

7th September 2006

Please be advised that the next Council Meeting will be held on Tuesday 12th September 2006 at the Council Chambers Smillie Street Robe commencing at 5:45pm.

Public Forum will commence after Confirmation of Minutes.

Yours faithfully

RJ Kay
Chief Executive Officer

Agenda

PRESENT

APOLOGY

**CONFIRMATION
OF MINUTES**

Minutes of the Council Meeting held on 8th August 2006 be taken as read and confirmed.

PUBLIC FORUM

BUSINESS ARISING

MAYOR'S REPORT

REPORTS OF COMMITTEES

1. Robe District Bushfire Prevention Committee 14th August 2006
2. Child Care on Wheels Committee Minutes - 28th August 2006

REPORTS OF SUBSIDIARY

1. 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

2. Robe Marina Corporation - Confidential items

- Minutes 18th April 2006
- Minutes 9th May 2006
- Minutes 6th June 2006
- Minutes 15th August 2006

REPORTS OF ASSOCIATED BODIES

1. SELGA - Waste Management Committee Meeting 29th August 2006

REPORTS OF DELEGATES

OFFICERS' REPORTS

1. Chief Executive Officer
2. Manager; Works
3. Environmental Health Officer - Confidential Item

FINANCIAL

1. Budget Comparison
2. Bank Reconciliation as of 31st August 2006

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"

**NOTICE OF
MOTION**

The following Notice of Motions were submitted by Cr. Dening-Wasson:-

1. That the following questions be addressed and information and/or answers be provided prior to council making a decision on current requests from the RMC with regard to the land based marina precinct.

- a. What does "partial control" mean?
- b. What does "total control" mean?
- c. Please provide a list of the proposed transfer documents and leases for each piece of land. Please attach a copy of each and initial and date each page. If these documents don't exist, please say so in writing.
- d. For each piece of land please clarify whether it is to be leased or freehold transferred?
- e. What are the terms and conditions of each lease/transfer? What would the RMC be able to do with each piece of land and what wouldn't they be able to do with each piece of land if we follow your recommendation and transfer control to RMC?
- f. In relation to Lipson Park, under your recommendation of transfer of control, would the RMC be able to dump dredged sludge on this park? (either temporarily or permanently)
- g. Will you guarantee that any lease/transfer will include a prohibition on dredged sludge being placed on Lipson Park?
- h. Will you guarantee that any lease/transfer will prohibit more than the 15 car parks in Lipson Park as shown on the current RMC plans?
- i. Will you guarantee that any lease/transfer of Lipson Park will prohibit any building on this site?
- j. With the bush on the western side of the lake, will you guarantee that any lease/transfer will include a prohibition on clearing any of the bush?
- k. Also, with the bush on the western side of the lake, will you guarantee that any lease or transfer will include a prohibition on any building going on this site?
- l. With the land near Karatta House will you guarantee that any transfer or lease document will prohibit adding more car parking in this heritage location?
- m. Will you guarantee that any transfer or lease document will prohibit selling, leasing or sub leasing without a prior resolution of council. (we need to keep control of our land)
- n. Please explain why in last month's agenda you wrote at the bottom of the page titled 'Robe Marina Precinct': "Land based leases have already been delegated to the RMC under Section 44 LG Act".
- o. Has this land already been transferred before getting council approval?

- p. Will Council be paid the going valuation for this land by the RMC? (Malcolm Kentish and Peter Darr keep saying everything should be User Pays - obviously the RMC should be paying too)

Supporting Comments

I believe we need this information so we can be informed in advance and if required seek legal advice

- 2 That the RMC be asked to present their entire proposed plan for the marina precinct as a Development Application before any decision be made on handing over the care and control of any areas around the lake.**

Supporting Comments

Without this we are unsure of what the RMC may do with the land. In protecting ratepayer assets we cannot rely merely on their assurances in a workshop before transferring such valuable community assets. (For the record, the RMC don't need to have ownership or control over land to submit a Development Application. Anyone can submit a DA for any land.)

- 3. That a full report and update on the breakwater and washdown area be presented to the September council meeting along with proposed remedial action and who will be liable for any such remedial action.**

Supporting Comments

As this is of concern to council members and the community the information should be made public to alleviate any concerns.

- 4. 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**

Supporting Comments

Is has been brought to my attention that my previous motion which was passed at the July council meeting has not been clear enough for the RMC to answer.

I have re worded it in hope that the RMC can understand what is requested and provide an answer. If it is still not clear enough I would be happy to meet with members to support the resolution.

5. That Council resolution 48/2007 be rescinded

Supporting comments

The motion is unclear in a number of areas and further information and consideration should be required before the request can be adequately assessed. Areas of concern are,..... impact of proposed operation on town area, specific nature of mobile food van (that is product), responsibility of compliance with rules and regulations, ramification of non compliance.

QuestionsDoes council have a policy to cover operation of mobile food cans in our council area?? Should we have such a policy??

Are there state regulations which apply to the operation of mobile food vans. If so what are they?

Notice of Motion

That correspondence from Ben Cook re operating a mobile food can in our council area be received pending further discussion prior to a decision being made.

Supporting comments

To allow Elected Members the opportunity to adequately source further information or explore proposal impact and possible benefits to community before making a decision to issue or not to issue a permit.

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

1. That the Robe Marina Corporation Board be instructed to have a Full Viability Audit prepared by 30th September and presented to Councillors in their 10th October 2006 Council Agenda. The Audit to be prepared by a certified auditor.

CORRESPONDENCE

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.
5. Chris Hamilton - Captain Boggles Hanger at Robe Airstrip.
6. Telstra - Removal of payphone.
7. RSL, Robe Sub-Branch - Application for rebate of rates.
8. SA Tourism Commission - Local Government's Engagement in Tourism final report July 2006
9. The Golden Trail Progress Report, August 2006.
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.

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

**CONFIDENTIAL
ITEMS**

1. Industrial Land sales
2. Letters re Land Acquisition.

**OTHER
BUSINESS**