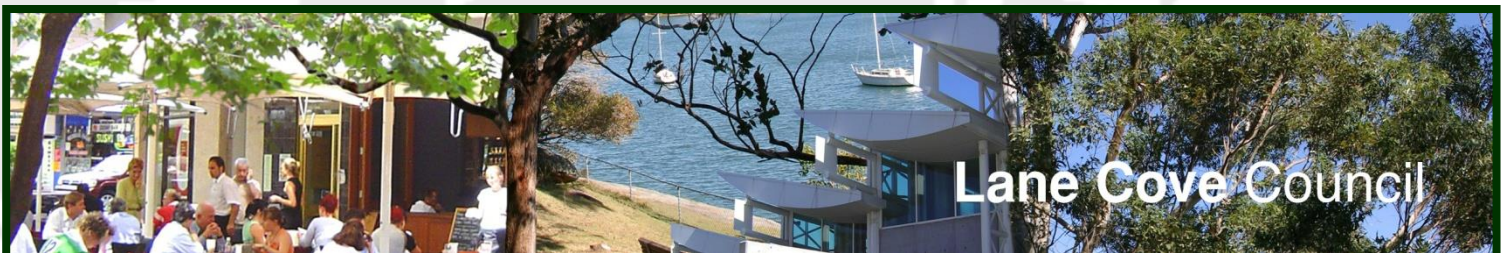


Agenda Ordinary Council Meeting 10 January 2022

The meeting commences at 6.30pm. If members of the public are not interested in any business recommended to be considered in Closed Session or there is no such business, Council will ordinarily commence consideration of all other business at **7pm**.



Notice of Meeting

Dear Councillors

Notice is given of the Ordinary Council Meeting, to be held in the Council Chambers on Monday 10 January 2022 commencing at 7pm. The business to be transacted at the meeting is included in this business paper. To coincide with the messaging from the NSW Government and in the interests of public health, this meeting will be conducted online. Councillors will be attending and participating in the meeting via video conference and the meeting will be webcast. Members of the public who wish to address Council about items on the Meeting Agenda please refer to the below Council Meeting Procedures.

Yours faithfully



Craig Wrightson
General Manager

Council Meeting Procedures

The Council meeting is chaired by the Mayor, Councillors are entitled to one vote on a matter. If votes are equal, the Chairperson has a second or casting vote. When a majority of Councillors vote in favour of a Motion it becomes a decision of the Council. Minutes of Council and Committee meetings are published on Council's website www.lanecove.nsw.gov.au by 5pm on the Thursday following the meeting.

The Meeting is conducted in accordance with Council's Code of Meeting Practice. The order of business is listed in the Agenda on the next page. That order will be followed unless Council resolves to modify the order at the meeting. This may occur for example where the members of the public in attendance are interested in specific items on the agenda.

All speakers wishing to participate in the public forum must register by using the [online form](#) no later than midnight, on the day prior to the meeting (Sunday, 09 January 2022) and a Zoom meeting link will be emailed to the provided email address. Please note that the time limit of three minutes per address still applies so please make sure your submission meets this criteria. Alternatively, members of the public can still submit their written address via email to service@lanecove.nsw.gov.au. Written addresses are to be received by Council no later than midnight, on the day prior to the meeting. (500 words maximum).

Please note meetings held in the Council Chambers are recorded on tape for the purposes of verifying the accuracy of minutes and the tapes are not disclosed to any third party under the Government Information (Public Access) Act 2009, except as allowed under section 18(1) or section 19(1) of the PPIP Act, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation. Should you require assistance to participate in the meeting due to a disability; or wish to obtain further information in relation to Council, please contact Council's Executive Manager – Corporate Services on (02) 9911 3550.

OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS

Under Section 233A of the Local Government Act 1993, Councillors are now required to take an oath or affirmation of office, at or before the first meeting of the Council after being elected.

DECLARATIONS OF INTEREST

APOLOGIES

OPENING OF MEETING WITH PRAYER

ACKNOWLEDGMENT TO COUNTRY

NOTICE OF WEBCASTING OF MEETING

MATTERS RECOMMENDED BY THE GENERAL MANAGER TO BE CONSIDERED IN CLOSED COMMITTEE

PUBLIC FORUM

Members of the public may address the Council Meeting on any issue for 3 minutes.

CONFIRMATION OF MINUTES

1. ORDINARY COUNCIL MEETING – 15 NOVEMBER 2021

ORDERS OF THE DAY

OFFICER REPORTS FOR DETERMINATION

- 2. ELECTION OF MAYOR AND DEPUTY MAYOR 4**
- 3. COUNTBACK ELECTION FOR COUNCILLOR VACANCY WITHIN THE NEXT 18 MONTHS..... 5**
- 4. 2022 LOCAL GOVERNMENT NSW SPECIAL CONFERENCE MOTIONS, VOTING DELEGATES AND ATTENDANCE..... 7**

**Ordinary Council Meeting 10 January 2022
ELECTION OF MAYOR AND DEPUTY MAYOR**

Subject: Election of Mayor and Deputy Mayor
Record No: SU868 - 79060/21
Division: Corporate Services Division
Author(s): Stephen Golding

Executive Summary

The purpose of this report is to outline the procedures for election of the Mayor and Deputy Mayor by Councillors in accordance with Section 394 of the Local Government (General) Regulation 2005

Discussion

Election of Mayor and Deputy Mayor

Following changes to legislation, Section 230 of the Local Government Act 1993 (the Act) now provides for the term of a Mayor elected by Councillors to be two (2) years rather than the previous requirement of the one (1) year. Further, Section 231 of the Act provides that Councillors may elect a Deputy Mayor for the mayoral term i.e. two (2) years or a shorter term. Council will need to decide on the term of the Deputy Mayor.

Councillors have been provided nomination forms for the positions of Mayor and Deputy Mayor. Nominations must be handed to the Returning Officer, Mr Craig Wrightson, General Manager, prior to the conduct of the election.

Clause 2, Schedule 7, of the Local Government (General) Regulation (2005) provides that nominations for Mayor and Deputy Mayor must be in writing signed by at least two Councillors, one of whom may be the nominee. The nominee must consent in writing to the nomination and the Returning Officer will announce at the meeting the names of all nominees.

Clause 3 of the Regulation also provides that if more than one Councillor is nominated, *the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot (secret ballot) or by open voting (show of hands).*

RECOMMENDATION

That:-

1. Council determine the term for the election of the Deputy Mayor noting it may be for one (1) year or two (2) years;
2. Conduct the Election for Mayor for the next two (2) years and Deputy Mayor; and
3. If two (2) or more nominations are received for Mayor or Deputy Mayor, Council resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.

Steven Kludass
Executive Manager - Corporate Services
Corporate Services Division

ATTACHMENTS:

There are no supporting documents for this report.

Subject: Countback Election for Councillor vacancy within the next 18 months.
Record No: SU7270 - 79657/21
Division: Corporate Services Division
Author(s): Stephen Golding

Executive Summary

Should a Councillor vacancy occur within the next 18 months from the 4 December 2021, Council can elect to use a Countback Election to fill the vacancy as an alternative to a by-election.

Background

A per the NSW Electoral Commission, a Countback Election can be used to elect a councillor to fill a single vacancy, where the vacating councillor was elected under the proportional representation method (i.e. where two or more candidates were elected at a local government ordinary election). If there are multiple vacancies, a separate countback election is held for each vacancy.

In this case, the Returning Officer will contact all unelected candidates from the local government ordinary election who may still qualify to be elected to the office of councillor. Where the candidate is interested, the candidate must submit a formal application to the Returning Officer. All candidates who submit and do not withdraw their application, become eligible candidates.

It is noted that at a Countback Election that a sitting councillor cannot be unelected and non-eligible candidates cannot be elected.

The NSW Electoral Commission's timeline for a countback election is as follows,

1. The Electoral Commissioner is notified of a casual vacancy, within seven days of it occurring.
2. A Returning Officer is appointed within 14 days of the notification of the vacancy.
3. Casual vacancy notices are issued 2 to 14 days from the appointment of the Returning Officer.
4. Where a candidate is interested, they must submit a formal application to the returning officer. The application period closes after 10 days of the notices being issued.
5. The countback is conducted within 14 days of the vacancy notices being issued.
6. It may take up to a month for the results to be declared.

A countback election must be completed within 49 days, and applications for candidates to participate is open for 10 days.

If there are no eligible candidates, an attendance by-election must be held. If there is only one eligible candidate, that candidate is elected. If there are multiple eligible candidates, a countback election is conducted. In a countback election, the returning officer

- uses preference data from ballot papers from the previous local government ordinary election

Ordinary Council Meeting 10 January 2022
COUNTBACK ELECTION FOR COUNCILLOR VACANCY WITHIN THE NEXT 18 MONTHS.

- uses the same proportional representation method used in the original election
- effectively re-runs the election making the vacating councillor ineligible and distributing each of their ballot papers to the next preference on the ballot paper
- if a non-eligible candidate would be elected, the election is re-run with that candidate's ballot papers also distributed to their next preference on the ballot paper
- re-runs the countback until an eligible candidate is elected.

Eligible candidates and the council are then notified of the result.

(The above was sourced and can be referenced via the NSW Electoral Commission link <https://www.elections.nsw.gov.au/Elections/How-voting-works/Voting-in-New-South-Wales/Countback-elections>)

Discussion

Should a vacancy occur within 18 months of the recent NSW Local Government election, Council can resolve to use the Countback Election, only by resolution at this first Ordinary Council meeting of the new elected Council, as an alternative to a by-election to fill the vacancy.

RECOMMENDATION

That Council resolves to use a Countback Election should a Councillor vacancy occur within 18 months of the NSW Local Government Election that was held on 4 December 2021.

Steven Kludass
Executive Manager - Corporate Services
Corporate Services Division

ATTACHMENTS:

There are no supporting documents for this report.

Ordinary Council Meeting 10 January 2022
2022 LOCAL GOVERNMENT NSW SPECIAL CONFERENCE MOTIONS, VOTING DELEGATES
AND ATTENDANCE

Subject: 2022 Local Government NSW Special Conference Motions, Voting Delegates and Attendance
Record No: SU8654 - 82596/21
Division: Corporate Services Division
Author(s): Stephen Golding

Executive Summary

The 2021 Local Government NSW (LGNSW) was split into two (2) components due to the postponement of the local government elections in NSW to Saturday 4 December 2021 and also to satisfy legislative requirements that relate specifically to the ongoing governance of LGNSW. The two components are as follows:

- An Annual Conference - to present the annual report and financial reports of LGNSW. This Conference was conducted online on Monday 29 November 2021; and
- A Special Conference – including the debate and resolution of Motions setting the advocacy agenda for 2022. This Conference will be held in-person at the Hyatt Regency Sydney from Monday 28 February to Wednesday 2 March 2022.

Three (3) Councillor voting delegates for the Special Conference are to be determined by Council, noting the closing date for nomination of voting delegates for the Special Conference is 17 February 2022

This report recommends that Council consider the primary issues affecting the Lane Cove community, submit Motions for debate, including the motions for consideration outlined in this report, to be submitted for consideration by LGNSW for inclusion on the Conference Agenda and nominate the delegates including the three (3) voting delegates for the Motions at the LGNSW Special Conference.

Background

Due the postponement of local government elections in NSW to Saturday 4 December 2021, LGNSW decided to split the 2021 Annual Conference event into two separate components, one being an Annual Conference and the other being a Special Conference.

The Annual Conference was held on 29 November 2021 as LGNSW is a registered organisation, it is bound by a number of legal obligations, including the need to report back to its members on its financial performance within six months of the end of the 2020-21 financial year.

The Special Conference is to be held in-person at the Hyatt Regency Sydney from Monday 28 February to Wednesday 2 March 2022. The Special Conference includes the debate and resolution of Motions for setting the advocacy agenda for 2022.

Registrations for the three-day Special Conference from 28 February to 2 March 2022 will carry a standard registration charge.

Councils are invited to submit Motions for possible debate at the Special Conference to advance the sector wide policy agenda. Further details of the requirements and criteria for submission of Motions to be considered at the Conference are outlined in the discussion section of the report.

Discussion

LGNSW Conferences are the pre-eminent policy making events for the local government sector. At these Conferences, delegates vote on Motions which help determine the policies and priorities for LGNSW and the sector, as a whole. This is a key event for local government, where Councillors come together to share ideas and debate issues that shape the way the sector functions and is governed.

As the LGLNSW Annual Conference was split into two (2) components, with the Motions to go the Special Annual Conference, the deadline for accepting motions to be debated and resolved was extended to Sunday 30 January 2022. This has the additional benefit of providing sufficient time for the newly elected council to finalise Motions to be submitted.

Under LGNSW rules and the formula for calculating voting entitlements, Council will be entitled to nominate three (3) voting delegates for voting on Motions considered at the Special Conference.

LGNSW has published a Conference Motions Submission Guide (AT-1) to assist Council in preparing and submitting motions.

Criteria for Motions

The LGNSW Board has resolved that Motions will be included in the Business Paper for the Conference only where they:

1. are consistent with the objects of LGNSW,
2. relate to local government in NSW and/or across Australia,
3. concern or are likely to concern local government as a sector,
4. seek to advance the local government policy agenda of LGNSW and/or improve governance of the Association,
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws),
6. are clearly worded and unambiguous in nature; and
7. do not express preference for one or several members over one or several other members.

Council is encouraged to review the Action Reports (AT-2) from the previous Conference and the LGNSW Policy Platform document (AT-3) before submitting Motions for this year's Special Conference to ensure the proposed Motion wording reflects any recent developments and does not duplicate existing positions.

Motions for the Local Government NSW Special Conference close 30 January 2022. This enables the newly elected representatives of Council the opportunity to submit any Motions they feel are relevant and fit the criteria for eligibility.

It was resolved at the 20 September 2021 Ordinary meeting of Council, Resolution 141, that the following two (2) motions *be considered at the Local Government NSW Special forum, be submitted to the conference, should either of these proposed Motions not be resolved to Council's satisfaction ahead of the Special Conference Motions deadline of 30 January 2022.*

Ordinary Council Meeting 10 January 2022
2022 LOCAL GOVERNMENT NSW SPECIAL CONFERENCE MOTIONS, VOTING DELEGATES
AND ATTENDANCE

1.State Government’s proposed changes to Clause 4.6 variations

Council resolved (19/04/2021), in part, to seek the support of LGNSW to oppose the retrospective dilution of council planning powers by removing from LEPs the clause which prohibits use of Clause 4.6.

2. Accessible Parking

Council resolved (21/06/2021), in part, to lodge a motion to the Local Government NSW Annual Conference in relation to supporting a change to the schedule of parking offences and/or an education program in NSW to permit a taxi or share ride to pick-up or drop-off a fare paying passenger in a disabled persons parking space or area who is in possession of Mobility Parking Scheme Permit.

Council has received interim responses to these matters through direct representation. With respect to the proposed Accessible Parking motion, Council has received confirmation that legislation already permits the intent of the motion. The emphasis of the proposed motion will therefore focus more on the community awareness and education aspects of the motion.

The Motions have been held over to the new Council term to determine whether the Motions ought to be submitted to the Special Conference.

Conclusion

For Council to participate fully in the LGNSW Special Conference, it is recommended the Council give consideration to the primary issues affecting the Lane Cove community, including the suggested Motions outlined in this report, and submit them for consideration by LGNSW for inclusion on the Conference Agenda.

It is further recommended that Council authorise Councillor attendance at the Special Conference and nominate three (3) voting delegates.

RECOMMENDATION

That Council: -

1. Give consideration to the two (2) motions outlined in this report and other primary issues affecting the Lane Cove community and submit same for debate at the LGNSW Special Conference;
2. Authorise Councillor attendance at the Special Conference, inclusive of nominating Council’s three (3) voting delegates for Motions before the LGNSW Special Conference; and
3. Grant delegated authority to the Mayor to request the General Manager to submit any further proposed Motions, after consulting with Councillors, prior to the deadline for submitting Motions.

Steven Kludass
Executive Manager - Corporate Services
Corporate Services Division

Ordinary Council Meeting 10 January 2022
2022 LOCAL GOVERNMENT NSW SPECIAL CONFERENCE MOTIONS, VOTING DELEGATES
AND ATTENDANCE

ATTACHMENTS:

AT-1	View	LGNSW Conference Motions Submission Guide	Available Electronically
AT-2	View	2020 Local Government NSW Conference Actions	Available Electronically
AT-3	View	LGNSW Policy Platform - 2021	Available Electronically