



Extraordinary Meeting of Council

Thursday 10 October 2024

4:00 PM

Yass High School

Meitner Room

Grampian Street, Yass

Extraordinary 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.

Acknowledgement of Country

Yass Valley Council recognises the Ngunnawal people, the Traditional Custodians of the land, water, and sky. We pay our respect to their Elders past, present and future emerging leaders. We extend our respect to other Aboriginal and Torres Strait Islander people who live in the Yass Valley Local Government Area.

1. Prayer

2. Apologies

3. Declaration of Pecuniary Interests/Special Disclosures

4. Reports to Council

4.1	Oath & Affirmation for Councillors	3
4.2	Election of Mayor and Deputy Mayor	5
4.3	Delegation of Authority to the Mayor	8
4.4	Casual Vacancies Within 18 Months of Last Ordinary Election	10
4.5	Council Meeting Times.....	11
4.6	Local Government NSW Annual Conference 2024	12
4.7	Audit, Risk & Improvement Committee	13
4.8	Regional Planning Panel - Council Members	14

Close of Meeting Time

Chris Berry

CHIEF EXECUTIVE OFFICER

4.1 OATH & 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

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL1: Council is an effective, responsible and innovate organisation
Strategies	CL1.4 - Governance provides a sound basis for decision making

Delivery Program Action

Decisions made in accordance with Local Government Act and Regulations

ATTACHMENTS: Nil

4.2 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. In accordance with s290(1)(b) of the Act a mid-term mayoral election is required to be held in September 2026. The Mayor elected at the mid-term election will hold office until the day of Council's next Ordinary Election in September 2028.

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 27 June 2024, set the Mayoral Allowance at \$39,350 (NB: the Councillor allowance is set at \$18,340). 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

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL1: Council is an effective, responsible and innovate organisation
Strategies	CL1.4 - Governance provides a sound basis for decision making
Delivery Program Action	Decisions made in accordance with Local Government Act and Regulations

ATTACHMENTS: A. Mayor Nomination Form [⇒](#)
 B. Deputy Mayor Nomination Form [⇒](#)

4.3 DELEGATION 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 be adopted and the Instrument of Delegation to the Mayor be signed.

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 2026 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 otherwise the organisation cannot function effectively.

A draft Instrument of Delegation to put the policy into effect is included in **Attachment B**.

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL1: Council is an effective, responsible and innovate organisation
Strategies	CL1.4 - Governance provides a sound basis for decision making
Delivery Program Action	Decisions made in accordance with Local Government Act and Regulations

- ATTACHMENTS:**
- A. Delegations to Mayor Policy [⇒](#)
 - B. Draft Instrument of Delegation to Mayor [⇒](#)

4.4 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

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL1: Council is an effective, responsible and innovate organisation
Strategies	CL1.4 - Governance provides a sound basis for decision making
Delivery Program Action	Decisions made in accordance with Local Government Act and Regulations

ATTACHMENTS: Nil

4.5 COUNCIL MEETING TIMES

SUMMARY

To consider Council meeting times.

RECOMMENDATION

That Council determine the dates for its meetings and if necessary, the Code of Meeting Practice be amended.

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 Thursday of every month commencing at 4.00pm.

Clause 3.1 of the *Code of Meeting Practice* states:

3.1.1 Ordinary Meetings of Council will be held on the 4th Thursday of each month with the exception of December and January. The Ordinary meeting held in December will be the 3rd Thursday of the month and there will be no meeting in January.

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

3.1.3 The formal Council meeting will commence immediately following the conclusion of the Open Forum

3.1.4 The Day and time of Ordinary Meetings of Council may be changed by resolution of Council.

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

Holding meetings on a Thursday limits the ability to brief staff on the Friday in relation to the outcomes due to staff taking their RDOs. A Wednesday would work better so that staff can be briefed on the outcomes on Thursday.

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

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL1: Council is an effective, responsible and innovative organisation
Strategies	CL1.4 - Governance provides a sound basis for decision making
Delivery Program Action	Decisions made in accordance with Local Government Act and Regulations

ATTACHMENTS: Nil

4.6 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2024

SUMMARY

Local Government NSW (LGNSW) hold a Conference annually. This year the conference will be held from 17 to 1 November 2024, Tamworth Regional Entertainment & Conference Centre, Tamworth. The purpose of the conference is to shape the advocacy agenda for 2025 and to vote on motions presented to the conference.

Council needs to elect two voting delegates for LGNSW Conferences

RECOMMENDATION

That:

1. *The attendees and voting delegates for the Local Government NSW Conferences be determined.*
2. *Any motions to be submitted for consideration at the conference be determined by Council*

FINANCIAL IMPLICATIONS

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

POLICY & LEGISLATION

Nil

REPORT

The Local Government NSW Annual Conference will be held from Sunday 17 to Tuesday 19 November 2024 at Tamworth Regional Entertainment & Conference Centre, Tamworth.

Council is entitled to two votes on each of the motions presented to conference. The voting delegates can be determined from those Councillors wishing to attend.

The three-day event also provides the opportunity to network with your peers and learn about the future of Local Government from a range of speakers.

Two early bird registrations have been made. Any further registrations are due by 23 October 2024 (excludes dinner).

Any motion that the Council wishes to have debated at the conference needed to be submitted on line by Friday 16 August 2024 however the latest submissions can be accepted for inclusion in the business papers is Sunday 20 October 2024.

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL1: Council is an effective, responsible and innovative organisation
Strategies	CL1.6 - Council actively participates in regional bodies such as CRJO to identify innovations and opportunities for our region
Delivery Program Action	Ongoing participation in CRJO and regional interest groups to identify and action (where possible) opportunities for our region

ATTACHMENTS: Nil

4.7 AUDIT, RISK & IMPROVEMENT COMMITTEE

SUMMARY

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

RECOMMENDATION

That a Councillor be appointed to the Audit, Risk & Improvement Committee.

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.

In July 2021 Council agreed to participate in a Joint ARIC through the Canberra Region Joint Organisation.

The Committee charter provides for a Councillor to participate in meetings. Accordingly, a Councillor nominee to this Committee is required.

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL1: Council is an effective, responsible and innovate organisation
Strategies	CL1.4 - Governance provides a sound basis for decision making
Delivery Program Action	Decisions made in accordance with Local Government Act and Regulations

- ATTACHMENTS:**
- A. ARIC Terms of Reference [⇒](#)
 - B. ARIC Internal Audit Charter [⇒](#)

4.8 REGIONAL PLANNING PANEL - COUNCIL MEMBERS

SUMMARY

To appoint Council members and alternate members for the Southern Regional Planning Panel.

RECOMMENDATION

That:

- 1. Two Councillors be nominated as the Council member and the alternate member for the Southern Regional Planning Panel*
- 2. The appointments of Scott Martin (Director Planning & Environment Goulburn Mulwaree Council) as a Council member and Ruth Ormella (Director Development & Environment, Queanbeyan Palerang Regional Council) as an alternate member to the Southern Regional Planning Panel be noted*

FINANCIAL IMPLICATIONS

Nil

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- Sydney District & Regional Planning Panels Operational Procedures

REPORT

Former Cr Jim Abbey and the Director Planning & Environment at Goulburn Mulwaree Council, Scott Martin are currently Council members on the Southern Regional Planning Panel.

With Cr Jim Abbey not seeking re-election a replacement is required.

Under the Operational Procedures for Regional Planning Panels, two Council members are to be appointed and at least one Council member must have expertise in one or more of the following areas:

- Planning
- Architecture
- Heritage
- The environment
- Urban design
- Land economics
- Traffic and transport
- Law
- Engineering
- Tourism

Council members do not have to be from Yass Valley and it is up to Council to determine how their members are selected.

In the past Council has determined to appoint a Councillor and an independent professional as members. The Director Planning & Environment from Goulburn Mulwaree Council meets these criteria.

To reduce the opportunity to improperly influence panel members, Council should consider appointing alternate members. A Councillor and an independent professional should be appointed as alternate

members. Ruth Ormella, Director Development & Environment at Queanbeyan Palerang Regional Council would be an appropriate independent professional as an alternate member.

The Operational Procedures for the Regional Planning Panel are included in **Attachment A**.

STRATEGIC DIRECTION

CSP Theme	Our Civic Leadership
CSP Strategy Objective	CL1: Council is an effective, responsible and innovate organisation
Strategies	CL1.4 - Governance provides a sound basis for decision making
Delivery Program Action	Decisions made in accordance with Local Government Act and Regulations

ATTACHMENTS: A. Regional Planning Panel Operational Procedures