

**District Council of Robe
MINUTES**

Minutes of the Ordinary Council Meeting held Tuesday 13th February 2007, commencing at 5.00pm
District Council of Robe Chambers, Smillie Street, Robe.

PRESENT: Mayor W. Peden, Crs. P. Riseley, J. Mathews, R. Petrovic, D. Loxton,
Acting Chief Executive Officer Mr. Glenn Sanford, Vanessa McDonald,
Acting Manager of Works Trevor Hondow, Rodney McMartin.

APOLOGIES: Nil

CONFIRMATION OF MINUTES: **Moved: Cr. Loxton** **Seconded: Cr. Mathews**
That the Minutes of the Council Meeting held on Tuesday 9th January 2007 be taken as read and confirmed, subject that correspondence item (2) be amended to read seconded by Cr. Mathews not Cr. Petrovic as recorded.

CARRIED (268/2007)

Moved: Cr. Loxton **Seconded: Cr. Riseley**
That the Minutes of the Special Council Meeting held on Thursday 25th January 2007, be taken as read and confirmed.

CARRIED (269/2007)

PUBLIC FORUM: Mr. Roger Sexton from Beston Parks Long Beach Holiday Park Re: Liquor Licence;
Mr. Neil Welsh – Congratulating Council on designing and implementing a Draft Mobile Food Vending Van/Vehicle Policy, Permit System
Mr. Geoff Moloney – Supported Mr. Welsh on the need for a Mobile Food Vending Van/Vehicle Policy, Permit / Licence;

BUSINESS ARISING: Nil

MAYOR'S REPORT: **Mayor W. Peden**
10th January Site inspection neighbour STEDS & PLEC meeting;
11th January Interview ABC 891 & Fisherman's meeting & meeting with developers Hender and Sargent;
12th January Interview WIN TV;
15th January Interview ABC Radio Mt Gambier;
16th January Meeting Mr. Don Venn;
17th January Interview ABC Radio, Dragon welcome, bottle yard;
23rd January Meeting Engineer Mr. Dominic Vacili;
25th January Special Council Meeting;
26th January Australia Day presentation;
29th January Meeting Golf Club and neighbours;
30th January Stand Like Stone Foundation school presentation;
31st January CDAP Interviews;
12th February Long Beach Park Re: Bestons Development & Licence;
13th February STEDS Tour and SENRM Presentation;

**REPORTS OF
COMMITTEES:** Nil

**WORKING
PARTY
COMMITTEES:** Nil

**REPORTS OF
SUBSIDIARY:** Nil

**REPORTS OF
ASSOCIATED
BODIES:** Nil

**REPORTS OF
DELEGATES:**

Cr. Mathews

10th January Meeting with 2 Representatives from PLEC (Power Line Environment Committee) Re: Under Ground Power Lines Program;
11th January Meeting at the Football Clubrooms with Commercial Lake Users;
16th January Meeting with Mr. Don Venn and fellow Councillors;
25th January Council Special Meeting;
26th January Australia Day;
31st January Meeting with Ombudsman;
1st February Meeting with Grants Commission;
6th February FOLD meeting – statistics Re: Numbers to Parks;
7th February LCDB meeting at Kingston;
12th February Long Beach Park Re: Bestons Development & Licence;

Cr. Petrovic

11th January 2007 Fisherman's meeting at football club;
16th January Meeting with Mr Don Venn;
23rd January Australia Day Committee meeting;
25th January Special Council meeting;
26th January Australia Day;
31st January Meeting with Ombudsman;
1st February Meeting with Grants Commission;
7th February Drainage Board meeting at Caledonian Inn;
7th February LCDB meeting at Kingston;
8th February Tourism & Traders meeting;
12th February Long Beach Park Re: Bestons Development & Licence;

**ACTING CHIEF
EXECUTIVE
OFFICER:**

Committee Delegations

Moved: Cr. Mathews **Seconded: Cr. Riseley**
That Councillor Petrovic be nominated to the Robe Tourism & Traders Association as Councillor Representative.

That the Robe Tourism & Traders Association be advised accordingly of Council's appointment.

CARRIED (270/2007)

Moved: Cr. Mathews **Seconded: Cr. Riseley**
That Councillor Loxton be nominated to the Machinery Committee.

CARRIED (271/2007)

Moved: Cr. Loxton **Seconded: Cr. Petrovic**
That Councillor Mathews be nominated to the Skate & Recreation Park Advisory Committee.

CARRIED (272/2007)

Moved: Cr. Mathews **Seconded: Cr. Riseley**
That Councillor Loxton be appointed to the Robe Sports & Recreation Association Committee.

CARRIED (273/2007)

Moved: Cr. Loxton **Seconded: Cr. Petrovic**
That the Robe Sports & Recreation Association Committee be advised accordingly of Councillor Loxton's appointment.

CARRIED (274/2007)

STEDS Water Re-Use

Moved: Cr. Mathews **Seconded: Cr. Loxton**
That STEDS effluent re-use concepts within the "Class C" standard be investigated to seek appropriate methodology and costs to implement.

CARRIED (275/2007)

Draft Policy - Mobile Food Vending Van/Vehicle and Permit, Licence

Moved: Cr. Mathews **Seconded: Cr. Loxton**
1) That correspondence items as listed 1 to 3 be received and noted.

2) That the Draft Mobile Food Vending Van/Vehicle policy, permit & licence be placed before the community for comment, in accordance with Council's adopted public consultation policy.

3) That Mr. Cook and Mr. Welsh are advised of Council's decision to consult the community on the draft mobile food vending van/vehicle policy and associated documentation and that the submissions received be brought to the March 2007 Council meeting.

CARRIED (276/2007)

Mr. Cook – Temporary Permit Granted

Moved: Cr. Loxton

Seconded: Cr. Mathews

That in the interim Mr. Cook be granted a permit to operate a mobile food vending van/vehicles on road reserves with in the District Council of Robe area, subject to the following conditions being met: -

- Permit granted commencing forthwith and concluding Sunday 1st April 2007;
- That the applicant to effect and maintain during the Permit a period a public risk insurance policy for the minimum amount of TEN MILLION DOLLARS (\$10,000,000.00);
- Hours of Operation – *from 9.00am to 1.00am;*
- Days of Operation – *7 days a week;*
- Exact location(s) required to operate – *Northern side of the Robe Post Office Parking Bay (Applicant & Acting Chief Executive to meet on site to clarify exact location before applicant commences business);*
- Fee/day \$25.00 plus gst;
- Payment before permit is provided;
- Type of goods to be provided to the public – *Ice-cream/Takeaway Food;*
- Not to operate within 100metres of another mobile food vending van/vehicle;
- Not to operate within 100metres of another food premises/business;
- Permit is non-transferable;
- Operate in accordance with the Food Act & Regulations;
- Acting Chief Executive Officer has delegated authority to automatically extend the temporary permit if required;

That the applicants be advised and requested to acknowledge that this is only temporary permit provided to the 1st April 2007, and all future applications will be determined in accordance with the adopted Council policy.

CARRIED (277/2007)

Mr. Welsh – Temporary Permit Granted

Moved: Cr. Riseley

Seconded: Cr. Loxton

That in the interim Mr. Welsh be granted a permit to operate a mobile food vending van/vehicles on road reserves with in the District Council of Robe area, subject to the following conditions being met: -

- Permit granted commencing forthwith and concluding Sunday 1st April 2007;
- That the applicant to effect and maintain during the Permit a period a public risk insurance policy for the minimum amount of TEN MILLION DOLLARS (\$10,000,000.00);
- Hours of Operation – *from 9.00am to 1.00am;*
- Days of Operation – *7 days a week;*
- Exact location(s) required to operate – *Long beach (BEACH) from 2nd Ramp not past the placed rocks towards Robe Township;*
- Fee/day \$25.00 plus gst;
- Payment before permit is provided;
- Type of goods to be provided to the public – *Ice-cream*

- Not to operate within 100metres of another mobile food vending van/vehicle;
- Not to operate within 100metres of another food premises/business;
- Permit is non-transferable;
- Operate in accordance with the Food Act & Regulations;
- Acting Chief Executive Officer has delegated authority to automatically extend the temporary permit if required;

That the applicants be advised and requested to acknowledge that this is only temporary permit provided to the 1st April 2007, and all future applications will be determined in accordance with the adopted Council policy.

CARRIED (278/2007)

Withdrawal of Registrar

Moved: Cr. Loxton

Seconded: Cr. Mathews

1) That correspondence item 4 as listed be received and noted.

2) That the Mayor and Acting Chief Executive Officer be authorized to place the affixation of the common seal and sign the Withdrawal of Registrar – General’s Caveat No: 10247987, in Certificate(s) of Title Volume 5511 Folio 541.

CARRIED (279/2007)

Long Beach Holiday Park - Liquor License

Cr. Riseley left the Council Chamber at 5.40pm, he declared that a family relative is employed by Beston Parks at Long Beach Robe Holiday Park, he returned to the Chamber at 5.48pm.

Moved: Cr. Mathews

Seconded: Cr. Loxton

1) That correspondence items 5 to 8 as listed be received and noted.

2) That approval be granted to Beston Parks Management Pty Ltd for a Residential Liquor License for Robe Long Beach Holiday Park.

3) That Council has no objection to the issuing of a liquor license and approvals subject that the following conditions 1 to 5 are met and maintained: -

3.1) “The hours of operation of the shop/reception area for the sale of liquor shall be restricted to 8.00am to 8.00pm on any day.”

3.2) “Signage is to be installed in the shop/reception area advising that off license sales of liquor are limited to lodgers only.”

3.3) “An approved Responsible Person is to be on duty when the shop/reception area is open for the sale of liquor.”

3.4) “No external liquor advertising will be established.”

3.5) “Liquor will not be sold to the general public for off license consumption. The general public (non-lodgers) will be permitted to consume liquor whilst seated at a table or attending a function at which food is provided in accordance with Liquor Licensing Act Section 33(1)(b).”

CARRIED (280/2007)

Moved: Cr. Riseley

Seconded: Cr. Loxton

1) That the Robe Landfill, on the 4th March 2007, from 2pm to 4pm be open to provide a free waste dumping service.

2) That three Council trucks be available at the following times and locations for the free waste dumping service.

<i>Location</i>	<i>Start - Time</i>	<i>Finish - Time</i>
Cnr. Bower & Union Streets; Robe	10.00am	1.00pm
Cnr. Sturt & Morphett Streets; Robe	10.00am	1.00pm
Long Beach Carpark, near Long Beach Holiday Park; Robe	1.00pm	4.00pm
Cnr. Christine & Moorakyne; Robe	1.00pm	4.00pm
Southern End of Reserve Road, Boatswains Point	10.00am	4.00pm

CARRIED (281/2007)

Council Development Assessment Panel (CDAP)

Moved: Cr. Riseley

Seconded: Cr. Mathews

1) That the Council Development Assessment Panel Governance Guiding Principles be noted and adopted and that the Council Development Assessment Panel be advised accordingly of the following guiding principles: regulations, protocols, declaration of committee members interests and code of conduct that must be adhered too at all times: -

- Meeting Procedures and Protocols in Accordance with Local Government (Procedures at Meetings) Regulations 2000;
- Declaration of Members Interests;
- Code of Conduct Council Development Assessment Panels LGA Circular 5.9;
- Conflict of Interest, (Established Protocol & Code of Practices – Local Government Act 1999, and LG Association);
- Council Development Assessment Panel Guide 2006;
- Development Act;

2) That Council resolutions (171/2007) and (172/2007) cease to take effect and be revoked forthwith.

3) That the Acting Chief Executive Officer is nominated and formally listed as the official public officer and that notice of this appointment is published in the Gazette, including the public officer's name and contact details.

CARRIED (282/2007)

REPORTS:

West Beach Warning Signage

Moved: Cr. Petrovic

Seconded: Cr. Loxton

That one (1) sign be purchased and erected at the start of main walkway entrance to West Beach advising of beach conditions.

CARRIED (283/2007)

Confirmation of Reports

Moved: Cr. Loxton

Seconded: Cr. Petrovic

That the Acting Chief Executive Officer, Acting Manger of Works, Rodney McMartin Marina Project and Environmental Health Officer reports be received and noted.

CARRIED (284/2007)

FINANCIAL:

Moved: Cr. Loxton

Seconded: Cr. Petrovic

That the Bank Reconciliation, Loans Information, Budget Statements, and Budget Comparison and Notes be received and noted.

CARRIED (285/2007)

**QUESTIONS ON
NOTICE:**

Underground Power Lines (PLEC)

Mayor W. Peden declared an interest as he has property near/along the nominated roads. Mayor Peden left the Council Chamber 6.07pm returned 6.11pm, Deputy Mayor Cr. Loxton Chaired in his absence.

Moved: Cr. Mathews

Seconded: Cr. Riseley

That Council nominate 'The Esplanade' and 'Hagen Street' to the Power Line Environment Committee (PLEC) for the under grounding of power lines.

CARRIED (286/2007)

**NOTICE OF
MOTION:**

Nil

ADJOURNMENT:

Moved: Cr. Loxton

Seconded: Cr. Riseley

That the meeting adjourn for a dinner break, at 6.34pm.

CARRIED (287/2007)

Meeting resumed 7.00pm

CORRESPONDENCE:

Section A

1. LGA Circular 5.9 '*Code of Conduct*' – Council Development Assessment Panels.

Officers Comment – That the Acting Chief Executive Officer formally provide the Code of Conduct to Council's Development Assessment Panel when it becomes available.

2. SELGA – Seeking DC Robe Nomination to be part of the Marine Parks Areas 'Consultative Committee'.

Moved: Cr. Loxton

Seconded: Cr. Mathews

That Mr. Robert Roach be approached seeking if he would like to be Robe's delegate on the Local Marine Park Consultative Committee. If Mr. Robert Roach declines, offer appointment to Robe resident Mr. Lyle Domaschenz.

CARRIED (288/2007)

3. Limestone Coast Regional Development Board Inc. Re: Boards Interest.

Moved: Cr. Mathews

Seconded: Cr. Loxton

That the Limestone Coast Development Board be advised that Council will contact the CEO Mr. Grant King if the need arises for the involvement of the Limestone Coast Development Board to enter and/or assist in the affairs of the Robe Marina Project.

CARRIED (289/2007)

4. Hon Andrew Evans MLC – Re: Mr. Cook.

Officers Comment – I have formally responded to Hon Andrew Evans MLC correspondence attached dated 01/02/07.

5. Thank you letter received from Mr. & Mrs. Szczygielski.

Officers Comment – That the correspondence be received and noted and passed onto the Works Department Staff, congratulating them on a job well done.

6. Special Event Permit - Pech & Aaron Birmingham Re: Wedding Ceremony on the Robe Foreshore.

Moved: Cr. Riseley

Seconded: Loxton

That approval is granted and the fee be \$250 plus gst.

CARRIED (290/2007)

7. Mrs. Dawn Clifton, Re: Naming of Roads within their '*Sweetwater Estate*'.

**MATTERS RECOMMENDED
TO BE CONSIDERED IN CONFIDENCE**

It is recommended by the Acting Chief Executive Officer pursuant to Section 83[5] of the Local Government Act 1999 that the matter contained in this report be considered in confidence under Chapter 6, Part 3 of the Local Government Act 1999.

The information contained in the attached report is information in respect of which an order may be made, if the Council so determines, to exclude the public from attendance at a meeting to the extent considered necessary for the Council to receive, discuss or consider the information in confidence pursuant to section 90[2] and 90[3][a] of the Local Government Act 1999 on the basis that;

Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being a matter that pertains to the Independent Members for the Council Development Assessment Panel

Item Number: 1

Council Development Assessment Panel ‘Independent Members’

Moved: Cr. Mathews

Seconded: Cr. Loxton

1] That under the provisions of the Local Government Act, 1999 an order be made under Section 90[2] that the public, except the Acting Chief Executive Officer be excluded from attendance at the meeting in order to consider in confidence Item Number 1 under Sub Section 90 [3][a]

2] That the Council is satisfied that it is necessary that the public be excluded to enable the Council to discuss the matter at the meeting on the following grounds –

Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) and the agenda item relates to the Independent Members for the Council Development Assessment Panel.

3] That accordingly, on that basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.

CARRIED (299/2007)

Moved: Cr. Mathews

Seconded: Cr. Riseley

That the following applicants be appointed to Council’s Development Assessment Panel (CDAP);

- **Mr. Bill Hender**
- **Mr. Robert Miles**
- **Mr. David Chapman**
- **Mr. David Stanhope**

CARRIED (300/2007)

Moved: Cr. Mathews

Seconded: Cr. Riseley

That Council appoint Mr. Bill Hender as the Development Assessment Panel (CDAP) Chairperson.

CARRIED (301/2007)

**MATTERS RECOMMENDED
TO BE CONSIDERED IN CONFIDENCE**

It is recommended by the Acting Chief Executive Officer pursuant to Section 83[5] of the Local Government Act 1999 that the matter contained in this report be considered in confidence under Chapter 6, Part 3 of the Local Government Act 1999.

The information contained in the attached report is information in respect of which an order may be made, if the Council so determines, to exclude the public from attendance at a meeting to the extent considered necessary for the Council to receive, discuss or consider the information in confidence pursuant to section 90[2] and 90[3][a] of the Local Government Act 1999 on the basis that;

Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) that pertains to the State Ombudsman's Council visit & preliminary view on the matters raised.

Item Number: 2

State Ombudsman's Council visit & preliminary view on the matters raised

Moved: Cr. Riseley

Seconded: Cr. Loxton

1] That under the provisions of the Local Government Act, 1999 an order be made under Section 90[2] that the public, except the Acting Chief Executive Officer be excluded from attendance at the meeting in order to consider in confidence Item Number 2 under Sub Section 90 [3][a]

2] That the Council is satisfied that it is necessary that the public be excluded to enable the Council to discuss the matter at the meeting on the following grounds –

Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) that pertains to the State Ombudsman's Council visit & preliminary view on the matters raised.

3] That accordingly, on that basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.

CARRIED (302/2007)

Moved: Cr. Loxton

Seconded: Cr. Riseley

That the correspondence items Dated 17th January 2007, State Ombudsman's Reference Numbers 500-0070475 and 68102A03 be received, noted and for Council's consideration.

CARRIED (303/2007)

Moved: Cr. Mathews

Seconded: Cr. Loxton

That correspondence item Dated 8th February 2007, State Ombudsman's Reference Number 500-0070475A05 and correspondence item Dated 12th February 2007, State Ombudsman's Reference Number 71919A01 be received, noted and for Council's consideration.

CARRIED (304/2007)

**MATTERS RECOMMENDED
TO BE CONSIDERED IN CONFIDENCE**

It is recommended by the Acting Chief Executive Officer pursuant to Section 83[5] of the Local Government Act 1999 that the matter contained in this report be considered in confidence under Chapter 6, Part 3 of the Local Government Act 1999.

The information contained in the attached report is information in respect of which an order may be made, if the Council so determines, to exclude the public from attendance at a meeting to the extent considered necessary for the Council to receive, discuss or consider the information in confidence pursuant to section 90[2] and 90[3][k] of the Local Government Act 1999 on the basis that;

Tenders for the supply of goods, the provision of services or the carrying out of works, appointment of Human Resources Company to engage Council CEO

Item Number: 3

Appointment of Human Resources Company to engage Council CEO

Moved: Cr. Riseley

Seconded: Cr. Mathews

1] That under the provisions of the Local Government Act, 1999 an order be made under Section 90[2] that the public, except the Acting Chief Executive Officer be excluded from attendance at the meeting in order to consider in confidence Item Number 3 under Sub Section 90 [3][k]

2] That the Council is satisfied that it is necessary that the public be excluded to enable the Council to discuss the matter at the meeting on the following grounds – *Tenders for the supply of goods, the provision of services or the carrying out of works, appointment of Human Resources Company to engage Council CEO*

3] That accordingly, on that basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.

CARRIED (305/2007)

Moved: Cr. Loxton

Seconded: Cr. Mathews

That the Mayor and Acting Chief Executive Officer gather additional information from Human Resource Companies ‘Hender Consulting’ and ‘Locher Consulting’ in regards to assisting Council in the appointment of a Chief Executive Officer.

CARRIED (306/2007)

**MATTERS RECOMMENDED
TO BE CONSIDERED IN CONFIDENCE**

It is recommended by the Acting Chief Executive Officer pursuant to Section 83[5] of the Local Government Act 1999 that the matter contained in this report be considered in confidence under Chapter 6, Part 3 of the Local Government Act 1999.

The information contained in the attached report is information in respect of which an order may be made, if the Council so determines, to exclude the public from attendance at a meeting to the extent considered necessary for the Council to receive, discuss or consider the information in confidence pursuant to section 90[2] and 90[3][a][h] of the Local Government Act 1999 on the basis that;

Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) and legal advice Re: Chief Executive Officer Decision/Actions

Item Number: 4

Chief Executive Officer Decision/Actions

Moved: Cr. Petrovic

Seconded: Cr. Loxton

1] That under the provisions of the Local Government Act, 1999 an order be made under Section 90[2] that the public, except the Acting Chief Executive Officer be excluded from attendance at the meeting in order to consider in confidence Item Number 4 under Sub Section 90 [3][a][h]

2] That the Council is satisfied that it is necessary that the public be excluded to enable the Council to discuss the matter at the meeting on the following grounds – *Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) and legal advice Re: Chief Executive Officer Decision/Actions;*

3] That accordingly, on that basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.

CARRIED (307/2007)

Moved: Cr. Loxton

Seconded: Cr. Petrovic

That the Mayor and Acting Chief Executive Officer discuss with Judith Jones her three (3) week appointment as Council's Acting Chief Executive Officer, whilst, Glenn Sanford takes annual leave from Monday 26th February 2007, to Friday 16th March 2007.

CARRIED (308/2007)

The Mayor declared the meeting closed at 8.10pm

Confirmed 13th March 2007

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Mayor