



Ordinary Meeting

Date of meeting: 11 January 2022
Location: Council Chambers
Time: 6:30 p.m.

BUSINESS PAPER

Mission Statement

*Hawkesbury City Council
leading and working
with our community
to create a healthy
and resilient future.*

ORDINARY MEETING**Table of Contents****Meeting Date:** 11 January 2022**TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
	PROCEDURAL MATTERS	3
	Election of Chairperson	3
	Affirmation or Oath of Office by Councillors	3
	SECTION 1 - Confirmation of Minutes - Nil	5
	SECTION 2 - Mayoral Minutes - Nil	7
	SECTION 3 - Reports for Determination	9
	GENERAL MANAGER	11
Item: 001	GM - Election of the Mayor - (79351, 95496)	11
Item: 002	GM - Election of the Deputy Mayor - (79351, 95496)	16
Item: 003	GM - Appointment of Committees, Delegates and Representatives - (79351, 95496)	19
Item: 004	GM - Election of Council Representatives on the Hawkesbury River County Council - (79351, 95496, 12212)	26
Item: 005	GM - Countback Election to fill Casual Vacancies - (79351, 95496)	30
Item: 006	GM - 2022 Local Government NSW Special Conference - (79351, 79633)	35
	SECTION 4 - Reports of Committees - Nil	41
	SECTION 5 - Notice of Motions - Nil	43
	CONFIDENTIAL REPORTS - Nil	45

ORDINARY MEETING

Table of Contents

Meeting Date: 11 January 2022

ORDINARY MEETING
Procedural Matters
Meeting Date: 11 January 2022

PROCEDURAL MATTERS

Welcome

Election of Chairperson

Affirmation or Oath of Office by Councillors

Acknowledgement of Country

The Chairperson will acknowledge the Indigenous Heritage.

Meeting Procedures

The General Manager will address the Council meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones

Attendance

Attending Councillors and Council staff members will be noted for the purposes of the Minutes.

Apologies and Leave of Absence

The Chairperson will ask for any Apologies or Leave of Absence Requests to be noted.

Declaration of Interest

The Chairperson will ask for any Declaration of Interests from the attending Councillors. These will then be addressed at the relevant item.

Acknowledgement of Official Visitors to the Council

The Chairperson will acknowledge and welcome official visitors to the Council and make any relevant presentations as required.

ORDINARY MEETING

Procedural Matters

Meeting Date: 11 January 2022

Ordinary

Section 1

Confirmation of minutes

ORDINARY MEETING
SECTION 1 - Confirmation of Minutes
Meeting Date: 11 January 2022

SECTION 1 - Confirmation of Minutes

No Confirmation of Minutes.

Ordinary

Section **2**

Mayoral minutes

ORDINARY MEETING
SECTION 2 – Mayoral Minute
Meeting Date: 11 January 2022

SECTION 2 – Mayoral Minutes

No Mayoral Minutes.

Ordinary

Section 3

Reports
for determination

ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 11 January 2022

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

SECTION 3 – Reports for Determination

GENERAL MANAGER

Item: 001 **GM - Election of the Mayor - (79351, 95496)**

Directorate: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to outline the procedures for the election of the Mayor of Hawkesbury City Council.

EXECUTIVE SUMMARY:

Section 290(1) of the Local Government Act 1993 says that an election of a Mayor by Councillors must take place within three weeks after an ordinary election. However due to the postponement of the Local Government Elections to 4 December 2021, a Mayoral election is required within three weeks after the declaration of the ordinary election result.

Therefore, the election of Mayor of Hawkesbury City Council for the January 2022 to January 2024 Mayoral Term is now required.

If more than one Councillor is nominated for Mayor, Council must resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting. Ballot means a secret ballot and open voting means voting by show of hands or similar means.

This report sets out the procedures for the election of the Mayor in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021.

RECOMMENDATION:

That an election for the position of Mayor of Hawkesbury City Council for the January 2022 to January 2024 Mayoral Term be carried out.

BACKGROUND

Elections were held on 4 December 2021, having being postponed from September 2020.

Section 230(1) of the Local Government Act 1993 (the Act) says:

“A mayor elected by the councillors holds the office of mayor for 2 years, subject to this Act.”

The previous Mayoral Term extended from 22 September 2020 to 4 December 2021. Council is required to elect a Mayor for the Mayoral Term commencing in January 2022 and ending in January 2024.

Relevant Legislation

Local Government Act 1993
Local Government (General) Regulation 2021

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

Procedures

Schedule 7 of the Local Government (General) Regulation 2021 (the Regulation), as specified by Clause 394 of the Regulation and Section 230(1) of the Act, applies to the process of election of a Mayor by Councillors.

The following provisions of the Regulation apply to the election of a Mayor:

"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.

Part 2 - Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) *If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.*
- (2) *The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.*
- (3) *An informal ballot-paper must be rejected at the count.*

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

6 Count - 2 candidates

- (1) *If there are only 2 candidates, the candidate with the higher number of votes is elected.*
- (2) *If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.*

7 Count - 3 or more candidates

- (1) *If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.*
- (2) *If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.*
- (3) *If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.*
- (4) *A further vote is to be taken of the 2 remaining candidates.*
- (5) *Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.*
- (6) *If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.*

Part 3 - Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

- (1) *The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.*
- (2) *The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.*
- (3) *An informal ballot-paper must be rejected at the count.*

10 Count

- (1) *If a candidate has an absolute majority of first preference votes, that candidate is elected.*
- (2) *If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.*

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

- (3) *A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.*
- (4) *In this clause, "absolute majority", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.*

11 Tied candidates

- (1) *If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.*
- (2) *If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.*

Part 4 - General

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- (a) *to be declared to the councillors at the council meeting at which the election is held by the returning officer, and*
- (b) *to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales."*

DISCUSSION

The Local Government Elections were postponed from September 2020 to September 2021, and then again to 4 December 2021.

The Office of Local Government announced in its Circular of 29 June 2020 that postponement of the Local Government Elections will not affect the timing of future council elections, and that the subsequent election will be proceeding in September 2024.

An election for the Mayor of Hawkesbury City Council will take place in January 2024 for the remainder of the Council term.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

Therefore, the election of the Mayor of the Council for the January 2022 to January 2024 Mayoral Term is now required to be undertaken in accordance with the procedures outlined in this report. Appropriate nomination forms for this purpose were previously distributed to Councillors under separate cover.

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The proposal is consistent with the following Focus Area, Directions and Strategies within the CSP.

Our Leadership

- 1.1 Local Leadership and effective governance - Provide representative, responsive and accountable governance.
 - 1.1.1 Council's elected leaders will actively connect and collaborate with the community.
- 1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.
 - 1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

ATTACHMENTS

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

Item: 002 **GM - Election of the Deputy Mayor - (79351, 95496)**

Directorate: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to outline the procedures for the election of the Deputy Mayor of Hawkesbury City Council.

EXECUTIVE SUMMARY:

Schedule 7 as specified by Clause 394 of the Local Government (General) Regulation 2021 relates to the process of election of a Mayor by councillors. These provisions also apply to the election of a Deputy Mayor by councillors.

The process that applies to the election of a Mayor and Deputy Mayor is set out in a separate report in the business paper.

If more than one Councillor is nominated for Deputy Mayor, Council must resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting. Ballot means a secret ballot and open voting means voting by show of hands or similar means.

The Deputy Mayor's term in office expired on 3 December 2021, when the Mayoral Term ended.

The election of Deputy Mayor of Hawkesbury City Council for the January 2022 to January 2024 Mayoral Term is now required.

RECOMMENDATION:

That an election for the position of Deputy Mayor of Hawkesbury City Council for the January 2022 to January 2024 Mayoral Term be carried out.

BACKGROUND

Elections were held on 4 December 2021, having being postponed from September 2020.

Section 230(1) of the Local Government Act 1993 (the Act) says:

"A mayor elected by the councillors holds the office of mayor for 2 years, subject to this Act."

Section 231 of the Local Government Act 1993 (the Act) says:

"(1) The Councillors may elect a person from among their number to be the Deputy Mayor.

(2) The person may be elected for the mayoral term or a shorter term."

The previous Mayoral Term extended from 22 September 2020 to 4 December 2021. Council's Deputy Mayor held office until the Mayoral Term ended on 3 December 2021.

Therefore Council may now elect a Deputy Mayor for the Mayoral Term commencing in January 2022 and ending in January 2024, or a shorter term. If a Deputy Mayor is elected it is recommended that for consistency they hold office for the Mayoral Term.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

Relevant Legislation

Local Government Act 1993
Local Government (General) Regulation 2021

Procedures

The procedure that applies to the election of a Mayor by Councillors that is outlined in the report 'Election of Mayor' in this business paper also applies to the election of a Deputy Mayor by Councillors.

DISCUSSION

The Local Government Elections were postponed from September 2020 to September 2021, and then again to 4 December 2021.

The Office of Local Government announced in its Circular of 29 June 2020 that postponement of the Local Government Elections will not affect the timing of future council elections, and that the subsequent election will be proceeding in September 2024.

An election for the Mayor of Hawkesbury City Council will take place in January 2024 for the remainder of the Council term.

If the Deputy Mayor is elected for the January 2022 to January 2024 Mayoral Term and not a shorter period, an election for the Deputy Mayor of Hawkesbury City Council will take place in January 2024 for the remainder of the Council term.

It is recommended that the election of a Deputy Mayor be for a period that aligns with the Mayoral Term. Therefore, the election of a Deputy Mayor for the January 2022 to January 2024 Mayoral Term is now required to be undertaken in accordance with the procedures outlined in this report. Appropriate nomination forms for this purpose were previously distributed to Councillors under separate cover.

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The proposal is consistent with the following Focus Area, Directions and Strategies within the CSP.

Our Leadership

- 1.1 Local Leadership and effective governance - Provide representative, responsive and accountable governance.
 - 1.1.1 Council's elected leaders will actively connect and collaborate with the community.
- 1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.
 - 1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

FINANCIAL IMPACT

There are no financial implications applicable to this report.

ATTACHMENTS

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

Item: 003 **GM - Appointment of Committees, Delegates and Representatives - (79351, 95496)**

Directorate: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to outline the procedures for Council to appoint its delegates and representatives to various Committees.

EXECUTIVE SUMMARY:

Council's Committee structure contains four broad Committee types, being: Committees of Council, Statutory Committees, Committees in which Council has a Financial Interest, and Other Committees.

Each of the current Committees that fall into one of the four types, the name of each Committee, together with a brief indication of their purpose and the required Councillor representation are outlined in this report.

Council generally reports annually to Council Meetings in September for the appointment of delegates and representatives of Committees.

As the Local Government Elections were postponed to 4 December 2021, Councillors elected at that election will serve a term until September 2024. It is recommended that Council should appoint delegates and representatives for the two year Mayoral Term from January 2022 to January 2024, however it is open to Council to choose a shorter period.

RECOMMENDATION:

That Council:

1. Nominate and appoint its delegates and representatives to the various Committees as outlined in this report for the period from January 2022 to January 2024.
 2. Seek expressions of interest for community membership of the Heritage Committee.
-

BACKGROUND

Council's Committee structure contains Committees generally described as follows:

- a) *Committees of Council* - Committees established under the provisions of Section 377 of the Local Government Act 1993. These Committees perform functions as identified in the Council Committee Constitution.
- b) *Statutory Committees* - Committees, which are required to be established by legislation, or to meet obligations set down by Government departments and/or funding agencies. These Committees have set functions and terms of reference. They differ from Section 377 Council Committees, in that they are issue-specific and may meet irregularly on a 'as needs' basis and in practical terms cannot operate under Council's Committee Constitution.

ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 11 January 2022

- c) *Committees in which Council has a Financial Interest* - these Committees may manage Council owned facilities or funded services auspiced by Council. They generally operate as autonomous entities (incorporated associations) in accordance with their own constitutions. These Committees have a financial relationship with Council in that Council either provides a direct (financial) or an in-kind contribution (land or facilities) to support their operations, or Council has delegated responsibility for the management of a Council funded or Council auspiced services to them.
- d) *Other Committees* - Committees, which operate as autonomous entities and generally perform non-Council related functions. Councillor representation on these Committees is on an invitation basis.

At its meeting on 8 December 2020, Council resolved to dissolve existing Council Committees, with the exception of the Heritage Committee, as of 31 December 2020 and establish the following standing committees:

- Community Services Committee
- Environment Committee
- Innovation and Partnerships Committee
- Disaster and Emergency Committee

On 25 January 2021 Council resolved to appoint Councillors as members of these Committees.

Council's usual practice for the appointment of delegates and representatives of Committees is for a report to be provided to a Council Meeting in September of each year following a new term of Council, and for Council to resolve to appoint delegates and representatives. Postponements to the Local Government Elections have impacted on this timing.

Relevant Legislation

Local Government Act 1993
Local Government (General) Regulation 2021

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

DISCUSSION

Each of the current Committees that fall into the Committee types, outlined in (a)(b)(c) and (d) above, together with a brief indication of their purpose and the required Councillor representation, are detailed in the following table.

Committee	Function	Councillor Representation
a) Committees of Council		
Community Services Committee	To provide advice to Council.	Up to five Councillors.
Environment Committee	To provide advice to Council.	Up to five Councillors.
Innovation and Partnerships Committee	To provide advice to Council.	Up to five Councillors.
Heritage Committee	To provide advice to Council.	Three Councillors.
Disaster and Emergency Committee	To provide advice to Council.	All Councillors.
General Manager's Performance Review Panel	To review the performance of the General Manager.	Mayor, two Councillors and one Councillor nominated by the General Manager, if they so choose.
Audit, Risk and Improvement Committee (See Note 1 below)	Provide independent assurance and assistance to Council on risk management, control, governance and external accountability responsibilities.	One non-voting Councillor, subject to Draft Guidelines for Risk Management and Internal Audit for Local Government in NSW.
b) Statutory Committees		
Local Traffic Committee	Committee responsible for considering and recommending requests for alterations to traffic facilities and other traffic related matters.	One Councillor.
clubGrants Local Committee	To consider and rank applications received under the clubGrants Scheme.	Mayor.
Greater Sydney Local Land Services Local Government Advisory Group	Committee established by NSW Government to co-ordinate catchment management.	One Councillor.

ORDINARY MEETING
SECTION 3 – Reports for Determination

Meeting Date: 11 January 2022

Committee	Function	Councillor Representation
Bush Fire Management Committee	Committee established under Rural Fires Act to provide advice and knowledge on bushfire management for the fire district.	The Regulations require the nomination of the Mayor, Councillor or Senior Staff representative. An alternate can be nominated.
c) Committees in which Council has a Financial Interest		
CivicRisk Mutual (See Note 2 below)	Self-insurance agency established by consortium of participating Councils.	One Councillor.
McMahon Park Management Committee	Incorporated body with delegated responsibility for management and operation of McMahon Park.	One Councillor One alternate Councillor.
Hawkesbury Sports Council	Incorporated body with delegated responsibility for management and operation of Council facilities. In accordance with Council's adopted Operational Plan and excluding Recreation and Open Space Strategy, Capital Works Program and Sporting field lighting.	One Councillor One alternate Councillor.
Western Parkland Councils	A regional body comprising representatives of Commonwealth, State and Local Government established to implement the GSC Western District Plan and associated elements of the Western Sydney Deal.	Mayor.
Peppercorn Services Inc.	Incorporated body with delegated responsibility for management and operation of Council auspiced community services (externally funded).	One Councillor.
Western Sydney Regional Organisation of Councils (See Note 3 below)	Regional Body established to co-ordinate lobbying for Western Sydney.	Two Councillors One alternate Councillor.
Hawkesbury River County Council (See Note 4 below)	Statutory Body responsible for management of noxious weeds.	Two Councillors.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

Committee	Function	Councillor Representation
Hawkesbury Sister City Association	Incorporated Body responsible for coordinating Sister City activities.	Two Councillors.
Hawkesbury Western Sydney University (See Note 5 below)	To be a representative on the Western Sydney University Selection Panel to decide the Hawkesbury Western Sydney University Scholarship.	One Councillor.
d) Other Committees		
Forum on Western Sydney Airport (FOWSA)	To attend meetings and raise community concerns during the planning and construction of the Western Sydney Airport and inform Council of any issues relating to the airport development.	One Councillor.
NSW Public Libraries	Established to represent and support the interests of NSW public libraries.	One Councillor.
Western Sydney Academy of Sport	Regional Body established to co-ordinate lobbying for sports development in Western Sydney.	One Councillor (not compulsory).
Greater Blue Mountains Area World Heritage Advisory Committee	To advise on matters relating to the protection, conservation, presentation and management of the Greater Blue Mountains Area including strategic policies about Australia's obligations under the World Heritage Convention.	One Councillor.

Notes:

1. In September 2019, the NSW Government released the Discussion Paper a New Risk Management and Internal Audit Framework for Local Councils in NSW. The Discussion Paper and proposed comments to be forwarded to the Office of Local Government were considered by the Audit Committee at its meeting 4 December 2019.

Following a report to the Audit Committee, Council at its meeting on 10 December 2019 resolved that Council forward to the Office of Local Government a submission in regard to the Discussion Paper.

In August 2021 the Office of Local Government released the Draft Guidelines for Risk Management and Internal Audit Framework for Local Councils in NSW. The Draft Guidelines were reported to the Audit Committee on 24 November 2021.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

The new Framework includes a number of core requirements for councils, contained in the Draft Guidelines. One is the establishment of an Audit, Risk and Improvement Committee, with 3 to 5 voting members, comprising one independent chair prequalified under the NSW Government's prequalification scheme, a minimum of two independent prequalified members. The Draft Guidelines include provision for one non-voting Councillor representative that meets eligibility criteria.

Membership of Council's Audit Committee ceased at the expiration of the Council term on 3 December 2021. A report regarding the establishment and membership of the Audit, Risk and Improvement Committee will be submitted to Council early in 2022.

2. Council is a member of CivicRisk Mutual Ltd, an insurance mutual established via a joint partnership of 24 councils to manage first party losses like property and motor vehicle cover, and losses in other areas such as public liability, cyber security and management liability.

Prior to as restructure of the insurance mutual in 2019 and 2020, Council was a member of CivicRisk West (formerly Westpool) and CivicRisk Mutual (formerly United Independent Pools).

In addition being a member of the insurance pools, Council has also been a member of Mutual Management Services Ltd, the limited liability company which provided the administration of the mutuals.

In November 2019 the Board of Mutual Management Services Ltd agreed to amalgamate the insurances provided by the insurance pools into the company, and then to rename it CivicRisk Mutual Ltd.

The mutual attempts to maintain stable insurance costs in an otherwise cyclical and sometimes volatile insurance market. It also support the member councils through providing risk management training and professional development.

Further details are available on the following website: www.civicriskmutual.com.au

Council's member representatives are General Manager or alternate, and one Councillor.

There are usually two CivicRisk Mutual Ltd meetings per year.

3. As Council's representatives on these organisations are actually appointed as "Board Members" it would be desirable if the appointment was, effectively, made for the term of the Council.
4. Under the Local Government (General) Regulation 2021, Schedule 9 the Regulation applies in relation to the election of the members of a county council.

Clause 1 of Part 1 of Schedule 9 states:

"1 When elections to be held

- (1) *The first ordinary election of members of a county council is to be held within 2 months of its establishment.*
- (2) *Subsequent ordinary elections are to be held within 2 months after each ordinary election of councillors under Part 4 of Chapter 10 of the Act."*

Council, at its meeting on 11 October 2016, held an election for Council's representation on the Hawkesbury River County Council. Councillor Kotlash and Councillor Zamprogno were elected as members on the Hawkesbury River County Council for the four year term of Council being 2016 to 2020. This was extended to December 2021 due to the postponement of Local Government Elections.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

This business paper contains a separate report on the process for the election of representatives as members of the Hawkesbury River County Council.

5. At its meeting on 28 September 2021, Council endorsed the renewal of the Hawkesbury Western Sydney University Scholarship Program. This included resolving to nominate a Councillor as a representative on the Western Sydney University Selection Panel.

The program will operate for three calendar years, between 2022 and 2024.

It would be desirable if the appointment was, effectively, for the term of Council.

Community Representation

Following the commencement of a new Council Term, Council seeks expressions of interest for community representation on the Heritage Committee for the duration of the Mayoral Term ending in January 2024.

Committee Member Serving Period

The next Local Government Elections are set to take place in September 2024. To align with the next elections, Council should appoint representatives to Committees for the duration of the Mayoral Term ending in January 2024.

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The proposal is consistent with the following Focus Area, Direction and Strategy within the CSP.

Our Leadership

- 1.1 Local Leadership and effective governance - Provide representative, responsive and accountable governance.

- 1.1.1 Council's elected leaders will actively connect and collaborate with the community.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

Item: 004 **GM - Election of Council Representatives on the Hawkesbury River County Council - (79351, 95496, 12212)**

Division: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to outline the procedures for the election of Hawkesbury City Council representatives on the Hawkesbury River County Council for the 2022 to 2024 Council Term.

EXECUTIVE SUMMARY:

Council, at its meeting on 11 October 2016, held an election for Council's representation on the Hawkesbury River County Council. Councillor Kotlash and Councillor Zamprogno were elected as members on the Hawkesbury River County Council for the four year term of Council being 2016 to 2020. This term was extended due to the postponement of Local Government Elections.

Schedule 9 of the Local Government (General) Regulation 2021 (Regulation) applies in relation to the election of the members of a county council.

Clause 1(2) of Schedule 9 of the Regulation says that an election for representatives from constituent councils to be members on the Hawkesbury River County Council must take place within two months of an ordinary election. An ordinary election was held on 4 December 2021.

Therefore, the election of representatives from Hawkesbury City Council's elected Councillors for the January 2022 to September 2024 Council term is now required.

This report sets out the procedures for the election of members in accordance with the Local Government Act 1993 and the Regulation.

RECOMMENDATION:

That an election of Council representatives on the Hawkesbury River County Council for the January 2022 to September 2024 Council term be carried out.

BACKGROUND

Schedule 9 of the Regulation, as specified by Clause 396 of the Regulation and Section 390(3) of the Local Government Act 1993 (the Act), applies to the process of election of members of county councils.

Section 390 of the Act says:

"390 Who comprise the governing body?"

- (1) A county council must have a governing body elected by its constituent councils.*
- (2) Provisions concerning the membership of a county council's governing body are to be as prescribed by the proclamation establishing the county council.*
- (3) A member of a county council is to be elected from among the councillors of the constituent councils in accordance with the regulations.*

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

- (4) *The governing body of a county council is responsible for managing the affairs of the county council.”*

The election procedures are covered in Schedule 9 of the Regulation:

“Schedule 9 Election of members of county councils

Part 1 General

1 When elections to be held

- (1) *The first ordinary election of members of a county council is to be held within 2 months of its establishment.*
- (2) *Subsequent ordinary elections are to be held within 2 months after each ordinary election of councillors under Part 4 of Chapter 10 of the Act.*
- (3) *A by-election to fill an office vacated by a member is to be held within 2 months after the occurrence of the vacancy.*
- (4) *No such by-election is to be held if the vacancy occurs after an ordinary election of councillors under Chapter 10 of the Act and before an ordinary election of members of a county council.*

2 Notification of vacancy

- (1) *The general manager of a county council must give notice of the occurrence of a vacancy in the office of a member of the county council to the Secretary and to the general managers of the councils of the areas part or all of which constitute the county council electorate in which the vacancy has occurred.*
- (2) *The general manager is to do that within 7 days of the occurrence of the vacancy.*

Part 2 Single area electorate

3 Application of Part

This Part applies to the election of one or more members of a county council by the councillors of one constituent council, where the electorate comprises the whole or part of the area of that council only.

4 Returning officer

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

5 Nomination

- (1) *A councillor of the constituent council may be nominated for election as a member of the county council.*
- (2) *The nomination -*
 - (a) *may be made without notice by any councillor of the council, and*
 - (b) *is to be in writing delivered or sent to the returning officer, and*
 - (c) *is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) *The returning officer is to announce the names of the nominees at a council meeting.*

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

6 Election

- (1) *If the number of candidates nominated is not more than the number of vacancies to be filled, those candidates are to be declared elected.*
- (2) *If there are more candidates nominated than the number to be elected, an election is to be determined by preferential ballot. The ballot is to be conducted by the preparation, marking and counting of ballot-papers in the presence of the council.*

7 Ballot-papers and voting

- (1) *The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the figures 1, 2 and so on against the various names so as to indicate the order of their preference for at least the number of candidates elected.*
- (2) *The formality of a ballot-paper under this Part is to be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.*
- (3) *An informal ballot-paper is to be rejected at the scrutiny of votes.*

8 Count

The votes are to be counted in accordance with Schedule 4 of this Regulation.

9 Result

The result of the election (including the names of the candidates elected as members) is -

- (a) *To be declared to the councillors by the returning officer at the council meeting where the election is held, and*
- (b) *To be delivered or sent to the general manager of the county council and the Secretary.”*

DISCUSSION

The Local Government Elections were postponed from September 2020 to September 2021, and then again to 4 December 2021.

In accordance with Clause 1(2) of Schedule 9 of the Regulation, the election of members for the Hawkesbury River County Council must take place within two months of an ordinary election of councillors.

The term that Council's representatives will serve as members on the Hawkesbury River County Council will be from January 2022 to September 2024.

Appropriate nomination forms have been distributed to Councillors under separate cover.

Councillor representatives on the Hawkesbury River County Council receive fees in addition to fees paid by Hawkesbury City Council to each Councillor and the Mayor. The minimum and maximum fees for Councillor representatives on the Hawkesbury River County Council are set and reviewed annually by the Local Government Remuneration Tribunal.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

Relevant Legislation

Local Government Act 1993
Local Government (General) Regulation 2021

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The proposal is consistent with the following Focus Areas, Directions and Strategies within the CSP.

Our Leadership

- 1.1 Local Leadership and effective governance - Provide representative, responsive and accountable governance.

- 1.1.1 Council's elected leaders will actively connect and collaborate with the community.

Our Environment

- 3.1 The natural environment is protected and enhanced

- 3.1.2 Act to protect and improve the natural environment, including working with key agency partners.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

ATTACHMENTS

There are no supporting documents for this report.

oooO END OF REPORT Ooo

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

Item: 005 **GM - Countback Election to fill Casual Vacancies - (79351, 95496)**

Directorate: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to provide information on legislation which gives Council the option to fill a casual Councillor vacancy by a countback election rather than a by-election, and to seek endorsement of the use of the countback method.

EXECUTIVE SUMMARY:

Historically, councils have been required to hold by-elections when casual vacancies arise in the office of Councillor within 18 months of an ordinary election.

As a result of increasing concerns from councils about the cost of by-elections, in 2018 the Local Government Act 1993 (the Act) was amended to allow Councils to fill casual vacancies by countback election instead of holding a by-election.

For the countback election method to be used, Council must pass a resolution to that effect at the first meeting of Council following the ordinary election. Councils that do not resolve to fill vacancies using the countback method will be required to fill casual vacancies by holding a by-election.

As the Hawkesbury Local Government Area is an undivided electorate with no wards, a by-election to fill a casual vacancy would be an election of the whole of the area. This means that the cost of such a by-election would be similar to the cost of conducting an ordinary election.

RECOMMENDATION:

That:

1. Pursuant to Section 291A(1)(b) of the Local Government Act 1993 (the Act) Council declares that casual vacancies occurring in the office of Councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office of Councillor.
 2. The General Manager notify the NSW Electoral Commission's Election Manager for Council's ordinary election held on 4 December 2021, of Council's decision within seven days.
-

BACKGROUND

Section 234 (1) of the Act sets out when a casual vacancy in the office of councillor occurs:

234 When does a vacancy occur in a civic office?

- (1) *A civic office becomes vacant if the holder -*
 - (a) *dies, or*
 - (b) *resigns the office by writing addressed to the general manager, or*
 - (c) *is disqualified from holding civic office, or*

ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 11 January 2022

- (d) *is absent from 3 consecutive ordinary meetings of the council (unless the holder is absent because he or she has been suspended from office under this Act or because the council has been suspended under this Act or as a consequence of a compliance order under section 438HA) without -*
 - (i) *prior leave of the council, or*
 - (ii) *leave granted by the council at any of the meetings concerned, or*
- (e) *becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or*
- (f) *becomes a mentally incapacitated person, or*
- (g) *is dismissed from civic office, or*
 - (g1) *in the case of the office of a councillor, is elected as mayor by the electors, or*
- (h) *ceases to hold the office for any other reason.*

Prior to recent amendment to the Act, whenever a casual vacancy in the office of Councillor occurred councils had no option other than to follow the processes specified in the Act to conduct a by-election.

The effect of the amendment is that following the 4 December 2021 local government elections, Council will have the option of using a countback of votes cast at that ordinary election to fill casual vacancies occurring in the offices of Councillors in the first 18 months after the election.

Relevant Legislation

Local Government Act 1993

Local Government (General) Regulation 2021

Section 291A of the Act says:

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

ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 11 January 2022

- (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.*

DISCUSSION

Prior to the amendment of the Act to permit countback elections, casual Councillor vacancies within 18 months of an ordinary election were required to be filled by the holding of a by-election.

To have casual vacancies filled by a countback election, Council must declare, at the first meeting of Council following the last ordinary election, that any such casual vacancy is to be filled by a countback. Council must then notify the election manager for the ordinary election of the declaration.

An ordinary election, or by-election, must be conducted by the NSW Electoral Commission or an Electoral Services Provider.

For the conduct of the ordinary election on 4 December 2021, Council entered into a contract with the NSW Electoral Commission. The legislation requires that a countback election be conducted by NSW Electoral Commission, if they conducted the last ordinary election of the Councillors for the relevant area.

Countback election Process

A countback election is used to elect a Councillor to fill a single vacancy, where the vacating Councillor was elected under the proportional representation method. If there are multiple vacancies, a separate countback election is held for each vacancy.

The Returning Officer contacts all unelected candidates from the previous ordinary election who may still qualify to be elected to the office of councillor. Where the candidate is interested in standing for election, they must submit a formal application to the Returning Officer. All candidates who submit an application become eligible candidates. If there is only one eligible candidate, that candidate is elected. If there are multiple eligible candidates, a countback election is conducted. If there are no eligible candidates for a countback election, an attendance by-election must be held.

The timeline for a countback election is:

- The Electoral Commissioner is notified of a casual vacancy within seven days of it occurring
- A Returning Officer is appointed within 14 days of the notification of the vacancy
- Casual vacancy notices are issued 2 to 14 days from the appointment of the Returning Officer
- Where a candidate is interested, they must submit a formal application to the Returning Officer
- The application period closes after 10 days of the notices being issued
- The countback is conducted within 14 days of the vacancy notices being issued
- It may take up to a month for the results to be declared
- A countback election must be completed within 49 days.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

In a countback election, the Returning Officer:

- Uses preference data from ballot papers from the previous local government ordinary election
- Uses the same proportional representation method used in the original election
- Effectively re-runs the election making the vacating Councillor ineligible and distributing each of their ballot papers to the next preference on the ballot paper
- If a non-eligible candidate would be elected, re-runs the election with that candidate's ballot papers also distributed to their next preference on the ballot paper
- Re-runs the countback until an eligible candidate is elected.

Council has two options to fill casual vacancies occurring in the office of Councillor within 18 months of the election:

1. Declare that casual vacancies occurring in the office of a Councillor within 18 months of the last ordinary election are to be filled by a countback of votes cast at that election; or
2. Make no declaration, which results in the requirement for a by-election to fill any vacancies occurring in the office of a Councillor within 18 months of the election.

Council made enquiries with the NSW Electoral Commission as to the costs of a by-election. The NSW Electoral Commission advised that while it has not yet carried out any modelling on the cost of a countback election, the cost of a traditional attendance by-election is approximately 75% of the cost of an ordinary election. The cost estimate included in the contract between Council and The NSW Electoral Commission for the conduct of the 4 December 2021 ordinary election was \$508,422. The NSW Electoral Commission also noted that the cost of a countback election would be significantly lower because no polling places or pre-poll venues would be required to be hired and staffed, and election materials would not be required to be produced and supplied to venues.

Having regard to the cost of the NSW Electoral Commission conducting a by-election, it is recommended that Council declare that Councillor vacancies occurring within 18 months of the last ordinary election be filled by a countback election.

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The proposal is consistent with the following Focus Area, Directions and Strategies within the CSP.

Our Leadership

- 1.1 Local Leadership and effective governance - Provide representative, responsive and accountable governance.
 - 1.1.1 Council's elected leaders will actively connect and collaborate with the community.
- 1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.
 - 1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

FINANCIAL IMPACT

If Council resolves to fill Councillor vacancies occurring within 18 months of the last ordinary election by a countback election, then it is anticipated that the cost would be significantly lower than the cost of holding a by-election. A by-election would require an election of the whole of the Council area, and costs would include the hiring of a returning office (unless Council could provide a suitable venue), advertising and staff costs. Some of these costs would be avoided, and others reduced, if the countback method was used.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

Item: 006 **GM - 2022 Local Government NSW Special Conference - (79351, 79633)**

Previous Item: 171, Ordinary (4 September 2021)

Directorate: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to:

- Consider the nomination of replacement delegates for the 2022 Local Government NSW Special Conference (Special Conference) to be held from 28 February 2022 to 2 March 2022.
- Provide for motions to be submitted by Council to the Special Conference.

EXECUTIVE SUMMARY:

Ordinarily, Local Government NSW holds an Annual Conference, and conducts Board Elections bi-annually. The postponement of local government elections due to the COVID-19 Pandemic caused Local Government NSW to split the Annual Conference and hold two events - an Annual Conference on 29 November 2021 and a Special Conference to consider motions from 28 February 2022 to 2 March 2022. In 2021 Local Government NSW was also required to hold Board Elections.

Pursuant to the Local Government NSW Rules, Council is entitled to have:

- Five Councillor voting delegates for the Annual Conference
- Five Councillor voting delegates for Board Elections
- Five Councillor voting delegates for the Special Conference.

At its meeting on 14 September 2021 Council resolved that the following Councillors be Council's voting delegates for the Annual Conference, Board Elections and Special Conference:

- Councillor Conolly
- Councillor Lyons-Buckett
- Councillor Wheeler
- Councillor Ross
- Councillor Zamprogno.

The Local Government Elections took place on 4 December 2021. Former Councillor Ross was not re-elected.

If Council wishes to exercise its full allocation of votes at the Special Conference then Council will need to resolve to nominate one replacement voting delegate for former Councillor Ross.

The names of Council's voting delegates are required to be provided to Local Government NSW by 5pm on 17 February 2022.

At its meeting on 14 September 2021 Council also resolved that any proposed motions to the Special Conference be submitted to the General Manager by 28 September 2021. No proposed motions have been submitted.

The deadline for the submission of proposed Special Conference motions to Local Government NSW is 30 January 2022.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

RECOMMENDATION:

That:

1. Council consider the nomination of one Councillor to replace former Councillor Ross as one of Council's voting delegates for the 2022 Local Government NSW Special Conference.
2. Council notify Local Government NSW of the names of Council's voting delegates for the 2022 Local Government NSW Special Conference by 5pm on Thursday, 17 February 2022.
3. Council consider whether to submit any motions to the 2022 Local Government NSW Special Conference.
4. Any proposed motions to the 2022 Local Government NSW Special Conference be submitted to the General Manager by 18 January 2022 and be reported to Council.

BACKGROUND

The Local Government NSW Annual Conference is the annual policy-making event for NSW councils and an opportunity for councillors to come together to share ideas and debate issues that shape the way councils govern.

Prior to the COVID-19 Pandemic, the Annual Conference was held in person over up to three days, and Council would give consideration to the nomination of Councillor delegates to attend the Annual Conference.

In accordance with the Local Government NSW Rules, Council, as a member of Local Government NSW is allocated voting entitlements for the purpose of voting on motions at the Annual Conference, and voting in bi-annual Local Government NSW Board Elections.

Council is entitled to have five voting delegates at the Annual Conference, the Special Conference and for the purpose of voting in the Local Government NSW Board Elections.

The timing of the Local Government Elections on 4 December 2021 resulted in Local Government NSW making the following arrangements for the Annual Conference:

- A one-hour Annual Conference to present LGNSW's annual report and financial reports, which was conducted online from 9:30am on Monday, 29 November 2021.
- A Special Conference - including the debate and resolution of motions setting the advocacy agenda for 2022 - to be held in-person at the Hyatt Regency Sydney from Monday, 28 February 2022 to Wednesday, 2 March 2022.

At its meeting on 14 September 2021, Council resolved as follows:

"That Councillors Conolly, Lyons-Buckett, Wheeler, Ross and Zamprogno:

- 1. Attend the 2021 Local Government NSW Annual Conference and be Council's voting delegate.*
- 2. Be Council's voting delegates for the 2021 Local Government NSW Board Elections.*
- 3. Attend the 2022 Local Government NSW Special Conference and be Council's delegates."*

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

Ordinary Council elections were held on 4 December 2021, and the election results were declared on 22 December 2021. Former Councillor Ross was not re-elected.

DISCUSSION

Special Conference Delegates

For Council to exercise its full allocation of votes at the Special Conference, one delegate would need to be nominated to replace former Councillor Ross. The names of the five nominated voting delegates could then be provided to Local Government NSW by the deadline of 5pm on 17 February 2021.

Alternatively, Council could advise Local Government NSW of the names of those Councillors nominated as Council's voting delegates by resolution on 14 September 2021, who remain entitled to attend the Special Conference as Council's voting delegates.

There is no requirement for Council to exercise any or all of its voting entitlements at the Special Conference.

Conference Motions

The Special Conference from 28 February 2022 to 2 March 2022 will include the debate and resolution of motions setting the advocacy agenda for Local Government NSW for 2022.

Local Government NSW called for motions to be considered at the Special Conference. The cut-off date for the submission of motions to the Special Conference is 12 midnight (AEDT) on Sunday, 30 January 2022, however Local Government NSW has requested that they be submitted as early as practicable.

Local Government NSW has requested that proposed motions for the Special Conference relate to strategic local government issues which affect members state-wide and introduce new or emerging policy issues and actions. They are debated and resolved by Special Conference delegates, with successful resolutions guiding Local Government NSW's advocacy priorities for the year ahead.

The Local Government NSW Board has resolved that motions will be included in the Business Paper for the Special Conference only where they:

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

In the past Council has submitted motions dealing with the following matters:

2020

- Sex work - that NSW Health provide educational briefings to Councillors as referred to in the 2015 NSW Select Committee report on the Regulation of Brothels
- The criminalisation of coercive control
- Banning of puppy farms
- Including climate change considerations in the terms of reference for reviews and investigations by the Independent Pricing and Regulatory Tribunal.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

2019

- The timing of announcements of Grant Funding by NSW Local Government and the Grants Commission
- Opposition to the proposed increase in Local Government Election charges as recommended by IPART
- The need for improved communication and teamwork between Local Government and the State Government and its agencies
- The need for the Independent Pricing and Regulatory Tribunal (IPART) to have consistent and transparent sources of data in their assessment of various Developer Contribution Plans
- The development of a long-term Waste Strategy for Metropolitan Sydney
- Recognition of Local Government in the Australian Constitution.

2018

- The need for improved Community Engagement by the NSW State Government in relation to Infrastructure Projects
- The future of the IPART Report on 'Review of Local Government Rating System'.

On 14 September 2021 Council resolved that any proposed conference motions be submitted by Councillors to the General Manager by 28 September 2021 and reported to Council. No proposed motions have been received.

Attached as Attachment 1 to this report is as the Local Government NSW Special Conference Motions Submission Guide.

Policy Consideration

The Payment of Expenses and Provision of Facilities to Councillors Policy is applicable to attendance at the Annual Conference and Special Conference. An amended Payment of Expenses and Provision of Facilities to Councillors Policy was adopted by Council at its meeting on 26 October 2021. The Policy makes provision for the payment of costs associated with Councillors attending conferences including the Local Government NSW Annual Conference.

Where relevant, after returning from the Conferences, delegates are requested to provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conferences relevant to Council business and/or the local community.

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 January 2022

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The proposal is consistent with the following Focus Area, Direction and Strategies within the CSP.

Our Leadership

- 1.1 Local Leadership and effective governance - Provide representative, responsive and accountable governance.
- 1.3 Financial Sustainability - Build strong financial sustainability for now and future generations.
 - 1.3.1 In all of Council's strategies, plans and decision making there will be a strong focus on financial sustainability.
 - 1.3.3 Decisions relating to determining priorities will be made in the long-term interests of the community.
- 1.4 Reinforcing and establishing effective strategic partnerships – Build strong relationships and shared responsibilities.
 - 1.4.1 Foster positive relationships with all tiers of government and peak bodies to ensure a thorough understanding of the challenges and local requirements of the Hawkesbury.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. Although the cost of the Special Conference is not yet known, the expenditure applicable to the attendance of delegates at the usual in person Local Government NSW Annual Conference is provided for in the 2021/2022 adopted Operational Plan.

ATTACHMENTS:

- AT - 1** Local Government NSW Special Conference Motions Submission Guide - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 11 January 2022

Ordinary

Section **4**

Reports
of committees

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 11 January 2022

SECTION 4 – Reports of Committees

No Reports of Committees.

Ordinary

Section 5

Notices of motion

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 11 January 2022

SECTION 5 – Notices of Motion

No Notices of Motion.

ORDINARY MEETING
Confidential Reports
Meeting Date: 11 January 2022

CONFIDENTIAL REPORTS

No Confidential Reports.



Ordinary Meeting

End of Business Paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.