

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 29 NOVEMBER 2022 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Ben Hood, Cr Josh Lynagh, Cr Kate Amoroso, Cr Mark Lovett, Cr Max Bruins

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mr D Barber
	General Manager City and Community Growth	- Mrs G Davison
	Manager Governance and Property	- Mr M McCarthy
	Manager Financial Services	- Mrs J Scoggins
	Media and Communications Coordinator	- Mr J McDonald
	Communications Officer	- Ms M Brookes
	Executive Administrator	- Mrs S Dohnt
	Executive Administrator	- Ms T Chant

1 ACKNOWLEDGEMENT OF COUNTRY

Mrs Bonnie Saunders-Way conducted Welcome to Country at 6.00pm.

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 DECLARATION OF OFFICE - MAYOR LYNETTE MARTIN OAM

The Chief Executive Officer read out the result of the City of Mount Gambier November 2022 Mayoral Election.

Lynette Martin declared elected unopposed as Mayor of the City of Mount Gambier.

Mayor Lynette Martin OAM read out her Declaration of Office.

Mayor Lynette Martin OAM took the Chair for the following items of business.

3 DECLARATION OF OFFICE - AREA COUNCILLORS

The Chief Executive Officer read out the results of the City of Mount Gambier November 2022 Area Councillor Election.

Following the allocation of preferences the following candidates were declared elected to fill the 8 Area Councillor positions:



Cr Ben Hood
Cr Max Bruins
Cr Sonya Meziniec
Cr Josh Lynagh
Cr Paul Jenner
Cr Frank Morello
Cr Kate Amoroso
Cr Mark Lovett

The Chief Executive Officer thanked unsuccessful candidates for their nominations and participation in the councillor election process.

The following Elected Members read out their respective Declarations of Office:

Cr Ben Hood
Cr Max Bruins
Cr Josh Lynagh
Cr Kate Amoroso
Cr Mark Lovett

4 APOLOGIES

RESOLUTION 2022/187

Moved: Cr Kate Amoroso
Seconded: Cr Ben Hood

That the apology(ies) from Cr Frank Morello, Cr Paul Jenner and Cr Sonya Meziniec be received.

CARRIED

5 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2022/188

Moved: Cr Max Bruins
Seconded: Cr Kate Amoroso

That the minutes of the Ordinary Council meeting held on 18 October 2022 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

6 MAYORAL WELCOME AND REPORT

RESOLUTION 2022/189

Moved: Mayor Lynette Martin



Seconded: Cr Mark Lovett

That the Mayoral welcome and report made on 29 November 2022 be received.

CARRIED

7 RETURNING OFFICER'S REPORT - OUTCOME OF THE NOVEMBER 2022 GENERAL ELECTIONS - LETTER FROM ELECTORAL COMMISSION SA DATED 21 NOVEMBER 2022

RESOLUTION 2022/190

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

1. That Council Report No. AR22/70861 titled 'Returning Officer's Report - Outcome of the November 2022 General Elections - Letter from Electoral Commission SA dated 21 November 2022' as presented on 29 November 2022 be noted.

CARRIED

8 PLEBISCITE RESULT

The Chief Executive Officer read out the results of the plebiscite to ask the community the following question:

'Do you support the examination of the amalgamation of the District Council of Grant and the City of Mount Gambier into a single council?'

Plebiscite results were declared as follows:

District Council of Grant

<i>Ward</i>	<i>Yes</i>	<i>No</i>	<i>Informal</i>	<i>Total</i>
<i>Central</i>	219	2254	7	2480
<i>Tarpeena</i>	42	297	2	341
<i>Port MacDonnell</i>	17	362	1	380
<i>Total</i>	278	2913	10	3201

City of Mount Gambier

<i>Council</i>	<i>Yes</i>	<i>No</i>	<i>Informal</i>	<i>Total</i>
<i>Mount Gambier</i>	2663	4041	40	6744

9 POLICY - SUPPLEMENTARY ELECTIONS

RESOLUTION 2022/191

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh



1. That Council Report No. AR22/71222 titled 'Policy - Supplementary Elections' as presented on 29 November 2022 be noted.
2. That Council adopt the Policy - Supplementary Elections as attached to Report No. AR22/71222.

CARRIED

10 STATUTORY RETURNS

RESOLUTION 2022/192

Moved: Cr Mark Lovett
Seconded: Cr Kate Amoroso

1. That Council Report No. AR22/71249 titled 'Statutory Returns' as presented on 29 November 2022 be noted.

CARRIED

11 MEMBER ALLOWANCES - REMUNERATION TRIBUNAL DETERMINATION 2 AND 5 OF 2022

RESOLUTION 2022/193

Moved: Cr Max Bruins
Seconded: Cr Ben Hood

1. That Council Report No. AR22/71274 titled 'Member Allowances - Remuneration Tribunal Determination 2 and 5 of 2022' as presented on 29 November 2022 be noted.
2. That Member (Councillor / Mayoral) Allowances be paid monthly (2 weeks in advance / 2 weeks in arrears).
3. That:
 - (a) Sitting Fees for a Councillor (other than the Mayor, Deputy Mayor or Presiding Member of a prescribed committee) who is the Presiding Member of a committee that is not a prescribed committee, or
 - (b) Mayoral Allowance for a Deputy Mayor who undertakes the duties of Mayor for a period of one month or longer,

be paid quarterly in arrears commencing at the end of the first quarter 2023.

CARRIED

12 POLICY - MEMBER ALLOWANCES AND BENEFITS

RESOLUTION 2022/194

Moved: Cr Ben Hood
Seconded: Cr Max Bruins



1. That Council Report No. AR22/71292 titled 'Policy - Member Allowances and Benefits' as presented on 29 November 2022 be noted.
2. That the updated Member Allowances and Benefits Policy as attached (Attachment 1) to this Agenda be adopted to replace the lapsed Policy.
3. The Mayor be approved to use the Mayoral vehicle for private purposes on the condition that all private journeys are recorded in the provided logbook and the Mayor will reimburse Council for private journeys at the cents per kilometre rate determined by the Australian Taxation Office from time to time.

CARRIED

13 POLICY - MEMBER TRAINING & DEVELOPMENT

RESOLUTION 2022/195

Moved: Cr Mark Lovett

Seconded: Cr Max Bruins

1. That Council Report No. AR22/71297 titled 'Policy - Member Training & Development' as presented on 29 November 2022 be noted.
2. That the LGA (Mandatory) Training Standards for Council Members (Attachment 1) be noted.
3. That the updated Members Training & Development Policy as attached to Report No AR22/71297 (Attachment 2) be adopted.

CARRIED

14 CONFLICT OF INTEREST

RESOLUTION 2022/196

Moved: Cr Josh Lynagh

Seconded: Cr Kate Amoroso

1. That Council Report No. AR22/71230 titled 'Conflict of Interest' as presented on 29 November 2022 be noted.

CARRIED

15 POLICY - MEMBER BEHAVIOURAL MANAGEMENT

RESOLUTION 2022/197

Moved: Cr Ben Hood

Seconded: Cr Kate Amoroso

1. That Council Report No. AR22/71224 titled 'Policy - Member Behavioural Management' as presented on 29 November 2022 be noted.



2. That, having been superseded by the new (deemed) Model Behavioural Management Policy, Council Policy M265 – Member Complaints Handling Procedure be revoked and new Behavioural Management Policy as provided as Attachment 1 to Council Report No. AR22/71224), based on the deemed model, be adopted.

CARRIED

16 ELECTED MEMBER REQUESTS

RESOLUTION 2022/198

Moved: Cr Ben Hood
Seconded: Cr Josh Lynagh

1. That Council Report No. AR22/81142 titled 'Elected Member Requests' as presented on 29 November 2022 be noted.

CARRIED

17 CIVIL LIABILITY (PROTECTION OF MEMBERS)

RESOLUTION 2022/199

Moved: Cr Mark Lovett
Seconded: Cr Max Bruins

1. That Council Report No. AR22/71261 titled 'Civil Liability (protection of members)' as presented on 29 November 2022 be noted.

CARRIED

18 PRINCIPAL OFFICE - PLACE AND HOURS OF BUSINESS

RESOLUTION 2022/200

Moved: Cr Mark Lovett
Seconded: Cr Josh Lynagh

1. That Council Report No. AR22/72231 titled 'Principal Office - Place and Hours of Business' as presented on 29 November 2022 be noted.
2. That pursuant to Section 45 of the Local Government Act 1999, the Principal Office of the Council be the Council Office, Civic Centre, 10 Watson Terrace, Mount Gambier.
3. The Civic Centre (being Council's Principal Office) shall be open to the public for the transaction of business during the hours of 9.00 a.m. and 5.00 p.m. Monday to Friday inclusive (excluding Public Holidays and an identified period over Christmas/New Year).

CARRIED



19 MEETINGS OF COUNCIL - MEETING DAYS AND TIMES

RESOLUTION 2022/201

Moved: Cr Max Bruins
Seconded: Cr Kate Amoroso

1. That Council Report No. AR22/72234 titled 'Meetings of Council - Meeting Days and Times' as presented on 29 November 2022 be noted.
2. That pursuant to Section 81 of the Local Government Act 1999, Ordinary Meetings of Council be held on the THIRD TUESDAY OF EACH MONTH commencing at 6.00 p.m. at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier.
3. That the December 2022 meeting be held one week earlier on the 2nd Tuesday of the month, being the 13th of December 2022, to avoid the week leading into Christmas.
4. That the January 2023 meeting be held one week later on the 4th Tuesday of the month, being the 24th of January 2023, providing more opportunity for agenda preparation to occur after the Christmas / New Year period.

CARRIED

20 ITEMS LAID ON THE TABLE

RESOLUTION 2022/202

Moved: Cr Ben Hood
Seconded: Cr Josh Lynagh

1. That Council Report No. AR22/72255 titled 'Items Laid on the Table' as presented on 29 November 2022 be noted.

CARRIED

21 COUNCIL POLICIES - PERIODICAL REVIEW

RESOLUTION 2022/203

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

1. That Council Report No. AR22/72419 titled 'Council Policies - Periodical review' as presented on 29 November 2022 be noted.
2. That the Administration be authorised to update the current suite of Council policies to reflect the current organisational structure and administrative position titles arising from the 2022 organisational restructure, with no substantive policy content being updated without further review and resolution of Council.

CARRIED



22 DETERMINATION TO HAVE A DEPUTY MAYOR

RESOLUTION 2022/204

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

1. That Council Report No. AR22/72270 titled 'Determination to have a Deputy Mayor' as presented on 29 November 2022 be noted.
2. That pursuant to the powers contained in Section 51 (3) and (4) of the Local Government Act 1999 Council hereby resolves to have a Deputy Mayor.
3. That an appointment for the position of Deputy Mayor be for a term of 2 year/s.
4. That nominations for the position of Deputy Mayor be submitted to the Chief Executive Officer by close of business on Friday 2 December 2022, for a selection (and if necessary, a voting) process to be presented to the Council meeting on 13th December 2022.

CARRIED

23 MAYOR AND CHIEF EXECUTIVE OFFICER AS COUNCIL REPRESENTATIVES

RESOLUTION 2022/205

Moved: Cr Max Bruins
Seconded: Cr Mark Lovett

1. That Council Report No. AR22/72295 titled 'Mayor and Chief Executive Officer as Council Representatives' as presented on 29 November 2022 be noted.
2. That Council hereby authorises the Mayor, Deputy Mayor, Chief Executive Officer, Acting Chief Executive Officer, and Chief Executive Officer's representative to represent Council, including at (but not limited to) SA Local Government Association Annual General Meetings and other Local Government Association, Australian Local Government Association, and Limestone Coast Local Government Association meetings, functions and activities.
3. That voting privileges associated with representing Council are restricted to the Mayor, Deputy Mayor, Chief Executive Officer and Acting Chief Executive Officer (where relevant), unless such rights are exercised in accordance with an explicit Council resolution appointing a representative with such voting rights, and being in accordance with the rules of the relevant organisation.
4. That resolutions (2) & (3) are to be applied to complement and not to override or undermine any delegate/representative of Council duly nominated/appointed by resolution of Council.

CARRIED

24 COUNCIL DECISION MAKING STRUCTURE AND REPRESENTATIVES

RESOLUTION 2022/206

Moved: Cr Mark Lovett



Seconded: Cr Max Bruins

1. That Council Report No. AR22/72311 titled 'Council Decision Making Structure and representatives' as presented on 29 November 2022 be noted.
2. That Council's decision-making structure, from 29 November 2022, shall comprise:
 - CEO Performance Review Committee
 - Audit and Risk Committee
 - Junior Sports Assistance Fund
 - Building Fire Safety Committee
3. That the Terms of Reference and (independent/ex-officio) membership of the Committee structure in resolution (2) remain unchanged, subject to the operation of the Terms of Reference and any conditions of appointment, until further resolved by Council.
4. That the following Council Members be appointed to committee and external representative positions:

CEO Performance Review Committee (in addition to Mayor and Deputy Mayor)	Cr Sonya Meziniec Cr Paul Jenner
Audit and Risk Committee	Cr Sonya Meziniec
Junior Sports Assistance Fund	Cr Mark Lovett as Presiding Member
Riddoch Arts and Cultural Trust	Cr Sonya Meziniec
Queen Elizabeth Park Trust	Cr Max Bruins

(or such other appointments as determined).
5. That the appointments in resolution (3) be for an interim period of 3 months or until Council has resolved alternate arrangements.
6. That pursuant to Section 72(1) of the Local Government Act, Division 2 - Register of Interests provisions will extend to independent members of Council's Audit and Risk Committee.

CARRIED

25 SUBSIDIARIES - MEMBERSHIP OF REGIONAL SUBSIDIARIES

RESOLUTION 2022/207

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

1. That Council Report No. AR22/72404 titled 'Subsidiaries - Membership of Regional Subsidiaries' as presented on 29 November 2022 be noted.
2. That Council notes its constituent membership of the Limestone Coast Local Government Association, a regional subsidiary established pursuant to Section 43 of the Local Government Act 1999.



CARRIED

26 AUTHORISED BANKING SIGNATORIES

RESOLUTION 2022/208

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

1. That Council Report No. AR22/72412 titled 'Authorised Banking Signatories' as presented on 29 November 2022 be noted.
2. That the authorised signatories for the Council's financial bank accounts be any two (2) of the following:
 - Chief Executive Officer
 - General Manager City and Community Growth
 - General Manager City Infrastructure
 - General Manager Corporate and Regulatory Services
 - Manager Governance and Property
 - Manager Development Services
 - Manager Financial Services
3. That the Chief Executive Officer may by written instrument add/amend/revoke the bank signatory authorisation of officers listed in resolution (2) as necessary to align with the organisational structure, position titles/appointments, and absence/availability of officers.

CARRIED

27 AUDITOR - CONFIRMATION OF APPOINTMENT OF COUNCIL'S EXTERNAL AUDITOR

RESOLUTION 2022/209

Moved: Cr Mark Lovett

Seconded: Cr Max Bruins

1. That Council Report No. AR22/72414 titled 'Auditor - Confirmation of appointment of Council's external auditor' as presented on 29 November 2022 be noted.

CARRIED

28 STRATEGIC MANAGEMENT PLANS

RESOLUTION 2022/210

Moved: Cr Ben Hood

Seconded: Cr Josh Lynagh

1. That Council Report No. AR22/72417 titled 'Strategic Management Plans' as presented on 29 November 2022 be noted.



2. That the following plans be declared as constituting the Strategic Management Plans of the Council as:

- Strategic Plan i.e. 2020-2024 Strategic Plan
- Long Term Financial Plan i.e. 2023-2032 Long Term Financial Plan
- Infrastructure & Asset Management Plans

CARRIED

29 ACTING CHIEF EXECUTIVE OFFICER - LEAVE OF ABSENCE

RESOLUTION 2022/211

Moved: Cr Ben Hood

Seconded: Cr Kate Amoroso

1. That Council Report No. AR22/72443 titled 'Acting Chief Executive Officer - Leave of Absence' as presented on 29 November 2022 be noted.
2. That, having consulted with the Council in accordance with Section 102(b) of the *Local Government Act, 1999*, it is noted that, in the instance of unplanned or unanticipated urgent leave, the Chief Executive Officer (CEO) appoints Ms Barbara Cernovskis (General Manager City Infrastructure), to act in the position of Chief Executive Officer.
3. That, should the acting arrangements for unplanned or unanticipated urgent leave of the CEO, as set out in resolution 2, be unsuitable due to the absence or unavailability of Ms Barbara Cernovskis, that Mr Darren Barber (General Manager Corporate and Regulatory Services), will be appointed to act in the position of Chief Executive Officer, and failing his availability, then the substantive incumbent of the position of General Manager City and Community Growth will be appointed to act in the position of Chief Executive Officer.
4. That it is noted that, in the instance of planned or anticipated leave by the Chief Executive Officer, the Chief Executive Officer will make an appointment from amongst the three General Manager positions, namely, the General Manager City Infrastructure, the General Manager Corporate and Regulatory Services or the General Manager City and Community Growth.
5. That it is intended that these arrangements remain in place, including should substantive incumbents in the General Manager roles change (excepting short-term acting arrangements), or the executive position titles change in subsequent organisational structures, until such time as Council has been further consulted and notified of any alternative appointments.

CARRIED

30 REGISTER OF INTERESTS – SENIOR OFFICERS

RESOLUTION 2022/212

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

1. That Council Report No. AR22/80985 titled 'Register of Interests – Senior Officers' as presented on 29 November 2022 be noted.



2. Pursuant to s111 of the Local Government Act 1999, that Division 2 – Register of Interest provisions shall apply to the following officer positions of Council in addition to the Chief Executive Officer:

- General Manager City and Community Growth
- General Manager Corporate and Regulatory Services
- General Manager City Infrastructure
- Manager Development Services
- Senior Planning Officer
- Planning Officer
- Manager Financial Services

CARRIED

31 2021/2022 ANNUAL REPORT

RESOLUTION 2022/213

Moved: Cr Mark Lovett

Seconded: Cr Josh Lynagh

1. That Council Report No. AR22/72421 titled '2021/2022 Annual Report' as presented on 29 November 2022 be noted.
2. That the City of Mount Gambier 2021/2022 Annual Report as tabled be adopted.
3. That the Chief Executive Officer be authorised to make any non-material amendments as considered necessary prior to publication.
4. That copies of the City of Mount Gambier be distributed to the bodies/persons referred to in Section 131 of the Local Government Act 1999.

CARRIED

32 MEETING CLOSE

The Meeting closed at 6:32pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 13 December 2022.

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PRESIDING MEMBER

