

District Council of Robe

MINUTES

Minutes of the Ordinary Council Meeting held 14 July 2009, commencing at 5.04pm at the District Council of Robe Chambers, Smillie Street, Robe.

ACKNOWLEDGMENT

1.1 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 welcomed the Gallery & Media

2.1 Protocol for members of the public

Members of the public are welcome to speak for up to three minutes on any topic during the public forum session. At other times we ask that members of the public allow Councillors to proceed with the meeting without interruption.

PRESENT

Mayor Peden, Crs. D Loxton, R. Petrovic, P Riseley, J Mathews, R Dell'Antonio, Chief Executive Officer, Bill Hender, Deputy Chief Executive Officer, Ronni Barnden and Minute Taker, Kellie Jordan

APOLOGIES

**LEAVE OF
ABSENCE**

Cr N Wright

**CONFLICT OF
INTEREST**

Pursuant to Section 73 of the Local Government Act 1999 the following conflict of interest was declared:-

- Mayor Peden declared a conflict of interest on any items to do with the marina as he owns land adjoining the marina and Item No. 17.1 Rescind Motion 293/2009 – Rolf Petrovic, 17.2 Rescind Motion 329/2009 – Rolf Petrovic, and 17.3 Motion Re: Fuel Tank Location – Rolf Petrovic.

PUBLIC FORUM

ADDRESS

- 7.1 Biddie-Lee Teitz
Regional Marketing Manager, Limestone Coast Tourism

Biddie presented to Council an overview of the progress of the last eighteen months in Limestone Coast Tourism and an insight into the future plans that Limestone Coast Tourism has for promoting Robe.

Tasting Australia Bi-annual event will be visiting Robe this year, as will the SA Tourism Board when they visit the region in August.

CONFIRMATION OF MINUTES

- 8.1 Ordinary Council Minutes 9 June 2009

Cr Petrovic moved **that the minutes of the Ordinary Council Meeting held on 9 June 2009 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting.** (364/2009)

Seconded Cr Dell'Antonio

Carried

- 8.2 Confidential Council Minutes 9 June 2009

Cr Dell'Antonio moved **that the minutes of the Confidential Council Meeting held on 9 June 2009 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting.** (365/2009)

Seconded Cr Loxton

Carried

- 8.3 Confidential Council Minutes 25 June 2009

Cr Mathews moved **that the minutes of the Confidential Council Meeting held on 25 June 2009 be taken as read**

and confirmed as a true and accurate record of the proceedings of that meeting. (366/2009)

Seconded Cr Dell'Antonio

Carried

8.4 Special Council Minutes 29 June 2009

Cr Loxton moved **that the minutes of the special Council Meeting held on 29 June 2009 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting. (367/2009)**

Seconded Cr Riseley

Carried

**BUSINESS ARISING
FROM MINUTES**

**MAYOR'S
REPORT**

Wind Farm

No news.

Budget

The budget has been adopted and a surplus is forecast. We are continually looking for ways to save money.

Undergrounding Power Lines

As part of the agreement to privatise ETSA the new owners of the lease are obliged to underground power lines in the state on a progressive basis. The scheme is called PLEC and Councils are required to fund 1/3 of the cost. Council is in discussions with the regulator about getting some of Robe's power lines placed underground.

Road issues

Council had a workshop yesterday with the Department of Transport, Energy and Infrastructure regarding issues with State roads in the Council area. It was most productive and revolved around many issues raised by the Robe Road Safety group and also the Residents and Ratepayers Association. It is an ongoing dialogue with the department and if you have any issues please contact either of those groups or Council.

The department is implementing a recommendation to extend the 80 km/hr zone out to the airport and the 60 km/hr zone out to past the junction. We hope this will improve the safety in these areas. For the record the Department owns the main roads plus the main street to Royal Circus.

REPORTS OF MEMBERS

Cr Dell'Antonio reported on the following:-

- 24/06/09 Draft Annual Business Plan Public Meeting
- 25/06/09 Budget Workshop
- 25/06/09 Confidential Council Meeting
- 29/09/09 Special Council Meeting

Cr Mathews reported on the following:-

- 17/06/09 Robe Street Recreation Park Steering Committee Meeting
- 24/06/09 Limestone Coast Coastal Management Group Meeting
- 24/06/09 Draft Annual Business Plan Public Meeting
- 25/06/09 Budget Workshop
- 25/06/09 Confidential Council Meeting
- 29/06/09 PLEC Meeting
- 29/06/09 Special Council Meeting
- 02/07/09 Playground Meeting
- 13/07/09 DTEI Meeting
- 14/07/09 Council Meeting

Cr Riseley reported on the following:

- 15/06/09 Linear Trail Meeting
- 17/06/09 Robe Street Recreation Park Steering Committee Meeting
- 24/06/09 Limestone Coast Coastal Management Group Meeting
- 24/06/09 Draft Annual Business Plan Public Meeting
- 25/06/09 Budget Workshop
- 25/06/09 Confidential Council Meeting
- 29/06/09 PLEC Meeting
- 29/06/09 Special Council Meeting
- 13/07/09 DTEI Meeting

Cr Loxton reported on the following:-

- 24/06/09 Draft Annual Business Plan Public Meeting
- 25/06/09 Budget Workshop
- 29/06/09 PLEC Meeting

- 29/06/09 Special Council Meeting

Cr Petrovic reported on the following:-

- 29/09/09 PLEC Meeting
- 29/06/09 Special Council Meeting
- 13/07/09 DTEI Meeting

Mayor reported on the following:-

- 09/06/09 Council Meeting
- 15/06/09 Regional Development Australia Meeting
- 22/06/09 Robe and District Development Association Executive Meeting
- 24/06/09 Draft Annual Business Plan Public Meeting
- 25/06/09 Budget Workshop
- 29/06/09 PLEC Meeting
- 29/06/09 Special Council Meeting
- 01/07/09 ISS Meeting
- 03/07/09 Meeting with Lawyers
- 07/07/09 5SE Interview
- 13/07/09 DTEI Meeting
- 14/07/09 Council Meeting

REPORTS OF COMMITTEES

12.1 CCOWS Management Committee Minutes 25 May 2009

Cr Loxton moved **that the minutes of the CCOWS Management Meeting held on 25 May 2009 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting.** (368/2009)

Seconded Cr Riseley

Carried

12.2 Robe Institute Committee Minutes 4 June 2009

Cr Petrovic moved **that the minutes of the Robe Institute Meeting held on 4 June 2009 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting.** (369/2009)

Seconded Cr Loxton

Carried

Cr Riseley noted that when the new roof is installed at the Institute there needs to be modifications made for an overflow into the junction boxes.

OFFICERS' REPORTS

Chief Executive Officer

15.1.1 Bylaw Review

Cr Riseley moved **that Council endorse the Bylaw templates prepared by Wallmans Lawyers (as attached) for public consultation in accordance with section 249(1) of the local Government Act 1999.** (370/2009)

Seconded Cr Loxton

Carried

15.1.2 "Reel Rods" – Request for Permission

Cr Riseley moved **that Mr. Johnson be advised that Council does not grant permission for him to operate a mobile store from Council land.** (371/2009)

Seconded Cr Mathews

Carried

The CEO will speak to Mr. Johnson to try and find a suitable location for the store.

15.1.3 Marina Fees 2009/2010

Cr Loxton moved **that Council adopts the fees listed with the CEO given delegated authority to make an amendment to the Butler South Side fees.** (372/2009)

Seconded Cr Riseley

Carried

15.1.4 Hanging Art in Visitor Information Centre

Cr Riseley moved **that:**

- **the Chief Executive Officer form a committee of local interested persons;**
- **Council ensure the amount of paintings on show is limited to two per artist;**
- **only local art from artists within the District Council of Robe be hung; and**
- **all commission arrangements for the sale of paintings are done through the artists' themselves, not through the Visitor Information Centre staff.**
(373/2009)

Seconded Cr Dell'Antonio

Carried

Cr Mathews voted against this motion.

15.1.5 In-kind Support – Liz Harfull

Cr Mathews moved **that Council provide in-kind support for author, Liz Harfull by providing office space while she is in Robe researching her book.**
(374/2009)

Seconded Cr Dell'Antonio

Carried

15.1.6 National Museum of Australia

Cr Riseley moved **that Council agree to a request from the National Museum of Australia to borrow the following items from Council for a period of two and a half years:**

- **Local Board of Advice correspondence book**
- **Institute Seal and;**
- **School Temperance Pledge Book.** (375/2009)

Seconded Cr Mathews

Carried

15.1.7 Leave of Absence Request – Cr. Ned Wright

Cr Dell'Antonio moved **that Council grant 6 months leave of absence to Cr. Ned Wright pursuant to Section 54(1)(d) of the Local Government Act which requires a leave of absence to be granted by Council.**
(376/2009)

Seconded Cr Mathews Carried

15.1.8 Sponsorship Request – Southern Ocean Art Prize

Cr Loxton moved that Council sponsor the Southern Ocean Art Prize to the value of \$500.00.

No seconder Motion lapsed

Cr Riseley moved that Council sponsor the Southern Ocean Art Prize 3-Dimensional Award to the value of \$1,000, and that the Chief Executive Officer discuss with the SOAP Committee the prospect of an Acquisitive Prize for the event in coming years, to allow for long term art projects in Robe. (377/2009)

Seconded Cr Mathews Carried

15.1.9 Robe Marina Committee – Proxy Member

Cr Mathews moved that Council appoint Cr Dell'Antonio as a proxy member of the Robe Marina Committee to attend meetings in the absence of Cr Wright or Cr Riseley. (378/2009)

Seconded Cr Loxton Carried

Mayor congratulated Cr Dell'Antonio.

15.1.10 Request for Grant – Robe Country Fire Service

Cr Mathews moved that the Chief Executive Officer write a letter to the State CFS asking them to pay for the purchase of the computer the Robe CFS require. (379/2009)

Seconded Cr Petrovic Carried

**Deputy Chief Executive
Officer**

15.2.1 Amendment to Robe Institute Section 41 Committee Terms of Reference and Name

Cr Dell'Antonio moved **that**:

1. **Council authorise an amendment to the name of the committee from the Robe Institute Committee to the Robe Institute management Committee**
2. **Council ratify the amended Terms of Reference for the aforementioned committee to reflect the change in committee membership. (380/2009)**

Seconded Cr Petrovic

Carried

15.2.2 Customer Action Form

Cr Riseley moved **that Council notes the report. (381/2009)**

Seconded Cr Loxton

Carried

15.2.3 Rates Hardship Policy - Draft

Cr Loxton moved **that Council endorse the draft Rates Hardship Policy for public consultation. (382/2009)**

Seconded Cr Petrovic

Carried

Finance Officer

15.3.1 Payment Report: June 2009

Cr Dell'Antonio moved **that Council notes the Monthly Payment Report for June 2009. (383/2009)**

Seconded Cr Riseley

Carried

CORRESPONDENCE

16.1 Limestone Coast Tourism – Tourism Plan

Tabled

Cr Loxton moved **that Mayor Peden be the representative for the Limestone Coast Tourism Committee Working Group.** (384/2009)

Seconded Cr Riseley

Carried

16.2 DTEI – Speed Zone Review

Cr Dell'Antonio moved **that the Speed Zone Review be received.** (385/2009)

Seconded Cr Petrovic

Carried

Special thank you to the Robe Road Safety Robe Group for their efforts with this project.

16.3 SA Water – Robe Water Supply Augmentation

Cr Riseley moved **that this report be noted.** (386/2009)

Seconded Cr Dell'Antonio

Carried

NOTICE OF MOTION

Mayor Peden left the room at 6.20 pm.
Deputy Mayor, Cr Loxton in chair.

17.1 Rescind Motion 293/2009 – Rolf Petrovic

Cr Petrovic moved that motion 293/2009 be rescinded.

No seconder

Motion lapsed

17.2 Rescind Motion 329/2009 – Rolf Petrovic

Cr Petrovic moved that motion 329/2009 be rescinded.

No seconder

Motion lapsed

17.3 Fuel Tank Location – Rolf Petrovic

Cr Petrovic moved:

1. That Council enter into an agreement with Barrett Distributors to allow them to install an above ground Diesel Fuel Storage Tank at the site where the EMAC hut was located, or at the hill face area as indicated by our CEO's recommendation, should the first option not be the best option.
2. That the CEO be authorised to negotiate with Barrett Distributors and any other regulatory Body to ensure the compliance of this installation.

No seconder

Motion lapsed

Mayor Peden entered the room at 6.27 pm.

**OTHER
BUSINESS**

19.1 Progress of road closure – Main Road

Waiting for consultation process to be completed by the surveyors.

19.2 Bowaka Road

A landowner on Bowaka Road has requested the road be re-sheeted.

Cr Loxton moved **that he, the CEO, and the Works Supervisor have a site visit to determine the state of Bowaka Road. (387/2009)**

19.3 E-Waste Cage

Cr Riseley asked on the status of the E-Waste cage. A report was given by CEO that when the cage was picked up, they had to come back for extra loads as there was so much. The cage will stay at the Landfill until further notice.

19.4 Wildfield Road/Nora Creina Road

Cr Petrovic reported that the corner of Wildfield Road and Nora Creina Road is breaking up.

Cr Dell'Antonio moved that pursuant to Section 83 (5) of the Local Government Act 1999 (the Act) the late item numbered 20.1 titled 'Legal Action – G. King Vs W. Peden and DC Robe' is delivered to the Council members on the basis that the Council consider the report in confidence under Section 90(2) and 3(i) of the Local Government Act 1999, specifically on the basis that the report and accompanying documentation contain information that concerns:-

- Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs or any person (living or dead);
- Information the disclosure of which could reasonable by 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
- Legal advice

pursuant to Section 90(3) of the Act. (389/2009)

Seconded Cr Riseley

Carried

Cr Dell'Antonio moved that pursuant to Section 90(2) and 90(3) of the Local Government Act 1999, the Council order the public to be excluded, with the exception of the Chief Executive Officer and the Deputy Chief Executive Officer being present on the basis that 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 out weighed in relation to his matter by the need for the Council to keep the discussion and

reports confidential on the basis that the report contains legal advice and information the disclosure of which would involved the unreasonable disclosure of information concerning the personal affairs of any person. (390/2009)

Seconded Cr Riseley

Carried

**LATE ITEM
CONFIDENTIAL**

20.1 Legal Action

Cr Riseley moved **that the late item titled 'Legal Action – G. King Vs W. Peden and DC Robe' be received.**
(388/2009)

Seconded Cr Dell'Antonio

Carried

Cr Loxton moved **that the meeting be adjourned for dinner.** (391/2009)

Seconded Cr Mathews

Carried

Cr Loxton **moved that the meeting come out of confidence.**

Seconded Cr Mathews

Carried

Meeting adjourned at 6.40 pm

Meeting recommenced at 6.58pm

Cr Dell'Antonio moved **that pursuant to Section 83 (5) of the Local Government Act 1999 (the Act) the late item numbered 20.1 titled 'Legal Action – G. King Vs W. Peden and DC Robe' is delivered to the Council members on the basis that the Council consider the report in confidence under Section 90(2) and 3(i) of the Local Government Act 1999, specifically on the**

basis that the report and accompanying documentation contain information that concerns:-

- **Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs or any person (living or dead);**
- **Information the disclosure of which could reasonable by 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**
- **Legal advice**

pursuant to Section 90(3) of the Act. (405/2009)

Seconded Cr Riseley

Carried

Cr Dell'Antonio moved **that the Meeting come out of confidence. (398/2009)**

Seconded Cr Petrovic

Carried

Cr Riseley moved **that having considered late Agenda Item 20.1 titled G. King Vs W. Peden and DC Robe in confidence under Section 90(2) and (3)(i) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of the Act orders that the report titled G.King Vs W.Peden and DC Robe and all attachments be retained in confidence for 12 months. (397/2009)**

Seconded Cr Petrovic

Carried

Meeting closed at 9.45pm

Minutes confirmed 11 August 2009

_____ Mayor

_____ Date