

District Council of Robe

General Meeting

Minutes of the Monthly Council Meeting held on 14 June 2005 commencing at 5.00pm.

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

APOLOGY Chief Executive Officer; R Kay.

CONFIRMATION OF MINUTES

Cr Wilkin moved that the Minutes of the Council Meeting held on 10 May 2005 be taken as read and confirmed subject to the following being added:-

1. That a list of all Council employees be provided to all elected members including employees roles and duties in the next agenda.
2. Principal of the Council's debts and how much principal and interest the council was repaying be on the agenda for the next meeting. (344/2005)

Seconded Cr Loxton

Carried

BUSINESS ARISING

Cr Mathews moved that any information under the Local Government Act that entitles a person to inspect a register or record is to be provided to the ratepayers as stated in the Act without having to go through to the CEO. (345/2005)

Seconded Cr Boylan

Carried

Cr Dening-Wasson moved that clarification of reason for intimation that her motion was considered illegal by the CEO at the last Council Meeting be clarified. (346/2005)

Seconded Cr Mathews

Carried

MAYORS REPORT

Report on the following:-

- National Sea Change Task Force – Victor Harbour, 11-13 May
- District Inspection, 18 May
- Machinery Committee Meeting, 18 May

- Library Committee Meeting, 1 June
- Aged Care Working Party Meeting, 1 June
- Plastic Bag Strategy Meeting, 2 June
- Meeting with Mitch Williams and CEO, 7 June

REPORTS OF COMMITTEES

Cr Boylan moved **that the minutes of the Machinery Committee and resolutions contained in the minutes be adopted.** (347/2005)

Seconded Cr Wilkin Carried

Cr Boylan moved **that the minutes of the Skate and Recreation Park Advisory Committee and resolutions contained in the minutes be adopted.** (348/2005)

Seconded Cr Loxton Carried

Cr Boylan moved **that the minutes of the Aged Care Committee and resolutions contained in the minutes be adopted.** (349/2005)

Seconded Cr Denton Carried

Cr Dening-Wasson moved **that the Plastic Bag Reduction Strategy Committee notes be adopted.** (350/2005)

Seconded Cr Mathews Carried

Cr Dening-Wasson moved **that the Council formally adopt the proposal and authorise the CEO to put into effect subject to the following clauses being added:-**

- Term for new lease be 25 years with commencement date being 1 July 2006 with no automatic right of renewal.
- All capital works except transportable cabins revert to Council ownership on expiry of lease.
- The leases between Herberts and Council, they get subsidy in return for their investment, therefore the lease is not to be resold without prior consent.
- No sale before 10 year redevelopment plan completed without prior negotiation with Council. (351/2005)

Seconded Cr Boylan Carried

Cr Wilkin advised he had a conflict of interest.

REPORT OF SUBSIDIARY

REPORTS OF
DELEGATES

Cr Denning-Wasson reported on:-

- Conflict of Interest Conference
- School Management Meeting
- Library Meeting
- YAC
- Sports & Recreation Meeting

Cr Mathews reported on:-

- SA Volunteers Day
- Tidy Town Working Bee Burr Park
- Kingston Hospital Board Meeting
- District Inspection
- Biggest Morning Tea
- Tidy Town Working Bee
- Skate Park Meeting
- Library Management Meeting
- Conference, Conflict of Interest & Register of Interest
- Friends of Library Meeting
- Tidy Town Working Bee, Lannam Park
- KESAB Tidy Town Judging
- Aged Care Meeting
- T O'Connor, re skate park application
- Friends of Little Dip Meeting
- Clean up day outlet

Cr Loxton reported on:-

- District Inspection
- APCB
- Plastic Bag Reduction Strategy
- Aged Care

Cr Denton reported on:-

- District Inspection
- Machinery Committee
- Sports and Recreation Association

Cr Boylan reported on:-

- SELGA
- Limestone Coast Funding Model
- SE Regional Division General Practitioners
- Local Roads
- Population conference

Cr Wilkin reported on:-

- Limestone Coast Board Meeting
- District Inspection

ADJOURNMENT

Cr Denton moved **that at 5.45pm to adjourn the meeting for the duration of the Robe Development Assessment Panel Meeting. (352/2005)**

Seconded Cr Mathews

Carried

RESUMPTION

The General meeting resumed at 6.10pm.

REPORTS OF
ASSOCIATED
BODIES

OFFICERS' REPORTS

CHIEF EXECUTIVE
OFFICER

Playground Working Party

Cr Dening-Wasson moved **that Council formally appoint Georgie Sneath and Sonia Legoe as community representatives to the Playground Working Party. (353/2005)**

Seconded Cr Mathews

Carried

Electoral Representation Review

Cr Boylan moved **that no changes be made to the report and that it be forwarded to the State Electoral Commissioner. (354/2005)**

Seconded Cr Denton

Carried

SELGA Budget

Cr Boylan moved **that SELGA's proposed budget be accepted. (355/2005)**

Seconded Cr Dening-Wasson

Carried

Institute

Cr Dening-Wasson moved **that quote by Everett Electrical for installation of RCD's to the Institute be accepted and that Council spend up to \$3000 on kitchen renovations before 30 June 2005 based on the Friends of the Institute recommendations. (356/2005)**

Seconded Cr Boylan

Carried

Cr Denton moved **that the Chief Executive Officer's Report be accepted.**
(357/2005)

Seconded Cr Wilkin

Carried

MANAGER OF
WORKS

Road Works

Cr Boylan moved **that the Special Local Roads funding amount for the Nora Creina Road (Stage 1) funding contribution by Council be amended from \$133,000 to \$93,750.** (358/2005)

Seconded Cr Denton

Carried

Spots Hill Road

Cr Boylan moved that:-

1. **Mr Wally Ogilvies letter dated 25 May 2005, be noted and received.**
2. **Mr Wally Ogilvies request be discussed and considered during the financial year 2005/06 budget deliberations.**
3. **Mr Wally Ogilvie be advised accordingly of Council's decision.**
(359/2005)

Seconded Cr Denton

Carried

Footpaths

Cr Boylan moved that:-

1. **Mr Phil Carson's letter dated 30 May 2005, be noted and received.**
2. **Mr Phil Carson's request be discussed and considered during the financial year 2005/06 budget deliberations.**
3. **Mr Phil Carson be advised accordingly of Council's decision.**
(360/2005)

Seconded Cr Mathews

Carried

Tidy Town Volunteer Group

Cr Denton moved:-

1. **That the Tidy Towns Volunteer Group letter dated 6 June 2005 be received and noted.**
2. **That Council's supports the project subject that the following matters listed be addressed by the Tidy Towns Volunteer Group prior to the commencement of the project.**
3. **When the listed matters:**

- a) Erection of Road work signage by Council employees, prior to the volunteer group working in this area/vicinity, weekdays only.
- b) Rock wall needs to be placed together securely to ensure that no rocks dislodge and fall onto the roadway/footway after completion.
- c) Advise and seek comments from Transport SA on the proposed works as the area adjoins the Southern Ports Highway which is under the care, control and management of Transport SA.
- d) Existing underground services need to be located.

Have been researched further by the Tidy Town Volunteer Group and that Council be advised accordingly. (361/2005)

Seconded Cr Denning-Wasson

Carried

Tree Species, Planting Register

Cr Denning-Wasson moved that the Guidelines Road Reserve (Nature Strip) Tree Species Register for the Robe Township be adopted and implemented. (362/2005)

Seconded Cr Loxton

Carried

Waste Management

Cr Mathews moved that the recommendations/concerns listed below from the Manager of Works, be given to the Mayor and Cr Boylan to take back to the next SELGA Meeting:-

- 1) That SELGA be advised that Council agrees in principal with the prepared final document by GHD dated April 2005, "Landfill Rationalization and Resource Recovery Options for the South East Region" except for the Establishment of Regional Authority to oversee and Manager waste Management in the South East Region.
- 2) That SELGA be advised that a number of questions need to be answered by SELGA Waste Management Committee prior to recommendations and implementation of a South East Region Waste Authority.
 - 2.1 Investigate possible future costs imposed to all SELGA Council's if a Waste Authority is implemented
 - 2.2 Level of support, financially or other from Zero Waste SA and EPA
 - 2.3 Length (time) of project
 - 2.4 Advantages/Disadvantages of having a SE Regional Waste Authority
 - 2.5 Possible funding sources within State and Federal Government

2.6 Is this Waste Authority “only” required when a new regional landfill site is developed? (363/2005)

Seconded Cr Boylan

Carried

Landfill Rationalisation and Resource options for the South East Region document.

Tabled

**DEVELOPMENT OFFICERS’
REPORT**

LIBRARY REPORT Cr Loxton moved **that the Library Manager’s Report be accepted.**
(364/2005)

Seconded Cr Denton

Carried

**VISITOR INFORMATION
CENTRE REPORT**

Cr Boylan moved **that the Visitor Information Centre Report be accepted.**
(365/2005)

Seconded Cr Dening-Wasson

Carried

FINANCE

Cr Boylan moved **the Mayor follow up with the CEO in relation to the Budget for Youth Activities and Halls and that the Creditors and Budget Comparison be accepted.** (366/2005)

Seconded Cr Denton

Carried

PUBLIC FORUM

John Nunan

Nora Creina Road
Springs Road intersection
Straddle lift

Terry Bywaters

Ratepayers Meeting 13 June 2005

Lorraine Bywaters

Robe Marina Corporation/Great Southern
Marina

Brian Hartwig

Marina Corporation

Peter Riseley

Nora Creina Road
Wildfield Road
Straddle lift

ADJOURNMENT Cr Mathews moved **that at 7.05 to adjourn the meeting for a meal break.**
(367/2005)

Seconded Cr Denton Carried

RESUMPTION The General meeting resumed at 7.36pm.

NOTICE OF MOTION Cr Dening-Wasson submitted the following Notices of Motion:-

*1. Rescission Motion R13(3)
That Council resolution 270/2005*

“that Cr Mathews be excluded from the meeting for the portion of the meeting that considers submissions relating to Lake Butler and final adoption of responses to submissions but able to participate in discussion and vote on other submissions”.

be rescinded.

Cr Dening-Wasson moved that the resolution 270/2005 be rescinded.

Seconded Cr Loxton

A division was called for:-

<u>For</u>	<u>Against</u>
Cr Dening-Wasson	Cr Denton
Cr Loxton	Cr Wilkin
Cr Mathews	Cr Boylan

Mayor voted against the motion
Motion was

LOST

2. That an apology be given to Cr Mathews and any personal legal expenses incurred with regards to the Conflict of Interest issue relating to resolution 270/2005 be reimbursed.

Cr P Wilkin moved **that the motion be amended to delete “an apology be given to Cr Mathews”.**

Amendment became the motion (368/2005)

Seconded Cr Boylan Carried

Cr Denton moved that Council go back to Mellor Olsson seeking reasons for opinion.

Seconded Cr Wilkin

A division was called for:-

<u>For</u>	<u>Against</u>
Cr Loxton	Cr Dening-Wasson
Cr Denton	
Cr Boylan	
Cr Wilkin	

Motion was carried (369/2005)

Carried

QUESTIONS ON NOTICE

Questions on Notice were submitted by Cr Mathews:-

1. How long has the \$540,000 contributed by Transport SA to Robe Council been in a Trust Fund?

Mayor's response – Contributed by Transport SA and EPA and unaware if it is in a trust fund or not.

Was this given in one lump sum?

Mayor's response – No

For what purposes was the \$540,000 given?

Mayor's response – Washdown area, breakwater repairs and straddle lift repairs.

Would the Robe Council be able to service a \$6,000,000 debt if the Robe Marina Project fails?

Mayor's response – declined to respond as the \$6m. is the total cost of the project and not necessarily the debt.

2. What has Council spent on the Marina Project to date?

Mayor's response – a resolution is needed.

Moved Cr Boylan that a report on the expenditure of the Marina be provided. (370/2005)

Seconded Cr Loxton

Carried

Questions on Notice were submitted by Cr Dening-Wasson:-

1. With regards to Section 34 of the Development Act, plus Regulation Schedule 10 clause 2A relating to possible conflict of interest in council approving its own developments why have we not lodged a request with the Development Assessment Commission to become the authority for the proposed Marina development?

Mayor's response – Dealt with through Council's Planners and Planning SA as to how Council handled the applications.

2. Was the Marina Plan sent to the Minister for Heritage for an opinion?

Mayor's response – Yes, no reply from the Minister of Heritage in the timeframe.

3. Can we receive the Maunsell opinion of Peter Riseley and John Hinge's alternative Marina plan.

Mayor's response – Yes, we need a resolution to that effect.

Cr Dening-Wasson moved **that a copy of their opinion be made to Councillors.** (371/2005)

Seconded Cr Boylan

Carried

4. Is there a legal process or public consultation process required to change the name of a lake? In particular Lake Butler. If the lake's name is not changed by naming the Marina the Great Southern Marina how will the lake retain its identity?

Mayor's response – not changing geographical name, Great Southern Marina is only for marketing purposes.

Cr Loxton moved that the Marina corporation provide a cost up to date report and projected report for 12 months.

Mayor's response – report will be furnished by Marina Corporation in business plan in due course.

CORRESPONDENCE

1. Limestone Coast Tourism - Limestone Coast Tourism Update.
Received

2. Department of Water, Land and Biodiversity Conservation - Levy South East Catchment Water Management Board.
Received

3. Animal & Plant Control Commission - Implementation of Natural Resources Management.

Received
4. Environment Protection Agency - Increase in Waste Contributions.

Received
5. Ratepayers Defence Association - Indigenous Land Use Agreements.

Received
6. Limestone Coast Tourism - Limestone Coast Federal Government Tourism Impact Model.

Cr Boylan moved that Council support the project namely:

- (1) provide a letter of support
- (2) and agree to participate in the TIM analysis and strategic planning element of the project. (372/2005)

Seconded Cr Denton Carried

7. Australian Local Government Association - ALGA Ageing Awareness and Action Survey Report.

Received
8. Greenways Tennis Club - Discontinuing playing Tennis at Greenways.

Cr Boylan moved that Cr Loxton and himself meet with the Greenways Tennis Club to discuss the future of the Club and report back to the next meeting. (373/2005)

Seconded Cr Dening-Wasson Carried

9. D Snook - Street Naming.

Received
10. M Williams Member for MacKillop - Development (Sustainable Development) Amendment Bill.

Received
11. Federal Minister for Transport - Roads to Recovery Program Allocation.

Cr Boylan moved that works commence on the Wrights Bay Road in 2006/07. (374/2005)

Seconded Cr Mathews Carried

12. Wattle Range Council - Coonawarra Australia's Other Red Centre Gateway Project.

Cr Boylan moved **that Council write a letter of support to the Wattle Range Council for the Coonawarra Australia's Other Red Centre Gateway Project.** (375/2005)

Seconded Cr Denton

Carried

13. Federal Minister for Local Government - Excellence in Governance for Local Government.

Received

14. Zero Waste SA - Household Hazardous Waste & Farm Chemical Collection.

Received

15. Admella Commemoration Advisory Committee - Membership.

Received

16. Office for Youth - Invitation to Apply for Funds for a Youth Advisory Committee.

Cr Denning-Wasson moved **that Council not apply for the funds.** (376/2005)

Seconded Cr Boylan

Carried

17. SA Boating Facility Advisory Committee - Boating Facilities.

Cr Denton declared a conflict of interest as he is a member of the SA Boating Facility Advisory Committee and left the room at 8.30pm.

Cr Mathews moved **that the Manager of Works contact Peter Stock from the Lake Fellmongery Ski Club in relation to applying for funding.** (377/2005)

Seconded Cr Loxton

Carried

Cr Denton re-entered the room at 8.31pm.

18. Local Government Association of SA - Water Smart Australia.

Cr Denton moved **that an application for better re-use of the STEDS System with the assistance of engineers and other to develop a plan.** (378/2005)

Seconded Cr Wilkin

Carried

19. Local Government Association of SA - Access for People with Disabilities.

Received

20. Local Government Association of SA - Postponement of Rates - Seniors.

Received

21. Local Government Association of SA - Sustainable Development Bill 2005.

Received

22. Local Government Association of SA - Elections Bill 2005 Consultation on a New Issue.

Cr Denton moved **that the Mayor and CEO be authorised to complete the survey.** (379/2005)

Seconded Cr Wilkin

Carried

23. Local Government Association of SA - Road Safety Design & Slogan for Use by Councils.

Received

24. Local Government Association of SA - Consideration by Councillors of Cheques Disbursed by CEO.

Received

25. Local Government Association of SA - Nominations for the SA Fire & Emergency Services Commission Advisory Board.

Received

26. Natural Resources Council - Towards South Australia's Natural Resource Management Plan.

Received

27. Minister for Infrastructure & Strategic Infrastructure Plan.

Received

28. Dr Mark Hutton - State and Health Plan. Received
29. Local Government Association of SA - Draft Youth Development Policy. Tabled
30. Annual Report - Foundation for Young Australians. Tabled
31. National Australia Bank Volunteer Awards 2005. Tabled
32. Australian Government - Women in Australia 2004. Tabled

OTHER BUSINESS

Lake Butler

Moved Cr Wilkin that:-

1. Council arrange to hold a meeting as soon as possible with all Lake/Commercial lake users, directly after this meeting, discussion be held with Marina Corporation Chairman, P Carter.
2. That all works pertaining to Lake Butler are not to proceed until Council provides consent. (380/2005)

Seconded Cr Boylan Carried

YAC Notice Board

Moved Cr Mathews that the YAC noticeboard be moved.

Seconded Cr Dening-Wasson LOST

Marina project

Cr Dening-Wasson moved that the Mayor consult the CEO on the progress of the washdown bay works and that documentation of works be provided to the next Council meeting and to all Councillors. (381/2005)

Seconded Cr Wilkin Carried

Roads Conference

Cr Dening-Wasson moved that Cr Boylan attend the Roads Conference in Tasmania in July. (382/2005)

Seconded Cr Denton Carried

CONFIDENTIAL
ITEM

Cr Boylan moved:-

- (a) that under the provisions of the Local Government Act 1999 an order be made under Section 90(2) that the public, except the Manager of Works and Administration Officer be excluded from attendance at the meeting in order to consider in confidence employee support under sub section 90 (3)(a).
- (b) that the Council is satisfied that it is necessary that the public be excluded to enable the Council to discuss the matter on the following grounds – *information disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)*. (383/2005)

Seconded Cr Loxton

Carried

Cr Boylan moved that Council pay \$930 on receipt of an account from Schleuinger. Council is of the opinion that the Ombudsman should consider Ogilvie's view and reconsider outcome. Council considers itself involved in a family dispute and Council is prepared to consider extension of time in any resolution of tree planting. (384/2005)

Seconded Cr Wilkin

Carried

The Mayor declared the meeting closed at 9.05pm.

Confirmed 12 July 2005

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Mayor