

District Council of Robe

MINUTES

Minutes of the Ordinary Council Meeting held 14 May 2013, 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.

Cr Dell'Antonio entered the meeting at 6.01pm.

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 Coordinator, Mr Trevor Hondow and Minute Taker, Ms Anne-Marie Peters.

APOLOGIES Nil

CONFLICT OF INTEREST

Nil

PUBLIC FORUM

Mr Robert Seymour

Mr Seymour asked Council on the progress of PLEC underground power lines on the Esplanade

Mr Richard Ogilvie

Realignment of Old Naracoorte Road and his property.

ADDRESS

Nil

ADJOURNED MATTERS

7.1 Confidential Minutes Review

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 7.1 titled "Confidential Minutes Review" and that the Council is satisfied 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:

- *(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;*

- ***(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; and***
- ***(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.***
(272/2013)

Seconded Cr Alexander

Carried

Resumed Ordinary Council Meeting at 6.08 pm

- 7.1 Human Resource Management – Council Staff
Cr Mathews moved **that the Confidential Minutes and all associated documents dated 13/03/2007 Resolution Number 357/2007 be released.** (273/2013)

Seconded Cr Enright

Carried

- 7.2 Staff Matters and Pending Legal Matters
Cr Nolan moved **that the Confidential Minutes and all associated documents dated 09/11/2011 Resolution Number 72/2011 be released.** (274/2013)

Seconded Cr Mathews

Carried

Cr Alexander moved **that the minutes/reports that have had their confidentiality orders lifted be published in the public Council Minutes.** (275/2013)

Seconded Cr Dell'Antonio

Carried

CONFIRMATION OF MINUTES

8.1 Ordinary Council Meeting Minutes 9 April 2013

Cr Mathews moved that **the minutes of the Ordinary Council meeting held on 9 April 2013 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting.** (276/2013)

Seconded Cr Dell'Antonio

Carried

8.2 Confidential Council Meeting Minutes 9 March 2013

Cr Mathews moved that **the minutes of the Confidential Council meeting held on 9 April 2013 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting.** (277/2013)

Seconded Cr Nolan

Carried

BUSINESS ARISING FROM MINUTES

Nil

MAYOR'S REPORT

Beacon Hill Track

The Beacon Hill track has undergone upgrades to allow for emergency vehicle use if ever required. The upgrades change the status from an unmade road reserve to an emergency vehicle access track. The track is not suitable for use by public vehicles hence the fitting of the gates and associated signage. Council has a responsibility on behalf of all ratepayers to mitigate risk and has acted to do so in a responsible manner

The fitting of the gates does not preclude entry to those on mountain bikes or walkers who can still enjoy the use of this trail.

St Peter's Church

A committee has been set up to raise funds for much needed repairs to one of Robe's foremost icons. A project to replace the

roof will be the first priority. If you can assist with fund raising or would like to donate in some way please contact:
Peter & Susie 8768 2557, Marion 8768 2165 or Met 0488 681 843.

Assisting will help preserve a very important heritage building visible to all in its prominent position.

Community Radio Station

Radio stations bring communities together. Is there interest within our community to run and operate a Community Radio Station? Federal funding is available to assist with infrastructure costs through the Community Broadcast Foundation.

If you are interested please register your interest with Council as a first step and further enquires can be made.

Referendum for Constitutional Recognition of Local Government

Prime Minister Julia Gillard has announced the important news that the September 2013 Federal Election will include a referendum to amend the Australian Constitution to recognise Local Government. The referendum specifically seeks to amend Section 96 of the Constitution, which enables the Commonwealth to make payments to States.

There is bipartisan support for the proposal.

Voters are being encouraged to “vote yes” to this important amendment. The Community Newsletter will feature extensive information on this proposal.

ELECTED MEMBER REPORTS

Cr Rino Dell'Antonio

- 9/4/13 Council Meeting

Cr Jenny Mathews

- 9/4/13 Council Meeting
- 15/4/13 Community Workshop – Golf Club
- 16/4/13 Art Funding Meeting with Robert Miles
- 16/4/13 CDAP Meeting
- 16/4/13 Planning Chambers Workshop
- 23/4/13 Draft Budget Workshop
- 28/4/13 Asset Bus Road Trip

Mayor Peter Riseley

- 11/3/13 SA Power Networks at Mt Gambier
- 12/3/13 Meeting with Patrick Decker – Lake Charra
- 12/3/13 John Hinge Presentation
- 15/3/13 Planning Chambers Engage Robe at Golf Club
- 16/3/13 Meeting with CE, Cr Enright & Chris McLay re Robe Primary School
- 16/3/13 Damian Dawson – Planning Chambers
- 16/3/13 Meeting with Robert Miles & Cr Mathews – Art Trail Project
- 16/3/13 CDAP Meeting
- 16/3/13 Robe Marina Committee Meeting
- 18/3/13 LGA Showcase & Presentation
- 19/3/13 LGA Annual General Meeting
- 22/3/13 Meeting with CE, Cr Mathews & Kiri Birchall re Communication Strategy Tourism
- 23/3/13 Nick Bavenstock – Treasury Wines – Funding Project
- 26/3/13 Meeting with Angela Tolley, Wakefield Press & CE re Book Launch
- 28/3/13 Asset Bus Road Trip
- 29/3/13 SELGA Teleconference
- 29/3/13 Tony Abbott Community Forum at Kingston
- Jim Smith – Survey Work at McIntyre Reserve for Grant Submission
- Paul Regnier & Geoff Hunt re Commercial Arm at Robe Marina
- 1/5/13 Meeting with CE
- 2/5/13 Ann Daw and CE re Presentation on Mining
- 3/5/13 NRM Council Meeting –Adelaide
- 5/5/13 Working Bee McIntyre Reserve
- 6/5/13 Radio Interview – Flow FM
- 7/5/13 Radio Interview – ABC
- 8/5/13 Chainsaw Course at Kingston for Volunteers
- 9/5/13 Chainsaw Course at Kingston for Volunteers
- 9/5/13 Lions Club Dinner
- 8/5/13 Robe Tourism Association Meeting

COUNCIL COMMITTEES

12.1 CDAP Committee Meeting Minutes 16 April 2013

Cr Enright moved that **the minutes of the CDAP Committee meeting held on 16 April 2013 be received.**
(278/2013)

Seconded Cr Mathews

Carried

12.2 Robe Marina Committee Meeting Minutes 16 April 2013

Cr Nolan moved that **the minutes of the Robe Marina Committee meeting held on 16 March 2013 be received.**
(279/2013)

Seconded Cr Dell'Antonio

Carried

REPORTS OF ASSOCIATED BODIES

13.1 CCOWS Management Committee Minutes 3 April 2013

Cr Alexander moved that **the minutes of the CCOWS Management Committee meeting held on 3 April 2013 be received.** (280/2013)

Seconded Cr Mathews

Carried

Cr Enright moved **that with the leave of the meeting, item 14.1.3 "Road Realignment Old Naracoorte Road" be brought forward as the first item for consideration in the Chief Executive's Officers Reports** (281/2013)

Seconded Cr Polomka

Carried

14.1.3 Road Realignment Old Naracoorte Road

Cr Polomka moved that **the District Council of Robe having considered Report No 14.1.3 "Road Realignment Old Naracoorte Road" agree to purchase the land within the road realignment from RG Ogilvie at the price per hectare applied to the sale of Mr Ogilvie's property.**
(282/2013)

Seconded Cr Mathews

Carried

OFFICER'S REPORTS – Chief Executive

14.1.1 KESAB Sustainable Communities Awards

Cr Nolan moved that **the District Council of Robe having considered Report No 14.1.1 “KESAB Sustainable Communities Awards” contact the Robe Tourism Association seeking their interest in partnering Council in preparing an application for the Sustainable Communities Awards. (283/2013)**

Seconded Cr Mathews

Carried

14.1.2 Groundwater Investigation Community Waste Water Management System

Cr Polomka moved that **the District Council of Robe having considered Report No 14.1.2 “Groundwater Investigation Community Waste Water Management System” engage Tonkin Consulting to undertake additional groundwater investigations at the Robe Community Waste Water Management System as detailed in the proposal dated the 23rd April 2013. (284/2013)**

Seconded Cr Alexander

Carried

14.1.4 Removal of Trees – Robe Foreshore

Cr Alexander moved that **the District Council of Robe having considered Report No 14.1.4 “Removal of Trees – Robe Foreshore” approve the removal of three Norfolk Island Hibiscus Trees located within the avenue of Norfolk Island Pines growing on the foreshore adjacent Mundy Terrace. (285/2013)**

Seconded Cr Mathews

Carried

14.1.5 Future of Greenways Hall

Cr Polomka moved **that the District Council of Robe having considered Report No 14.1.5 “Future of Greenways Hall” undertake consultation with the Greenways Community seeking their views on the future of the Greenways Hall. (286/2013)**

Seconded Cr Dell’Antonio

Carried

14.1.6 Marina Dredging Project

Cr Nolan moved **that the District Council of Robe having considered Report No 14.1.6 “Marina Dredging Project” allocate \$200,000 within the 2013-2014 Draft Annual Business Plan and Budget to undertake the design, documentation and obtaining approvals associated with the marina dredging project that deposits the dredged material at the Refuse Depot. (287/2013)**

Seconded Cr Enright

Tied Vote

Mayor Riseley exercised his casting vote and voted for the motion.

Motion was Carried

Cr Mathews called for a division:

For

Cr Enright
Cr Alexander
Cr Nolan
Mayor Riseley

Against

Cr Polomka
Cr Mathews
Cr Dell’Antonio

14.1.7 Improvements to the Administration Centre and Surrounds

Cr Mathews moved that the District Council of Robe having considered Report No 14.1.7 Improvements to the Administration Centre and surrounds:

- (a) Adopts in principle the concept plans for improvements to Administration Centre;
- (b) Further refines the concept plans to ensure that improvements meet Council and Council's tenants requirements; and
- (c) Undertake works in accordance with the concept plans as budget funds are allocated for this purpose. (288/2013)

Seconded Cr Polomka

Carried

14.1.8 Bus Shelter/Bike Rack – Information Bay

Cr Dell'Antonio moved that the District Council of Robe having considered Report No 14.1.8 "Bus Shelter/Bike Rack – Information Bay" contact the Kingston Community School enquiring as to the opportunity to amend the current school bus route to travel on Nora Creina and Wildfield Roads. (289/2013)

Seconded Cr Alexander

Carried

14.1.9 Upgrade to Douglas Dawson Track

Cr Enright moved that the District Council of Robe having considered Report No 14.1.9 "Upgrade to Douglas Dawson Track":

- (a) Advise Mr Wells that an all weather access to his property will be provided via Hermitage Road;
- (b) Consider allocating funds in future budgets for the upgrade of Hermitage Road and Douglas Dawson Track:
 - (i) to provide emergency vehicle access;
 - (ii) to act as a tourist drive; and
 - (iii) to be an alternative access to Robe

- (c) Correspond with the Department of Environment and Natural Resources requesting that they undertake fire prevention (local burns) to reduce fire fuel loads within the Little Dip Conservation Park;**
- (d) That this proposed road access be added to the Strategic Plan. (290/2013)**

Seconded Cr Mathews

Carried

14.1.10 Regional Health Plan

Cr Alexander moved that the District Council of Robe having considered Report No 14.1.10 “Regional Health Plan” liaise with other Councils in the Limestone Coast to develop a Regional Health Plan. (291/2013)

Seconded Cr Nolan

Carried

14.1.11 Walkway Encroachment Part Lot 11 Victoria Street Robe (Caledonian Hotel)

Cr Mathews moved that the District Council of Robe having considered Report No 14.1.11 “Walkway Encroachment Part Lot 11 Victoria Street Robe (Caledonian Hotel)”:

- 1. Acknowledge that access to the beach via the walkway encroaches upon private property,**
- 2. Close the walkway between the Caledonian Hotel and the Robe Bowling Club so to prevent the public entering onto private land and to prevent further damage to the foreshore dune, and**
- 3. Undertake rehabilitation work on the beach access to protect the foreshore dune from erosion.**

Seconded Cr Dell'Antonio

Amendment

Cr Nolan moved **that the item be deferred until a plan to reinstate the dunes is established, including access to the beach.** (292/2013)

Seconded Cr Enright

The amendment was carried.

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

14.1.12 Information Report April 2013

Cr Alexander moved **that the Information Report April 2013 be received.** (293/2013)

Seconded Cr Mathews

Carried

OFFICER'S REPORTS – Deputy Chief Executive

14.2.1 Annual Business Plan & Budget 2013/14

Cr Enright moved **that the District Council of Robe having considered report No 14.2.1 “Annual Business Plan & Budget 2013/14” defer this item until it is further discussed at an Elected Member Budget Workshop on Tuesday 14 May 2013 at the conclusion of Ordinary Council Meeting.** (294/2013)

Seconded Cr Polomka

Carried

14.2.2 Proposed Road Closure by DEWNR

Cr Alexander moved **that the District Council of Robe having considered Report No 14.2.2 “Proposed Road Closure by DEWNR” responds to the Minister endorsing the proposed closure of unnamed road that runs between Sec 90 & Sec 180 Hundred of Bray for the purpose of Conservation Park.** (295/2013)

Seconded Cr Mathews

Carried

14.2.3 Robe Marina Letter in form of a Petition - Wash Down Area

Cr Nolan moved **that the District Council of Robe having considered the Report No 14.2.3 “Robe Marina Letter in the Form of a Petition - Wash Down Area” makes provision for an upgrade of the wash down area in its 2013-14 Budget. (296/2013)**

Seconded Cr Polomka

Carried

14.2.4 One System Implementation Program

Cr Polomka moved **that the District Council of Robe having considered Report No14.2.4 “One System Implementation Program” endorses Executive’s decision to participate in the OSIP and approves a budget allocation of \$32,000 to facilitate participation. (297/2013)**

Seconded Cr Dell’Antonio

Carried

14.2.5 Sanitary & Garbage Costs Comparisons

Cr Dell’Antonio moved **that the District Council of Robe receives and notes Report No.14.2.5 “Sanitary & Garbage Costs Comparisons”. (298/2013)**

Seconded Cr Alexander

Carried

OFFICER’S REPORTS – Works Operation Coordinator

14.3.1 Works Report April 2013

Cr Dell’Antonio moved **that Council receive the Works Report April 2013. (299/2013)**

Seconded Cr Alexander

Carried

OFFICER'S REPORTS – Finance Officer

14.4.1 Finance Report April 2013

Cr Alexander moved **that the District Council of Robe receives the Finance Report April 2013.** (300/2013)

Seconded Cr Enright

Carried

OFFICER'S REPORTS – General Inspector

14.5.1 Animal Management Plan

Cr Alexander moved **that the District Council of Robe having considered report No 14.5.1 “Animal Management Plan” agree to amendments to Animal Management Plan, specifically:**

7.2.2. Dogs in Public Places, on-leash :- Hoopers Beach. Change to on-leash between 9am to 8pm from December 1 to after the Easter Weekend.

7.2.3 Dogs in Public Places, off-leash :- Hoopers Beach. Change to off-leash except between 9am and 8pm from December 1 to after the Easter Weekend. (301/2013)

Seconded Cr Mathews

Carried

14.5.2 Timed Parking

Cr Dell'Antonio moved **that the District Council of Robe having considered report No 14.5.2 “Timed Parking” does not place a fifteen (15) minute parking limit on Main Road adjacent Robe Foodland and Cellarbrations.** (302/2013)

Seconded Cr Alexander

Carried

OFFICER'S REPORTS – Director of Childcare

14.6.1 CCOWS Report April 2013

Cr Alexander moved **that the District Council of Robe receives the CCOWS Report April 2013.** (303/2013)

Seconded Cr Enright Carried

CORRESPONDENCE

Cr Enright moved **that correspondence items No.15.1 to 15.13 be received en mass.** (304/2013)

Seconded Cr Nolan Carried

15.4 Proposed Gym/Pool Robe – Gary Thomas

Cr Dell'Antonio moved **that the District Council of Robe receive the presentation by Mr Gary Thomas on the proposed gymnasium and pool for Robe. Council request further detail on the operational costs of the proposed gymnasium/pool be prepared and submitted to Council.** (305/2013)

Seconded Cr Polomka Carried

Deputy Chief Executive left meeting at 8.13pm

15.6 2013 Advantage SA Regional Awards

Cr Mathews moved **that the District Council of Robe sponsor the 2013 Advantage SA Regional Awards Limestone Coast Presentation Evening.** (306/2013)

Seconded Cr Nolan Carried

NOTICES OF MOTION

16.1 Rescind Motion – Cr Jenny Mathews – Minute 233/2103
Board Walk Viewing Platform Adjacent Robe Bowling Club

Cr Mathews moved that notice is hereby given that at the Council meeting held on the 11 June 2013 a rescission motion will be put to Council seeking to rescind the motion passed at the Council meeting of 9 April 2013 as detailed below.

“14.1.6 Board Walk Viewing Platform Adjacent Robe Bowling Club

Cr Dell’Antonio moved that the District Council of Robe having considered Report No 14.1.6 “Board Walk Viewing Platform Adjacent Robe Bowling Club” instruct that the platform be removed and relocated within the boardwalk adjacent the Lake Butler Marina. (233/2013)

Seconded Cr Enright Carried”

Seconded Cr Dell’Antonio

Defeated

Deputy CE entered the meeting at 8.16pm

QUESTIONS ON NOTICE

Nil

GENERAL BUSINESS

Nil

LATE ITEMS

Nil

CONFIDENTIAL ITEMS

19.1 De-sludging Contract

Cr Dell'Antonio moved pursuant to Section 90 (2) and (3) 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 "De-sludging Contract" and that the Council is satisfied 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)(d) and (k):

- *(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;*
- *(k) tenders for the supply of goods the provision of services or the carrying out of works. (307/2013)*

Seconded Cr Mathews

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 "De-sludging Contract", 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)(d)(k)) *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;*

and tenders for the supply of goods the provision of services or the carrying out of works, for a period of 18 months, or finalisation of negotiations, whichever is sooner. (308/2013)

Seconded Cr Enright

Carried

Cr Dell'Antonio moved that **the District Council of Robe having considered Report No 19.1 "De-sludging Contract" award a four year contract to Envirogen to undertake the de-sludging of septic tanks within the township of Robe. (309/2013)**

Seconded Cr Enright

Carried

Next Ordinary Meeting of Council to be held 6.00 pm Tuesday 11 June 2013.

Meeting closed at 8.39 pm.

_____ signed
Mayor Peter Riseley

_____ date