



## MINUTES

Minutes of the Special Council Meeting held on Wednesday 30 August 2023 commencing at 6:30pm at the District Council of Robe Chambers, Smillie Street, Robe.

<b>ACKNOWLEDGEMENT OF COUNTRY</b>	The District Council of Robe acknowledges that we are meeting on the traditional lands of the Boandik people and we respect their spiritual relationship with their Country. We also acknowledge the Boandik people's deep feelings of attachment and relationship with this land and that their cultural and heritage beliefs are still as important to the living Boandik people today.
<b>WELCOME</b>	<p>Mayor Lisa Ruffell welcomed the Elected Members and Staff.</p> <p>The Robe community can expect their Elected Members to show appropriate respect for their roles, due process and protocol at all times.</p> <p>We, in return, expect members of the gallery to show us respect by allowing us to perform the business of Council without interruption.</p> <p>Elected Members value differing opinions as we strive to provide good governance for the Robe community.</p>
<b>PRESENT</b>	Mayor Lisa Ruffell; Cr Marcia Denning; Cr David Laurie; Cr Kylie Peel; Cr Ned Wright and Cr Duncan Young.
<b>STAFF IN ATTENDANCE</b>	Acting Chief Executive Officer, Deb Brokenshire and Executive Assistant, Molly Murdock (Minute Taker).
<b>APOLOGIES</b>	Cr Nick Brown
<b>CONFLICT OF INTEREST</b>	Nil

## RECOMMENDATION REPORTS

### 6.1.1 Scott Gluyas – Temporary Marina Berth and Signage Request

Moved Cr Wright  
Seconded Cr Peel

**That the District Council of Robe having considered Report No. 6.1.1 'Scott Gluyas – Temporary Marina Berth and Signage Request' approve:**

1. the short-term berth fee of \$7899.00 for three months being waived,
2. 1m x 1m signage being placed on the fence at the entry to the hard stand in the Lake Butler Marina
3. a fee of \$184.30 be charged for the 1m x 1m sign on fence
4. the seeking of feedback from the Marina Advisory Committee in relation to item 7 permitted use of the underlease. (74/2024)

Carried

Moved Cr Wright  
Seconded Cr Laurie

**Approves an extension of time for Cr Denning to speak to Item 6.1.1. (75/2024)**

Carried

Moved Cr Wright  
Seconded Cr Laurie

**Resolved to suspend standing orders for 15 minutes. (76/2024)**

Carried

Moved Cr Denning  
Seconded Cr Wright

**Resolved to extend the suspension of standing orders for a further 10 minutes. (77/2024)**

Carried

Moved Cr Wright  
Seconded Cr Laurie

**Resolved that standing orders resume. (78/2024)**

Carried

Moved Cr Young

Seconded Cr Wright

That the District Council of Robe having considered Report No. 6.1.2 'Lake Butler Marina – Administration Fee and Sinking Fund' approve:

1. administration to investigate the process required to amend the existing underlease agreement to allow for all administration fees to be paid into the sinking fund
2. administration to investigate the process required to amend the existing underlease agreement to define the purpose of the sinking fund as being to meet payment of the contingent repairs and maintenance liabilities of the marina.
3. administration to investigate the process required to amend the existing underlease agreement to add into definitions "Sinking Fund" – means a separate account opened to accumulate contributions to meet payment of the contingent liabilities and other expenses referred to in clause 6.2
4. administration to investigate the process required to amend 6.2.1 of the existing underlease agreement to read: The Under lessor will establish a Sinking Fund to fund provision for recurrent and major items of repair and maintenance to the Marina.
5. administration to investigate the process required to amend Clause 6.2.3 of the existing underlease agreement by removing the words "made from" in the second line.
6. administration to investigate the process required to amend Clause 6.2.4 of the existing underlease agreement of similar fees collected by the underlessor pursuant to the underleases and licenses it grants in relation to the marina shall be at the discretion of the underlessor
7. administration to investigate the process required to amend 6.2.5.3 of the existing underlease agreement to include (in the fourth line) payment of the contingent liabilities of maintenance and repair.
8. Upon clarification of processes required, administration to seek Ministerial consent to the changes to the sub-lease agreement.
9. Administration to review the Sinking Fund Procedure to include the funding of the Lake Butler Marina contingent and maintenance repair liabilities and present a draft of the updated Procedure to the Marina Advisory Committee for feedback
10. Administration to investigate adding into definitions "Contingent Liability" – means the liability of the under lessor to meet and pay for the repairs and maintenance of the Marina pursuant to the Agreement and based on acceptable engineering practice and estimates calculated over the term of the Underlease and as those estimates relate to the assets of the Marina. (79/2024)

Carried

6.1.3 Lake Butler Marina – Sale of Long Term Lease of Berths

Moved Cr Young  
Seconded Cr Wright

That having considered the report Lake Butler Marina – Sale of Long Term Lease of Berths Council resolve to:

1. Retain 5% of short-term rental for touring boat berths.
2. Conduct audit of berth leases available for sale including their location, size, power and water
3. Marina Advisory Committee to provide advice regarding berths to be retained, lease terms, berth values and the sale process
4. Seek marketing and sales programs from local agents within the Robe district including quotations
5. Authorise the Chief Executive Officer to engage local agents in accordance with Council's procurement policies
6. From the 1st of October, stop all short term rentals excluding 5% of berths retained for use by touring boats
7. The existing short-term tenants are to be offered the first opportunity to purchase available berth leases at time of sale. (80/2024)

Carried

6.1.4 Lake Butler Marina – Waterhouse Berths

Moved Cr Young  
Seconded Cr Wright

That the District Council of Robe having considered Report No. 6.1.4 'Lake Butler Marina – Waterhouse Berths' require:

1. administration to commence an investigation into the costings associated with the removal of the timber jetty in the Lake Butler Marina and provide a report to the Marina Advisory Committee upon completion of the investigation
2. administration to commence an investigation of costs, timing and process associated with the relocation of twelve shallow Waterhouse Berths and provide a report to the Marina Advisory Committee upon completion of the investigation. (81/2024)

Carried

6.1.5 Lake Butler Marina – Refuelling Jetty

Moved Cr Young  
Seconded Cr Wright

**That the District Council of Robe having considered Report No. 6.1.5 'Lake Butler Marina – Refuelling Jetty seek:**

- 1. Administration to investigate the opportunity and cost to dredge around the refuelling jetty and make available two more Karatta or suitable sized berths for long term lease and/or short-term moorings.**
- 2. Administration provide a report to the Marina Advisory Committee at the completion of the investigation. (82/2024)**

Carried

6.1.6 Tender for Planning Services

Moved Cr Wright  
Seconded Cr Peel

**That pursuant to Section 90(2) of the Local Government Act 1999 (the Act), the Council orders the public to be excluded, with the exception of the Acting Chief Executive Officer and Executive Assistant, being present on the basis that it will receive, discuss and consider information relating to report number 6.1.6 titled 'Tender for Planning Services' and that the Council is satisfied pursuant to Section 83(5) of the Act with the principal that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter by the need to keep the discussion, report and supporting documentation confidential on the following basis; Section 90(3)(k):**

- Tenders for the supply of goods the provision of services or the carrying out of works. (83/2024)**

Carried

Moved Cr Wright  
Seconded Cr Laurie

**Resolved that the District Council of Robe having considered Report No. 6.1.6 titled 'Tender for Planning Services' in confidence under Section 90(2) and (3)(k) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of the Act orders that the documents and related Council reports of Special Confidential Meeting held on 30 August 2023 be retained in confidence for a period of 12 months or until the contract is signed by all parties. (85/2024)**

Carried

Meeting closed at 7:35pm.

\_\_\_\_\_ signed \_\_\_\_\_ date  
Mayor Lisa Ruffell