

District Council of Robe

Minutes of the Monthly General Meeting held on 12th December 2006 commencing at 5.02pm at the District Council of Robe Chambers, Smillie Street, Robe.

PRESENT Mayor W Peden, Crs P Riseley, J Mathews, G Clements, R Petrovic, M Denton and D Loxton, Acting Chief Executive Officer G Sanford and Minute Taker M Gibbs.

APOLOGY

CONFIRMATION OF MINUTES

Cr Denton moved **that Minutes of the Council Meeting held on 10th October 2006, Minutes of the Special Council Meeting held 31st October 2006 and Minutes of the Council Meeting held 27th November 2006 be taken as read and confirmed.** (196/2007)

Seconded Cr Mathews

Carried

PUBLIC FORUM

D Grant	- request for Freedom of Information documents to be available at front counter
	- Marina
L Bywaters	- Public Forum
P Darr	- Liquor licence application, Beston Parks
T Bywaters	- Robe Village Fair
	- Robe Marina Corporation

BUSINESS ARISING

MAYOR'S REPORT

The Mayor reported on the following:-

- Glenn Sanford appointed as Acting Chief Executive Officer
- Resignation letter from Rob Kay
- Attended SELGA meeting with Cr Loxton
- Elected Members training workshop

REPORTS OF COMMITTEES

Cr Denton moved **that minutes of the Child Care on Wheels Committee dated 23rd October 2006 & 27th November 2006 be received.** (197/2007)

Seconded Cr Loxton

Carried

**WORKING PARTY
COMMITTEES**

Cr Denton moved that **the minutes of the Playground Working Party held on 5th October 2006 and 23rd October 2006 be received.** (198/2007)

Seconded Cr Mathews

Carried

**REPORTS OF
SUBSIDIARY**

Cr Clements moved that
Robe Marina Corporation

Meeting - 26th September 2006

- Minutes
- Chairman's Report
- Executive Officers Report
- Financial Statement

Meeting – 17th October 2006

- Minutes
- Chairman's Report
- Executive Officers Report
- Financial Statement

Meeting – 14th November 2006

- Minutes
- Chairman's Report
- Executive Officers Report
- Financial Statement

Annual Financial Statement

be received (199/2007)

Seconded Cr Loxton

Carried

**REPORTS OF
ASSOCIATED
BODIES**

Cr Mathews moved that **the minutes of the Limestone Coast Tourism Board Meetings held on 3rd October and 14th November 2006 be received.** (200/2007)

Seconded Cr Petrovic

Carried

Cr Loxton moved that the **minutes of the SELGA Meeting held on 6th October 2006.** (201/2007)

Seconded Cr Denton

Carried

REPORTS OF DELEGATES

Cr Mathews reported on:-

- Meeting Kingston Hospital Board
- AGM Kingston Hospital Board
- Meeting Robe Marina Corporation
- Elected Members training workshop
- Friends of Little Dip

Cr Clements reported on:-

- Sports and Recreation Association Meeting

Cr Loxton reported on:-

- SELGA Meeting
- Elected Members training workshop

OFFICERS' REPORTS

CHIEF EXECUTIVE OFFICER

Australia Day Awards - Confidential

Deferred to the end of the meeting.

Cr Loxton moved **that the Chief Executive Officers' report be received.** (202/2007)

Seconded Cr Riseley

Carried

Cr Riseley moved **that the Australia Day Committee be established and that the winners of the previous year's award become members of the committee for the next 12 months. Terms of Reference to come back to January 2006 Council Meeting.** (203/2007)

Seconded Cr Mathews

Carried

DIRECTOR OF ENGINEERING SERVICES

Road Naming LG Act 1999 s219

Cr Mathews moved **that the road numbered 66 from Nora Creina Road to Robe Street (southern end) via property Section 16 Hundred of Waterhouse be named Hermitage Road.** (204/2007)

Seconded Cr Loxton

Carried

Cr Riseley moved that the road numbered 57 from Southern Ports Road to property Section 204, Hundred of Waterhouse be named Vearing Road and that the road numbered 59 from Lings Road to property Section 486, Hundred of Waterhouse be named Longbottom Lane. (205/2007)

Seconded Cr Loxton

Carried

Cr Denton moved that the road numbered 67 from Sandy Lane Road to property Section 439, Hundred of Waterhouse be named Nunga-Mia Road. (206/2007)

Seconded Cr Riseley

Carried

Cr Denton moved that the roads be named as follows:-

Road #	Suggested Names	From	To
54	Chinaman's Lane	Robe-Clay Wells Road	Property Section 172 Hundred of Smith
55	Stone Reserve Road	Robe-Clay Wells Road	Property Section 149 Hundred of Smith
56	McEwens Lane	Cowans Road	Property Section 18 Hundred of Ross
58	Tuckers Lane	Wattle Range Council Boundary Road	Property Section 14 Hundred of Smith
60	Lings Road	Wright Bay Road	Fields Road, Kingston District Council boundary
61	Bowyers-Way Road	Springs Road	Property Section 123 Hundred of Bray
62	Engelhart Lane	Southern Port Road	Property Section 250 Hundred of Waterhouse
63	West Avenue South Road	Konetta Naracoorte Road	Property Section 96 Hundred of Smith
64	McEwens Lane	Princess Highway	Property Section 16 Hundred of Ross
65	Jerusalem's Hut Road	Baxters Hill Road	Property Section 118 Hundred of Waterhouse

(207/2007)

Seconded Cr Loxton

Carried

Disabled Access, Council Office Building

Cr Mathews moved that Council adopts the placement of a disable access ramp, signage, and line marking along Royal Circus in front of the Council's office main entrance door and that Council considers allocating funds towards a disabled access ramp, signage and line marking during the financial year 2007/08 budget deliberations. (208/2007)

Seconded Cr Clements

Carried

Robe Skate and Recreation Park Advisory Committee LG Act 1999 s41)

Cr Denton moved that Mr Terry Bayliss, Mr Rodney McMartin and Mr Rino Dell'Antonio be appointed to the Robe Skate and Recreation Park Advisory Committee as community representatives under the Local Government Act 1999, Section 41, and that they be advised accordingly. (209/2007)

Seconded Cr Mathews

Carried

Boatswains Point Road 6kms

Cr Loxton moved that the Acting Chief Executive Officer is to organise dignitaries for opening ceremony upon the completion of Boatswains Point Road. (210/2007)

Seconded Cr Riseley

Carried

Emergency Access Track from Robe Street to Nora Creina Road

Cr Denton moved that the Director of Engineering Services submit a funding application to the Australian Government to gain 66% of the total project cost (comprising \$46,666) for the financial year 2007/08 to assist with the fire and emergencies access track. (211/2007)

Seconded Cr Loxton

Carried

Cellarbrations - Paving Grassed Nature Strip

Cr Denton moved that Council supply new pavers in front of Cellarbrations, 3 Main Road, Robe and that the owner pay for installation of.

Seconded Cr Clements

LOST

R2R2 Wright Bay Road Construction

Cr Denton moved that Council supports the Staged project 1 to 3 for the construction of Wright Bay Road. (212/2007)

Seconded Cr Loxton

Carried

Road Closure 150th Chinese Landing

Cr Loxton moved that pursuant to the powers conferred on the Minister for Transport by Section 33 of the Road Traffic Act 1961 and delegated to Council's by the Minister on 12th march 2001, the District Council of Robe hereby advises:

That the event known as "150th Chinese Landing Re-enactment" to be an event to which Section 33 of the Road Traffic Act 1961 applies and; Makes this order, temporarily losing the following streets in the Robe Township.

The following roads will be closed to traffic Wednesday 17th January 2007 from 11.30am to 4.30pm:

- Mundy Terrace and Royal Circus - from Chinese Monument to Davenport Street
- Bagot Street - from Mundy Terrace to Smillie Street
- Smillie Street - from Bagot Street to Davenport Street

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

- 230 - Crossing a road (general)
- 238 - Pedestrians travelling along a road (except in or on a wheeled recreational device or toy)
- 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. (213/2007)

Seconded Cr Riseley

Carried

Australian Community Water Grant Long Beach Foreshore

Cr Denton moved that the Director of Engineering Services submit a funding application to the Federal Government's Community Water program for the placement and completion of Stage 2 with automatic sprinklers along the Long Beach foreshore grassed reserve with the addition of another reserve is Skate Park, Burr Park and that the amount for the grant be at the Acting Chief Executive Officers discretion. (214/2007)

Seconded Cr Riseley

Carried

Cr Denton moved that the Director of Engineering Services report be received. (215/2007)

Seconded Cr Loxton

Carried

ADDRESS

Malcolm Kentish, Chairman of the Robe Marina Corporation along with Board members Mark Tregoning, Peter Duffy, Ian Smith and Peter Sangster addressed Council. Questions on Notice by Cr Mathews were addressed in written form and presented to the Elected Members.

FINANCIAL

Cr Loxton moved **that the Budget Comparison as at 30 November 2006, Annual Financial Statement and Bank Reconciliation Statement as at 31st October 2006 be received.** (216/2007)

Seconded Cr Denton

Carried

QUESTIONS ON NOTICE

The following Questions on Notice were submitted by Cr Mathews:-

1. Do we need to nominate delegates for the Joint Council/Golf Club Working Committee - (The Mayor, CEO, manager of Works and P Wilkin were past members?)

Cr Loxton moved **that the Joint Council/Golf Club Working Committee be reformed and that the Terms of Reference be referred back to the January Council Meeting.** (217/2007)

Seconded Cr Loxton

Carried

2. Do we need to nominate Council Delegate to the SELGA Planning Committee (Marcia Dening-Wasson was the delegate and Development Officer with Frank Boylan as proxy)?

Answer: *Acting Chief Executive Officer to report back to the January Council Meeting.*

3. When was the Resolution passed that Council apply to have the two parcels of land located in Apex Lane and on the Kingston Road revoked as Community Land?
Supporting Comment - Council promised a Public Consultation before any action was taken by Council.
Answer: *10th October 2006 Council Meeting, Resolution No. 152/2007.*

4. Why didn't the RMC find a cost effective way of treating the dredging from Lake Butler by 31st December 2005 as directed by council resolution in November 2005?
Answer: *The Corporation already had a viable dredging method and disposal option as proposed by the consultants.*

An alternative method, with significant community benefits was identified by a specialist dredging operator, with a number of land-owners identified, for the depository of 'spoil'. Unfortunately, deliberate mis-information led to a with-holding of a viable option to be proceeded with, and perhaps in hind-sight, the original proposition should have been proceeded with.

5. Why didn't the RMC obtain all approvals required for the entire project by the same date as directed by council at the same meeting?

Answer: *Many of the development applications were lodged by Council before the Robe Marina Corporation came into effect, having been prepared by 'Masterplan'. This included Marina Arm 1 and 2; dredging; break-water repair and the wash-down area. The only outstanding development approvals left the for the Board to seek were for 'Karatta', 'Waterhouse'; and the land division, which were lodged after advice was received from the C.E.O. of Council as to the timing, due to a pending Plan Amendment Report being signed off by the Minister.*

6. Why did the RMC start the project before these were done?

Answer: *With the gradual increase in the number and size of vessels using Lake Butler in recent years; and increasing requests from Recreational interests, an urgent start to the Project was initiated by Council in December, 2005. Added to this, were the concerns of authorities in relation to O.H. & S. and the narrow channel; E.P.A. in relation to the fuel system; 'Greenseas' in relation to re-fuelling where the catch is unloaded. Thus, with the approval of Council, the Project was commenced, along with its direction to contract out for break-water repairs, and given approval to seek funding to proceed.*

7. Have any other marina related expenses been paid for by council since 9th November 2005?

Answer: *Nil. Funding for the Corporation was transferred from Grant Funds provided by Transport SA when the hand-over of Lake Butler was made. Other facilities (straddle carrier; hard-stand area etc.), were not handed over to the R.M.C. until August, 2006, resulting in Council providing no funds, (after originally budgeting for them) for these items in the Marina.*

8. Have any other payments been made to the RMC since 9/1/05?
Answer: *A short-term loan of \$35,000 was made during the period between loan fund approvals and funds transfer, which was immediately re-paid by the Robe Marina Corporation.*
9. What is the grand total amount owing to Council?
Answer: *Nil.*
10. When will the RMC be repaying these amounts?
Answer: *Not applicable.*
11. Will such repayments include interest from the date the payment or expense was made?
Answer: *Not applicable. However, as a statement of fact, interest is not charged to entities which are wholly owned subsidiaries, just as a Council does not charge itself rates.*
12. We have handed over a lot of valuable assets to the RMC. How will we get a return on these valuable assets?
Answer: *The assets referred to still belong to the Robe Community, and with the Business Plan in place, it requires no further funding from the general rate-payer funds to maintain or improve the facilities – the ‘user pays’ principle being applied. Administrative arrangements are being put in place by the C.E.O. of Council and the E.O. of the Corporation which will see to this Business Plan having an on-going effect.*
13. Will there be any cost to the fishermen for repairs of the breakwater?
Answer: *No. The R.M.C., and not the Fishermen, are negotiating ‘in confidence’ a solution to the Break-water upgrade.*
14. How many fishermen have paid for their berths?
Answer: *All that are due have paid in full (one Fisherman is subject to a final loan approval by his bank, subject to information having been sought and supplied).*

15. How many fishermen have signed agreements?

Answer: 29 x 99 - year leases

3 x 5- year leases (plus 3 shark mooring leases)

1 x 1- year lease

16. How much is it going to cost for the fixing of the wash down area?

Answer: *The wash-down area is a fully instigated Project between Maunsells and the Council. The Corporation has no involvement whatsoever, other than providing some expert advice to the C.E.O for the Project to be rectified.*

Supporting comments

The Robe Marina Corporation is keen on saying users should pay. In a press release from ex Mayor Peter Darr dated 9th November 2005 Mayor Darr said "The Proposal has always been for these expenses to be incorporated into the whole cost of the marina and recouped from berth sales/lease fees".

We know from the same press release that up until this date the marina had cost Council \$365,000 in cash payments plus expenses paid by council. In August 2004 Council borrowed another \$400,000 and gave it to the RMC.

NOTICE OF MOTION

1. *The following Notice of Motion was submitted by Cr. Mathews:-*

1. That a full report and update of the breakwater and washdown area be presented to the December meeting along with proposed action and who will be liable for any such remedial action.

Answer: *The preceding comments should allow Council to evaluate actions required.*

2. That the RMC be asked to present their entire proposed plan for the marina precinct as a Development Application before any decision can be made by Council.

Answer: *Stage 3 will be promulgated in consultation with the Community prior to presentation to Council for formal ascent next year.*

**NOTICE TO RESCIND
MOTION**

Cr Mathews moved that **resolution no. 167/2007 from the 27th November 2006 Council Meeting be rescinded.**

“Cr Mathews moved that Council form an Audit Committee of all Elected members and that the draft terms of reference for the committee be presented to the December Council Meeting. (167/2007)”

Seconded Cr Clements Carried
(218/2007)

Seconded Cr Denton Carried

Cr Mathews moved **that Council form an Audit Committee comprising all Elected Members. The Terms of Reference as provided by the LGA under section 41 and 126 if applicable to be drawn up and presented at 12th December Council Meeting. (219/2007)**

Seconded Cr Denton Carried

ADJOURNMENT

Cr Denton moved **that the Meeting adjourn for tea at 7.00pm.**
(220/2007)

Seconded Cr Mathews Carried

Meeting resumed at 7.30pm.

CORRESPONDENCE

Section A

1. State Library of SA - Investing in the Community: South Australian public libraries adding value.

Cr Denton moved **that the report be passed onto the VIC/Library Manager. (221/2007)**

Seconded Cr Loxton Carried

2. State Library of SA - Public Libraries in South Australia Statistical Bulletin 2004-2005

3. Hon. Mike Rann MP, Premier of South Australia - Green Power

Cr Riseley moved **that the letter be forwarded onto the Robe Primary School Governing Council and that Council offers their assistance.** (222/2007)

Seconded Cr Mathews

Carried

4. D & G Mader - Access road to properties.

Cr Denton moved **that Acting Chief Executive Officer to take up with DTEI and seek any funding assistance from DTEI.** (223/2007)

Seconded Cr Petrovic

Carried

5. G Thomas - Reducing global impact

Cr Riseley requested that G Thomas be invited to address a future Council meeting on the subject.

6. South Australian Local Government Grants Commission - Visit to the District Council of Robe on Thursday 1st February 2007

7. South East Natural Resource Management Board - Concept Statement for the South East Natural Resources Management Plan

8. P Hounslow - Imaj Café - Application for Restaurant/Cafe Liquor Licence at 6 Victoria Street, Robe .

Cr Denton moved **that Council raises no objection to the liquor licence and grant permission for outdoor dining subject to clear access for pedestrians being provided at all times.** (224/2007)

Seconded Cr Clements

Carried

9. Local Government Finance Authority - Bonus Payment.

10. Wallmans Lawyers - Beston Parks Management Pty Ltd Long Beach Holiday Park - Application Liquor Licence.

Cr Riseley **advised of a conflict of interest due to a family member being employed at the Caravan Park.**

Cr Denton moved that Council seek more information from Beston Parks and Liquor Licence Commission re hours of licence and type of licence and that this information when received be forwarded to the next Council meeting. (225/2007)

Seconded Cr Mathews

Carried

11. J van Oosterwijck - Golden Trail.

Letter be forwarded onto the Robe Tourism and Traders Association.
12. Government of SA, Department of the Premier and Cabinet - South Australian Climate Change Projections
13. Robe Marina Corporation - Questions on Notice.
14. Lake Fellmongery Water Ski Club - Thank you letter.

Acting Chief Executive Officer to confirm jurisdiction of Lake Fellmongery and jet ski users.
15. Dog and Cat Management Board - Audit 2006/07 financial year
16. LGA of SA, Circular 38.4 - Proposals to Underground Power Lines.
17. G & J Patton - Proposed sale of land.
18. Robe Football Club Inc. - Thank you letter.
19. Limestone Coast Area Consultative Committee - Leading Practice Seminar and Area Consultative Committee State Gathering Conference.
20. LGA of SA, Circular 48.7 - Strengthening Local Government.

21. LGA of SA, Circular 48.14 - Local Government Research and Development Scheme - Report on September 2006 Funding Call.
22. LGA of SA, Circular 48.18 - Regulations to the Local Government (Financial Management and Rating) Amendment Act 2005.
23. Robe Netball Club - Thank you letter.

Cr Denton moved **that Correspondence items numbered 2, 5, 6, 7, 9, 11, 12, 13, 14, 15, 18, 19, 21, 22 and 23 be received.**
(226/2007)

Seconded Cr Loxton

Carried

SECTION B

1. Annual Reports:-
 - Limestone Coast Area Consultative Committee
 - South East Active Community Field Officer
 - Kingston Soldiers Memorial Hospital
 - Stand Like Stone Foundation

Tabled
2. Department for Environment and Heritage - Marine Planning Framework for South Australia.

Tabled

OTHER BUSINESS

Cr Riseley to give a report on Marine Parks and January Council Meeting.

Acting Chief Executive Officer to follow up on resolution 138/2007.

Cr Denton moved that a workshop be held between the Robe Marina Corporation and Elected Members to get new Elected Members up to date.

Cr Denton called for a division

<u>For</u>	<u>Against</u>
Loxton	Riseley
Denton	Mathews
Clements	Petrovic

Mayor used his casting vote and voted against the motion.

Motion was LOST

Cr Mathews moved **that the Acting Chief Executive Officer asks the subsidiary for a copy of the Full Viability Report to be sent to Council immediately if it is in it's possession and at the latest within 24 hours and further that they authorise the auditors to immediately release a copy to Council (227/2007)**

Seconded Cr Loxton Carried

Cr Mathews moved **a Special Council Meeting be held on Thursday 21st December, 2006 at 5.00pm. when viability report from Robe Marina Corporation will be tabled for consideration. (228/2007)**

Seconded Cr Petrovic Carried

Cr Mathews moved **that the Acting CEO refer the David Beaton agreement to Michael Kelledy at Wallmans for comment. Is it authorised expenditure or a breach of the LG Act and that Michael be authorised to consult a financial advisor or accountant he deems appropriate in formulating his response. (229/2007)**

Seconded Cr Petrovic Carried

Cr Mathews moved **that the Acting Chief Executive Officer refer budget variance of \$1.3 million over the 2005/2006 financial year to Michael Kelledy at Wallmans for comment, Is it authorised expenditure or a breach of the LG Act. That Michael be authorised to consult a financial advisor or accountant he deems appropriate in formulating his response. (230/2007)**

Seconded Cr Loxton Carried

Correspondence tabled, letter of resignation CEO; R Kay.

Cr Mathews moved **that the Chief Executive Officer, Rob Kay's letter of resignation be accepted.** (231/2007)

Seconded Cr Loxton

Carried

Director of Engineering Services report on Lipson Park intersection be referred to 2007/08 budget deliberations.

Cr Denton moved **that the outside employees Christmas party contribution be increased to \$300.00.** (232/2007)

Seconded Cr Petrovic

Carried

CONFIDENTIAL ITEM

Australia Day Citizen(s) of the Year Award

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).

Cr Denton moved **that:-**

- 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)

- 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.

(233/2007)

Seconded Cr. Mathews

Carried

Cr. Denton moved **that Janice Margaret Hardy and Derek Hardy nominations are accepted for the Australia Day Citizen of the Year Awards.** (234/2007)

Seconded Cr Mathews

Carried

Confirmed 9th January 2007

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Mayor