

District Council of Robe

Minutes of the Monthly General Meeting held on 8 November 2005 commencing at 5.45 pm.

PRESENT Mayor Peter Darr, Crs P Wilkin, M Denning-Wasson, F Boylan, J Mathews, M Denton & D Loxton and the Chief Executive Officer; R Kay.

APOLOGY Manager of Works Glenn Sanford

CONFIRMATION OF MINUTES

Cr Boylan moved that the minutes of the Council Meeting held on 16 September 2005 be taken as read and confirmed with the edition of the following resolution.

“That a list of registered moorings and the waiting list be provided to all elected members” (183/2006)

Seconded Cr Denning-Wasson

Carried

Cr Loxton moved that the minutes of the Council Meeting held on 11 October 2005 be taken as read and confirmed with the following additions;

- a. Record that Cr Mathews voted against correspondence item no 11.
- b. Other business

“Comments from Cr Mathews as follows

I was made aware that Timbercorp were to meet with CEO and the Acting Mayor on the 22 September at 12.00 pm.

I arrived at the Council Chambers at 11.45 am to ask if I could sit in on this meeting, the Acting Mayor said quote “the CEO said no I can’t”.

Then asked to speak to the CEO he told me that I could not attend the meeting even as an observer that the meeting was only going to be on Administration, Process and Development and the rest of the Councillors had not been asked to attend.

Why is it that Councillor Boylan can attend a meeting with representatives of the fishing industry and no other councillors were invited or even knew about that meeting?

Why is it that Cr Denton can attend with a delegation that Council has selected to visit with Pat Conlon and the other Councillors were not given that opportunity?

There have been two meetings in Robe with Timbercorp personal and to this date no Councillors have been allowed to attend”. (184/2006)

Seconded Cr Denton

Carried

MAYORS
REPORT

The mayor reported on the following:

14.10.2005 – SELGA - Superintendent of Police
 - Limestone Coast Tourism new chairperson

26.10.2005 – Machinery Committee Meeting

29.10.2005 – Obelisk 150 Celebrations

3.11.2005 – SELGA Meeting Election Issues

REPORTS OF
COMMITTEES

Cr Denton moved **that the minutes of**
1. Child Care on Wheels Committee – 18 October 2005
2. Machinery Committee – 26 October 2005
be received and that the recommendations and resolutions contained in the
minutes be adopted. (185/2006)

Seconded Cr Boylan

Carried

REPORT OF
SUBSIDIARY

Cr Boylan moved **that the report from the Chairman Robe Marina Corporation of**
the October Meeting be received. (186/2006)

Seconded Cr Denton

Carried

REPORTS OF
DELEGATES

Cr Wilkin reported on the following:

- Robe Tourism & Traders Association
- 4WD Drive Show Melbourne

Cr Denning Wasson reported on the following:

- Kingston Community School
- Child Care on Wheels Meeting
- Robe Marina Board

Cr Boylan Reported on the following:

- Limestone Coast Regional Development Board
- Limestone Coast Freight Logistics Task Force

Cr Mathews reported on the following:

- Meeting with South East Sport & Recreation Officer
- Kingston Soldiers Memorial Hospital
- Robe Marina Board
- Robe Ratepayers Association

Cr Loxton reported on the following:

- Lacepede Tatiara Robe Animal & Plant Control Board

REPORTS OF
ASSOCIATED
BODIES

Cr Dening-Wasson moved **that the reports of the following Associated Bodies be received and noted.**

1. LGA – Annual General Meeting - 6 October 2005
2. Lacepede Tatiara Robe Animal & Plant Control Board – 13 October 2005
3. Light-Up Robe and Christmas Parade Committee – 20 September 2005
4. SELGA Roads & Transport Working Group – 16 September 2005
(187/2006)

Seconded Cr Boylan

Carried

OFFICERS'
REPORTS

CHIEF
EXECUTIVE
OFFICERS

Policies

Cr Denton moved **that the Electronic Communication Facilities Policy and Records Management Policy lay on the table and be deferred to the December 2005 meeting.** (188/2006)

Seconded Cr Boylan

Carried

Animal Management Plan

Cr Denton moved **that the Animal Management plan 2005-2010 as presented by the General Inspector at the 11 October 2005 Council Meeting be adopted with the alteration that Karatta Beach be included in the “Area set aside where dogs are prohibited” not in the “Off leash Areas”.** (189/2006)

Seconded Cr Wilkin

Carried

Accounts

Cr Dening-Wasson moved that a list of accounts paid each month be presented to each Council Meeting.

Seconded Cr Boylan

Lost

Cr Dening-Wasson declared a conflict of interest and left the meeting at 6.45 pm.

Robe Sporting Community Assistance Program

Cr Denton moved **that**

- a. **The Women in Black application be deferred until 2006/2007 and that they be encouraged to complete the book over the next 6-10 months and that the book then be typeset by Council staff in consultation with the Women in**

Black. Council will then contribute to the production of the book in the 2006/2007 financial year.

b. Assistance be made as follows:		
Mayoral Christmas Parade	2200	
Lake Fellmongery Water Ski Club	1500	
Robe Sports Complex	440	
Lions Club	1430	
Robe Golf Club	3622	
Robe Bowling Club	4000	
Robe tennis Club	1225	
	\$14417	(190/2006)

Seconded Cr Mathews

Carried

Cr Denning-Wasson returned to the meeting at 6.48 pm.

Robe Marina Corporation

Cr Loxton moved that Council endorse the following resolution from the Robe Marina Corporation meeting held on 28 October 2005.

“Taking due consideration of the Council’s resolution the Board of the Robe Marina Corporation agrees to work towards the completion of the following work by the 31 December 2005.

- All the engineering design work specified in Manusell’s letter!
- Development of an acceptable cost effective way of treating the dredgings from Lake Butler plan;
- Obtaining EPA approval of the project in it’s entirety plus any other approvals that are required.
- Finalisation of the proforma leases for both commercial and recreational moorings in Lake Butler.
- Completion of the application for grant money; and
- Advising people, as a matter of courtesy the status of work on the Marina and what has happened to their Registration of Intent”. (191/2006)

Seconded Cr Boylan

A division was requested

FOR

Cr Loxton
Cr Denton
Cr Boylan
Cr Wilkin

AGAINST

Cr Mathews
Cr Denning-Wasson

Motion was

Carried

Cr Boylan moved that Council transfer \$90 000 to the Robe Marina Corporation. (192/2006)

Seconded Cr Denton

A division was requested

FOR

Cr Loxton
Cr Denton
Cr Boylan
Cr Wilkin

AGAINST

Cr Mathews
Cr Denning-Wasson

Motion was

Carried

Cr Denton moved **that the Chief Executive Officer Report be received.**
(193/2006)

Seconded Cr Boylan

Carried

PUBLIC
FORUM

C Domaschenz -
-

Soil contamination
Robe Marina Corporation

L Falkner -

Robe Marina Corporation

A Smith -

Misinformation in reference to
Marina.

-

Suggest that Council should issue
a statement outlining the facts.

MANAGER
OF WORKS

Waste Management

Cr Wilkin moved **that Council receives and notes the invitation to the official opening of the Mount Gambier Green Triangle Recycling Centre to be held on Friday 18 November 2005.** (194/2006)

Seconded Cr Denning-Wasson

Carried

Spots Hill Road

Cr Boylan moved **that the Manager of Works investigate Doug Ogilvie & Sons raised issue pertaining to Council resolution 176/2006 for allowing a 15 metre area to plant trees opposite Doug Ogilvie & Sons home property driveway along Spots Hill Road.** (195/2006)

Seconded Cr Mathews

Carried

Cr Boylan moved **that the Manager of Works Report be received.** (196/2006)

Seconded Cr Wilkin

Carried

ROBE
LIBRARY

Cr Wilkin moved **that the Robe Library Report be received.** (197/2006)

Seconded Cr Denning-Wasson

Carried

ROBE VISITOR
INFORMATION
CENTRE

Cr Loxton moved **that the Robe Visitor Information Centre report be received.**
(198/2006)

Seconded Cr Mathews

Carried

FINANCIAL

Cr Denton moved **that the Bank Reconciliation Statement as at 30 September 2005 and the Budget Comparison as at 31 October 2005 be received.**
(199/2006)

Seconded Cr Loxton

Carried

NOTICE OF
MOTION

Cr Loxton submitted the following:

“Notice to rescind motion 362/2005 at next Council

Reason

To enable those concerned with proposed tree type (plane) in front of their premises to suggest a different type. Only on Victoria Street and to be approved by Works Manager as a reasonable option.”

Cr Loxton withdrew the Notice of Motion.

Cr Loxton moved **that the Street Tree Committee be requested to provide further advice on Plane trees in Victoria Street with the issues of concerns raised with Council being provided to the Committee and that no trees be planted until the issue is resolved.** (200/2006)

Seconded Cr Denning-Wasson

Carried

QUESTIONS ON
NOTICE –
Deferred from
October Meeting

Following Questions on Notice submitted by Cr Mathews

1. Has a letter been forwarded to Mr Mark Savage in reply to his letter of 20th January 2005 giving him the clear and precise reasons why he was refused the Council Rebate for 2004/2005?

I want to see this matter cleared up once and for all; it is only courtesy to reply to his letter with the information he is seeking.

JA & CM Savage (owners of the property) were given details why they were not eligible for a discretionary rebate on 21 October 2004.

2. I would like clarification of the current outstanding action
Item No 8 Evaluation of three tenders - are these for the purpose of costing the Marina Project – as I have a problem with the word tender to my knowledge Council have not given permission for the calling of tenders or signed off on this Marina?
Clause 4.1 of resolution 124/2006 addresses this issue.
3. Did Council reply to a letter dated 1st July 2005, from the Lawyers acting on behalf of Mrs Harrold re the acquisition of her land? I would ask for Councillors to be updated re this matter.
Council's solicitors replied on Council's behalf.
4. Is there any reason why Council cannot release Attachment C of our Council's Financial sustainability Status?
The Documents were supplied as confidential to Council
5. What is the difference between Commercial in Confidence and Confidential?
If this is to be answered legal advice would be required.
6. Where are we with the two outdoor seats and one table for Pioneer Park that was passed by resolution No 267/2004?
Seats will be manufactured and installed when time permits.
7. Is there any further information about the pathway that used to be opposite Lakeside, Lake Charra?
Overgrown doesn't exist.
8. Is the area on the Eastern side of Guichen Bay Motors were Foodland Employees Park Council owned or Private land?
Unable to determine accurately unless a survey is undertaken. I believe some parking is on both Road Reserve and Private Land.
9. Is the seat on the North side of the Institute going to be put back?
When time permits
10. My question is can a Subsidiary give a 2 year contract when no Business Plan has been finalised No Fishermen have signed a Lease as the Lake Butler has still not been made over to Robe Council?
The charter gives the Robe Marina Corporation the power to enter into contracts.

11. How can the Subsidiary be wound up if we still have a commitment to retain Mr Duffy?

Subject to legal opinion the contract would have to be honoured by the Robe Marina Corporation (or Council).

12. Surely there would be a clause in his contract that would state if the Marina did not happen he would be unemployed?

This is a statement not a question.

13. Do the Council need to give permission for the volunteers to put lights and generator behind the railings at the Obelisk the same as happened for the 2002 Encounter Celebrations?

Yes.

14. Can units be built on Hawden House Site?

All applications must be assessed against the Development Plan. Principles 2, 24, 25, 26 are the relevant principles although this will change when the new development plan is authorised.

15. Is there any reason that the Map Table in Interpretive Centre could not be removed and placed on a wall somewhere?

It would certainly provide a lot more space for visitors etc?

Map was designed to be where it is located. – No free wall to mount new carpet now laid. Storage is provide underneath.

Cr Mathews moved **that legal advice be sought on the difference between Commercial in Confidence and Confidential.** (201/2006)

Seconded Cr Loxton

Carried

Following Questions on Notice submitted by Cr Dening-Wasson

1. (a) When the CEO retires what are the details of his retirement remuneration package?

There is no retirement remuneration package.

- (b) Who has the responsibility of selecting CEO or Senior Management personnel?

The appointment of the CEO is undertaken pursuant to section 98 of the Local Government Act 1999. The process and procedure is as per the legislation. I would however suggest that the HR consultant be engaged to assist in such an appointment to ensure adequate experience and knowledge is available to the selection panel. The appointment of all other officers is the responsibility of the CEO as per legislation viz section 103.

“The Chief Executive Officer is responsible for appointing, managing, suspending and dismissing the other employees of the Council.”

(c) How can Council be involved in the selection process of senior management personnel?

Council doesn't have a role in the selection of staff (section 103).

(d) What is the process / procedure which could allow our council to consider employing future senior management staff on performance based contracts?

Council doesn't have a role in determining conditions of employment, section 104 of the Local Government Act 1999 states.

"Subject to any relevant Act, award or industrial agreement, the remuneration and other conditions of service of an employee of a council will be as determined by the Chief Executive Officer."

2. Which other councils within the state are of similar size to ours? Population and /or by area.

Local Government Grants Commission classifies Councils. Robe's classification is Rural Agricultural Small.

The definition is

- Population density less than 30 persons per square km
- Agriculture
- Population up to 2000

Other Councils in South Australia with the same classification are:

- Le Hunte
- Karoonda East Murray
- Orroroo Carrieton
- Kimba
- Peterborough
- Franklin Harbour
- Elliston
- Streaky Bay
- Flinders Ranges
- Cleve

3.

(a) If a council was to consider controlled population growth in their area what is the procedure and where can information be found on this?

Not able to answer this question.

(b) What other councils, Australia wide, and in particular within our state, have implemented this form of control?

Unknown

4. Is the Robe Public Library and Visitor Information Centre closed to the public during the Robe Village Fair weekend? If not how does the public access it with out incurring the admission fee to the fair, if it is closed should this not be a formal decision of council?

The VIC – Library remains open, people can access the facility if required without payment – this is what has occurred previously.

5. Robe Village Fair Sponsorship - what bonuses are received as a part of this sponsorship and how are they distributed?
At this stage I am unaware of what the bonuses will be.

6. Robe Village Fair – given a specified total area is enclosed by security fencing is there a maximum number of people allowed in the area at any one time?
This question needs to be referred to the Robe Village Fair.

7. What 'formal' qualifications do current senior management personnel hold? Please clarify (to those of us who are not okay with such terminology) and expand on those qualifications listed on the web site-
CEO: Dip LGAA, FLGMA.... Development: MAIBS, MWOBO.... Works?
:Library?
Refer to question/answer 1

8. Request for road closures by persons or organizations other than council – what is the protocol / procedure of such a request.
Formal request in writing to Council

9. Regards the proposed marina in Lake Butler how is the issue of potential mooring of houseboats and the possible opportunity for these to be used as holiday residences and /or accommodation on a regular or permanent basis been addressed?
The draft lease includes a clause that prohibits any person to occupy a vessel for a period longer than 2 weeks.

10. Has the Marina Corporation presented a status report, specifically reporting on progress of business plan, financial reports, expressions of interest from professional fishermen, etc to council at any time over the past 9 months?
All relevant information received has been included in Council's Agenda. Naturally nothing has been received since July due to suspension of board. The first board meeting since reconvening was 28 October 2005.

11. Does our council have any policy regarding the removal of mature aged trees on private property?
No. Removal of trees on private land within the township do not require approval, unless they are declared a heritage tree. No trees have been declared. Outside of Township Native Vegetation Authority approval is required

12. What is the 'situation' / where is' council at' with the land acquisition application lodged in April (?) regarding Mrs Harold's land.
The notice of Intention to Acquire land was dated 30 May 2005. An update has been requested from Councils Solicitors acting in this matter.

13. Will the lease of Lake Butler from Transport SA to Council be considered by the full council meeting? Do we have an update as to where we are at with this lease agreement and when can we expect it to be presented to council?
Yes. See CEO's Report.
14. Specifically what is the hold up with the new Development Plan. It has been alluded that there were 'a few issues to be clarified' what issues and has this been done and is it with the Minister now?
PAR was authorised on 3 November 2005.
15. What are the guidelines, specification and standards for a roundabout.
Guidelines as per Ausroads.
16. What are the guidelines, specifications and standards for road widths and cul de sac turning areas?
Guidelines as per Ausroads.

CORRESPONDENCE

Section A

1. D & G Mader – access to Highway from Section 70.

Cr Denton moved **that Council Officers enter into discussion with property owners and Transport SA to seek a resolution to this issue.** (202/2006)

Seconded Cr Dening-Wasson Carried

2. Kingston District Council – Princes Highway

Cr Dening-Wasson moved **that Council support the Kingston District Council** (203/2006)

Seconded Cr Wilkin Carried

3. Friends of Robe Institute Hall – Upgrade

Cr Dening-Wasson moved **that Council acknowledge their correspondence and advise them that Council is supportive of their endeavours in the upgrade of the Hall.** (204/2006)

Seconded Cr Boylan Carried

4. Robe Football Club – Rodeo

Cr Boylan moved **that Council**

- **approves the liquor licence**
- **grants permission for the road closure**
- **approves the use of Council's Machinery** (205/2006)

Seconded Cr Loxton Carried

5. Karatta Wines – Transfer of Wine producers licence to 12 Mile Winery.
Cr Wilkin moved **that approval be granted.** (206/2006)
Seconded Cr Mathews Carried
6. T Wetherall – Walkway
Received
7. SA Tourism Commission – advice of grant for Long Beach toilets.
Cr Denning-Wasson moved **to obtain a firm price and design.** (207/2006)
Seconded Cr Boylan Carried
8. Naracoorte Lucindale Council – South East Road Safety – a combined approach.
Cr Denton moved **that Council support a collective approach.** (208/2006)
Seconded Cr Mathews Carried
9. Office for Youth – Rural & Regional Young People and Transport
Improving Access to Transport for Young People in Rural and Regional Australia.
Received
10. The Golden Trail – Robe to Bendigo
Cr Boylan moved **that the CEO liaise with Robe Tourism & Traders Association.** (209/2006)
Seconded Cr Wilkin Carried
11. Local Government Association of SA – Retirement of President.
Cr Boylan moved **that a letter of appreciation be forwarded to Cr John Legoe.** (210/2006)
Seconded Cr Wilkin Carried

12. Local Government Finance Authority – Bonus Payment.

Received

13. Local Government Association of SA – A Local Government/Aboriginal Service Agreement Case Study and Guide.

Received

14. Local Government Association of SA – Youth Development: Policy to Practice – A guide for Local Government in South Australia.

Received

15. Local Government Association of SA – Role of Council Members and Chief Executive Officers in Local Government 2005.

Received

16. Local Government Association of SA – Election November 2006.

Received

17. Local Government Association of SA – Rates Bill Passes Legislative Council.

Received

18. State Emergency Service Kingston – Letter of support for Volunteer Marine Rescue Service.

Cr Denton moved **that a letter of support be forwarded.** (211/2006)

Seconded Cr Loxton

Carried

19. Department of Environment & Heritage – Corporate Plan.

Tabled

20. Working Well Together – Volunteer Ministerial Advisory Group Report to the Premier.

Tabled

21. National General Assembly of Local Government.

Tabled

22. Annual Reports – SE Area Consultative Council
- Mount Gambier & District Health Service
- SE Regional Health Service

Tabled

OTHER

BUSINESS

Cr Loxton moved **that The Chief Executive Officer provides the cost of the acquisition of the Golf Course land at the next meeting.** (212/2006)

Seconded Cr Denning-Wasson

Carried

The Mayor declared the meeting closed at 8.30 pm

Confirmed 13 December 2005

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Mayor