



clarence
VALLEY COUNCIL

2020

Extraordinary Council Meeting



Business Paper

Maclean Chambers

Tuesday, 22 September 2020 –

1.00 pm

Agenda

OPENING OF ORDINARY MEETING

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

STATEMENT IN RELATION TO RECORDING OF COUNCIL MEETINGS

APOLOGIES

DISCLOSURE AND DECLARATION OF INTERESTS

MAYORAL MINUTES

REPORTS FROM THE GENERAL MANAGER

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CLOSE OF ORDINARY MEETING

ITEM	6a.20.029	ELECTION OF MAYOR FOR 2020/2021
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Meeting	Council	22 September 2020
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

The report deals with the election of the Mayor for a period of one year until the next Local Government elections are held which are currently scheduled for 4 September 2021.

OFFICER RECOMMENDATION

That

1. The General Manager, as Returning Officer, call for nominations for the election of Mayor to be submitted on the nomination form attached to this report.
2. In the event there is more than one nomination, the Council determine the form of ballot to be used to elect the Mayor at this Extraordinary Meeting of Council.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.7 Undertake the civic duties of Council in an ethical manner

BACKGROUND

The term of a Mayor, elected by Councillors, is two years. The Local Government Elections Regulations stipulates the General Manager (or a person appointed by the General Manager) is the Returning Officer.

Due to the COVID-19 pandemic the NSW local government elections have been postponed until 4 September 2021. The Office of Local Government have instructed councils to have mayoral elections when the 2-year term expires. The term of the mayor will be from September 2020 until 4 September 2021.

KEY ISSUES

In accordance with the Local Government Act 1993 and Regulations, nominations for Mayor must be in writing, signed by two Councillors and the nominee must consent in writing. The nomination and acceptance can be made prior to the meeting.

A brief summary of the regulation follows.

Any nominations prepared prior to the meeting must be handed to the General Manager in his capacity as Returning Officer for the election. Nomination forms are included in the attachments.

If there is more than one candidate nominated, an election is necessary and Council must decide whether the election will be by:

- A Ordinary Ballot
- B Preferential Ballot
- C Open Voting

The form of ballot should be determined after the calling of nominations, and the General Manager will call for a motion accordingly.

An **Ordinary Ballot** is a secret ballot. If there are two candidates, the person receiving the higher number of votes is declared elected. Should there be three or more candidates, the candidate receiving the lowest number of votes is excluded and fresh votes are taken until one candidate remains. A cross (X) against the candidate whose nomination is being supported is all that is required when voting.

A **Preferential Ballot** is a secret ballot and the system can only be adopted if there are more than two candidates. Voting is in order of preference, with votes being marked 1, 2, 3, 4 etc. If a candidate receives more than half of the total votes, that person is declared elected. If not, the person with the lowest number of votes is excluded and their preferences are distributed. This procedure is followed until one candidate receives more than half of the total votes. They are then declared elected.

Open Voting is by a show of hands. If there are two candidates, the person receiving the higher number of votes is declared elected. If there are more than two candidates, the person with the lowest number of votes is excluded and this procedure is repeated until one candidate receives a simple majority of the votes.

Where candidates receive the same number of votes, the situation is resolved 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 so as to prevent the names being seen. The slips of paper are mixed and one is drawn at random by the Returning Officer and the candidate whose name appears on the drawn slip is chosen. That candidate is declared elected.

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

N/A

Policy or Regulation

Local Government Act

[OLG Circular 20/29 dated 4 August 2020](#)

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Nomination Form



**NOMINATION FOR ELECTION
MAYOR / DEPUTY MAYOR**

WE, THE UNDERSIGNED HEREBY NOMINATE

COUNCILLOR _____

FOR ELECTION AS MAYOR / DEPUTY MAYOR

COUNCILLOR _____
Name Signature

COUNCILLOR _____
Name Signature

(Nomination form must be signed by two or more Councillors, one of whom may be the nominee)

I, Councillor _____ (name of nominee)

hereby consent to my nomination for the office of Mayor / Deputy Mayor

Signature Date

ITEM	6a.20.030	ELECTION OF DEPUTY MAYOR FOR 2020/21
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Meeting	Council	22 September 2020
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

The report deals with the election of the Deputy Mayor for a period of one year until the next Local Government elections are held which are currently scheduled for 4 September 2021.

OFFICER RECOMMENDATION

That

1. The General Manager, as Returning Officer, call for nominations for the election of Deputy Mayor, on the nomination form attached to the report.
2. In the event there is more than one nomination, the Council determine the form of ballot to be used to elect the Deputy Mayor at this Extraordinary Meeting of Council.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.7 Undertake the civic duties of Council in an ethical manner

BACKGROUND

The term of a Deputy Mayor is not prescribed by the Local Government Act, however due to the COVID-19 pandemic the Office of Local Government have instructed councils to hold an election for a deputy mayor if the deputy mayor's term and expired.

KEY ISSUES

The Local Government Act does not specify the method of voting for the Deputy Mayor. However, for consistency the same procedure adopted for the election of the Mayor, is recommended.

Section 231 of the Act states:

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.
3. The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.
4. The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Local Government Act

[OLG Circular 20/29 dated 4 August 2020](#)**Consultation**

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Nomination Form

ITEM	6a.20.031	VENUE, DATE AND TIME FOR COUNCIL AND COMMITTEE MEETINGS FOR 2020/2021
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Meeting	Council	22 September 2020
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Nil	

SUMMARY

This report deals with arrangements for meetings of Council. No changes to the current meeting schedule are proposed for the next year.

OFFICER RECOMMENDATION

That

1. The venue for the meetings of both the Standing Committee Meetings and Ordinary Council Meetings be Grafton for the month of October 2020 and thereafter Maclean until September 2021.
2. The Standing Committee meetings be held on the third Tuesday of each month commencing as follows:
 - 2:00 pm for the Corporate, Governance and Works Committee
 - 3:30 pm for the Environment, Planning and Community Committee but as late as 4.00 pm depending on the conclusion of the Corporate, Governance and Works Committee
3. The Ordinary Council Meetings are held on the fourth Tuesday of each month commencing at 2 pm.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.8 Ensure good governance, effective risk management and statutory compliance

BACKGROUND

As per the Code of Meeting Practice, ordinary meetings of Council will take place on the fourth Tuesday of each month. Council holds ordinary meetings every month except for January, which meets the minimum of ten meetings per year as required under s365 of the LG Act. The two Standing Committees meet on the third Tuesday of each month, with the reports considered at these meetings referred to the ordinary meeting which is the final decision making forum.

KEY ISSUES

Venue

Council will be undergoing refurbishment of the 2 Prince Street office which includes the Council Chamber from December 2020 until September 2021. It is proposed that the Council Chamber at 50 River Street be used during this time for workshops, Committee and Council meetings.

Date

When setting the time and date, Council should have due regard for the needs of the public and the most effective use of Councillors' time. The current practice is for Council meetings to be conducted on the third Tuesday of each month with the Standing Committees held the previous week, on the third Tuesday of each month.

Tuesdays have also been generally adopted for most other workshops, extraordinary meetings and the like. However, any combination that balances the needs of the public and Councillors can be implemented.

Time

Council currently meets at 2:00 pm for the monthly Council Meeting and at 2:00 pm for the Corporate, Governance and Works Committee and at 3:30 pm for the Environment, Planning and Community Committee.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Section 365 Local Government Act

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Nil

ITEM	6a.20.032	MEMBERSHIP FOR STANDING COMMITTEES 2020/2021
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Meeting	Council	22 September 2020
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Nil	

SUMMARY

The report deals with the membership of both standing committees, the Corporate, Governance and Works Committee and the Environment, Planning and Community Committee and recommends that the term be for one year.

OFFICER RECOMMENDATION

That Council determine membership of the Standing Committees for 2020/2021 by appointing the Mayor and electing four Councillors to each of the following Committees:

- a. Environment, Planning & Community Committee
- b. Corporate, Governance & Works Committee

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.7 Undertake the civic duties of Council in an ethical manner

BACKGROUND

The Local Government (General) Regulation under Division 5 deals with the establishment of Council Committees and also Part 20 of Council's Code of Meeting Practice.

Each Committee consists of 5 members being the Mayor and such other Councillors as elected by Council. The functions of the Committees are as follows (Cl 20.3):

The Corporate, Governance & Works Committee will deal with matters within the province of Director Corporate & Governance and the Director Works & Civil.

The Environment, Planning & Community Committee will deal with matters within the province of the Director Environment, Planning & Community.

The quorum for a meeting of the Corporate, Governance and Works Committee and the Environment, Planning and Community Committee shall be three Councillors.

KEY ISSUES

The election of a Chair for each Committee will be the first item of business when the new Committees first meet in October 2020. Any Committee member may be elected as Chair.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation[Code of Meeting Practice](#)

Local Government (General) Regulation 2005 – Division 5

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Nil

ITEM	6a.20.033	EXTERNAL, ADVISORY AND COMMUNITY COMMITTEES FOR 2020/2021
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Meeting	Council	22 September 2020
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

This report lists the external bodies on which Council has a representative and also Council's own Advisory Committees and committees constituted by Council under Section 355 of the Local Government Act. It seeks representation from the elected members for the remaining period of the term of this Council.

OFFICER RECOMMENDATION

That Councillor representation on the external bodies, Section 355 committees and advisory committees as listed in the attachment remain the same until the end of the term of this Council.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Community based committees appointed by Council assist with advice (Advisory Committee) or the carrying out of delegated functions. While many function without Council delegates, there are several that require Councillor representative(s). The attached report lists all the committees, their purpose, meeting information (where available) and current Councillor representation.

KEY ISSUES

The S355, Advisory and external bodies on which Council has a representative are set out in the table attached. Council has a Policy on the Appointment of Councillors to External Bodies which is available on its website.

A s355 Committee exercises delegated functions of Council (generally managing a Council hall or assisting with the maintenance of a Council park or sportsground) whereas Advisory Committees are limited to making recommendations to Council.

COUNCIL IMPLICATIONS**Budget/Financial**

There is a budget under Project 991001 for elected members to attend conferences and annual meetings.

Asset Management

N/A

Policy or Regulation

[Appointment of Councillors to External Bodies Policy](#)

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	List of current committees and Councillor representation

S355, Advisory and External Committees for 2020-211) S355 Committees

Committee Name	Responsible Section	Staff Coordinator	Committee Purpose	Current Councillor
Clarence Sports Committee	Open Spaces & Facilities	Open Spaces Coordinator (David Sutton)	To work with Council and sporting groups (excluding Lower Clarence area) in the management and planning of sporting fields and facilities. Meetings of the Committee shall be held as often as the Committee decides, but not less than one every three months.	Cr Novak Cr Simmons
Clarence Valley Cultural Committee	Community Development	Community Project Officer (Sarah Nash)	Encourages and promotes cultural activities in the Clarence Valley. Meets 4.30pm Mondays every second month at Brushgrove Hall.	Cr Novak
Clarence Valley Transport Committee	Community Development	Community Development Coordinator (Dan Griffin)	Advise and make recommendations on transport and transport planning solutions, and organise associated events. Meetings of the Committee are held as often as the Committee decides but not less than one every three months.	Cr Simmons
Clarence Valley Access Committee	Community Development	Community Development Officer (Aged/Disability)	Provides advice on improving disability access and organises events to raise awareness of access difficulties facing the disabled in the Clarence. Meetings of the Committee shall be held as often as the Committee decides, but not less than one every three months without the written consent of Council. Currently suspended due to COVID-19	Cr Toms Cr Kingsley
Lower Clarence Sports Committee	Open Spaces & Facilities	Open Spaces Coordinator (David Sutton)	To work with Council and sporting groups in the Lower Clarence area) in the management and planning of sporting fields and facilities. Meetings of the Committee shall be held as often as the Committee decides, but not less than one every three months.	Cr Ellem Cr Novak

2) Advisory Committees

Committee Name	Responsible Section	Staff Coordinator	Committee Purpose	Current Councillor
Alumy Creek Advisory Committee	Water Cycle	Senior Natural Resource Management Officer (Peter Wilson)	Assist in the development of management guidelines for the Alumy Creek system. Meetings held as required.	Cr Toms
Audit Committee	Corporate & Governance	Director Corporate & Governance (Laura Black)	Determines areas of council operations to undergo audit as part of an annual program and engages suitable qualified audit firms to undertake these audits. Meets at least four times a year. NB – it is proposed a newly legislated Audit & Risk Improvement Committee be established by March 2021 to replace the Audit Committee. Councillors are not members of the ARIC.	Cr Lysaught Cr Kingsley
Clarence Valley Aboriginal Advisory Committee	Community Development	Community Development Coordinator (Dan Griffin)	Provide advice on issues that impact on the Aboriginal Communities within the Clarence Valley Council boundaries and are of mutual interest between the Aboriginal communities and the Clarence Valley Council. Meetings are held quarterly.	Cr Kingsley Cr Clancy
Clarence Coast & Estuary Management Committee	Water Cycle	Coast & Estuary Coordinator (Peter Wilson)	Provides advice to Council in integrated and sustainable management of, as well as advice on developing and implementing management plans for, the Clarence Valley coastal and estuary areas. Meetings held as required.	Cr Clancy Cr Simmons
Clarence Valley Floodplain Risk Management Committee	Water Cycle	Floodplain Coordinator (Kieran McAndrew)	The Committee provides strategic advice on the development and implementation of Clarence Valley Floodplain Risk Management Studies and Plans in accordance with the New South Wales Floodplain Development Manual 2005. The committee meets at minimum twice per year.	Cr Simmons
Clarence Regional Library Committee	Library Services	Regional Librarian (Kathryn Breward)	Clarence Regional Library Committee (CRL): <ul style="list-style-type: none"> • is an advisory committee which makes recommendations to the Executive Council for its consideration; • deals only with the primary role of the CRL which is development of the collection and its management; and • has a strategic role in guiding the future of the collection and its management, not an operational role. <p>The Committee meets four times a year.</p>	Cr Toms Cr Ellem

Committee Name	Responsible Section	Staff Coordinator	Committee Purpose	Current Councillor
Clarence Valley Community Climate Change Committee	Open Spaces & Facilities	Waste and Sustainability Coordinator (Ken Wilson)	To make recommendations to Council on specific initiatives that Council and/or the community may undertake in response to climate change and educational and other strategies that Council may implement to encourage the Clarence Valley community in its response to climate change. Meetings at least twice a year.	Cr Kingsley Cr Clancy
Grafton Regional Gallery Advisory Committee	Regional Gallery	Regional Gallery Director (Niomi Sands)	Assist with development and implementation of the Gallery Business Plan. Meets at least quarterly.	Cr Ellem
Saleyards Advisory Committee	Open Spaces & Facilities	Holiday Parks & Saleyards Officer (Julie Schipp)	Provides advice on management and operation of Saleyards. Meetings of the Committee shall be held as often as the Committee decides, but not less than six per year.	Cr Williamson Cr Novak
Water Efficiency Working Group	Water Cycle	Manager Water Cycle (Greg Mashiah)	To consult with the community on Council's Water Efficiency Program. Annual meeting.	Cr Toms

3) External Bodies

Committee Name	Responsible Section/Entity	Staff Coordinator	Committee Purpose	Current Councillor
Country Mayors Association (CMA)	Office of the General Manager	General Manager (Ashley Lindsay)	Quarterly with AGM in November 2020 Currently cancelled due to COVID-19	Mayor, Deputy Mayor (alternate)
Joint Regional Planning Panel	Environment Development and Strategic Planning	Director Environment, Planning & Community (Des Schroder)	Approve DA's as required	Mayor, Deputy Mayor, Cr Baker (alternate)
Local Traffic Committee	Civil Services	Manager Civil Services (Alex Dalrymple)	Council must refer all local traffic related matters to the LTC but is not bound by its advice. If Council goes against a Traffic Committee recommendation there is a notification process to NSW Police and RMS. Members are Council, NSW Police, RMS and local MP or nominee. Meets monthly.	Cr Lysaught Cr Kingsley (alternate)
Iluka Community Consultation Group	National Parks & Wildlife Services		Established in 2002 by National Parks & Wildlife Services for community groups to raise, discuss and resolve issues relating to the management of national parks, other public land and general environmental considerations in the Iluka area. Meets as required	Cr Toms, Cr Clancy (alternate)
Solitary Islands Marine Park Advisory Committee	NSW Marine Estate		Meets as required	Cr Clancy
Bush Fire Management Committee	Rural Fire Service	Natural Resource Management Coordinator (Reece Luxton)	Meets February and/or August each year or as required.	Cr Clancy
Floodplain Management Authorities of NSW	Floodplain Management Authorities	Floodplain Coordinator (Kieran McAndrew)	Annual Meeting – 25-28 May 2021 FMA is committed to promoting appropriate development within floodplain areas, and helping reduce the risks of flooding to life and property. We represent our Members' interests at State and Commonwealth government levels and promote public awareness of flood issues.	Mayor
Australian Coastal Council Conference	Australian Coastal Councils Assoc	Executive Support	The Australian Coastal Councils Association Inc. was established in 2004 and is a national body formed to represent the interests of coastal councils. Annual conference – Postponed due to COVID-19	Cr Clancy
NSW Public Libraries Association – North East Zone meetings	Library Services	Regional Librarian (Kathryn Beward)	The Association enables those councils and public library services that are members to meet on a regular basis for common purposes and to undertake united action, and to report back to the NSWPLA. Meets 2x year plus a State AGM at the NSWPLA Library Conference in November each year.	Cr Ellem Cr Toms