

District Council of Robe

MINUTES

Minutes of the Ordinary Council Meeting held 8 December 2009, commencing at 5.00pm at the District Council of Robe Chambers, Smillie Street, Robe.

ACKNOWLEDGEMENT

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 Elected Members, Gallery & Media

PRESENT

Mayor W Peden; Crs Loxton, P Riseley, J Mathews, R Dell'Antonio, R Petrovic, N Wright Chief Executive Officer; Bill Hender, and Minute Taker; Kellie Jordan

APOLOGY

Cr Peter Riseley; Deputy Chief Executive Officer, Ronni Barnden

**LEAVE OF
ABSENCE**

**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 adjacent to the Marina

**PUBLIC
FORUM ADDRESS**

**CONFIRMATION
OF MINUTES**

8.1 Ordinary Council Minutes 10 November 2009

Cr Mathews **moved that the minutes of the Ordinary Council Meeting held on 10 November 2009 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting.** (96/2010)

Seconded Cr Loxton

Carried

**BUSINESS ARISING
FROM MINUTES**

LG (Procedures at meetings) Regulation 2000 Discretionary
Procedures Code of Practice

Cr Loxton requested an update on Discretionary Procedures Code of Practice for Council meetings.

CEO recommended that this matter be deferred until the January meeting to give the Elected Members time to make a decision on the matter.

**MAYOR'S
REPORT**

Thompson and Elizabeth Streets

It is great that these streets are being upgraded before summer.

Stairs to beach at second and third ramps

Thanks to Government funding we now have steps to the beach at both ramps

Lapwing Gallery reopens

The west room gallery at the Institute has been fully restored and is an excellent place for local artists to display their works. If you haven't seen the restored room and local art, please drop in before the summer rush. The restoration is thanks to a generous donation from the CWA ladies, the many hours of Ian Bruce and his volunteers, and an enthusiastic art group. If you are an artist and would like more information please contact Chris Davidson.

Regional Development Australia (RDA)

This proposed new body is going to make recommendations to the Federal and State Governments as to which private businesses receive taxpayer money. The councils of the South East (SELGA) as a funding partner have insisted that the governance of the new body be equivalent to governance for local government including

having registers of interest for board members and senior staff, open meetings, publicly available minutes, etc. SELGA Councils have made this crystal clear yet we are now presented with a draft constitution that doesn't include all of our requests. This is taxpayer money we are talking about and four of the seven councils including DC Robe have passed resolutions saying we will not be participating until these governance requirements are included. We really need an independent inquiry to find out why our requests haven't been included. We could then show the public how this process has been frustrated. We'll keep you posted.

Parliamentary Economic and Finance Committee hearing

In April 2009 the then Acting Ombudsman said unkind things about me before this Committee. As the comments were before the Committee, parliamentary privilege applied so there is no way I can force him to retract or correct his statements. I wrote to the Committee asking for the opportunity to respond and gave the reasons. They allowed this opportunity and last week Bill Hender and I attended before this Committee. Not only did they allow us to respond, which we gather is not normally the case, they allowed us to place the questions we had for the former Acting Ombudsman on the public record. We are grateful to the Committee for this opportunity and their time. A transcript is available to anyone interested.

Council Budget

Council's finances are looking much better thanks to Bill Hender's good management via cost cutting and watching expenses carefully. Some selected asset sales and lower interest rates have also helped. Council is now able to do some long overdue works and improvements. We would like to thank Bill and the team.

Christmas looming

Mr. Claus is almost here and Council wishes everyone a safe and happy Christmas and all the best for 2010.

REPORTS OF MEMBERS

Cr Dell'Antonio reported on the following:-

- 30/11/09 Budget Review/ Special Council Meeting
- 1/12/09 Robe Marina Committee Meeting
- 1/12/09 Sports and Recreation Committee AGM & Meeting

Cr Mathews reported on the following:-

- 11/11/09 Remembrance Day – placed wreath with Mayor

- 11/11/09 Institute meeting
- 14/11/09 Lapwing Gallery opening luncheon
- 18/11/09 Pink Ribbon Breast Cancer breakfast
- 18/11/09 Grant funding workshop/ Special Council meeting
- 30/11/09 Budget Review/ Special Council meeting
- 1/12/09 Working Bee – rose planting
- 1/12/09 Robe Marina Committee Meeting (observer)
- 3/12/09 Institute Management Committee meeting
- 5/12/09 Co-opera Entertainment – Set up & attend
- 8/12/09 Council Meeting

Cr Loxton reported on the following:-

- 30/11/09 Budget Review/ Special Council meeting

Cr Petrovic reported on the following:-

- 18/11/09 Cooking at Pink Ribbon Breakfast
- 18/11/09 Grant Funding Workshop/ Special Council meeting
- 19/11/09 Australia Day Committee Meeting
- 24/11/09 Aged Care Village visit with Bendigo Bank in Naracoorte
- 25/11/09 Fire Prevention Meeting
- 28/11/09 Drive Community bus for Robe Village Fair
- 30/11/09 Budget Review/ Special Council Meeting
- 3/12/09 Institute Management Committee Meeting
- 6/12/09 Working Bee – Long Beach Rotunda
- 8/12/09 NRM Information Session

Cr Wright thanked Elected Members and Council staff for their support throughout the year. He is glad to be back on board and looking forward to getting involved with Council and the Community again. He agreed with the Mayor that the finances of Council are looking good, as is the Governance within Council.

Mayor Peden reported on the following:-

- 10/11/09 Council meeting
- 11/11/09 Remembrance Day
- 13/11/09 Met Geoff Wells – Marina
- 14/11/09 Lapwing Gallery opening luncheon
- 18/11/09 Pink Ribbon Breast Cancer breakfast
- 18/11/09 Grant Funding Workshop/ Special Council meeting
- 19/11/09 Australia Day Committee meeting
- 24/11/09 5SE Interview
- 27-29/11/09 Robe Village Fair
- 30/11/09 Budget Review/ Special Council meeting

- 2/12/09 Parliamentary Economic and Finance Committee hearing
- 4/12/09 SELGA meeting
- 8/12/09 Council meeting

REPORTS OF COMMITTEES

12.1 CCOWS Minutes 20 October 2009

Cr Mathews moved **that the minutes of the CCOWS Committee Meeting held 20 October 2009 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting.** (97/2010)

Seconded Cr Dell'Antonio Carried

12.2 Audit Committee Minutes 30 November 2009

Cr Loxton moved **that the minutes of the Audit Committee Meeting held 30 November 2009 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting.** (98/2010)

Seconded Cr Dell'Antonio Carried

12.3 CERMS Committee Minutes 24 August 2009

Cr Petrovic moved **that the minutes of the CERMS Committee Meeting held 24 August 2009 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting.** (99/2010)

Seconded Cr Wright Carried

12.4 Robe Marina Committee Minutes 20 October 2009

Cr Loxton moved **that the minutes of the Robe Marina Committee Meeting held 20 October 2009 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting.** (100/2010)

Seconded Cr Mathews Carried

**WORKING PARTY
COMMITTEE**

**REPORTS OF ASSOCIATED
BODIES**

**OFFICERS'
REPORTS**

**Chief Executive
Officer**

15.1.1 2010/11 State Bicycle Fund Application

Cr Loxton moved **that Council submit an application to the 2010/2011 State Bicycle Fund for \$30,000 to complete the Robe Street Shared Use Path.** (101/2010)

Seconded Cr Wright Carried

15.1.2 LGA Strategic Overview

Cr Loxton moved **that Council receive and note the LGA State Election Campaign Strategic Overview document.** (102/2010)

Seconded Cr Dell'Antonio Carried

15.1.3 National Trust Sandwich Boards

Cr Wright moved **that Council grant permission to the Robe Branch of the National Trust to place sandwich boards advertising the Customs House opening times, at the Customs House and at the Visitor Information Centre.** (103/2010)

Seconded Cr Dell'Antonio Carried

15.1.4 Request for permission to extract water from road reserve

Cr Mathews moved **that Council grant permission for Mr. Andrew Goldsworthy to continue to extract stock and irrigation water from existing wedge holes on the unused Council Road Reserve adjoining his property**

until the road reserve is required by Council.
(104/2010)

Seconded Cr Dell'Antonio

Carried

15.1.5 Robe and District Development Association tourism website

Cr Wright moved **that Council agree to the request to extend the agreement to operate the Robe Tourism Website for a further two years and to amend the agreement to clause 2 to read:**

To allow all businesses in the town and district to be listed on the appropriate site directory and to charge a listing fee as determined by the RDDA from time to time, subject to Council approval of the new charges.
(105/2010)

Seconded Cr Loxton

Carried

15.1.6 Robe Golf Club – Change of Liquor License

Cr Mathews moved **that Westley DiGiorgio be advised that Council has no objection to the proposed change to the Robe Golf Club Inc.'s liquor license.** (106/2010)

Seconded Cr Dell'Antonio

Carried

Cr Loxton moved **that the CEO organise a meeting between Council and the Golf Club to discuss the progression of the proposed golf course expansion**
(107/2010)

Seconded Cr Mathews

Carried

15.1.7 Robe Tours – Request for assistance

This item was withdrawn by Mr. Peel prior to Council meeting.

15.1.8 Women in Business and Regional Development Inc Request for sponsorship

Cr Wright moved **that the request for Council to Sponsor *Women in Business and Regional Development Inc.* be declined.** (108/2010)

Seconded Cr Loxton

Carried

**Deputy Chief Executive
Officer**

15.2.1 2009/10 Budget Revision

Cr Wright moved **that Council, having reconsidered the adopted 2009/2010 budget pursuant to and in accordance with Section 123 of the Local Government Act 1999 and Section 7 of the Local Government (Financial Management) Regulations 1999, adopt a revised 2009/2010 budget comprising the following Budgeted Financial Statements as presented:**

- **Budgeted Income Statement**
- **Budgeted Balance Sheet**
- **Budgeted Statement of Changes in Equity**
- **Budgeted Statement of Cash Flows**
- **Budgeted Uniform Presentation of Finances**
- **Detailed Operating Budget**
- **Detailed Capital Budget.** (109/2010)

Seconded Cr Petrovic

Carried

15.2.2 Appointment of Authorised Officer – Fire Prevention

Cr Dell'Antonio moved **that Council appoint Mr. Michael Wilkins as an Authorised Officer of Council pursuant to Part 4 A Section 105F of the *Fire and Emergency Services Act (the FES ACT)* in accordance with the recent legislative amendments to this Act.** (110/2010)

Seconded Cr Mathews

Carried

15.2.3 Customer Action Form

Cr Loxton moved **that the report be noted.** (111/2010)

Seconded Cr Petrovic

Carried

15.2.4 Draft Training and Development Policy – Elected Members

Cr Dell'Antonio moved that Council adopt the Training and Development Policy – Elected Members. Adoption of the aforementioned policy and procedure will see the District Council of Robe become compliant in another area of governance and procedure. (112/2010)

Seconded Cr Petrovic

Carried

15.2.5 Permits to Buyers and Sellers – Wharf

Cr Dell'Antonio moved that:

- 1. Council grant interim permission to Wilson's Fresh Oysters & Cooked Crayfish to buy and sell from the Robe wharf area until the appropriate permit documentation can be prepared;**
- 2. Once the appropriate permit documentation is prepared, Wilson's Fresh Oysters & Cooked Crayfish be required to complete a permit application form, and meet all permit conditions;**
- 3. The request for permission to sell at the Obelisk, Long Beach and the main street be declined;**
- 4. Council grant a grace period of 6 weeks to the other buyers and sellers who operate in the Robe wharf area to continue their activities as normal to allow them time to apply for the relevant permit as long as it is within the 6 week grace period. The grace period is recommended to commence from Tuesday 8 December 2009;**
- 5.**
 - (a) Council delineate a specific area at the wharf which can be used to conduct fish, seafood and shellfish buying and selling activities and;**
 - (b) Council erect a sign at the entrance to the wharf area advising that a permit is required to conduct business at the wharf and also advising of the relevant penalties if no permit is held;**
- 6. Council endorse that a sellers permit application fee of \$380.00 plus GST be charged and that annual renewals of permits be required;**
- 7.**
 - (a) Council delegate authority to the Deputy CEO to formulate the permit documentation in consultation with relevant third parties such as LGAMLS and;**
 - (b) Council delegate authority to Council's Environmental Health Officer, Ms. Catarina Santos and General Inspector, Michael Wilkins to assess and**

issue the permits subject to compliance with all permit conditions and Health requirements. (113/2010)

Seconded Cr Petrovic Carried

15.2.6 Proposed charge for provision of copy of entire assessment record

Cr Loxton moved **that Council adopt the proposed charge of \$950.00 for a copy of the entire assessment record. (114/2010)**

Seconded Cr Petrovic Carried

Finance Officer

15.3.1 Monthly Financial Report – November 2009

Cr Dell'Antonio moved **that Council notes the Finance Officer's report. (115/2010)**

Seconded Cr Petrovic Carried

Director of Children's Services

15.4.1 CCOWS Report

Cr Mathews moved **that the Director of Children's Services report be noted. (116/2010)**

Seconded Cr Wright Carried

Works Supervisors Report

15.5.1 Works Report

Cr Loxton moved **that the Works Supervisors report be noted. (117/2010)**

Seconded Cr Petrovic Carried

CORRESPONDENCE

16.1 Robe and Districts Lions Club letter

Noted

16.2 Minister for Emergency Services letter

Noted

16.3 Valma Aylesbury letter

Noted

16.4 Mark Goldsworthy MP letter

Noted

16.5 Jakarra Hill letter

Noted

NOTICE OF MOTION

Cr Loxton moved **that Council restricts the entrance and exits to the carpark at the corner of Victoria Street and Robe Streets to be via Robe street only, and that this area be designated parking only.** (118/2010)

Seconded Cr Mathews

Carried

QUESTIONS ON NOTICE

OTHER BUSINESS

Aged Care Facilities

Cr Petrovic asked if Council could put aside a small amount of money for advertising regionally and possible state wide and interstate regarding expressions of interest for aged care facilities. The CEO recommended that Council undergo a workshop on the Planning Amendment Report with Access Planning, prior to making decisions regarding aged care facilities in Robe.

LG (Procedures at meetings) Regulation 2000 Discretionary Procedures Code of Practice

Cr Loxton moved **that the discretionary meeting procedures Code of Practice be an agenda item for the January 2010 Ordinary Council meeting.** (119/2010)

Seconded Cr Dell'Antonio

Carried

LATE AGENDA ITEM

Cr Petrovic moved **to accept the late item titled 'Council Representative – SELGA/ Regional Development Australia'.** (120/2010)

Seconded Cr Mathews

Carried

Council Representative – SELGA/ Regional Development Australia

Cr Wright moved **that the Mayor be appointed as Council's representative to the SELGA group being formed to address issues associated with the formation of the Regional Development Australia organisation.** (121/2010)

Seconded Cr Dell'Antonio

Carried

CONFIDENTIAL ITEMS

20.1 Australia Day Nominations

Cr Wright moved **that pursuant to Section 83(5) of the Local Government Act 1999 (the Act) the report attached to this agenda as item 20.1 and titled "Australia Day Nominations" 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).**

pursuant to Section 90(3) of the Act.. (122/2010)

Seconded Cr Dell'Antonio

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 Minute Taker 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 this matter by the need for the Council to keep the discussion and reports confidential on the basis that the report contains information the disclosure of would involve the unreasonable disclosure of information concerning the personal affairs of any person. (123/2010)**

Seconded Cr Wright

Carried

Cr Dell'Antonio moved **that having considered late Agenda Item 20.1 titled 'Australia Day Nominations' in confidence under Section 90(2) and (3)(i) of the Local Government Act 1999, the Council, pursuant to Section 83(5) of the Act orders that the minutes be retained in confidence until the recipients have been notified. (124/2010)**

Seconded Cr Mathews

Carried

Cr Wright moved **that the meeting come out of confidence. (125/2010)**

Seconded Cr Dell'Antonio

Carried

Meeting closed at 6.55 pm

Minutes confirmed 12 January 2010

_____ Mayor

_____ Date