

District Council of Robe

Minutes of the Monthly General Meeting held on 12th September 2006 commencing at 5.45pm.

PRESENT Mayor P Darr, Crs P Wilkin, M Dening-Wasson, F Boylan, J Mathews, M Denton, D Loxton and Manager; Works; G Sanford.

APOLOGY Chief Executive Officer RJ Kay

IN ATTENDANCE David Beaton, Sienna Consulting and Minute Taker; M Gibbs

**CONFIRMATION
OF MINUTES**

Cr Dening-Wasson moved **that the minutes of the Council Meeting held on 8th August 2006 be taken as read and confirmed subject to resolution no. 48/2007 being amended to read "B Cook - Application for operating a mobile food van ie. Mr Whippy". (65/2007)**

Seconded Cr Mathews

Carried

**MAYOR'S
REPORT**

The Mayor reported on the following:-

- 9 August Meeting with CEO and B Bowyer and group
- 10 August Marina Workshop with R Woods, Heritage Adviser and W Peden
- 22 August - Public Forum
- 23/24 August Meeting - Strategic Plan, D Beaton
- 6 September B Bowyer, Crs Boylan and Dening-Wasson and Mr & Mrs Clifton
- 11 September Candidates Briefing Session
- 12 September Workshop on Marina.

PUBLIC FORUM	R Petrovic	- Sale of roads
	W Peden	- Financial viability on Marina
	T Bywaters	- Public Forum
	S Woolston	- Election candidate
	G Snook	- Proposed transfer of land - Lipson Park
	J Bermingham	- Lipson Park
	B Cook	- Mobile Food Van permit
	N Welsh	- Mobile Food Van permit
	L Falkner	- Community consultation Lipson Park

**BUSINESS
ARISING**

**REPORTS OF
COMMITTEES**

Cr Wilkin moved that:-

- **Minutes of the Robe District Bushfire Prevention Committee Minutes held on 14th August 2006 be received.**
- **Minutes of the Child Care on Wheels Committee Meeting held on the 28th August 2006 be received. (66/2007)**

Seconded Cr Boylan

Carried

**REPORTS OF
SUBSIDIARY**

Cr Boylan moved that
Robe Marina Corporation

- **Chairman's Reports**
 - April 2006
 - 8th May 2006
 - 5th June 2006
 - 20th June 2006
 - 4th July 2006
 - 31st July 2006
 - 15th August 2006
- **Executive Officer's Reports**
 - April 2006
 - May 2006
 - June 2006
 - 20th June 2006
 - 31st July 2006,
- **Profit and Loss**
 - July 2005 - March 2006
 - July 1 2005 - May 2 2006
 - July 2005 - June 2006
- **Balance Sheet**
 - as of 31st March 2006
 - as of 19th June 2006
 - as of 30th June 2006
- **Summary of Financial Position 5th June 2006**
- **Minutes of General Meetings**
 - 28th March 2006
 - 18th April 2006
 - 9th May 2006
 - 15th May 2006
 - 6th June 2006
 - 20th June 2006
 - 1st August 2006
 - 15th August 2006 (67/2007)

be received.

Seconded Cr Loxton

Carried

REPORTS OF ASSOCIATED BODIES

Cr Boylan moved that **the minutes of the SELGA - Waste Management Committee Meeting held 29th August 2006 be received.** (68/2007)

Seconded Cr Loxton

Carried

REPORTS OF DELEGATES

Cr Denning-Wasson reported on:-

- 10 August Marina Workshop with R Woods
- 21 August Kingston Community School
- 22 August Public Forum
- 23/24 August Strategic Plan - D Beaton
- 28 August CCOWS Meeting
- 29 August Christmas Parade
- 5 September Robe Sport & Recreation Meeting
- 6 September B Bowyer and group Meeting
- 7 September AGM RTTA

Cr Boylan reported on:-

- 23/24 August Strategic Plan - D Beaton
- Limestone Coast Roadshow Dinner
- 6 September B Bowyer and group Meeting
- 22 August Public Forum
- Meeting in Mt Gambier Auslink Funding
- DAC Meeting
- 12 September Workshop

Cr Mathews reported on:-

- 10 August Marina Workshop with R Woods
- 11 August KESAB
- 15 August Kingston Hospital Board
- 22 August Public Forum
- 5 September Robe Ratepayers & Residents Assoc
- 12 September Workshop

Cr Denton reported on:-

- 10 August Marina Workshop with R Woods
- 5 September Robe Sport & Recreation Meeting
- 23/24 August Strategic Plan - D Beaton

Cr Loxton reported on:-

- Bushfire Prevention Committee Meeting
- Strategic Planning Meeting
- Waste Management Meeting Naracoorte
- 23/24 August Strategic Plan - D Beaton
- Robe Ratepayers & Residents Association

Cr Loxton moved **that the CEO answer letters from public promptly or refer them back to Council if necessary.** (69/2007)

Seconded Cr Dening-Wasson

Carried

OFFICERS' REPORTS

CHIEF EXECUTIVE OFFICER

Delegation

Cr Dening-Wasson moved **that the Delegation document be tabled at the October meeting.** (70/2007)

Seconded Cr Boylan

Carried

Administration Staff

Cr Dening- Wasson requested that the Administration Staff report be resubmitted at the October Meeting.

Cr Denton moved **that the Chief Executive Officer's report be accepted.** (71/2007)

Seconded Cr Boylan

Carried

MANAGER, WORKS

Robe KESAB 2006 Report Card

Cr Mathews moved **that the KESAB Interim Report dated 11 and 14 August 2006 be received and noted and that Council thank and congratulate publicly all community members, Robe KESAB Committee and Council staff for participating and assisting in the 2006 KESAB tidy towns program.** (72/2007)

Seconded Cr Boylan

Carried

Received State Funding Nora Creina Road Up Grade

Cr Boylan congratulated Glenn Sanford on input into State Funding grants.

Hagen & Sturt Street intersection

Cr Loxton moved **Council consider the placement of \$55000 in the 2007/08 budget, to relocate the ETSA stobie pole and increase the turning radius on the Lipson Park side at the Hagen & Sturt Streets intersection. (73/2007)**

Seconded Cr Boylan Carried

Excess Effluent Disposal

Cr Denton moved **that correspondence be received. (74/2007)**

Seconded Cr Wilkin Carried

Authorisation to Alter a Public Road

Cr Boylan moved that **the Authorisation to alter a public road by P Birchall and K Mathews be deferred to the October meeting. (75/2007)**

Seconded Cr Dening-Wasson Carried

Waste Management

Cr Mathews moved **that the following correspondence be received and noted:-**

- **LGA Circular 32.7;**
- **EPA Landfill Guidelines, LGA Prompt Sheet**
- **EPA Guidelines for Landfills Facilities, LGA Summary and Key Issues;**
- **EPA New Guidelines for Landfills; (76/2007)**

Seconded Cr Loxton Carried

Option 3, Track from Robe Street to Nora Creina Road

Cr Mathews moved **that:-**

- 1] **That Council acknowledges and supports the road reserve extending from the Southern end of Robe Street via the Hermitage to the Nora Creina Road being a heavy vehicle access by-pass route for Robe.**
- 2] **That Council consider the placement of \$70000 in the financial year 2007/08 budget to upgrade the heavy vehicle access route by placing rubble on the existing road alignment, to provide an all weather road surface to cater for emergency vehicles.**

- 3] That Council lobby State and Federal Governments to secure funding for the heavy vehicle by-pass route. (77/2007)**

Seconded Cr Dening-Wasson

Carried

Bus Parking Area

Cr Dening-Wasson moved **that Council allocate a 15 minute bus parking zone in O'Halloran Street to be sign posted and line marked. (78/2007)**

Seconded Cr Mathews

Carried

Manager; Works to cost extension of garbage collection to include Clay Wells for next Council meeting.

Manager; Works to cost solar power street lighting similar to the jetty.

Cr Boylan moved **that Manager; Works report be accepted. (79/2007)**

Seconded Cr Loxton

Carried

**ENVIRONMENTAL
HEALTH OFFICERS'
REPORT**

Confidential Item - deferred to end of meeting

ADJOURNMENT

Meeting adjourned for tea 7.05pm. to 7.43pm.

FINANCIAL

Cr Denton moved **that the**

- **Budget Comparison and**
- **Bank Reconciliation as of 31st August 2006**

be accepted with the following to be clarified at the October meeting:-

**Sport and Recreation National Estate \$9863 - query
Economic Services Lake Butler \$4979 - query expense.
(80/2007)**

Seconded Cr Boylan

Carried

**QUESTIONS ON
NOTICE**

The following Questions on Notice have been submitted by Cr Dening-Wasson -

- 1
 - a. Have any other marina related expenses been paid for by council?
 - b. Have any other payments been made to the RMC?
 - c. What is the grand total amount?
 - d. When will the RMC be repaying these amounts?
 - e. Will such repayments include interest from the date the payment or expense was made?
 - f. We have handed over a lot of valuable assets to the RMC. How will we get a return on these valuable assets?

Supporting comments

The Robe Marina Corporation is keen on saying users should pay.

In a Press Release from Mayor Peter Darr dated 9 November 2005 Mayor Darr said "The proposal has always been for these expenses to be incorporated in to the whole cost of the marina and be 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 2005 Council borrowed another \$400,000 and gave it to the RMC.

2. As Mr Kentish indicated in his response to local media when asked to respond to the following questions put by Mr Peden that they are really responsibility of council I would like to ask that we do answer them if indeed the RMC can not.

I understand that William Peden asked for the attached letter to be tabled at the Robe Marina Corp meeting on Tuesday. He asked four main questions.

- a. Would the RMC please commission a full viability audit to be completed by the end of September 2006?
- b. Why didn't the RMC find a cost effective way of treating the dredgings from Lake Butler by 31 December 2005 as directed by council resolution in November 2005?
- c. 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?
- d. Why did the RMC start the project before these were done?

Supporting Comments

I understand that William Peden asked for the attached letter to be tabled at the last Robe Marina Corp meeting. He asked the four main questions indicated above.

On the day, Malcolm Kentish referred William Peden to Mark Tregonning to answer the questions. Mark failed to answer any of them. The RMC say they have expanded the audit however this does not mean it is a full viability audit. Can you please confirm that it will be a full viability audit and will be done by 30 Sep 2006.

From page 10 of the Border Watch on Friday 1 September 2006, Chris Oldfield reports:

"Mr Kentish was asked if he could be contacted for comment regarding Mr Peden's letter."

*"No, not really. **They're issues that should be directed at Council more than us** - all of the issues have been answered or they are directed at the wrong people." Mr Kentish said."*

As both CEO of council and member of the RMC board, would you please answer all questions to council so that we can dispel and concerns this member of the community may have. I believe they are valid concerns and feel we as individual Elected Members should have knowledge of such issues.

"29 August 2006

Malcolm Kentish
Chairman
Robe Marina Corp
Hand delivered

To be tabled at the RMC meeting today

Dear Malcolm

Request for full audit on Robe Marina viability

As a ratepayer I request that you engage a certified auditor such as Galpin, Engler, Bruins and Dempsey in Mt Gambier to conduct a full audit on the Viability of the Robe Marina Corporation and the Robe Marina project. My understanding is that ratepayers are the ultimate guarantors of this project and we would like the assurance of such auditors that it is viable and that we won't have to foot the bill. I request that this audit be conducted urgently and be completed by the end of September 2006.

In the public forum held at the Robe Institute last Tuesday evening I asked you whether you had read the Galpin's limited scope audit report done on the 'Net Present Value decision model' and whether you were alarmed by it. My recollection is that you replied that things had improved substantially since then. We would like these auditors to verify your claim that things have improved since 9 December 2005. After all, the reason we have independent audits is to verify claims of directors.

Would you please pass this letter to the auditors to draw their attention to the following issues that may be relevant:

1. Breakwater upgrade gone wrong: Is there any contingent liability to the RMC for the repair or recovery of the cost of repair?
2. Hard Stand apparently not to design: Does the RMC have a contingent liability here?
3. Alleged duress on some fishermen: If so, will this affect the viability of the project?
4. Increase in Directors fees: Does this affect the viability?
5. Decrease in the price paid by many fishermen: Does this affect the viability?
6. Starting before all approvals received: How will the project's finances be affected if all approvals aren't received?
7. Cost of disposing of the dredged material: How will the cost of disposing of the dredged material affect the viability of the project?
8. If many sales don't eventuate: What will be the effect on the viability?

Would the Auditors also please revisit all of the issues they raised in their 9 December 2005 letter with an expanded audit of the project's viability?

Council Resolution 8 November 2005

From the minutes of Council dated 8 November 2005, Council endorsed by resolution the Marina Corporation resolution that the RMC work towards the completion of the following work by 31 December 2005:

- "Development of an acceptable cost effective way of treating the dredgings from Lake Butler plan;" and,

- “Obtaining EPA approval for the project in its entirety plus any other approvals that are required.”

I understand that as of today these haven't been completed. Would you please explain why they weren't been completed by 31 December 2005?

Would you also please explain why you started the project before these were done?

Yours sincerely,
Wm Peden
PO Box 601
Robe SA 5276
Fax 8768 2812
Marina10.doc”

Deferred to October Council Meeting.

NOTICE OF MOTION

1. Cr Dening-Wasson moved that **a full report and update on the breakwater and washdown area be presented to the first available council meeting along with proposed remedial action and who will be liable for any such remedial action.** (81/2007)

Seconded Cr Boylan

Carried

Note: Indication from RMC that report be available within a fortnight.

2. Cr Dening-Wasson moved that **the Marina corporation be asked whether any professional marina berths have been sold at the discounted rate to persons who do not currently own or operate a registered commercial fishing vessel or who do not currently own or operate a commercial fishing licence and that information furnished to Council at workshop on 12th September 2006 addressing the issue be confirmed in writing.** (82/2007)

Seconded Cr Mathews

Carried

3. Cr Dening-Wasson that **resolution 48/2007 be rescinded.** (83/2007)

Seconded Cr Mathews

Carried

4. Cr Dening-Wasson moved that **the application from Ben Cook re operating a mobile food van in our council area be received pending further discussion prior to a decision being made.** (84/2007)

Seconded Cr Boylan

Carried

CORRESPONDENCE

Section A

1. Road Closure and Reserve letters -
 - R & S Marton
 - R & S Moore

2. Hon Jennifer Rankine MP, Minister for State/Local Government Relations - Commonwealth Financial Assistance grants.

3. Limestone Coast - 2005/06 Annual Report.

4. National Trust SA, Robe Branch - use of room at Council office for meetings.

Cr Boylan moved **that Council supply the Council Chambers and printing free of charge to the National Trust SA, Robe Branch. Free printing for other community organisations be individually assessed.**
(85/2007)

Seconded Cr Mathews

Carried

5. Chris Hamilton - Captain Boggles Hanger at Robe Airstrip.

Cr Denton moved that Council consents to the transfer of the lease from R St John to Chris Hamilton.

Seconded Cr Boylan

Cr Dening-Wasson asked to see a copy of the lease. A copy was unable to be supplied. Cr Dening-Wasson under Regulation 19 requested deferral of the motion until the information is supplied at next meeting.

Motion deferred.

6. Telstra - Removal of payphone.

7. RSL, Robe Sub-Branch - Application for rebate of rates.

Cr Loxton moved **that Council approve the rebate of rates for the RSL Robe Sub-Branch.** (86/2007)

Seconded Cr Boylan

Carried

8. SA Tourism Commission - Local Government's Engagement in Tourism final report July 2006
9. The Golden Trail Progress Report, August 2006. Letter be forwarded to the Robe Tourism and Traders Association.
10. Stand Like Stone Foundation Ltd - Progressing communities towards self-sustainability.
11. Campervan & Motorhome Club of Australia Ltd - Recreational vehicle self-containment scheme.
12. LGA of SA - Circular 33.4 2006 Periodic Elections.
13. LGA of SA - Circular 34.9 Financial Sustainability Audit Information Papers.
14. LGA of SA - Circular 35.1 Infrastructure and Asset Management.
15. Heather Gibbons - Library/VIC Manager.

Cr Loxton moved **that the Mayor reply to H Gibbons letter and answer some of the questions to be left at his discretion. (87/2007)**

Seconded Cr Boylan

Carried

Cr Loxton moved **that information be supplied as to why there is no Library/VIC Report this month (88/2007)**

Seconded Cr Mathews

Carried

16. LGA of SA - Circular 35.9 Post-Election Training for Council Members.
17. SELGA - Local Government Appointments to Limestone Coast Tourism.

18. Office for Volunteers - Information sheets.
19. Department for Transport, Energy and Infrastructure, Road Sign Guidelines for Tourism and Service Signs.

Cr Denton moved **that correspondence items 1, 2, 3, 6, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19 be received.** (89/2007)

Seconded Cr Wilkin

Carried

**OTHER
BUSINESS**

Manager; Works to inspect intersection of Wildfield Road and Millicent Road re further tree trimming.

**QUESTION ON
NOTICE**

Why did our CEO disregard Council's motion for a Special Meeting with the Robe Marina Corporation re the marina precinct (47/2007)

Supporting comments - He had 5 weeks notice in which to call a Special Meeting and during that time the RMC Board had 2 meetings in Robe on the 15th and 29th August, 2006.

**GENERAL
BUSINESS**

Nominations for Junior and Senior Citizen and Community Event of the Year to be called for and to be brought back to October meeting.

Cr Denning-Wasson moved **that Council delegate under Section 44 of the Local Government Act the responsibility and management of those defined area as indicated on the attached plan of the Lake Butler Marina Precinct as marked:-**

A & C remain as is

D with unrestricted public vehicular and pedestrian access and the current use to remain as gazetted (Recreation Reserve)

E excluding Public Convenience

F excluding memorial car park

B portion designated currently as the boat ramp. Car Park facility ie. bitumenised area excluding public conveniences and yacht club boat shed. (90/2007)

Seconded Cr Boylan

Carried

Cr Denning-Wasson moved **that Council recommend to the Mayor that Glenn Sanford fill role of Acting CEO in the absence of CEO when CEO has not already made an appointment.** (91/2007)

Seconded Cr Mathews

Carried

**CONFIDENTIAL
ITEMS**

Environmental Health Officers Report

Confidential Minutes 92 - 94/2007 are contained in the Confidential Minute Book.

Land Acquisition

Confidential Minutes 95/2007 - 97/2007 are contained in the Confidential Minute Book.

The Mayor declared the meeting closed at 9.45pm.

Confirmed 10th October 2006

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Mayor