

ORDINARY COUNCIL MEETING

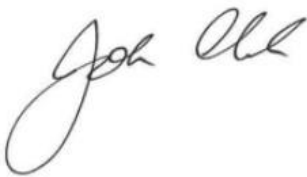
AGENDA

Notice is hereby given that an Ordinary Council Meeting will be held at the:

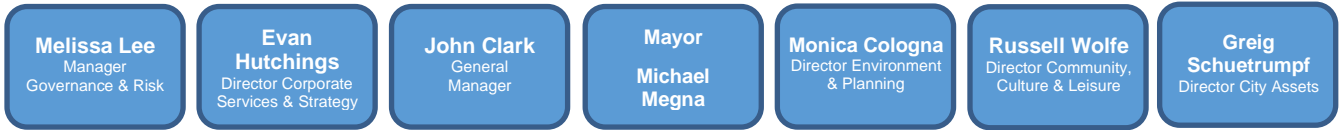
Council Chambers, City of Canada Bay Civic Centre, Drummoyne

Tuesday, 15 October 2024

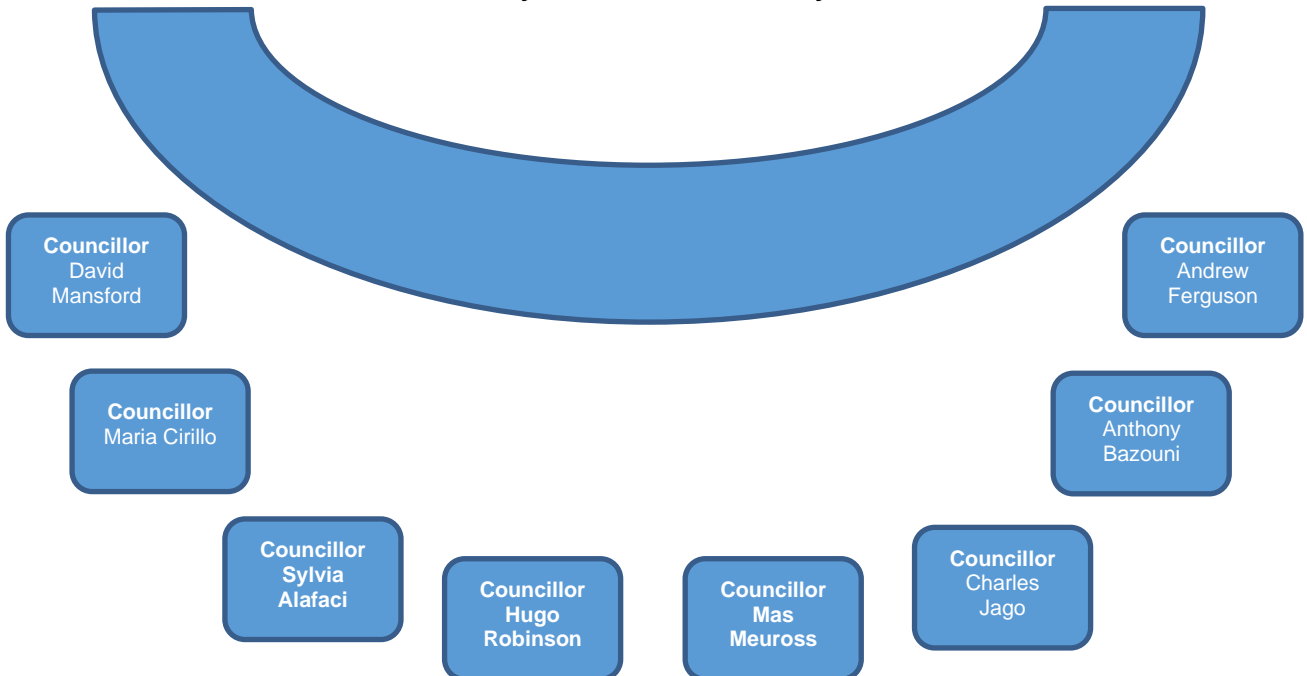
Beginning at 6:00 PM for the purpose of considering and determining matters included in this agenda.



John Clark
General Manager



**Councillors
 City of Canada Bay**



Statement of Ethical Obligations

The Mayor and Councillors are bound by the Oath/Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Canada Bay and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

It is also a requirement that the Mayor and Councillors disclose conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with Council's Code of Conduct and Code of Meeting Practice.

**Agenda for an Ordinary Council Meeting
to be held on Tuesday 15 October 2024
at the Council Chambers, City of Canada Bay Civic Centre, Drummoyne
Commencing at 6:00 PM**

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1 ACKNOWLEDGEMENT OF COUNTRY

The City of Canada Bay acknowledges the Wangal clan, one of the 29 tribes of the Eora nation and the traditional custodians of this land.

The City's Council pays respect to Elders past and present and extends this respect to all Aboriginal people living in or visiting the City of Canada Bay.

2 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

In accordance with clauses 6.3, 6.4 and 6.5 of Council's Code of Meeting Practice, apologies must be received and accepted from absent Councillors and a leave of absence from the Council Meeting may be granted.

3 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 20 AUGUST 2024

RECOMMENDATION

That the minutes of the Ordinary Council Meeting of 20 August 2024 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

4 DISCLOSURES OF INTERESTS

In accordance with Part 16 of Council's Code of Meeting Practice, all Councillors must disclose and manage any conflicts of interest they may have in matters being considered at the meeting.

5 MAYORAL MINUTE(S)

Nil

6 PUBLIC FORUM

In accordance with Part 5 of the Code of Meeting Practice, residents, ratepayers, applicants or other persons may request to address Council in relation to any one matter related to the general business of Council but not the subject of a report on the agenda (Public Forum) and no more than two matters listed for consideration on the agenda (Public Address).

7 ITEMS RESOLVED BY EXCEPTION

In accordance with Part 13 of the Code of Meeting Practice, items that are dealt with by exception are items where the recommendations contained in the staff reports in the agenda are adopted without discussion.

8 EXECUTIVE SERVICES DIRECTORATE REPORTS

Nil

9 ENVIRONMENT AND PLANNING DIRECTORATE REPORTS

Nil

10 CITY ASSETS DIRECTORATE REPORTS

Nil

11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS

Nil

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

ITEM 12.1 OATH OR AFFIRMATION OF OFFICE

Reporting Manager Manager Governance and Risk

Attachments: Nil

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That Council note that each Councillor present at the meeting of 15 October 2024 has either taken the Oath or made the Affirmation of Office prior to attendance and participation at the meeting.

PURPOSE

To advise Council of the status of Councillors undertaking their obligations under Section 233A of the NSW Local Government Act, 1993 to take the Oath or make the Affirmation of Office prior to or at the commencement of the first meeting of the new Council (after the Councillor is elected to Office) following the local government elections of 14 September 2024, and subsequent declaration of the poll for Mayor on 1 October 2024 and Councillors on 2 October 2024.

REPORT

Section 233A of the NSW Local Government Act, 1993, requires all councillors to take the Oath or Affirmation of office at or before the first meeting of the council after the councillor is elected.

The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace, and is to be in the following form:

1. 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 the City of Canada Bay local government area and the Council of the City of Canada Bay and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the NSW Local Government Act 1993 or any other Act to the best of my ability and judgment.
2. 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 the City of Canada Bay local government area and the Council of the City of Canada Bay and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the NSW Local Government Act 1993 or any other Act to the best of my ability and judgment.

This report is presented to advise that the Mayor and Councillors Alafaci, Bazouni, Ferguson, Mansford, Meuross and Robinson have either taken the Oath or made the Affirmation in the presence of the General Manager and were presented with Oath/ Affirmation certificates prior to their attendance and participation at this meeting of 15 October 2024.

At the time of this report being published Councillors Jago and Cirillo had not been available to take the Oath or make the Affirmation. Arrangements will be made for both Councillors to take the Oath or make the Affirmation prior to the commencement of the meeting. Council will be informed of the updated status in conjunction with this report being considered at the Council meeting on 15 October 2024.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

Goal CL 1: Council is accountable, efficient, and ready to meet future challenges

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

Section 233A of the NSW Local Government Act, 1993, requires all councillors to take an Oath or Affirmation of office at or before the first meeting of the council after the councillor is elected.

FINANCIAL CONSIDERATIONS

There are no risk considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

Section 233A of the NSW Local Government Act, 1993 was considered.

ITEM 12.2 ELECTION OF DEPUTY MAYOR**Reporting Manager Manager Governance and Risk****Attachments: Nil**

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That Council:

1. Elect a Deputy Mayor to hold office through to September 2025.
 2. Note the procedure for the election of a Deputy Mayor by Councillors in accordance with Schedule 7 of the NSW Local Government (General) Regulation 2021.
 3. Determines the method of voting for the election of a Deputy Mayor to be the open voting method, if more than one councillor is nominated.
-

PURPOSE

For Council to elect a Deputy Mayor for the period to September 2025.

REPORT

As the Local Government Elections have taken place, Council is now able to conduct an election for the position of Deputy Mayor for the period to September 2025.

Before conducting an election, Council is required to determine the method of voting it wishes to use for the election. If more than one nomination is received, the method of voting can be either by open voting method (show of hands), ordinary ballot method or preferential ballot method.

This report recommends that the open voting method be used.

The procedure for election is as outlined in Schedule 7 of the NSW Local Government (General) Regulation 2021 and is summarised below.

1. The Returning Officer will announce the names of the candidates for whom nomination forms have been received.
2. The Returning Officer will then ask if there are any other nominations.
3. If there is only one (1) councillor nominated, the Returning Officer shall declare that councillor to be elected.
4. If there is more than one (1) councillor nominated, the Returning Officer shall conduct the election utilising the method of voting determined by Council, and in accordance with the procedures outlined in the schedule.

Copies of nomination forms have been circulated under separate cover.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

Goal CL 4: The City of Canada Bay community is well informed and eager to engage in issues and decisions that impact them

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

Section 231 of the NSW Local Government Act, 1993 states the requirement for election for the position of Deputy Mayor. The procedure for this election is outlined in Schedule 7 of the NSW Local Government (General) Regulation 2021.

RISK CONSIDERATIONS

There are no risk considerations associated with this report.

ITEM 12.3 2024 LOCAL GOVERNMENT ELECTIONS - CASUAL VACANCY IN CIVIC OFFICE OF COUNCILLOR - COUNTBACK OPTION**Reporting Manager Manager Governance and Risk****Attachments:**
1. **Local Government Act 1993 - Section 291A** [↓](#)
2. **Local Government (General) Regulation 2021 - Schedule 9A** [↓](#)

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That:

1. Pursuant to section 291A(1)(b) of the NSW Local Government Act 1993, The City of Canada Bay 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 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act.
 2. The General Manager notify the New South Wales Electoral Commission of Council's decision in 1 above within 7 days of the decision.
-

PURPOSE

In accordance with the NSW Local Government Act 1993, Council can elect to utilise a countback option to fill casual vacancies in the civic office of councillor within 18 months following the 2024 elections and dispense with the need for by-elections should casual vacancies occur.

To be able to use this option in the event that any casual councillor vacancies occur during this Council term, Council is required to determine its position at the first Council meeting following the 2024 elections.

REPORT

Following the local government election held on 14 September 2024, councils are able to determine if a countback election will be held to fill any casual councillor vacancies that occur within 18 months after the date of that ordinary election.

A countback option provides councils with the option of avoiding the cost of by-elections in the first 18 months of a Council's term by filling casual councillor vacancies by countback.

Where Council resolves to fill casual councillor vacancies using a countback, the General Manager is required under Section 393C of the NSW Local Government (General) Regulation 2021 to notify the Council's election manager within 7 days of the resolution.

If Council does not resolve at the first meeting after the election to utilise the countback option, Council will be required to fill casual councillor vacancies through a by-election.

It is noted that the countback option is not available for a popularly elected Mayor as is the case at the City of Canada Bay, and hence a by-election would be required to fill a vacancy in this role within 18 months of the election.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

Goal CL 1: Council is accountable, efficient, and ready to meet future challenges

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

There are no risk considerations associated with this report.

FINANCIAL CONSIDERATIONS

If Council resolves to implement the countback option for a casual councillor vacancy that may arise within 18 months of the election, and such vacancy arises, there will be a relatively minor cost impact.

Should Council not resolve to implement the countback option for a casual councillor vacancy and such vacancy occurred, it is estimated that this could cost approximately \$300,000-\$350,000, based on the estimated final costs of the 2024 elections.

LEGISLATIVE AND POLICY CONSIDERATIONS

Section 291A(1)(b) of the NSW Local Government Act, 1993 and Schedule 9A Countback Elections of the NSW Local Government (General) Regulation 2021 (copies attached) were considered.

LOCAL GOVERNMENT ACT 1993 - SECT 291A**Countback to be held instead of by-election in certain circumstances****291A Countback to be held instead of by-election in certain circumstances**

- (1) This section applies to a casual vacancy in the office of a councillor if--
 - (a) the casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and
 - (b) the council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.
- (2) This section does not apply to a casual vacancy in the office of a councillor if the councillor who vacated office was elected--
 - (a) in an election using the optional preferential voting system (including the election of a mayor elected by the electors of an area), or

Note--: See [section 285](#) (Voting system for election of councillors).

- (b) in an election without a poll being required to be held.

Note--: See [section 311](#) (Uncontested elections).

- (3) A casual vacancy to which this section applies is to be filled by a countback election conducted in accordance with the regulations.
- (4) A countback election to fill a casual vacancy to which this section applies must be conducted--
 - (a) if the election at which the person whose departure created the casual vacancy was elected was administered by the Electoral Commissioner--by a returning officer appointed by the Electoral Commissioner, or
 - (b) if the election at which the person whose departure created the casual vacancy was elected was administered by a returning officer appointed by an electoral services provider engaged by the council--by a returning officer appointed by the electoral services provider.
- (5) If a countback election fails or the returning officer is otherwise unable to fill the casual vacancy by a countback election--
 - (a) the returning officer must notify the general manager of the council concerned, and
 - (b) a by-election in accordance with this Part must be held to fill the casual vacancy.
- (5A) If an electoral services provider engaged by the council is unable to appoint a returning officer for the purposes of subsection (4)(b), a by-election in accordance with this Part must be held to fill the casual vacancy.
- (6) This section does not apply to a casual vacancy in the office of a councillor if the vacancy occurs before the day prescribed for the purposes of this section by the regulations.

LOCAL GOVERNMENT (GENERAL) REGULATION 2021 - SCHEDULE 9A**SCHEDULE 9A – Countback elections**

[\(Section 393C\(1\)\)](#)

Part 1 - Preliminary**1 Definitions**

In this Schedule—

"ballot-paper" includes a vote record.

"close of applications" --see [section 3\(3\)](#) of this Schedule.

"eligible candidate" , in a countback election, means a person who has been declared by the returning officer under [section 4\(a\)](#) of this Schedule to have duly applied to be a candidate in the countback election.

"non-participating candidate" means a person who was a candidate at the original election and is neither an eligible candidate nor a previously elected councillor.

"original election" , in relation to a vacancy, means the ordinary election of councillors in respect of which the vacancy has occurred at which the vacating councillor was elected or in a case where the vacating councillor was elected under this Schedule, the councillor who was the predecessor (whether immediate, intermediate, or original) of that councillor, was elected.

"previously elected councillor" means a person who--

- (a) was elected as a councillor at the original election, or
- (b) was declared elected as a councillor under this Schedule after the original election.

"returning officer" means the person conducting the countback election in accordance with section 291A(4) of the Act.

"vacating councillor" means the person whose departure created the casual vacancy (even if that person never became a councillor).

Note--: If a candidate who is nominated for election to a civic office in respect of a ward or area dies after the day when the poll at a contested election closes, but before the declaration of the election, the candidate is a "vacating councillor" even if that person never became a councillor by operation of section 233(2)(a) of the Act.

2 Notice of casual vacancy

Note--: [Section 285](#) of this Regulation requires the general manager of a council of the area to give notice of a casual vacancy to the Electoral Commissioner within 7 days of its occurrence.

(1A) After a casual vacancy occurs that is to be filled by a countback election, the general manager of the council concerned must, in relation to an election administered by an electoral services provider, give notice of the vacancy to the electoral services provider within 7 days.

(1) After a casual vacancy occurs that is to be filled by a countback election, the electoral services provider concerned (in relation to an election administered by an electoral

- services provider) or the Electoral Commissioner (in relation to an election administered by the Electoral Commissioner) must--
- (a) give notice of the vacancy to the returning officer who conducted the election at which the person whose departure created the casual vacancy was elected or, if it is not possible for the returning officer to conduct the countback election, the substitute returning officer at that earlier election, or
 - (b) if not possible for that returning officer or that substitute returning officer to conduct the countback election, appoint a returning officer in accordance with the Act.
- (2) The notice under subsection (1) must be given or appointment made--
- (a) in relation to an election administered by an electoral services provider--within 14 days of the electoral services provider being notified of the casual vacancy under subsection (1A), or
 - (b) in relation to an election administered by the Electoral Commissioner--within 14 days of the Electoral Commissioner being notified of the casual vacancy under [section 285](#) of this Regulation.
- (3) Within 14 days of being given notice or being appointed, the returning officer who is to conduct the countback election must--
- (a) arrange for the publication of a notice of the casual vacancy as follows--
 - (i) in relation to an election administered by an electoral services provider--on both the council's website and the electoral services provider's website,
 - (ii) in relation to an election administered by the Electoral Commissioner--on the websites of the Electoral Commission and the relevant council, and
 - (b) give notice in accordance with this section to each person (at the person's last known address or by email to an email address specified by the person for the giving of notice of this kind) who, in the opinion of the returning officer, may be entitled to make an application under this Schedule in relation to the vacancy.
- (4) The notice under subsection (3) must--
- (a) declare that a casual vacancy in the office of a specified councillor exists that is to be filled by a countback election, and
 - (b) advise that a person may apply to be a candidate in accordance with this Schedule, and
 - (c) specify the date and time that applications close, and
 - (d) specify the date, time and place for the conduct of the countback election, and
 - (e) advise that an eligible candidate is entitled to appoint scrutineers for the countback election, and
 - (f) give the contact details of the returning officer.

- (5) The date for the conduct of the countback election must be the date which in the opinion of the returning officer is the earliest practicable date to conduct the countback election, but is--
- (a) at least 14 days after the date of the publication of the notice of the relevant council's website, and
 - (b) not more than 49 days after the date of the casual vacancy occurring.

3 Candidates for casual vacancy

- (1) A person may apply to be a candidate in the countback election if the person--
- (a) was a candidate at the original election, and
 - (b) did not withdraw the person's nomination from, and was not elected at, that election, and
 - (c) is still eligible to be elected as a councillor at the close of applications.
- (1A) A person elected to the office of councillor or mayor at the original election, or at a countback election under this Schedule, who subsequently vacates the office by resignation or disqualification may not apply to be a candidate in a subsequent countback election.
- (2) An application under this section is to be made in the way approved by the election manager and must contain--
- (a) a statement by the applicant that he or she consents to be a councillor if elected, and
 - (b) a declaration that the applicant is still eligible to become a councillor.
- (3) An application must be lodged with the returning officer before noon on the 10th day after the day on which public notice of the vacancy was given under this Schedule (the "**close of applications**").
- (4) An applicant may withdraw his or her application by giving the returning officer written notice of withdrawal in the way approved by the election manager before applications close.
- (5) An application or a withdrawal of an application under this section may be made by electronic means approved by the election manager.

4 Publication of candidates' details

If one or more persons have applied to be a candidate in accordance with this Schedule, the returning officer must, as soon as practicable after the close of applications--

- (a) publicly produce all the applications and declare each person who has duly applied to be a candidate (the "**eligible candidates**"), and
- (b) arrange for a notice containing particulars relating to each candidate to be published on the website of the relevant council.

5 Determination of candidate to fill casual vacancy

- (1) If there is only one eligible candidate in relation to a casual vacancy, the returning officer must declare the candidate elected.
- (2) If there are no candidates in relation to a casual vacancy--
 - (a) the returning officer is to declare that there are no candidates and inform the general manager of the relevant council accordingly, and
 - (b) the countback election fails.

Note--: Section 291A(5)(b) of the Act provides that if a countback election fails a by-election must be held to fill the casual vacancy.

- (3) If there is more than one eligible candidate in relation to a casual vacancy, a countback election must be conducted in accordance with Part 2.

6 Filling of multiple casual vacancies

- (1) If there is more than one casual vacancy to be filled at any time, the casual vacancy that occurred first is to be filled first.
- (2) If, in the opinion of the returning officer, it is impossible to determine which vacancy occurred first, the vacating councillor who was elected first (either at the same election or in point of time) is deemed to have left office before the other vacating councillor or councillors.
- (3) If it is still not possible to determine which vacancy occurred first despite subsection (2), the returning officer must determine which casual vacancy is to be filled first by an approved method of random selection (including by electronic means).
- (5) The returning officer may comply with [section 5](#) of this Schedule in respect of a casual vacancy even while the returning officer or another returning officer is complying with that section in respect of another casual vacancy.

Part 2 - Countback procedures**7 Casual vacancy to be filled by recount**

- (1) The countback election is to be conducted by a recount of the votes on the ballot-papers used in the counting of votes at the original election and the result is to be ascertained in accordance with Schedule 5.
- (2) On the recount under subsection (1) a preference indicated on a ballot-paper for a previously elected councillor whose seat has become vacant is to be disregarded and the ballot-paper is to be treated as if the numeral indicating any subsequent preference had been altered accordingly.
- (3) If on the recount under subsection (1) a non-participating candidate is elected that election has no effect and the returning officer is to terminate that recount and repeat the procedure of recounting the votes on the ballot-papers until an eligible candidate is elected.

- (4) On a recount under subsection (3) a preference indicated on a ballot-paper for--
- (a) a previously elected councillor whose seat has become vacant, or
 - (b) a non-participating candidate who has been elected on the recount under subsection (1) or on a previous recount under subsection (3),
- is to be disregarded and the ballot-paper is to be treated as if the numeral indicating any subsequent preference had been altered accordingly.
- (4A) If, on any recount under this Schedule, more than one candidate would be elected, the following applies instead--
- (a) only one candidate is taken to be elected, being the candidate who has the highest number of votes,
 - (b) if 2 or more candidates have an equal number of votes--
 - (i) if the number of votes at the last count or transfer was unequal--the candidate who had the highest number of votes at the last count or transfer at which the candidates had an unequal number of votes is taken to be elected, or
 - (ii) otherwise--the elected candidate is to be determined by a method of random selection, including by electronic means, approved by the election manager.
- (5) A recount under this Schedule does not affect the election of a previously elected councillor and where a previously elected councillor is elected or excluded during a recount that election or exclusion has effect for the purposes of the continuation of the recount and for those purposes only.
- (6) If no recount under subsection (1) or (3) results in the election of an eligible candidate--
- (a) the returning officer is to declare that the countback election has failed, and
 - (b) inform the general manager of the relevant council accordingly.

Note--: Section 291A(5)(b) of the Act provides that if a countback election fails a by-election must be held to fill the casual vacancy.

8 Declaration of result

- (1) As soon as possible after the conclusion of the countback election, the returning officer must--
- (a) inform the persons present of the result, and
 - (b) immediately notify the election manager of the result, and
 - (c) inform the participating eligible candidates (in person, in writing, by facsimile, by telephone, by email, by text message or in any other way) as soon as practicable after the result is ascertained--
 - (i) of the result of the countback, and
 - (ii) when the returning officer's declaration under this section will be available for inspection at the office of the relevant council, and

- (iii) that the information contained in a notice under subsection (5) is to be published on the election manager's website for at least one month.

Note--: [Section 353](#) (Recount) of this Regulation does not apply to a countback election.

- (2) The election manager is to approve of the returning officer's declaring of the countback election in writing as soon as practicable after the notification of the result.
- (3) The declaration is to be signed by the returning officer and is to state the number of votes recorded for each candidate and the names of the candidate declared elected.
- (4) After the election is declared--
 - (a) the election manager must deliver or send a copy of the written declaration to--
 - (i) the Secretary, and
 - (ii) the Chief Executive Officer of Local Government NSW, and
 - (iii) the relevant general manager, and
 - (iv) for an election administered by an electoral services provider--the Electoral Commissioner, and
 - (b) the general manager of the council must display the written declaration in a conspicuous position at the office of the relevant council.
- (5) The election manager must cause the information in the declaration to be published on the election manager's website for at least one month.

10 Application of other provisions

- (1) The following provisions of this Regulation apply to a countback election with all necessary modifications--
 - (a) [section 337](#) (Scrutineers),
 - (a1) [section 346](#) (Persons present at scrutiny and count),
 - (b) [section 365](#) (Obstruction of election officials),
 - (c) [section 368](#) (Persons present in polling place),
 - (d) [section 369](#) (Misconduct by scrutineers),
 - (e) [section 370](#) (Misconduct at polling place or pre-poll voting office).

Note--: [Section 329](#) (Can the holder of a civic office be dismissed?) of the Act applies to a person holding civic office who has been elected at a countback election.

- (2) For the avoidance of doubt, [sections 353](#) (Recount), [354](#) (Who pays for the recount?) and [355](#) (Result of recount) of this Regulation do not apply to a countback election.

Part 3 - Miscellaneous

11 Costs

Expenses incurred by the election manager in connection with a countback election are to be met by the council.

ITEM 12.4 LOCAL GOVERNMENT NSW CONFERENCE 2024 - DELEGATES AND MOTIONS**Reporting Manager** Manager Governance and Risk**Attachments:** Nil

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That Council nominate five (5) voting delegates, being the Mayor and four (4) Councillors, for the Local Government NSW (LGNSW) annual conference to be held from Sunday 17 to Tuesday 19 November 2024, in Tamworth.

PURPOSE

To determine voting delegates for the Local Government NSW (LGNSW) Conference 2024.

REPORT

At its meeting on 20 August 2024, Council resolved to register the Mayor and a further four (4) voting Councillor delegates to attend the LGNSW conference to be held in Tamworth from Sunday 17 to Tuesday 19 November 2024. That resolution facilitated registration, accommodation and travel arrangements to be made.

Following the September 2024 elections and the commencement of the new Council term, the determination of the 5 voting delegates, being the Mayor and a further four (4) Councillors, for the conference is required. An opportunity also exists for Council to adopt any motions for submission to the conference. Final Motions are due to be submitted by Sunday 20 October 2024 and it is noted that no have been proposed for consideration.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

Goal CL 1: Council is accountable, efficient, and ready to meet future challenges

FINANCIAL CONSIDERATIONS

As presented in the report to Council dated 20 August 2024, the cost of attendance, travel and accommodation at this conference is able to be funded in accordance with the Council's Payment of Expenses and Provision of Facilities to Councillors Policy, with an allocation available in the 2024/25 budget.

LEGISLATIVE AND POLICY CONSIDERATIONS

Conference attendance is covered under the Payment of Expenses and Provision of Facilities to Councillors' Policy.

ITEM 12.5 APPOINTMENT OF COUNCILLOR TO THE AUDIT RISK AND IMPROVEMENT COMMITTEE**Reporting Manager Manager Governance and Risk****Attachments: Nil**

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That Councillor Jago be appointed as the non-voting councillor member of the Audit Risk and Improvement Committee for the current term of Council to September 2028.

PURPOSE

To seek Council's endorsement to appoint Councillor Jago as the non-voting councillor member of the Audit Risk and Improvement Committee for the Council term to September 2028.

REPORT

At its meeting on 20 February 2024, Council resolved to appoint Councillor Jago as the non-voting councillor member of the Audit, Risk and Improvement Committee under the Terms of Reference adopted at the same meeting, to commence 1 July 2024.

Under "*Membership Terms*", "*Councillor Members*" in the Guidelines for Risk Management and Internal Audit for Local Government in NSW it is stated as follows:

"The initial term of a councillor member of an audit, risk and improvement committee is four years, coinciding the with term of the council.

The councillor member can be reappointed for another term (i.e. four-years), if re-elected at the council's next ordinary election, but the total period of continuous membership on the committee cannot exceed eight years (two council terms).

The councillor member is to be appointed by the governing body at the first meeting of the council after the ordinary election.

The councillor member's term ends at the end of the council term."

It is noted that in accordance with these guidelines, the councillor member is to be appointed at this meeting. It is also noted that as the councillor member of the Audit, Risk and Improvement Committee that was established on 1 July 2024 during the previous term of Council, Councillor Jago attended the one meeting of the newly formed ARIC that was conducted in that term. As Councillor Jago was re-elected as a councillor at the elections in September 2024 it is recommended that Council again appoint Councillor Jago to this role for the current term of Council to September 2028.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

Goal CL 1: Council is accountable, efficient, and ready to meet future challenges

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

The councillor member is to be appointed by the governing body at the first meeting of the council after the ordinary election.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Office of Local Government (OLG) Guidelines for Risk Management and Internal Audit for Local Government in NSW were considered.

ITEM 12.6 ANNUAL PECUNIARY INTEREST RETURNS FOR COUNCILLORS AND DESIGNATED PERSONS - 2023-2024**Reporting Manager** Manager Governance and Risk**Attachments:** Nil

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That the tabling of the annual pecuniary interest returns for Councillors and designated persons for 2023-2024 report be noted.

PURPOSE

The purpose of this report is to table the register of annual pecuniary interest returns for the period 2023-2024.

REPORT

Clause 4.21 of Council's Code of Conduct, based on the Model Code of Conduct for Local Councils in NSW requires that Councillors and those staff members deemed to be 'designated persons', annually lodge with the General Manager, within 3 months after 30 June, a return disclosing interests, in the form prescribed by Schedule 2 of the Code.

Clause 4.8 of the City of Canada Bay Code of Conduct defines designated persons to include:

- a) *the general manager*
- b) *other senior staff of the council for the purposes of section 332 of the LGA*
- c) *a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest*
- d) *a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.*

Further, that the General Manager keep a register of the returns received and that this be tabled at an appropriate meeting of Council.

In accordance with the Legislation, the Register is hereby tabled.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

Goal CL 1: Council is accountable, efficient, and ready to meet future challenges

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

Clause 4.21 and clause 4.8 of Council's Code of Conduct, based on the Model Code of Conduct for Local Councils in NSW.

RISK CONSIDERATIONS

There are no risk considerations associated with this report.

ITEM 12.7 ADDITIONAL ORDINARY COUNCIL MEETING - OCTOBER 2024**Reporting Manager Director Corporate Services and Strategy****Attachments: Nil**

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That an additional Ordinary Council Meeting be scheduled for Tuesday 29 October, 2024, commencing at 6pm.

PURPOSE

To propose an additional Ordinary Council Meeting for Tuesday 29 October 2024.

REPORT

At its meeting on 21 November 2023 Council determined the schedule for its Ordinary Meetings for 2023.

As Council is aware, the declaration of the polls for Mayor and Councillors in relation to the recent elections occurred on 1 and 2 October 2024 respectively. Due to the short period of time since the declaration of the polls and the nature of items submitted and considered by Council at its first meeting of the new term on 15 October 2024 being of a procedural and administrative nature only, a number of items have been identified that should be considered and determined prior to the Ordinary Meeting scheduled for 12 November 2024.

Section 365 of the Local Government Act 1993 prescribes that a council must meet at least ten times each year. Council's adopted meetings schedule satisfies that requirement. It is therefore considered both appropriate and of benefit for an additional Ordinary Council meeting to be conducted prior to the November meeting. In that regard, it is recommended that Council resolve to conduct an additional Ordinary Council meeting on Tuesday, 29 October 2024, commencing at 6pm.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

Goal CL 1: Council is accountable, efficient, and ready to meet future challenges

Goal CL 4: The City of Canada Bay community is well informed and eager to engage in issues and decisions that impact them

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

Should Council resolve to conduct the Ordinary Council meeting as recommended, notice of the meeting in accordance with the Local Government Act 1993 and Council's Code of Meeting Practice would require to be given.

FINANCIAL CONSIDERATIONS

There are no material financial impacts associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

Section 365 of the Local Government Act 1993 and Council's Code of Meeting Practice were considered on preparation of this report.

13 NOTICES OF MOTION**ITEM 13.1 NOTICE OF MOTION - CR JAGO - NSW GOVERNMENT PLANS FOR HOMEBUSH PRECINCT**Submitted by: Councillor Charles Jago

MOTION

That:

1. Council express its concerns regarding the unreasonably large scale of development in the proposed NSW government plan for the Homebush Precinct and corresponding deficiency of infrastructure, including the potential removal of two schools.
 2. It be noted that Council remains committed to significant additional density within the City of Canada Bay, and endorsed a local planning study for the area which would enable additional housing around the Metro station whilst balancing impacts on surrounds.
 3. Council staff seek to establish a common position with Strathfield Council on improving and responding to the NSW government's plans.
 4. Council officers, in conjunction with Strathfield Council if possible, identify potential locations within the Homebush Precinct for the future provision of school infrastructure, including an initial estimate of the necessary size of land required, to be brought to a councillor workshop as soon as possible.
 5. Council seek to negotiate with the NSW government to include provision for infrastructure in the Homebush Precinct.
 6. A media plan designed to publicise Council's concerns regarding the NSW government's plans for the Homebush Precinct be prepared and presented to a councillor workshop as soon as possible.
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14 NOTICES OF MOTION OF RESCISSION

15 MATTERS OF URGENCY

16 QUESTIONS WITH NOTICE

17 CONFIDENTIAL MATTERS

18 CONFIDENTIAL RESOLUTIONS

In accordance with Part 14 of the Code of Meeting Practice, resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson as soon as practicable. The resolution must be recorded in the publicly available minutes of the meeting.
