

# MINUTES

for the

# ORDINARY COUNCIL MEETING

held on

**MONDAY 19 AUGUST 2019**

**at 6.30pm**

---

**MINUTES FOR AN ORDINARY MEETING OF COUNCIL  
HELD ON MONDAY 19 AUGUST 2019 COMMENCING AT 6.30PM  
IN THE COUNCIL CHAMBERS, LEVEL 1 CIVIC CENTRE, PORT LINCOLN**

---

**OPENING STATEMENT**

“The City of Port Lincoln acknowledges and respects the diversity of cultural heritage and beliefs within our community. As a Council we are committed to serving the best interests and needs of all people in our city, and we endeavour to discharge our duties conscientiously to the best of our ability.”

<b>1. PRESENT</b>
-------------------

Mayor Flaherty  
Deputy Mayor Davis  
Councillor Broadfoot  
Councillor Davis  
Councillor Dodd  
Councillor Jolley  
Councillor Linn  
Councillor Ritchie  
Councillor Rowsell  
Councillor Staunton

**Also in Attendance**

Mr Stephen Rufus – Chief Executive Officer  
Mr David Levey – Business Manager Corporate and Community Services  
Ms Jade Scott – Business Manager Infrastructure and Regulatory Services  
Ms Janet Grocke – Manager Community Development  
Ms Amanda Pearce – Executive Assistant – CEO & Mayor

<b>2. APOLOGIES</b>
---------------------

Nil

<b>3. COMMUNITY FORUM AND QUESTIONS</b>
---

Nil

**4. DECLARATION OF CONFLICT OF INTEREST**

Elected Members are reminded of the requirement for disclosure by Members of any conflict of interest (whether a material conflict of interest under section 73 of the Act or an actual or perceived conflict of interest under section 75 of the Act) in items listed for consideration on the Agenda.

Sections 74 and 75A of the Local Government Act 1999 require that Elected Members declare any material conflict of interest and any actual or perceived conflict of interest and provide details of the nature of the interest to the Council prior to consideration of that item on the Agenda.

In relation to an actual or perceived conflict of interest, Elected Members must also explain how they intend to deal with that interest.

Each Member of a Council has a duty to vote at all meetings unless exempted by legislation.

The major exemption being where a Member has a conflict of interest.

No Elected Members present declared any conflict of interest with the Agenda.

**5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****5.1. CONFIRMATION OF THE MINUTES OF THE PREVIOUS ORDINARY COUNCIL MEETING HELD ON MONDAY 15 JULY 2019****CO 19/147      Moved: Councillor Davis****Seconded:      Councillor Dodd**

**That the Minutes of the previous Ordinary Council Meeting held Monday 15 July 2019 as per copies supplied to members be adopted as a true and correct record of that meeting.**

**CARRIED**

**6. ADJOURNED ITEMS**

Nil

**7. QUESTIONS WITH AND WITHOUT NOTICE****7.1. COUNCILLOR BROADFOOT – OIL POLLUTION EMERGENCY PLAN**

At the Council meeting on 17 June 2019, Councillor Broadfoot asked the following Question:

1. Does the City of Port Lincoln Council have an Oil Pollution Emergency Plan (OPEP)
2. Would such plan be a component necessary for NOPSEMA's consideration of the OPEP in state waters?
3. Would all Councils with areas potentially at risk environmentally also be required to have such a plan?

The following response to the Question on Notice was provided by Ms Jade Scott, Business Manager Infrastructure and Regulatory Services:

**1. Does the City of Port Lincoln Council have an Oil Pollution Emergency Plan (OPEP)**

No the City of Port Lincoln does not have an Oil Pollution Emergency Plan (OPEP).

The City of Port Lincoln does not have an Emergency Management Plan but is working towards developing one by being an active participant in the LGASA Council Ready program. This work is currently projected to be completed by June 2020.

The program is providing tailored and practical assistance to councils with their emergency management planning. The program aims to build council's emergency management capacity so that documentation, resources and capability is locally relevant and embedded across the council. Participation is voluntary and at no cost to council as Council Ready is fully funded by the National Disaster Resilience Program and the LGA Mutual Liability Scheme.

The City of Port Lincoln uses the Emergency Management Plan *Key Hazards & Risks Summary* for the Eyre and Western Zone to provide a framework for community emergency management.

## **2. Would such plan be a component necessary for NOPSEMA's consideration of the OPEP in state waters?**

No, primarily due to local government not being the lead control agency for marine oil spill. The Department of Planning Transport and Infrastructure (DPTI) are the control agency for the emergency management of marine oil spill. Local government's role is in recovery to manage the consequences of the spill (rather than the spill itself).

Recovery is defined as how council will provide leadership and support to its community in achieving recovery.

The State Government has a South Australian Marine Spill Contingency Action Plan (SAMSCAP) with the control agency being DPTI. SAMSCAP has been devised with reference to the Emergency Management Act 2004, the State Emergency Management Plan (SEMP) and the National Plan for Maritime Environmental Emergencies.

In brief there are three tiers of response for marine oil spill:

- Tier 1 <10 tonnes Local DPTI/Flinders Ports/water body owner response
- Tier 2 10-1000 tonnes regional/interstate response DPTI\Port Authorities
- Tier 3 >1000 tonnes national response AMSA Australian Maritime Safety Authority

SAMSCAP has a South Australian State Marine Pollution Management Committee which consists of representatives from Local Government.

There are DPTI marine oil spill response stations with operational control equipment and Marine Safety Officers responsible for their oversight and operation all throughout South Australia. Eyre Peninsula has three major stations at Thevenard, Port Lincoln and Whyalla.

Beneath the state plan and more geographically specific is the Eyre and Western Zone Emergency Management Plan (ZEMP) which is a requirement from the SEMP.

Next level down is a local government developed Emergency Management Plan (EMP) which can add further definition to Council's role in emergency management, including planning for:

- Disaster risk reduction;
- Incident Operations; and
- Recovery.

## **3. Would all Councils with areas potentially at risk environmentally also be required to have such a plan?**

There is no legislated requirement for local government to have an Oil Pollution Emergency Management Plan.

Section 7 (part (d)) of the South Australian Local Government Act 1999 outlines the function of local councils and states that the functions of a council include:

*'...to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards'.*

---

In addition Section 8 (part (d)) states that councils must, *'...give due weight, in all its plans, policies and activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community'*.

Whilst the Council is not the lead agency to respond to any emergency, Council does have a support role, particularly in recovery arrangements.

As stated above, the City of Port Lincoln does not have an Emergency Management Plan at this stage but has commenced the work which is due for completion in June 2020.

**8. NOTICE OF MOTION****8.1. COUNCILLOR RITCHIE – PORT LINCOLN COUNCIL CLIMATE CHANGE ACTION RESPONSE – CLIMATE EMERGENCY DECLARATION**

CO 19/148

Moved: Councillor Ritchie

Seconded: Councillor Broadfoot

That Council:

1. Acknowledges the findings of the Intergovernmental Panel on Climate Change (October 2018);
2. Recognises we are in a state of climate emergency that requires urgent action by all levels of government, including by local councils;
3. Affirms a commitment to both mitigating against and adapting to the adverse impacts of climate change within the Port Lincoln City Council;
4. As part of the strategic direction for Port Lincoln City Council commits to developing a Carbon Management Plan that includes a defined target of renewable energy (electricity) for the Port Lincoln City Council (as an Organisation) by a defined date as well as a series of staged targets over the intervening period;

These actions could encompass:

- Energy planning and energy savings strategy
  - Community solar initiatives,
  - Waste reduction and waste management
  - Long term climate change response planning, including a response strategy to anticipated sea level rise
  - Re-vegetation and protection of biodiversity including planting of street trees
  - LED Lighting transition
  - Consider low or no emissions plant and equipment
5. Undertake a review of further actions that can be taken to manage and mitigate the risks associated with the climate emergency as part of strategic planning and embed further actions into ongoing planning and systems.

**CARRIED****9. PETITIONS**

Nil

**10. DEPUTATIONS/REPRESENTATIONS**

Nil

**11. ELECTED MEMBERS REPORTS****11.1. MAYOR'S ACTIVITY REPORT – 14 JULY TO 15 AUGUST 2019**

Report received for information.

**11.2. DEPUTY MAYOR'S REPORT**

26 July	FAME Awards
28 July	Tuna Poler Statue unveiling
30 July	Engaging young people in regional and remote Australia research project facilitated by Candice Boyd

**11.3. COUNCILLORS REPORTS****11.3.1. COUNCILLOR BROADFOOT**

26 July	FAME Awards
28 July	Tuna Poler Statue unveiling
31 July	Port Lincoln Leisure Centre Project Expansion Board meeting
9 August	SALA exhibition opening
15 August	Health Advisory Council meeting

Councillor Broadfoot advised Council that her nomination to the SA Coastal Councils Alliance Executive Committee has been confirmed and the first meeting is to be held on 6 September 2019.

**11.3.2. COUNCILLOR ROWSELL**

4 August	Tunarama Ambassador sashing
9 August	Opening of SALA exhibition
13 August	Council observer at Port Lincoln Leadership meeting

**11.3.3. COUNCILLOR LINN**

25 July	Lower EP Road Safety Committee road safety sign placement and instruction
28 July	Tuna Poler statue unveiling
4 August	Tunarama Ambassador sashing
6 August	Port Lincoln 8 ball end of season competition night
7 August	Lower EP Road Safety Committee meeting
15 August	Lower EP Road Safety inspection of road sites
17 August	St Joseph's School Production "Aladdin Jnr"

**11.3.4. COUNCILLOR JOLLEY**

28 July	Tuna Poler Statue unveiling
31 July	Port Lincoln Leisure Centre Project Expansion Board meeting
13 August	Eyre Peninsula Old Folks Home Board meeting

**11.3.5. COUNCILLOR RITCHIE**

28 July	Tuna Poler Statue unveiling
5 August	City Strategy and Growth Committee meeting
9 August	SALA exhibition opening



**11.3.6. COUNCILLOR DAVIES**

Meeting with Barngarla Community representative

**11.3.7. COUNCILLOR STAUNTON**

31 July Port Lincoln Leisure Centre Project Expansion Board meeting  
5 August City Strategy and Growth Committee meeting

**11.3.8. COUNCILLOR DODD**

28 July Tuna Poler Statue unveiling

**12. COUNCIL COMMITTEE REPORTS AND MINUTES****12.1. CITY STRATEGY AND GROWTH COMMITTEE – 5 AUGUST 2019**

CO 19/149

Moved: Councillor Rowsell

Seconded: Councillor Ritchie

That the minutes of the City Strategy and Growth Committee Meeting held on 5 August 2019 be received and noted.

**CARRIED**

**13. EXECUTIVE SERVICES - REPORTS****13.1. REPORTS FOR INFORMATION****13.1.1. SAROC STRATEGIC PLAN 2019-2023 AND ANNUAL BUSINESS PLAN 2019-2020**

Report received for information.

**13.1.2. REFORMING LOCAL GOVERNMENT IN SA DISCUSSION PAPER**

Report received for information. The Chief Executive Officer advised that regional consultation for Eyre Peninsula is scheduled for 5 September 2019 at the September EPLGA meeting in Ceduna.

**13.1.3. EP ROADS UPGRADE**

Report received for information.

**13.2. REPORTS FOR DECISION****13.2.1. RESOLUTION STATUS REPORT**

CO 19/150

Moved: Councillor Broadfoot

Seconded: Councillor Linn

That the Resolution Status Report update be received and noted.

**CARRIED**

**13.2.2. LANDSCAPE SA BILL – POSITION PAPER****CO 19/151****Moved: Councillor Jolley****Seconded: Councillor Davis****That Council:**

1. Supports and endorses the LGA Position Paper on the Landscape SA Bill.
2. Writes to the Shadow Minister for Local Government, Hon Tony Piccolo MP, Deputy Leader in the Legislative Council, Hon Clare Scriven MLC, and Shadow Minister for Primary Industries and Regional Development, Eddie Hughes MP confirming Councils support for amendments to the Landscape SA Bill that removes the obligation from councils to collect the State Government levy.

**CARRIED****13.2.3. PUBLIC INTEREST DISCLOSURE POLICY 9.63.27****CO 19/152****Moved: Councillor Broadfoot****Seconded: Councillor Dodd**

1. That pursuant to the Whistleblowers Protection Act 1993 being repealed by Schedule 1 Part 2 of the Public Interest Disclosure Act 2018 on 1 July 2019 Council revokes Whistleblower Policy 9.63.15.
2. That Council endorse the draft Public Interest Disclosure Policy 9.63.27 as enclosed in the attachments to this report as a policy of Council.

**CARRIED****13.2.4. PORT LINCOLN SERVICES LEADERSHIP GROUP****CO 19/153****Moved: Councillor Broadfoot****Seconded: Councillor Linn****That Council :**

1. Nominate the Chief Executive Officer and Cr Robyn Rowsell as the Council representatives on the Port Lincoln Services Leadership Group; and
2. Advise the Port Lincoln Services Leadership Group in writing of the nominated representatives.

**CARRIED**

**13.2.5. ESTABLISHMENT OF JOINT PLANNING BOARD AND REGIONAL ASSESSMENT PANEL****CO 19/154****Moved: Councillor Ritchie****Seconded: Councillor Dodd****That Council:**

- 1. Advise the EPLGA Board at their next board meeting that it will be a party to the establishment of a regional Joint Planning Board.**
- 2. Advise the EPLGA Board at their next board meeting that it will be a party to the establishment of a Regional Assessment Panel with costs to be shared across the participating councils using an equitable cost sharing arrangement that reflects levels and complexity of development assessment demands. (Each Assessment Panel group of councils to determine and agree on cost sharing arrangements).**

**CARRIED****13.2.6. ANNUAL BUSINESS PLAN IMPLEMENTATION REPORT – 30 JUNE 2019****CO 19/155****Moved: Councillor Broadfoot****Seconded: Councillor Jolley**

**That the Annual Business Plan Implementation Reports for the Business Areas of Corporate and Community Services, and Infrastructure and Regulatory Services as at 30 June 2019 be received and noted.**

**CARRIED****13.2.7. STRATEGIC PLAN REVIEW****CO 19/156****Moved: Councillor Rowsell****Seconded: Councillor Staunton**

**That the Strategic Framework, City Strategic Plan contents/outline, the implementation timeframe and community consultation, and communication and consultation methods, as contained in the report, be adopted.**

**CARRIED**

**14. CORPORATE AND COMMUNITY SERVICES – REPORTS****14.1. REPORTS FOR INFORMATION**

Nil

**14.2. REPORTS FOR DECISION****14.2.1. EXTERNAL AUDIT MANAGEMENT REPORT – MAY 2019 AUDIT ATTENDANCE**

CO 19/157

Moved: Councillor Ritchie

Seconded: Councillor Davis

That Council notes and receives the External Audit Management Report from Council's Auditors, Dean Newbery and Partners, May 2019 attendance for the financial year ended 30 June 2019.

**CARRIED**

**14.2.2. NAUTILUS ARTS CENTRE – OPERATIONAL REPORT FOR THE FINANCIAL YEAR JULY 2018 TO JUNE 2019**

Councillor Jolley left his chair at 7.58pm.

Councillor Jolley returned to his chair at 8.00pm.

CO 19/158

Moved: Councillor Ritchie

Seconded: Councillor Dodd

That the Nautilus Arts Centre Operational Report for the financial year July 2018 to June 2019 be received and noted.

**CARRIED**

**14.2.3. VISITOR INFORMATION CENTRE – OPERATIONAL REPORT FOR THE FINANCIAL YEAR JULY 2018 TO JUNE 2019**

CO 19/159

Moved: Councillor Broadfoot

Seconded: Councillor Linn

That the Visitor Information Centre Operational Report for the financial year July 2018 to June 2019 be received and noted.

**CARRIED**

---

**14.2.4. PORT LINCOLN LIBRARY – OPERATIONAL REPORT FOR THE FINANCIAL YEAR JULY 2018 TO JUNE 2019**

**CO 19/160**

**Moved: Councillor Linn**

**Seconded: Councillor Jolley**

**That the Library Operational Report for the financial year July 2018 to June 2019 be received and noted.**

**CARRIED**

**14.2.5. PORT LINCOLN LEISURE CENTRE – OPERATIONAL REPORT FOR THE FINANCIAL YEAR JULY 2018 TO JUNE 2019**

**CO 19/161**

**Moved: Councillor Ritchie**

**Seconded: Councillor Dodd**

**That the Port Lincoln Leisure Centre Operational Report for the financial year July 2018 to June 2019 be received and noted.**

**CARRIED**

**Ms Grocke** left the meeting at 8.28pm and did not return.

---

<b>15. INFRASTRUCTURE AND REGULATORY SERVICES – REPORTS</b>
---

**15.1. REPORTS FOR INFORMATION**

**15.1.1. RSPCA CAT MANAGEMENT PROJECT**

Report provided for information.

**15.1.2. GREEN INDUSTRIES TRANSPORT RELIEF GRANT FUNDING**

Report provided for information.

**15.1.3. HIGH STRENGTH ORGANIC TRADE WASTE DISPOSAL OPTIONS**

Report provided for information.

**15.2. REPORTS FOR DECISION****15.2.1. NAUTILUS ARTS CENTRE SECOND EGRESS (EXIT) OPTIONS AND ORDER OF COST ESTIMATE****CO 19/162****Moved: Councillor Davis****Seconded: Councillor Jolley**

**That Council endorse Option 2 as the preferred concept for detailed design to install a second exit from the Nautilus Arts Centre upper tiered level seating.**

**CARRIED****15.2.2. REQUEST FOR PARTIAL STREET RENAME FOR KING STREET****CO 19/163****Moved: Councillor Staunton****Seconded: Councillor Davies**

**That Council resolves to advise Ann Starke that her request to re-name a section of King Street to Buddle Street at this stage is not supported by Council.**

**CARRIED**

*(Councillors Davis, Davies, Jolley, Staunton and Broadfoot have spoken on this Motion)*

**Moved: Councillor Davis****Seconded: Councillor Davies**

1. That Council resolves to commission and affix a plaque on the Lincoln Gardens entry sign at the corner of Mortlock Terrace and Shepard Avenue to acknowledge the contribution of RJ Buddle & Sons to the City of Port Lincoln.
2. Council resolves to write to Ann Starke to acknowledge and honour her research on the contribution of RJ Buddle & Sons to the City of Port Lincoln.

**FORMAL MOTION****CO 19/164****Moved: Councillor Dodd****Seconded: Councillor Staunton**

**That the Motion lay on the table pending further investigation of alternatives to a plaque as a means of recognition of the contribution of RJ Buddle & Sons to the City of Port Lincoln.**

**CARRIED**

**15.2.3. PEDESTRIAN ISLAND REFUGE – MARINA DRIVE**

Mr Frank Siow – Traffic Engineer (Frank Siow and Associates) addressed the meeting with regard to the options provided for the location and design of the Pedestrian Island Refuge. Mr Siow responded to questions from Councillors and reinforced the preferred option.

The Mayor thanked Mr Siow for taking the time to address Council. Mr Siow left the meeting at 8.53pm.

**CO 19/165****Moved: Councillor Davies****Seconded: Councillor Ritchie**

**That Council endorse Option 4 as the preferred scope of works to install a Pedestrian Island Refuge on Marina Drive.**

**CARRIED**

<b>16. COUNCIL COMMITTEE REPORTS AND MINUTES – CONFIDENTIAL</b>
---

**16.1. LEISURE CENTRE EXPANSION PROJECT BOARD – 31 JULY 2019****CO 19/166****Moved: Councillor Broadfoot****Seconded: Councillor Jolley**

**That the minutes of the Leisure Centre Expansion Project Board Meeting held on 31 July 2019 be received and noted.**

**CARRIED**



**17. CONFIDENTIAL REPORTS****17.1 LEISURE CENTRE EXPANSION PROJECT – STATUS REPORT****CO 19/167****Moved: Councillor Staunton****Seconded: Councillor Jolley**

That pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except for the Chief Executive Officer, Business Manager Corporate and Community Services, Business Manager Infrastructure and Regulatory Services, Strategic Projects Officer and Executive Assistant – CEO and Mayor be excluded from attendance at the meeting for Agenda Item 17.1 – Leisure Centre Expansion Project – Status Report.

The Council is satisfied that, pursuant to section 90(3)(d)(i) and (ii) of the Act, the information to be received, discussed or considered in relation to this Agenda Item relates to;

Commercial information of a confidential nature (not being a trade secret) the disclosure of which:-

- Could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- Would, on balance, be contrary to the public interest.

**Substantiation**

To allow confidential discussion and consideration of the report and information on the financial position associated with sub-contractor negotiations to complete the expansion works.

The Council is satisfied with the principle that the meeting be conducted in a place open to the public, has been outweighed, in these circumstances, to maintain the confidentiality of the discussion, reports and attachments provided on the financial position associated with sub-contractor negotiations to complete the expansion works.

**CARRIED**

The meeting moved into confidence at 8.55pm.

---

**17.1. LEISURE CENTRE EXPANSION PROJECT – STATUS REPORT**

**17.1. LEISURE CENTRE EXPANSION PROJECT – STATUS REPORT****CO 19/169****Moved: Councillor Rowsell****Seconded: Councillor Broadfoot**

That having considered Agenda Item 17.1 – Leisure Centre Expansion Project – Status Report under Section 90(2) and Section 90(3)(d)(i) and (ii) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act, orders that the the reports, attachments, discussion and minutes presented relevant to Agenda Item 17.1 – Leisure Centre Expansion Project – Status Report be retained in confidence for a period of 12 months.

**CARRIED**

The meeting returned to Open Council at 9.20pm.

**18. NEXT MEETING**

The next Ordinary meeting of Council will be held on Monday 16 September 2019 at 6.30pm

**19. CLOSURE**

Mayor Flaherty, Presiding Member declared the meeting closed at 9.20pm.

MINUTES CONFIRMED: ..... DATE: ...../...../ 2019