.** (125/2013)

Seconded Cr Nolan

Carried

URGENT BUSINESS

Nil

CONFIDENTIAL ITEMS

Nil

Next Ordinary Meeting of Council to be held 6.00 pm Tuesday 11 December 2012.

Meeting closed at 7.50 pm.

_____ signed
Mayor Peter Riseley

_____ date