



Ordinary Meeting of Council

Wednesday 12 January 2022

2.00pm

Council Chambers

209 Comur Street, Yass

PRAYER:

All Stand:

Mayor: *Let us be still and remember the presence of God. As we commence our meeting let us together pray for guidance and help.*

All say together:

Almighty God, we ask your blessing upon this Council.

Direct and prosper our deliberations to the true welfare of Australia and the people of Yass Valley Amen.

FUTURE MEETINGS

February 2022

Wednesday 23rd

4.00pm

Ordinary Meeting of Council

Ordinary Meeting of Council

A G E N D A

Open Forum

Page No.

Webcasting

This meeting is being webcast, a reminder to those in attendance that you should refrain from making any defamatory statements.

Welcome to Country

Welcome to Country by Aunty Lillian Bell

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Nil
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Nil
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10. **Confidential Matters**
Nil

Close of Meeting Time

Chris Berry
GENERAL MANAGER



Minutes of the Ordinary Meeting of Council

Wednesday 1 December 2021

4.00pm

Council Chambers

209 Comur Street, Yass

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Open Forum

Presentations to Council – Items on the Meeting Agenda (via Zoom)

- **Claire Bremner**
Item 6.5 Development Consent No DA175279 – Preschool, 37 Church Street, Yass
- **Jodie Newall**
Item 6.6 Development Application DA200091 – Erosion Gully Rehabilitation and Importation of Material – 64 Brooklands Road, Wallaroo
- **Paul Newall**
Item 6.6 Development Application DA200091 – Erosion Gully Rehabilitation and Importation of Material – 64 Brooklands Road, Wallaroo
- **Jamie Bush**
Item 6.6 Development Application DA200091 – Erosion Gully Rehabilitation and Importation of Material – 64 Brooklands Road, Wallaroo

Council Meeting - The Mayor declared the meeting open at 4.46 pm.

Present

Councillors Rowena Abbey, Mayor, in the chair, Cecil Burgess, Geoff Frost, Nathan Furry, Allison Harker (arrived 5.43pm), Jasmin Jones, Michael McManus, Mike Reid and Kim Turner.

Also present were the General Manager – Chris Berry, Director Planning & Environment – Julie Rogers, Director Infrastructure & Assets – James Dugdell, Director Corporate & Community – Lynette Safraneck and Corporate Planning & Executive Support Officer – Shirree Garland.

Acknowledgement of Country

1. Prayer

2. Apologies

Nil

3. Declaration of Interest/Disclosures

Councillor Abbey declared a non-significant, non-pecuniary conflict of interest in Item 6.6 DA200091 – Erosion Gully Rehabilitation and Importation of Material – 64 Brooklands Road Wallaroo and stated that she believed her interest would preclude her from voting.

Reason: Councillor Abbey declared an interest due to a family relationship.

Councillor Frost declared a significant, non-pecuniary conflict of interest in Item 7.3 – Lease Request – Former Pool Manager's House and stated that he believed his interest would preclude him from voting.

Reason: Councillor Frost declared an interest as President of Yass FM: Proposed Lessee.

Councillor Frost declared a non-significant, non-pecuniary conflict of interest in Item 8.6 Draft Procurement and Disposal Policy and stated that he believed his interest would preclude him from voting.

Reason: Councillor Frost declared an interest as potential for computer to be given to Councillors under new policy.

Councillors Abbey, Jones, McManus, Reid and Turner declared a non-significant, non-pecuniary conflict of interest in Item 8.6 – Draft Procurement & Disposal Policy and stated that they did not believe their interests would preclude them from voting.

Reason: Councillor Abbey, Jones, McManus, Reid and Turner declared an interest as they are current sitting Councillors who may have an option to procure IT equipment which has no asset value.

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 27 October 2021 covered by resolution numbers 208-249 inclusive, and Extraordinary Council Meeting held on 01 November 2021 covered by resolution numbers 249-255 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Furry/Reid) 256

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

5. Mayoral Minute

6. Director of Planning & Environment Reports

6.1 VICTORIA PARK MASTERPLAN

SUMMARY

To present the outcomes of the consultation for the draft Victoria Park Masterplan.

RESOLVED that the Victoria Park Masterplan be adopted and it form the basis of a Plan of Management under the Crown Land Management Act 2016 and Local Government Act 1993.

(Jones/Turner) 257

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

6.2 CROWN LANDS MISCELLANEOUS RESERVES DRAFT PLAN OF MANAGEMENT

SUMMARY

The purpose of this report is to recommend public exhibition of the draft Plan of Management (POM) for the Yass Valley Miscellaneous Crown Reserves.

RESOLVED that :

- 1. The draft Plan of Management for Miscellaneous Crown Reserves be forwarded to the Minister for Water, Property and Housing as owner of the land.***
- 2. The draft Plan of Management for Miscellaneous Crown Reserves be placed on public exhibition under the Local Government Act 1993 and the Plan of Management be adopted if no substantial objections are received.***
- 3. The Plan of Management be forwarded to the Minister for Water, Property & Housing for adoption and publishing on the Department's website.***

(Furry/Turner) 258

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

6.3 CLIMATE CHANGE AND NATURAL DISASTER RISK ASSESSMENT

SUMMARY

A Climate Change and Natural Disaster Risk Assessment allows Council to consider and prepare for and respond to the risks presented by climate change in ongoing operations and core activities. It also provides opportunities for Council to obtain funding to take identified priority actions.

RESOLVED that the completion of the Climate Change and Natural Disaster Risk Assessment be noted.

(Furry/Turner) 259

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

6.4 DEVELOPMENT CONSENT NO 2000049 - 101 LOT SUBDIVISION, ISABEL DRIVE, MURRUMBATEMAN

SUMMARY

To present the assessment of a request to modify Development Consent DA200049 for 101 lot subdivision at Isabel Drive, Murrumbateman. The request attracted two new submissions and relevant concerns can be addressed by conditions.

RESOLVED that :

1. *Development Consent DA200049D be modified for the 101 lot subdivision at Lot 1 DP 1257138, Isabel Drive, Murrumbateman.*
2. *The roundabout construction be bonded to enable the release of Subdivision Certificate. The roundabout is to be constructed within 12 months of the date of Subdivision Certificate, unless otherwise agreed to.*
3. *The area including the shared path between the new road and Colonial Place is to be a separate open space lot and included in the Voluntary Planning Agreement for open space within the subdivision.*
4. *The draft Voluntary Planning Agreement be amended to include this separate open space lot and be placed on public exhibition in accordance with the Environmental Planning & Assessment Act 1979 and adopted if not significant submissions are received.*
5. *Upon dedication to Council the open space lot be classified as Community Land under the Local Government Act 1993.*

(Furry/Turner) 260

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

6.5 DEVELOPMENT CONSENT NO DA175279 - PRESCHOOL, 37 CHURCH STREET, YASS

SUMMARY

To present the assessment of a request to modify Development Consent No DA175279 for a preschool at 37 Church Street, Yass. The request attracted five submissions and it involves a proposed variation to Council's *Offstreet Carparking Policy*. Relevant concerns can be addressed by conditions.

RESOLVED that Development Consent No DA175279 be modified for a preschool at 37 Church Street, Yass subject to receipt of a contamination report. The modified Development Consent is to remain under a deferred commencement subject to contamination investigations being undertaken.

(McManus/Frost) 261

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

At 05:05 pm Councillor Abbey left the Chambers.

Deputy Mayor Furry took the Chair

6.6 DEVELOPMENT APPLICATION DA200091 - EROSION GULLY REHABILITATION AND IMPORTATION OF MATERIAL - 64 BROOKLANDS ROAD, WALLAROO

SUMMARY

To present the assessment of Development Application No DA200091 for erosion gully rehabilitation including importation of 42,000m³ of material at 64 Brooklands Road, Wallaroo. The application attracted a total of 23 submissions and relevant concerns can be addressed via conditions.

RESOLVED that:

- 1. A Deferred Commencement Development Consent be issued for Development Application DA200091 for erosion gully rehabilitation including importation of up to 42,000m³ of VENM/ENM material. The Development Consent be issued on a Deferred Commencement basis requiring the Applicant to provide to the satisfaction on Council:**
 - **A revised Gully Rehabilitation Plan**
 - **A Tree Management Plan**
 - **Revised survey site plan which labels the major contour intervals to the Australian Height Datum (AHD).**
 - **Design plans must be submitted which confirm the final land form, including the major contour interval levels to the Australian Height Datum (AHD).**
 - **Engineering drawings and calculations associated with the construction of the rock or concrete flumes, and the diversion banks**
 - **Engineering drawings for the construction of the internal access road**
- 2. The Applicant's offer of a Voluntary Planning Agreement for payment of additional heavy haulage development contributions is supported and is included as a condition of Development Consent.**
- 3. A further report be presented to Council on the draft terms of the Voluntary Planning Agreement.**
- 4. Council staff discuss with the applicant and the technical advisor to ensure that the two plans for 64 and 66 Brooklands Road are complementary.**

(Jones/Turner) 262

FOR: Councillors C Burgess, G Frost, J Jones, M McManus and K Turner

AGAINST: Councillor N Furry, Councillor M Reid

At 05:42 pm Councillor Abbey returned to the Chambers.

Councillor Harker joined the meeting at 5.43pm

6.7 ALCOHOL FREE ZONE

SUMMARY

The *Local Government Act 1993* permits Council to establish an Alcohol Free Zone (AFZ). The last AFZ was established in March 2016 and expired in March 2020. It is recommended the AFZ be re-established in the Yass main street (CBD) area.

RESOLVED that :

- 1. The Yass Alcohol Free Zone be re-established for a period of four years and to come into effect seven days after notice of Council's intention has been publicly made.***
- 2. Any outdoor eating area where there is a liquor licence permitting the consumption of alcohol or an unlicensed business (BYO) who allow patrons to consume alcohol in an outdoor eating area whilst partaking of a meal be exempt from the provisions of the Yass Alcohol Free Zone during their business hours.***
- 3. Appropriate signs be placed at the entrances to the walkway beside the Memorial Hall indicating that consumption of alcohol is prohibited.***

(Jones/Frost) 263

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

7. Director of Infrastructure & Assets Reports

7.1 RIVERBANK PARK ADVENTURE PLAYGROUND

SUMMARY

To present the outcomes of the community survey for the Riverbank Park Adventure Playground to replace the playground at Riverbank Park under the NSW Public Spaces Legacy Program funding agreement.

RESOLVED that :

- 1. The Adventure Playground design continue to be refined in light of the community feedback based on 'Where the Wild Things Are' and including:***
 - An embankment slide***
 - A carousel***
 - A mouse/hamster wheel***
 - Removal of the springer***
 - Removal of the spinning net and climber***
- 2. The General Manager approve the final design in accordance with delegations provided for the period 4 December 2021 to 12 January 2022 and to enable construction works to be tendered in Jan 2022.***
- 3. The existing playground equipment in Riverbank Park be removed as part of this project and be disposed of in accordance with the Procurement & Disposal Policy.***

4. The community be thanked for their involvement and participation in this process.

(Jones/Harker) 264

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

7.2 YASS WATER TREATMENT PLANT UPGRADE PROJECT UPDATE

SUMMARY

The Yass Water Treatment Plant Upgrade Project is an important and challenging project for the Yass Valley Council. Council requested bimonthly update reports be provided on the project.

RESOLVED that the updated report and work completed on the Water Treatment Plant Upgrade Project be noted.

(Furry/Turner) 265

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

At 05:54 pm Councillor Frost left the Chambers.

7.3 LEASE REQUEST - FORMER POOL MANAGER'S HOUSE

SUMMARY

Yass FM have submitted a request for a short term lease the former Pool Managers House for radio transmission studio.

RESOLVED that :

- 1. Council agree the relocation of Yass FM in the immediate term for a period of no more than 12 months to the 'Pool Managers House'.***
- 2. A nominal rental be \$50 per week.***
- 3. Council agree the preferred future option for Yass FM Community Radio to relocate, pending successful Development Approval and lease notification requirements, to a site adjacent the Men's Shed on Council owned land.***

Turner/Harker) 266

FOR: Councillors R Abbey, C Burgess, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

At 06:05 pm Councillor Frost returned to the Chambers.

8. Director of Corporate & Community Reports

8.1 ANNUAL FINANCIAL STATEMENTS 2020/21

SUMMARY

The auditor's reports on the Annual Financial Statements for the year ended 30 June 2021 have been received. Council is now required to adopt the financial statements and to authorise the presentation of the audited statements to the public.

RESOLVED that :

- 1. The audited 2020/21 Annual Financial Statements be noted and placed on public exhibition.***
- 2. The relevant Ministers be advised of the untimely service from the NSW Audit Office and Auditors in relation to the preparation of the Financial Statements, with an urgent review be undertaken into their performance.***

(Harker/Furry) 267

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

8.2 2020/21 ANNUAL REPORT

SUMMARY

To present the 2020/21 Annual Report.

RESOLVED that the 2020/21 Annual Report be noted subject to an additional statement being included in Attachment E to clarify that some Committees met during 2020/21 but did not prepare a Committee Annual Report.

(Frost/Reid) 268

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

8.3 2017-2021 END OF TERM REPORT

SUMMARY

Under the NSW Government's Integrated Planning and Reporting framework, Council is required to produce a report on its progress in implementing the Community Strategic Plan during its term. This report is prepared for presentation to the final meeting of the outgoing Council prior to the Local Government Elections to be held on 4 December 2021.

RESOLVED that the 2017-2021 End of Term Report be endorsed subject to a list of all timber bridge replacements completed during the term of Council being included in the document.

(Reid/Furry) 269

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

The Mayor congratulated all Councillors on their term of Council, with special note being made to Councillors McManus and Burgess for their 25 years of service as Councillor.

All Councillors were provided the opportunity to address Council on their term as Councillors.

8.4 INVESTMENT AND BORROWINGS REPORT - OCTOBER 2021

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 31 October 2021. In accordance with paragraph (1)(b), it can be certified that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy.

RESOLVED that the October 2021 Investment Report be noted.

(Frost/Turner) 270

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

8.5 SALE OF LAND FOR UNPAID RATES

SUMMARY

To present the outcomes from the sale of land for unpaid rates and to recommend an appropriate classification of the land purchased by Council under the *Local Government Act 1993*.

RESOLVED that :

- 1. The outcomes of the auction of land for unpaid rates on 17 November 2021 be noted.***
- 2. The properties at Bendenine Road and 11 Hanley Place be classified as Operational Land under the Local Government Act 1993.***
- 3. The property at Riverbank Park be classified as Community Land under the Local Government Act 1993.***

Furry/McManus) 271

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

At 06:58 pm Councillor Frost left the Chambers.

8.6 DRAFT PROCUREMENT & DISPOSAL POLICY

SUMMARY

Council's Procurement Policy has been reviewed and updated.

RESOLVED that the draft Procurement & Disposal Policy be adopted.

(Furry/Turner) 272

FOR: Councillors R Abbey, C Burgess, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

At 06:58 pm Councillor Frost returned to the Chambers.

8.7 DRAFT COUNCILLOR EXPENSES & FACILITIES POLICY

SUMMARY

Following changes to the *Local Government Act 1993* the *Councillor Expenses & Facilities Policy* has been reviewed. The Policy has been updated to comply with s254B of the Act, relating to superannuation contributions for Councillors. A further change in relation to damage to digital devices issued to Councillors.

RESOLVED that the Councillor Expenses & Facilities Policy be adopted.

(Furry/Reid) 273

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

Procedural Motion

RESOLVED that an extension of meeting time be granted.

(Furry/Reid) 274

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

8.8 CODE OF MEETING PRACTICE

SUMMARY

Amendments made to the *Local Government (General) Regulation 2021* in September 2021 relating to an updated Model Code of Meeting Practice for Local Councils in NSW 2021.

The new Model Meeting Code has been amended as allowed to meet the requirements of Council and new version of the Model Meeting Code is presented for adoption.

RESOLVED that the Code of Meeting Practice for Yass Valley Council be adopted.

(Turner/Reid) 275

FOR: Councillors R Abbey, C Burgess, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Councillor G Frost

9. General Manager Reports

9.1 LOCAL GOVERNMENT NSW SPECIAL CONFERENCE MOTION - STREETLIGHTING

SUMMARY

Street lighting continues to be a contested and expensive issue for many Councils. Council, through the Canberra Region Joint Organisation (CRJO), has been the Southern Lights initiative to undertake advocacy with Distributed Network Supply Providers regarding this issue. The CRJO has recently considered its approach to advocacy and has recommended a new collaborative approach through Local Government NSW.

RESOLVED that a motion be submitted to the Local Government NSW Special Conference seeking a commitment from Local Government NSW to lead and resource advocacy on street lighting issues across the State.

(Reid/Harker) 276

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

9.2 GUIDELINES FOR ADVISORY COMMITTEES & COMMITTEES OF COUNCIL

SUMMARY

In 2016 Council adopted a Standard Constitution for Committees. This Standard Constitution has been amended several times since 2016. A review of the Standard Constitution for Committees has been undertaken in accordance with the *Committee Framework & Transition Arrangements* adopted by Council in July 2021. The Standard Constitution has been revised as guidelines to streamline the Committee roles and operational procedures. Endorsement is recommended.

RESOLVED that the Guidelines for Advisory Committees & Committees of Council be endorsed.

(Harker/Furry) 277

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

10. Notice of Motion

Nil

11. Questions with Notice

11.1 SOUTHERN PHONE RESERVE

RECOMMENDATION

That responses to Questions With Notice from Councillor Jones be noted.

RESOLVED that :

- 1. Council note that current management reported to the December 2021 meeting of council that the Southern Phone restricted reserve was not created in contradiction with the 2019 resolution of Council and the entirety of the funds from the sale of shares have been spent.***
- 2. The Southern Phone restricted reserve status be referred to the Audit, Risk & Improvement Committee for investigation as to where the funds have been spent and what process of Council failed. Council request how the processes can be improved so this type of error is avoided in the future.***

(Jones/Frost) 278

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

12. Minutes and Recommendations of Council Committees

12.1 MINUTES OF THE CANBERRA REGION JOINT ORGANISATION HELD ON 29 OCTOBER 2021

RESOLVED that the minutes of the Canberra Region Joint Organisation meeting held on 29 October 2021 be noted.

(Furry/Harker) 279

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

12.2 MINUTES OF THE COUNTRY MAYORS ASSOCIATION AGM AND GENERAL MEETINGS HELD ON 5 NOVEMBER 2021

RESOLVED that the minutes of the Country Mayors Association Annual General meeting and General meeting held on 5 November 2021 be noted.

(Burgess/Harker) 280

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

12.3 MINUTES OF THE TRAFFIC FACILITIES COMMITTEE HELD ON 3 NOVEMBER 2021

RESOLVED that the minutes of the Traffic Facilities Committee meeting held on 3 November 2021 be noted and the following recommendations be adopted:

Item 7.2 Christmas Parade 2021 - Yass

That the proposed 2021 Christmas Parade be approved subject to the following conditions:

- 1. The organiser is to supply Council with a copy of the current Public Liability Insurance for the event with a minimum \$20,000,000 indemnity. Transport for NSW, NSW Police and Yass Valley Council are to be identified on the insurance document as 'interested parties' or equivalent.***
- 2. The event organiser develop and implement a Traffic Management Plan (TMP) and associated Traffic Guidance Scheme (TSG).***
- 3. The event organiser provide Council with a Risk Management Plan for the event. Particularly attention to be given to managing the pedestrian interface with vehicles in the parade.***
- 4. The event organiser is responsible for directly notifying all residents that may be affected by the approved events as soon as possible.***
- 5. The event organiser is responsible for public notification of the road closure and advising emergency services providers.***
- 6. Event marshals, event participants etc. will at all times obey the provisions of NSW Transport Legislation.***
- 7. The event organiser is to arrange the supply and installation/removal of appropriate signs etc. identified in the TMP and associated TGS. All personnel involved must be appropriate accredited.***
- 8. The event organiser is to ensure any local traffic, emergency services vehicles etc can safely and efficiently access/egress any property impacted by the TMP and associated TGS.***

9. *Event organisers, event marshals, volunteers, event participants etc. are to take all possible actions to minimise the effect of the event on the non-event community, throughout the event.*
10. *The event organiser must comply with any COVID-19 restrictions current at the time of the event including compliance with Restrictions on Gathering and Movement Public Health Orders, which may require developing and complying with a COVID-19 safety Plan.*
11. *Event organisers shall comply with the above conditions and the undertakings in its submission. Failure to comply will immediately void this approval.*

Item 7.3 Disabled Parking Space – Lead Street, Yass

That the installation of a disable car parking space near 73 Lead Street, Yass be supported in principle, provide it complies with Australian Standards, either as parallel parking at the Crago Street end or angle parking the Comur Street end.

(Frost/Jones) 281

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

13. Confidential Matters

Nil

The meeting closed at 7.25 pm.

Rowena Abbey
Mayor

6.1 OATH AND AFFIRMATION FOR COUNCILLORS

SUMMARY

The *Local Government Act 1993* requires Councillors to take either an oath or an affirmation of office at or before the first meeting of the Council after the Councillor is elected.

RECOMMENDATION

That all Councillors undertake an oath or affirmation individually and the details be recorded in the Council minutes.

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- *Local Government Act 1993*

REPORT

Under s233A *Local Government Act 1993*, Councillors are required to undertake an 'oath' or 'affirmation' as defined by the Act and detailed below. Each Councillor needs to decide whether they wish to undertake the oath or affirmation.

A Councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected to the office or a meeting at which the Councillor takes the oath or makes the affirmation) until the Councillor has taken the oath or made the affirmation

Any absence of a Councillor from an ordinary meeting of the Council that the Councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the Council

Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a Councillor in the exercise of the Councillor's functions

The General Manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the Council meeting or otherwise)

Oath

I [*name of councillor*] swear that I will undertake the duties of the office of Councillor in the best interests of the people of Yass Valley and the Yass Valley Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

Affirmation

I [*name of councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Yass Valley and the Yass Valley Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

STRATEGIC DIRECTION

Key Pillar	5. Our Civic Leadership
CSP Strategy	CL1 - Effect resourceful and respectful leadership and attentive representation of the community
Delivery Program Action	CL1.4 - Be compliant, more efficient and effective
Operational Plan Activity	CL1.4.6 - Conduct the Local Government elections in accordance with the relevant legislation

ATTACHMENTS: Nil

6.2 ELECTION OF MAYOR AND DEPUTY MAYOR

SUMMARY

To provide the framework for the election of the Mayor and Deputy Mayor.

RECOMMENDATION

That:

1. *The method of electing the Mayor be by Ordinary Ballot with the returning officer declaring the number of votes for each candidate.*
2. *All ballot papers be destroyed following the election.*
3. *A Deputy Mayor be elected for the same term as the Mayor and the system of election be the same as used for the election of the Mayor.*
4. *The General Manager proceed with the election of the Mayor and Deputy Mayor.*

FINANCIAL IMPLICATIONS

Nil.

POLICY & LEGISLATION

Conducting the election in accordance with Schedule 7 *Local Government (General) Regulation 2005* will meet Council's governance obligations.

REPORT

1. Background

In accordance with s225 *Local Government Act 1993*, Council is required to elect a Mayor. Under s230(1) of the Act a Mayor elected by Councillors holds office for two years. However, as a result of the postponement of the Ordinary Council Election to 4 December 2021 the Mayor will have a term shorter than two years. In accordance with s 290(1)(b) of the Act a mid-term mayoral election is required to be held in September 2023. The Mayor elected at the mid-term election will hold office until the day of Council's next Ordinary Election in September 2024.

Councillors may also choose to elect a fellow Councillor as Deputy Mayor. The Deputy Mayor will hold office for the term specified in Council's resolution.

The election of the Mayor must be carried out in accordance with Clause 394 *Local Government (General) Regulation 2005* which requires that the election is to be in accordance with Schedule 7 of the Regulation. In accordance with Clause 1 Schedule 7 *Local Government (General) Regulation 2005*, the General Manager is the Returning Officer for the election of Mayor.

Local Government (General) Regulation 2005

Cl 394 Election of mayors by councillors

If a mayor or deputy mayor is to be elected by the councillors of an area, the election is to be in accordance with Schedule 7.

Schedule 7 – Election of mayor by councillors (Clause 394)

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 **Nomination**

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 **Election**

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:
ballot has its normal meaning of secret ballot.
open voting means voting by a show of hands or similar means.

2. **Election of Mayor**

In accordance with s290(1)(a) and s290(3) *Local Government Act 1993* the Mayor shall be elected within three weeks of the Council Election being declared.

Nominations for the position of Mayor shall be in writing by two or more Councillors (one of whom may be the nominee) and the nomination must have the consent of the nominee in writing. This written nomination must be delivered or sent to the Returning Officer who will announce the names of nominees at the meeting.

Attached to this business paper is a nomination form for the position of Mayor and Deputy Mayor. These must be received by the General Manager prior to the announcement of nominations.

The Act also provides that, if there is more than one nomination, a ballot will be required. Council must determine method of election of the Mayor from the following options in accordance with Schedule 7 *Local Government (General) Regulation 2005*:

- (a) Ordinary ballot
- (b) Open voting
- (c) Preferential ballot

Both preferential and ordinary ballots are secret. Under the ordinary ballot system, the Councillors vote '1' for the candidate of their choice and if there are three or more, the lowest is excluded at each ballot until only two remain and the person with the most votes at that ballot is declared elected. This system is less complicated than preferential voting and ensures that the direct vote of Councillors (not preferences) will determine who is elected as Mayor. Previously, Council has always adopted the ordinary ballot system for Mayoral elections and this has been proposed in the recommendation.

3. **Election of Deputy Mayor**

Section 231 of the Act provides that Council may elect a Deputy Mayor for the Mayoral term, or a shorter period if specified. This Council has always elected to have a position of Deputy Mayor and filled that position for the same period as the Mayor, i.e. 2 years. A nomination form for this position is attached.

4. **Mayoral Allowance**

After consideration of the findings of the *Local Government Remuneration Annual Determination*, Council, at its meeting of 26 May 2021, set the Mayoral Allowance at \$27,060 (NB: the Councillor allowance is set at \$12,400). Council in the past has paid part of the Mayoral allowance to the Deputy Mayor in accordance with Council's *Councillor Expenses and Provision of Facilities Policy*. Council set the Deputy Mayoral Allowance (to be paid from the Mayoral Allowance) at \$1,500 per annum.

STRATEGIC DIRECTION

Key Pillar	5. Our Civic Leadership
CSP Strategy	CL1 - Effect resourceful and respectful leadership and attentive representation of the community
Delivery Program Action	CL1.4 - Be compliant, more efficient and effective
Operational Plan Activity	CL1.4.6 - Conduct the Local Government elections in accordance with the relevant legislation

- ATTACHMENTS:**
- A. Nomination Form - Mayor (*Under Separate Cover*)
 - B. Nomination Form - Deputy Mayor (*Under Separate Cover*)

6.3 CASUAL VACANCIES WITHIN 18 MONTHS OF LAST ORDINARY ELECTION

SUMMARY

Should a casual vacancy occur during the term of Council a by-election is generally required to fill the casual vacancy. If a casual vacancy occurs within 18 months of the last Ordinary Election of Councillors, the vacancy the casual vacancy can be filled by a countback of votes cast in the last election.

RECOMMENDATION

That pursuant to s291A(1)(b) Local Government Act 1993 Council declares that casual vacancies occurring in the office of a Councillor within 18 months after the last Ordinary Election of Councillors for the Council on 4 December 2021 are filled by a countback of votes cast at that election for the office in accordance with s291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of the Council's decision within seven days of the decision.

FINANCIAL IMPLICATIONS

It is anticipated the cost of providing a by-election would be significantly higher than the cost of filling a casual vacancy by countback of votes.

POLICY & LEGISLATION

- *Local Government Act 199*
- *Local Government (General) Regulation 2021*

REPORT

The *Local Government Act 1993* at s291 prescribes that a when a casual vacancy occurs the position is to be filled by a by-election.

Section 291A *Local Government Act 1993* enables a Council, at the first meeting after an Ordinary Election, to declare by resolution that any such vacancy is to be filled by a countback of votes cast at the last election for that office.

The cost of conducting a by-election will be passed to Council by the NSW Electoral Commission (NSWEC), as will the cost of conducting a countback. It is anticipated the cost of conducting a by-election will be significantly higher than the cost of a countback as a countback does not require the NSWEC to rent polling venues or hire staff to be present at polling places.

Should Council declare by resolution the filling of causal vacancies will be by countback the General Manager will inform the election manager within seven days of the resolution, as required by clause 393C *Local Government (General) Regulation 2021*.

STRATEGIC DIRECTION

Key Pillar	5. Our Civic Leadership
CSP Strategy	CL1 - Effect resourceful and respectful leadership and attentive representation of the community
Delivery Program Action	CL1.4 - Be compliant, more efficient and effective
Operational Plan Activity	CL1.4.7 - Complete the Councillor induction program

ATTACHMENTS: Nil

6.4 COUNCIL MEETING TIMES

SUMMARY

To consider Council meeting times.

RECOMMENDATION

For Council's determination.

FINANCIAL IMPLICATIONS

Nil.

POLICY & LEGISLATION

- *Local Government Act 1993*
- Code of Meeting Practice

REPORT

Council is required to meet at least ten times each year, each time in a different month. Council currently meets on the 4th Wednesday of every month commencing at 4.00pm.

Clause 3.1 of the *Code of Meeting Practice*:

Ordinary Meetings of Council will be held on the 4th Wednesday of each month with the exception of December and January. The Ordinary meeting held in December will be the 3rd Wednesday of the month.

Open Forum will commence at 4pm prior to the commencement of a formal Council meeting.

Council needs to consider whether this is still the most appropriate time for meetings.

If Council determines to change the time for meetings this will need to be reflected in the *Code of Meeting Practice*.

STRATEGIC DIRECTION

Key Pillar	5. Our Civic Leadership
CSP Strategy	CL1 - Effect resourceful and respectful leadership and attentive representation of the community
Delivery Program Action	CL1.4 - Be compliant, more efficient and effective
Operational Plan Activity	CL1.4.6 - Conduct the Local Government elections in accordance with the relevant legislation

ATTACHMENTS: Nil

6.5 AUDIT, RISK & IMPROVEMENT COMMITTEE

SUMMARY

To appoint the Mayor and one Councillor to the Audit, Risk & Improvement Committee.

RECOMMENDATION

That a Councillor be appointed to the Audit, Risk & Improvement Committee until 4 June 2022.

FINANCIAL IMPLICATIONS

Provision included in the Operational Plan for payments to independent members

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Local Government Amendment (Governance and Planning) Act 2016*
- Audit, Risk & Improvement Committee Charter
- Internal Audit Charter

REPORT

The Audit, Risk & Improvement Committee (ARIC) provides independent assurance and assistance to Council on risk management, the control framework, legislative compliance, internal audit, and external accountability responsibilities.

The current Committee consists of five voting members made up of:

- Mayor
- One Councillor
- Three independent external members (one of whom is recruited as Chair)

By 4 June 2022 all Councils must have an ARIC or an agreement with another Council or Joint Organisation to share a committee. It should be noted that the arrangements from 4 June 2022 is that Councillors cannot be members of an ARIC and independent members must be prequalified through the Office of Local Government. In July 2021 Council agreed to participate in a Joint ARIC through the Canberra Region Joint Organisation. This will mean Council's current ARIC will cease to operate after 4 June 2022.

The three current independent external members have had their roles extended until the new requirements come into effect (i.e. 4 June 2022).

Until June 2022 Council will need to continue with its existing ARIC arrangements until the new requirements come into effect. Accordingly, a Councillor nominee to this Committee is required until 4 June 2021.

STRATEGIC DIRECTION

Key Pillar	5. Our Civic Leadership
CSP Strategy	CL1 - Effect resourceful and respectful leadership and attentive representation of the community
Delivery Program Action	CL1.3 - Meet its objectives through improving the effectiveness of risk management, controls and governance processes
Operational Plan Activity	CL1.3.1 - Council will conduct an annual internal audit plan

ATTACHMENTS: Nil

6.6 DELEGATIONS OF AUTHORITY TO THE MAYOR

SUMMARY

Delegations of Authority are made by Councils to ensure the effective day to day operations of Council and in accordance with the *Local Government Act 1993*.

RECOMMENDATION

The Delegations to the Mayor Policy (GM-CP-09) be adopted.

FINANCIAL IMPLICATIONS

Nil.

POLICY & LEGISLATION

- s226 *Local Government Act 1993*
- Delegations to Mayor Policy

REPORT

The role of the Mayor is, in part:

- To exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council
- To exercise such other functions of the Council as the Council determines
- To preside at meetings of the Council
- To carry out the civic and ceremonial functions of the Mayoral office

With the appointment of the Mayor until September 2023 it is appropriate that Council provide authority for the Mayor to act for that period through delegations under the *Local Government Act 1993*.

Council's *Delegations to the Mayor Policy* (refer **Attachment A**) provides for the following delegations for the Mayor:

- Responding to media enquiries and issuing media statements on behalf of Council
- Signing outgoing correspondence on behalf of Council
- Calling public meetings in consultation with the General Manager
- Negotiating and executing with the General Manager the purchase or sale of land
- Attending conferences, seminars and meetings and approving Councillor attendance at seminars, conferences, meetings or training courses
- Authorising legal advice or legal representation on behalf of Council
- Affixing the common seal to a Council document
- Investigating, appointing, approving and authorising matters in relation to the General Manager
- Exercise the power of expulsion from a meeting of Council
- Decision making as a Board member of the Canberra Region Joint Organisation (CRJO)

In relation to the last point above, the Mayors of each Council are the voting delegates on the Board of CRJO and must be able to make decisions as a member of the Board or the Organisation cannot function effectively.

STRATEGIC DIRECTION

Key Pillar	5. Our Civic Leadership
CSP Strategy	CL1 - Effect resourceful and respectful leadership and attentive representation of the community
Delivery Program Action	CL1.4 - Be compliant, more efficient and effective
Operational Plan Activity	CL1.4.6 - Conduct the Local Government elections in accordance with the relevant legislation

ATTACHMENTS: A. Delegations to Mayor Policy (*Under Separate Cover*)

6.7 LGNSW SPECIAL CONFERENCE

SUMMARY

Local Government NSW (LGNSW) hold a Conference annually. Due to the postponement of the Local Government elections the annual event was split into two components. The LGNSW AGM was held in November 2021 and a Special Conference to debate motions is scheduled for 28 February-2 March 2022. Council need to elect two voting delegates for LGNSW Conferences.

RECOMMENDATION

That the voting delegates for Local Government NSW Conferences be the Mayor and Deputy Mayor.

FINANCIAL IMPLICATIONS

The estimated cost to attend the conference including registration and accommodation is \$2,000 per person.

POLICY & LEGISLATION

Nil.

REPORT

LGNSW is the peak organisation that represents the interests of NSW Councils by providing advocacy, representation and support, LGNSW helps member councils deliver improved services and better outcomes to their local communities. This is done by:

- Representing the views of local government to both the State and Federal Governments
- Providing policy advice, management support and grants application assistance to members
- Empowering members to deliver quality services to meet the needs of their local community
- Providing effective, responsive and accountable leadership on policy issues
- Enhancing community awareness and perception of local government

Additional information can be viewed at the following link: [Local Government NSW](#)

A Conference is held annually where Board members are elected, Council submitted motions are debated on and presentations made.

Due to the postponement of the Local Government elections the annual event was split into two components. The Annual General Meeting to present the annual report, financial reports and to hold the Board election was held on 29 November 2021. A Special Conference to debate Council submitted motions has been scheduled for 28 February-2 March 2022.

Council has two voting delegates for both voting on motions and voting in the Board election. Traditionally the Mayor and Deputy Mayor have been nominated as Council's delegates. It is suggested that the Mayor and Deputy Mayor be the nominated voting delegates for all LGNSW Conferences during this term of Council.

STRATEGIC DIRECTION

Key Pillar	5. Our Civic Leadership
CSP Strategy	CL3 - Collaborate and cooperate to achieve efficiencies and a greater voice in regional decision-making, and encourage similar cooperation across other sectors and community groups
Delivery Program Action	CL3.1 - Actively participate in the Canberra Region Joint Organisation
Operational Plan Activity	CL3.1.1 - Actively participate in the Regional Joint Organisation of Councils

ATTACHMENTS: Nil