



**Lane Cove
Council**

Agenda Extraordinary Meeting of Council 10 October 2024, 7:00 PM

Council will commence consideration of
all business paper agenda items at 7.00 pm.

Notice of Meeting

Dear Councillors,

Notice is given of the Extraordinary Meeting of Council, to be held in the Council Chambers on Thursday 10 October 2024 commencing at 7:00 PM. The business to be transacted at the meeting is included in this business paper.

In accordance with clause 3.26 of the Code of Meeting Practice Councillors are reminded of their oath or affirmation of office made under section 233A of the Act, and of their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

Yours faithfully

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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 5.00 pm on the Tuesday 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.

Please note that meetings held in the Council Chambers are webcasted, and recordings are made publicly available on the Council's website.. 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 Director - Corporate Services and Strategy on (02) 9911 3550.

DECLARATIONS OF INTEREST

APOLOGIES

ACKNOWLEDGEMENT TO COUNTRY

MINUTE OF SILENCE FOR RELECTION OR PRAYER

NOTICE OF WEBCASTING OF MEETING

ORDERS OF THE DAY

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**Extraordinary Meeting of Council Meeting 10 October 2024
ELECTION OF MAYOR AND DEPUTY MAYOR**

Subject: Election of Mayor and Deputy Mayor
Record No: SU868 - 48074/24
Division: Lane Cove Council
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

Section 230 of the Local Government Act 1993 (the Act) provides for the term of a Mayor elected by Councillors to be two (2) years. 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, e.g. 1 year. 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 determines 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 (show of hands).

Steven Kludass
Director - Corporate and Strategy
Corporate and Strategy Division

ATTACHMENTS:

There are no supporting documents for this report.

Extraordinary Meeting of Council Meeting 10 October 2024
COUNTBACK ELECTION FOR COUNCILLOR VACANCY WITHIN THE NEXT 18 MONTHS.

Subject: Countback Election for Councillor vacancy within the next 18 months.
Record No: SU9089 - 48073/24
Division: Lane Cove Council
Author(s): Stephen Golding

Executive Summary

Should a Councillor vacancy occur within the next 18 months of 14 September 2024, Council can elect to use a Countback Election to fill the vacancy as an alternative to a by-election. It is recommended council utilise a Countback Election should a Councillor vacancy occur within 18 months of the recent election.

Discussion

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:

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COUNTBACK ELECTION FOR COUNCILLOR VACANCY WITHIN THE NEXT 18 MONTHS.

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

Conclusion

Should a vacancy occur within 18 months of the 14 September 2024 NSW Local Government election, Council can resolve to use the Countback Election, only by resolution at its 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 14 September 2024.

Steven Kludass
Director - Corporate and Strategy
Corporate and Strategy Division

ATTACHMENTS:

There are no supporting documents for this report.

**Extraordinary Meeting of Council Meeting 10 October 2024
PUBLIC FORUMS - CODE OF MEETING PRACTICE**

Subject: Public Forums - Code of Meeting Practice

Record No: SU837 - 54177/24

Division: Lane Cove Council

Author(s): Stephen Golding

Executive Summary

Council has for many years conducted a monthly public forum. Over the past six months the public forum has been hosted on the Monday evening before a Council Meeting. This report recommends a continuation of the Public Forum on the Monday before the Ordinary Council Meeting for several reasons including the benefits of allowing sufficient time to properly digest public feedback before making informed decisions, managing workplace fatigue and other related workplace psychosocial hazards, and acknowledging the OLG's own recommendation that the public forum segment ought to be separate from the decision-making segment of council meetings.

Background

At the Council Meeting of 26 February 2024 as part of an officers report title *Councillor And Staff Interaction Policy Update, Managing Psychosocial Hazards In The Workplace Procedure Information And Proposed Amendments To The Code Of Meeting Practice* Council resolved the Council:-

- “1. *Note the update on the Draft Councillor and Staff Interaction Policy together with the legal advice in relation to Councillor obligations under the Work, Health and Safety Act 2011;*
2. *Note that a Managing Psychosocial Hazards in the Workplace Procedure and Risk Assessment is to be developed in the context of Councillor to Staff, Councillor to Councillor, and Staff to Councillor interactions,*
3. *Council:*
 - a) *Pursuant to clause 4.1 to the Code of Meeting Practice, Council moves the Public Forum segment to a Monday evening in the week of a scheduled Ordinary Council Meeting from March 2024 to September 2024.*
 - b) *To webcast the forum and allow remote attendance by both residents, Councillors and Council officers.*
 - c) *To publish minutes of the Public Forum on the Council website recording attendance, speakers and topics addressed.*
 - d) *Permits a public forum during an Ordinary Council Meeting if a late Agenda item or Mayoral Minute has been issued after the public forum has concluded on a Monday. The public forum during the Ordinary Council Meeting would be limited to the late Agenda item or Mayoral Minute only.*
 - e) *To include an explanation to the community that the Public Forum will be limited to the intent of Section 4 of the Code of Meeting Practice*
 - f) *That Council review the timing of the Public Forum after the trial ends in September 2024.”*

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4. *Note that other proposed Code of Meeting Practices amendments outlined in this report will be the subject of community consultation at the same time as the Draft Councillor and Staff Interaction Policy is released for community consultation.*

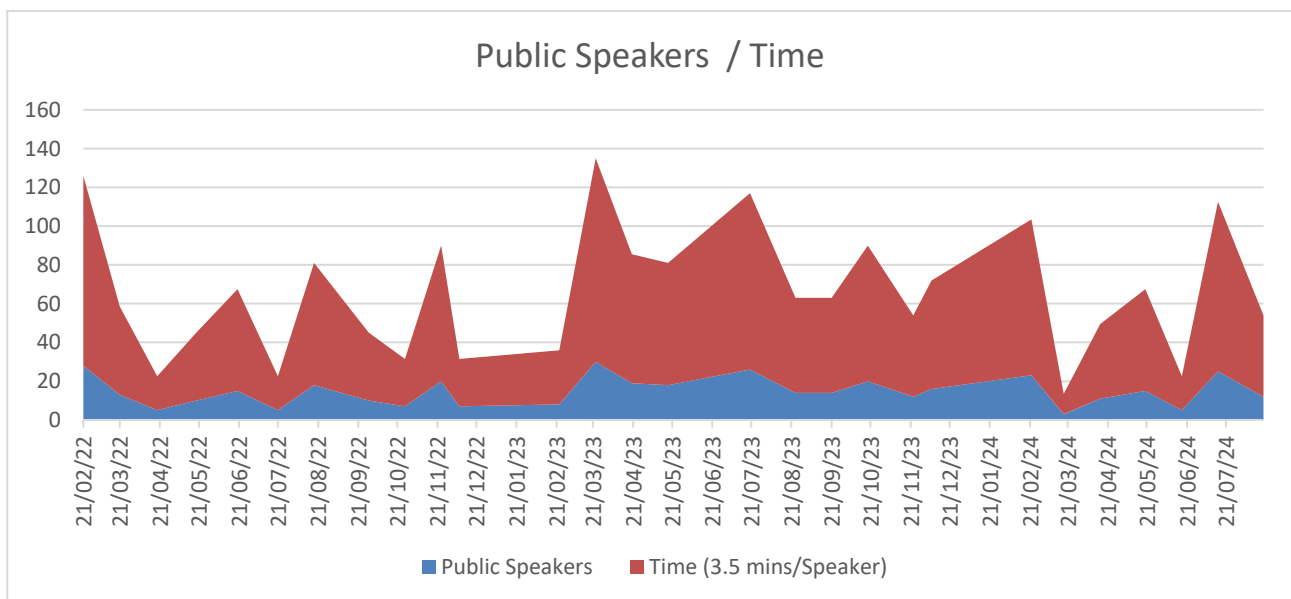
This report is pursuant to part 3. f) of the resolution, that Council review the timing of the Public Forum after the trial ends in September 2024.

Discussion

The separation of the Public forum from the Council meeting is supported by the OLG’s [Model Code of Meeting Practice](#), in which it states ‘Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council’. Comments by the OLG in relation to this have expanded the context for the statement, indicating councils should implement effective consultation processes and methods which occur prior to the decision making phase. Council during the last term undertook a major review of its consultation processes based on the IAP2 framework and implemented significant improvements including utilisation of Engagement HQ.

Prior to the Council’s decision 26 February 2024, a substantial amount of time at Council meetings was often spent on the public forum and ensuing debates, resulting in a number of meetings extending beyond 11:00pm, the current curfew in the Code of Meeting Practice. This often led to the bulk adoption (en globo) of agenda items, the extension of meeting time beyond 11.00pm, deferral of some reports, or the need for an Extraordinary Meeting of Council, none of which are ideal when the Council strives to give each matter the thorough consideration it deserves.

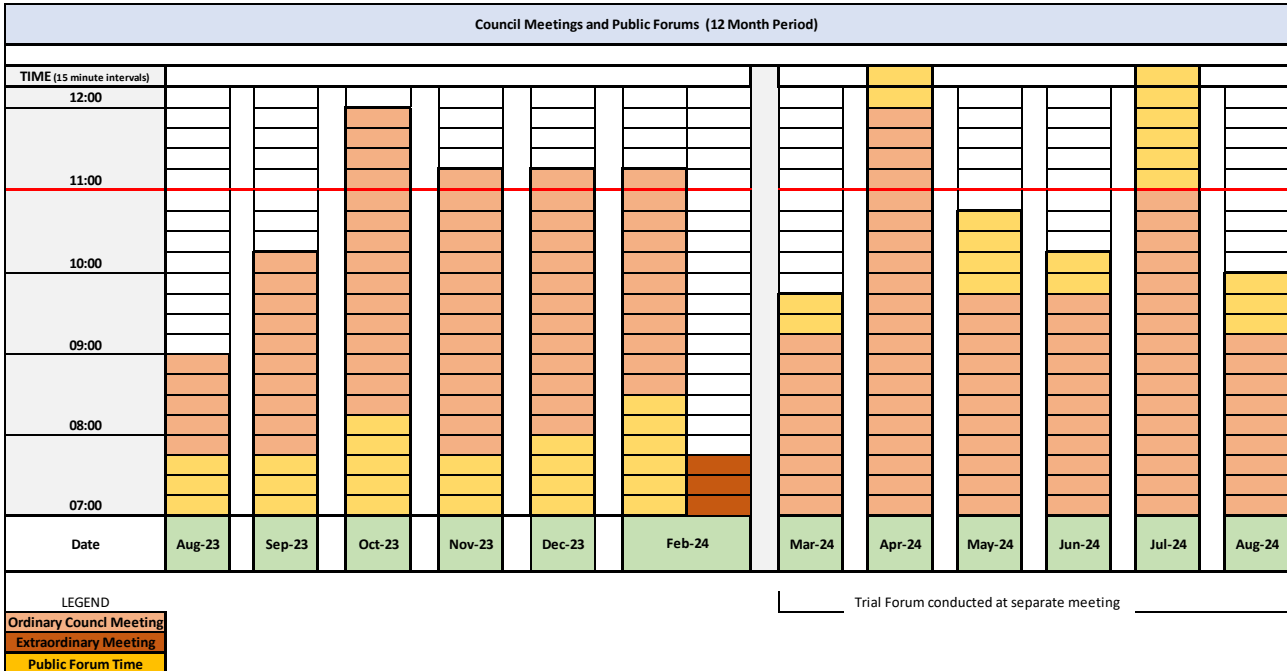
It is noted that attendance at the Forum is impacted by the nature of the items on the Agenda. Since the resolution, Council has held six separate Public Forums, with public speaker attendance ranging from 3 at the initial forum to 25, with an average of 12 attendees per forum. Over the 3 year Council term, public speaker attendance ranged from 5 to 30, with an average of 15 attendees per forum. The following graph shows attendance and time for the public forum component based on an average of 3.5 minutes per speaker.



The following graph shows for the most recent 12-month period, the combination of the public forum component and formal decision-making component of the meeting (noting during the trial the forum was conducted on the Monday evening) to provide the total time of both elements. It

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PUBLIC FORUMS - CODE OF MEETING PRACTICE**

indicates that during the trial period, only one of the six meetings exceeded the 11pm curfew. In the 6 months prior, four of the six meetings exceeded the 11pm curfew.



Scheduling the Public Forum on the Monday before a Council Meeting in accordance with the OLG’s Model Code of Meeting Practice ensures that the elected Council has sufficient time to thoroughly consider public feedback on agenda items, and for debate and decision-making. This adjustment to Council meeting practices also serves as a significant risk control measure in managing psychosocial hazards in the workplace and supporting the ongoing health and wellbeing of Councillors and staff.

RECOMMENDATION

That Council continues the practice of holding the Public Forum separately from the Council Meeting, in line with the OLG’s Model Code of Meeting Practice, with the Public Forum taking place on the Monday evening prior to a Council Meeting.

Steven Kludass
Director - Corporate and Strategy
Corporate and Strategy Division

ATTACHMENTS:

There are no supporting documents for this report.

Subject: 2024 Local Government NSW Conference Attendees and Voting Delegates
Record No: SU9949 - 48069/24
Division: Lane Cove Council
Author(s): Stephen Golding

Executive Summary

This report requests that Council advise of the Councillors who wish to attend the Conference and to nominate the four voting delegates for the motions before the [2024 Local Government NSW Annual Conference](#) as this decision was deferred at the June 2024 Ordinary Council meeting.

Background

The Local Government NSW (LGNSW) Annual Conference is the pre-eminent policy making event for the local government sector. At the Conference, delegates vote on motions which help determine the policies and priorities for LGNSW and the sector. It 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.

The Annual Conference of Local Government NSW (LGNSW) will be held from Sunday 17 November to Tuesday 19 November 2024 at Tamworth Regional Entertainment and Conference Centre. A [Program for the Conference](#) and Business Paper will be released closer to the date of the event.

Under LGNSW rules and the formula for calculating [voting entitlements](#), Council will be entitled to nominate four (4) voting delegates for voting on motions considered at the Conference and positions in the Board elections.

Council has submitted three (3) motions, those being;

1. Modern ways to communicate with residents

That LGNSW advocate to the NSW Government to consider new options that councils and infrastructure providers can use to give timely and direct notification to residents about infrastructure works that will or are likely to impact them, that:

- a. take place out of normal business hours,
- b. may cause disturbance to personal amenity in a private home or workplace; and
- c. may cause inconvenience in mobility options.

2. The NSW government is to introduce an Infrastructure Ombudsman

That LGNSW advocate for the NSW Government to introduce an Infrastructure Ombudsman, or an avenue to an Ombudsman, to resolve issues between local government and utility providers relating to unreasonable demands by the utility providers to replace, upgrade or complete significant capital maintenance of their infrastructure whilst delivering community infrastructure projects and housing. Access to the Ombudsman could also be extended to other parties including developers and builders if deemed appropriate, particularly to facilitate the delivery of housing.

3. NSW Councils to support the creation of a 'Library of Things' in their Local Government Area

That LGNSW encourage NSW Councils to support the creation of a 'Library of Things' in their Local Government Area to provide the community with access to a collection of useful but only occasionally used items that can be loaned out for a short period of time, thus making best use of resources. Community access to a 'Library of Things' aligns with the principles of the National Waste Policy: Less Waste, More Resources 2018, the 7 key principles of the NSW Circular Economy Policy Statement, and the Waste Avoidance and Resource Recovery Act 2001 (WARR).

Discussion

It is recommended that Council authorise Councillor attendance at the Annual Conference and nominate four (4) voting delegates. The deadline to submit voting delegates names is 6 November 2024.

RECOMMENDATION

That Council:-

1. Authorise all interested Councillors to attend the LGNSW Annual Conference; and
2. Nominate Council's four (4) voting delegates for motions before the LGNSW Annual Conference.

Steven Kludass
Director - Corporate and Strategy
Corporate and Strategy Division

ATTACHMENTS:

There are no supporting documents for this report.