



# **ORDINARY COUNCIL MEETING**

**Monday 14 October 2024**

**Council Chambers**

**126-138 Main Road Speers Point**

**6.30pm**

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Meetings of Lake Macquarie City Council are conducted in accordance with the Code of Meeting Practice which supports open, accessible and accountable government.

Councillors are reminded of the oath or affirmation of office taken at the start of the Council term:

- To undertake duties in the best interests of the people of Lake Macquarie City and the Lake Macquarie City Council.
- To faithfully and impartially carry out the functions, powers, authorities and discretions under the *Local Government Act 1993* or any other Act to the best of their ability and judgment.

Councillors are also required to declare and appropriately manage conflicts of interest under the Code of Conduct.

Council meetings are streamed live on Council's website at [webcast.lakemac.com.au](http://webcast.lakemac.com.au)

This allows our community greater access to Council proceedings, decisions and debate.

**Ordinary Council Meeting**  
**Agenda**  
**Monday 14 October 2024**  
**6.30pm**

**Acknowledgement of Country:**

**Oaths and Affirmations of Office:**

**Apologies:** For the non-attendance of Councillors

**Declaration of Interests:**

**Confirmation of Minutes:**

Ordinary Council Meeting held on 26 August 2024 ..... pg 4

Extraordinary Council Meeting held on 9 September 2024 ..... pg 22

**Presentations:** Nil

**Mayoral Minutes:** Nil

**Recommendations of the:** Nil

**Business arising from Public Forum:**

**Special Reports:**

**Chief Executive Officer (4) .....pg 25**

24SP059 Election of Deputy Mayor ..... pg 25

24SP060 Standing committees of Council and meeting schedule for 2024-2028 ..... pg 31

24SP061 Countback options for Councillor vacancies..... pg 56

24SP062 Councillor nomination and charter review for Audit, Risk and Improvement  
Committee ..... pg 60

**Director of Organisational Services (1).....pg 81**

24SP063 2024 Local Government NSW annual conference - Tamworth - 17-19 November  
- attendance, voting delegates and motions..... pg 81

**Reports of Recommendation Committees:** Nil

**Inspection Reports:** Nil

**Matters Referred:** Nil

**Tender Reports:** Nil

**Notices of Motion:** Nil

**Rescission Motions:** Nil

**Petitions:** Nil

**Business without Notice:**



**Minutes of the Ordinary Council Meeting**  
**Monday 26 August 2024**  
**Council Chambers Speers Point**

**Present:** Her Worship the Mayor, Councillor Kay Fraser, Deputy Mayor, Councillor Madeline Bishop, and Councillors Brian Adamthwaite, Christine Buckley, Keara Conroy, Colin Grigg, Jason Pauling, Adam Shultz and Kate Warner.

<b>Officers:</b>	Morven Cameron	Chief Executive Officer
	Tony Farrell	Deputy Chief Executive Officer
	John Ferguson	Director Service Delivery
	David Hughes	Director Built and Natural Assets
	Kate Davies	Director Organisational Services
	David Antcliff	Director Development, Planning and Regulation
	Bjorn Lategan	Chief Financial Officer
	Jacqueline Smith	Manager Communications and Corporate Strategy
	Amber Murray	Coordinator Council Liaison
	Shannon MacKenzie	Council Liaison Officer
	Sam Darroch	Communications Officer

The Mayor declared the meeting open at 6.30pm.



### Acknowledgment of Country:

The Mayor shared an Acknowledgement of Country.

### Leave of absence:

Nil.

### Apologies:

95

Moved. Cr. Pauling

Seconded. Cr. Grigg

Apologies were submitted for the non-attendance of Councillors David Belcher and Jack Antcliff.

#### For the Motion

#### Against the Motion

Cr. Adamthwaite

Cr. Conroy

Cr. Grigg

Cr. Pauling

Cr. Bishop

Cr. Shultz

Cr. Buckley

Cr. Warner

Cr. Fraser

(carried)

(Carried)

**Declarations of interest:**

Councillor Keara Conroy declared a non-pecuniary, significant interest in item *24SP056 Confirmation of arrangements to facilitate the ongoing dredging of Swansea Channel*. Following the decision of this item, Lake Macquarie City Council may receive a \$10 million dollar grant to fund the purchase of a dredge, sand transfer system and a replacement boat ramp. This grant funding originated as an election commitment of Pat Conroy (Federal Member for Shortland, Minister for International Development and the Pacific, Minister for Defence Industry and Capability Delivery) who is Councillor Conroy's husband.

Additionally, both Pat Conroy and Councillor Conroy are members of the Australian Labor Party of which the federal parliamentary party endorsed this election commitment.

However, all grant money will be delivered through the Federal Department of Infrastructure, Transport, Regional Development, Communication and the Arts with the minister responsible for this part of the Department being Minister Catherine King (Minister for Infrastructure, Transport, Regional Development and Local Government). As she is unable to remove the source of conflict, she will leave the chamber for discussion and voting or have any involvement in the matter.

Councillor Brian Adamthwaite declared a non-pecuniary but significant interest in item *24OS013 Requests for donations - 2024-2025*, advising that he was recently invited to serve on the board of Mums' Cottage Holmesville. He will leave the chamber for discussion and voting.

Councillor Madeline Bishop declared a non-pecuniary less than significant interest in item *24OS013 Requests for donations - 2024-2025*, advising that she recently attended functions at the Swansea Belmont Surf Life Saving Club, had previous professional interactions as a former educator with Avenue Newcastle (Fighting Chance Australia Limited) and her child received a minor, one-off financial contribution from Tantrum Youth Arts several years ago. She will remain in the chamber for discussion and voting.

Councillor Kate Warner declared a non-pecuniary less than significant interest in item *24NM005 Lake Macquarie City Football Club* advising that the president of the Lake Macquarie City Football Club who is a volunteer is known to her in a professional capacity, having come to know each other through volunteer work in the community. She will remain in the chamber for discussion and voting.

Councillor Adam Shultz declared a non-pecuniary less than significant interest in item *24SP056 Confirmation of arrangements to facilitate the ongoing dredging of Swansea Channel* advising he is the chair of the Shortland Federal Executive Council of the Australian Labor Party and Pat Conroy is the member for Shortland. He will remain in the chamber for discussion and voting.

## Procedural motion:

96

Moved. Cr. Bishop

Seconded. Cr. Grigg

Council allows photographs within the Chamber during the meeting for the duration of the presentations and the final address by Councillors.

For the Motion

Against the Motion

Cr. Adamthwaite

Cr. Conroy

Cr. Grigg

Cr. Pauling

Cr. Bishop

Cr. Shultz

Cr. Buckley

Cr. Warner

Cr. Fraser

(carried)

(Carried)

## Confirmation of Minutes:

97

Moved. Cr. Grigg

Seconded. Cr. Buckley

The Minutes of the Ordinary Council Meeting held on Monday 22 July 2024, be taken as read and be hereby confirmed.

For the Motion

Against the Motion

Cr. Adamthwaite

Cr. Conroy

Cr. Grigg

Cr. Pauling

Cr. Bishop

Cr. Shultz

Cr. Buckley

Cr. Warner

Cr. Fraser

(carried)

(Carried)

***Determinations of the Development and Planning Standing Committee***  
***Monday 12 August 2024***

98

Moved. Cr. Grigg  
 Seconded. Cr. Conroy

The determinations of the Development and Planning Standing Committee at its meeting held on 12 August 2024 be confirmed as detailed below.

For the Motion      Against the Motion

Cr. Adamthwaite  
 Cr. Conroy  
 Cr. Grigg  
 Cr. Pauling  
 Cr. Bishop  
 Cr. Shultz  
 Cr. Buckley  
 Cr. Warner  
 Cr. Fraser  
 (carried)

(Carried)

**24DP016      Endorsement of Planning Proposal - 130 Munibung Road**  
**Boolaroo**

Folder No:      RZ/3/2022/COUNCILREPORTS  
 Report By:      Senior Strategic Land Use Planner - Amber Vergot

18

***Committee's determination***

Moved. Cr. Grigg  
 Seconded. Cr. Conroy

Council:

- A. notes the summary of submissions received during public exhibition contained in Attachment 2 and the outcomes of state agency consultation,
- B. endorses the planning proposal to amend the *Lake Macquarie Local Environmental Plan (LMLEP) 2014*, as provided in Attachment 1,
- C. makes the amendment to the *LMLEP 2014* under delegation granted by the Minister for Planning and Homes, pursuant to section 3.36 of the *Environmental Planning and Assessment Act 1979*, and
- D. notifies those who made a submission of Council's decision.

For the Motion      Against the Motion

Cr. Adamthwaite  
 Cr. Antcliff  
 Cr. Conroy  
 Cr. Grigg

Cr. Belcher  
Cr. Pauling  
Cr. Bishop  
Cr. Shultz  
Cr. Buckley  
Cr. Warner  
Cr. Fraser  
(carried)

(Carried)

## **Presentations:**

### 2024 Ministers' Awards for Women in Local Government

- Winner of the Champion of Change Award – Excelling in supporting and encouraging women's participation at their council - David Hughes, Director Built and Natural Assets.

### 2024 Statewide Mutual Risk Management Excellence Awards

- Joint winner in the 'Operational Risk' category - Business Continuity Program - Mikelis Jaunalksnis, Business Continuity and Resilience Lead.

### 2024 National Awards for Local Government

- Honourable mention in the 'Creativity and Culture' category - Sugar Valley Library Museum, kirantakamyari – Priya Matthew Johnson, Project Officer and Iness Czarnecki, Building Designer.
- Honourable mention in the 'Regional Growth' category - Delivering the New Economy for Lake Macquarie City – David Antcliff, Director Development Planning and Regulation.



***Mayoral Minutes***  
***Monday 26 August 2024***

**24MM006      Farewell and end of Council term**

Folder No:        F2022/01736  
Report By:        Mayor - Kay Fraser

99

Moved. Cr. Fraser

Council:

- A. acknowledges and thanks all Councillors for their service and contribution to the city over this Council term,
- B. supports any Councillors who would like to make a short statement, lasting no more than three minutes each, to do so, and
- C. agrees that these statements be heard at the end of the meeting, immediately before I close this, the last meeting of the 2021-2024 Council term.

For the Motion      Against the Motion

Cr. Adamthwaite  
Cr. Conroy  
Cr. Grigg  
Cr. Pauling  
Cr. Bishop  
Cr. Shultz  
Cr. Buckley  
Cr. Warner  
Cr. Fraser  
(carried)

(Carried)

### ***Recommendations of Committees***

Councillor Brian Adamthwaite left the chamber at 6.57pm due to his declaration of interest in 24OS013 Requests for donations - 2024-2025.

Recommendations of the Organisational Services Standing Committee and General Business Standing Committee were adopted by way of single resolution as detailed below.

100

Moved. Cr. Grigg

Seconded. Cr. Bishop

Under clause 9.1 of the Code of Meeting Practice the following items, as detailed below, be hereby adopted by way of single resolution:

- Recommendations of the Organisational Services Standing Committee held on 12 August 2024
- Recommendations of the General Business Standing Committee held on 12 August 2024

For the Motion   Against the Motion

Cr. Conroy

Cr. Grigg

Cr. Pauling

Cr. Bishop

Cr. Shultz

Cr. Buckley

Cr. Warner

Cr. Fraser

(carried)

(Carried)

Councillor Brian Adamthwaite returned to the chamber at 6.58pm.

***Recommendations of the Organisational Services Standing Committee***  
***Monday 12 August 2024***

**24OS012      Sale - 36 Watt Street - Windermere Park**

Folder No: F2007/01348

Report By: Property Contracts Officer - Sara Young

Council approves:

- A. the sale of 36 Watt Street, Windermere Park (being Lot 18 Sec 12 DP 13447), as outlined in red on Attachment 1, for a price which is not less than 90 per cent of the minimum value identified in the valuation by Council's valuer (excluding GST), and
- B. execution by Council of any documentation, under Common Seal where necessary, and implementation of any actions required to effect the above recommendation.

**24OS013      Requests for donations - 2024-2025**

Folder No: F2024/01201

Report By: Council Liaison Officer - Shannon MacKenzie

Council:

- A. approves 15 donations for a total of \$29,931.40 in the annual round of requests under the Donations Program to applicants and for amounts detailed in Attachment 1,
- B. approves one additional donation of \$2000 in the annual round of requests under the Donations Program to applicant F, detailed in Attachment 1, and
- C. does not approve five donations for a total of \$9880 in the annual round of requests under the Donations program to applicants K, M, P, S and T for amounts detailed in Attachment 1.

## ***Recommendations of the General Business Standing Committee***

***Monday 12 August 2024***

### **24GB014 Acknowledging the passing of Donna Biles Fernando**

Folder No: F2024/00319

Report By: Deputy Mayor - Madeline Bishop

Council acknowledges the recent passing of Donna Biles Fernando, a long standing and much loved member of Council's Aboriginal Reference Group at MAC, yapang.

### **24GB015 Acknowledgement of Margaret Berghofer (Marg Bee)**

Folder No: F2024/00319

Report By: Councillor - Jason Pauling

Council acknowledges the work, advocacy and historical contribution made by Margaret Berghofer (Marg Bee) to the Lake Macquarie community.

## **Business arising from Public Forum:**

101

Moved. Cr. Adamthwaite

Council:

- A. notes the information provided at Public Forum by Ms Angela Clark in relation to a no stopping sign at Carramar Park, Kotara South, and
- B. refers this item to the Lake Macquarie Traffic Facilities and Road Safety Committee.

For the Motion      Against the Motion

Cr. Adamthwaite

Cr. Conroy

Cr. Grigg

Cr. Pauling

Cr. Bishop

Cr. Shultz

Cr. Buckley

Cr. Warner

Cr. Fraser

(carried)

(Carried)

***Special Reports of the Chief Executive Officer***  
***Monday 26 August 2024***

**24SP052      Pecuniary interest returns**

Folder No: F2023/02256/07  
Report By: Governance and Privacy Lead - Loren Cousins

102

Moved. Cr. Bishop  
Seconded. Cr. Buckley

Council notes the tabling of disclosures by Councillors and designated persons returns for the period 1 July 2023 to 30 June 2024.

For the Motion      Against the Motion

Cr. Adamthwaite  
Cr. Conroy  
Cr. Grigg  
Cr. Pauling  
Cr. Bishop  
Cr. Shultz  
Cr. Buckley  
Cr. Warner  
Cr. Fraser  
(carried)

(Carried)



***Special Reports of the Deputy Chief Executive Officer***  
***Monday 26 August 2024***

**24SP053      Referral of Draft Financial Statements 2023-2024 for Audit**

Folder No:        F2024/00465  
Report By:        Coordinator Financial Accounting - Judith Lauder

103

Moved. Cr. Adamthwaite  
Seconded. Cr. Warner

Council refers the 2023-2024 draft financial statements for audit.

<u>For the Motion</u>	<u>Against the Motion</u>
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Cr. Adamthwaite  
Cr. Conroy  
Cr. Grigg  
Cr. Pauling  
Cr. Bishop  
Cr. Shultz  
Cr. Buckley  
Cr. Warner  
Cr. Fraser  
(carried)

(Carried)

**24SP054      Investment Report - July 2024**

Folder No:        F2004/11956/17  
Report By:        Coordinator Financial Accounting - Judith Lauder

104

Moved. Cr. Warner  
Seconded. Cr. Adamthwaite

Council receives and notes this report identifying all money Council has invested under section 625 of the *Local Government Act 1993*.

<u>For the Motion</u>	<u>Against the Motion</u>
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Cr. Adamthwaite  
Cr. Conroy  
Cr. Grigg  
Cr. Pauling  
Cr. Bishop  
Cr. Shultz  
Cr. Buckley  
Cr. Warner  
Cr. Fraser  
(carried)

(Carried)

## 24SP055      Accounting Policy Review

Folder No: F2005/02238

Report By: Coordinator Financial Accounting - Judith Lauder

105

Moved. Cr. Grigg

Seconded. Cr. Warner

Council:

A. rescinds the existing Accounting Policy (version 7) (Attachment 1), and

B. adopts the revised Accounting Policy (version 8) (Attachment 2).

For the Motion

Against the Motion

Cr. Adamthwaite

Cr. Conroy

Cr. Grigg

Cr. Pauling

Cr. Bishop

Cr. Shultz

Cr. Buckley

Cr. Warner

Cr. Fraser

(carried)

(Carried)

Councillor Keara Conroy left the chamber at 7.02pm due to her declaration of interest in *24SP056 Confirmation of arrangements to facilitate the ongoing dredging of Swansea Channel*.

Councillor Christine Buckley left the chamber at 7.07pm.

Councillor Christine Buckley returned to the chamber at 7.08pm

**24SP056 Confirmation of arrangements to facilitate the ongoing dredging of Swansea Channel**

Folder No: PM19/0064/09  
Report By: Deputy Chief Executive Officer - Tony Farrell

106

Moved. Cr. Shultz  
Seconded. Cr. Buckley

Council:

- A. notes that Council staff are working with the relevant agencies to generate agreements with the Commonwealth and State Governments to facilitate an arrangement to achieve the ongoing dredging of Swansea Channel,
- B. requests the CEO to bring a proposal to Council during a quarterly review (September or December) of the Operational Plan 2024-2025 to reflect Council's facilitation of the ongoing dredging of Swansea Channel arrangement, and
- C. achieves the above at no material cost to Council for the dredge, dredging infrastructure and sand transfer system components of the project.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

For the Motion      Against the Motion

Cr. Adamthwaite  
Cr. Grigg  
Cr. Pauling  
Cr. Bishop  
Cr. Shultz  
Cr. Buckley  
Cr. Warner  
Cr. Fraser  
(carried)

(Carried)

Councillor Keara Conroy returned to the chamber at 7.22pm.

## 24SP057 Financial Hardship Policy Review

Folder No: F2011/04983

Report By: Chief Financial Officer - Bjorn Lategan

107

Moved. Cr. Adamthwaite

Seconded. Cr. Grigg

Council:

A. rescinds the existing Financial Hardship Policy – version 2, and

B. adopts the revised Financial Hardship Policy – version 3.

For the Motion

Against the Motion

Cr. Adamthwaite

Cr. Conroy

Cr. Grigg

Cr. Pauling

Cr. Bishop

Cr. Shultz

Cr. Buckley

Cr. Warner

Cr. Fraser

(carried)

(Carried)

***Special Reports of the Director of Organisational Services******Monday 26 August 2024*****24SP058      Public exhibition of the draft Community Engagement Strategy including Community Participation Plan**

Folder No: F2024/01327

Report By: Community and Stakeholder Engagement Lead - Amelia Parrott

108

Moved. Cr. Adamthwaite

Seconded. Cr. Bishop

Council:

- A. places the draft Community Engagement Strategy including Community Participation Plan 2024-2028 on public exhibition for a period of at least 28 days and accepts submissions during this time, and
- B. notes staff will prepare a further report outlining the outcomes of the public exhibition.

For the MotionAgainst the Motion

Cr. Adamthwaite

Cr. Conroy

Cr. Grigg

Cr. Pauling

Cr. Bishop

Cr. Shultz

Cr. Buckley

Cr. Warner

Cr. Fraser

(carried)

(Carried)



**Notices of Motion**  
**Monday 26 August 2024**

Councillor Adam Shultz left the chamber at 8.17pm.

Councillor Adam Shultz returned to the chamber at 8.19pm.

**24NM005      Lake Macquarie City Football Club**

Folder No:        F2024/00312  
Report By:        Councillor - Kate Warner

**Original recommendation**

Council:

- A. undertakes a review of the capital works plan to determine if the amenities/grandstand upgrade can be completed concurrently with the ground works and in the 2024-2025 year, and
- B. provides a memo back to Councillors of the outcome of the review.

**Amendment (1)**

Moved. Cr. Pauling  
Seconded. Cr. Conroy

Council:

- A. undertakes a review of the capital works plan 2024-2025, and
- B. reports the outcome at the next quarterly review of the Operational Plan.

<u>For the Motion</u>	<u>Against the Motion</u>
Cr. Adamthwaite	Cr. Grigg
Cr. Conroy	Cr. Bishop
Cr. Pauling	Cr. Buckley
Cr. Shultz	Cr. Warner
	Cr. Fraser

(lost)

(Lost)

109

Moved. Cr. Warner  
Seconded. Cr. Buckley

Council:

- A. undertakes a review of the capital works plan to determine if the amenities/grandstand upgrade can be completed concurrently with the ground works and in the 2024-2025 year, and
- B. provides a memo back to Councillors of the outcome of the review.

<u>For the Motion</u>	<u>Against the Motion</u>
Cr. Adamthwaite	
Cr. Conroy	

Cr. Grigg  
Cr. Pauling  
Cr. Bishop  
Cr. Shultz  
Cr. Buckley  
Cr. Warner  
Cr. Fraser  
(carried)

(Carried)

As this concluded the business the  
Chairperson terminated the meeting at 8.46pm.  
Minutes adopted by resolution of Council,  
at its meeting held on 14 October 2024.



**Minutes of the Extraordinary Council Meeting**  
**Monday 9 September 2024**  
**Council Chambers Speers Point**

**Present:** Her Worship the Mayor, Councillor Kay Fraser, Deputy Mayor, Councillor Madeline Bishop, and Councillors Brian Adamthwaite, Jack Antcliff, David Belcher, Christine Buckley, Keara Conroy, Colin Grigg, Jason Pauling, Adam Shultz and Kate Warner.

<b>Officers:</b>	Morven Cameron	Chief Executive Officer
	David Hughes	Director Built and Natural Assets
	Kate Davies	Director Organisational Services
	Shannon MacKenzie	Coordinator Council Liaison
	Angela Lamb	Council Liaison Officer
	Alannah Riley	Communications Lead

The Mayor declared the meeting open at 4.30pm.

**Acknowledgement of Country:** The Mayor shared an Acknowledgement of Country.

**Leave of absence:** Nil

**Apologies:** Nil

**Declarations of interest:**

Councillor Kate Warner declared a non-pecuniary less than significant interest in item *24RM001 Lake Macquarie City Football Club* advising that the president of the Lake Macquarie City Football Club who is a volunteer is known to her in a professional capacity, having come to know each other through volunteer work in the community. She will remain in the chamber for discussion and voting.

Councillor Jack Antcliff declared a non-pecuniary less than significant interest in item *24RM001 Lake Macquarie City Football Club* advising he was previously employed by Northern NSW Football as a content writer, covering both the men's and women's competition. It is likely during this period that he was involved in conversations with club management and coaches, including president, Stephen Graham, around Lake Macquarie City Football Club's female growth strategy. In his opinion, the interest is non-pecuniary and less than significant and does not consider that further action is required as this employment did not relate to decisions on funding and facilities and the employment ended approximately two years ago. He will remain in the chamber for discussion and voting.

***Rescission Motions***  
***Monday 9 September 2024***

**24RM001      Lake Macquarie City Football Club**

Folder No: F2024/00312  
Report By: Councillor - Jack Antcliff, Councillor - Keara Conroy, Councillor - Jason Pauling

The Chairperson ruled a point of order raised by Cr Pauling in relation to imputing motive on other Councillors as out of order.

1

***Committee's recommendation***

Moved. Cr. Pauling  
Seconded. Cr. Antcliff

Council rescinds minute number 109 of the minutes of the Ordinary Council Meeting held on Monday 26 August 2024:

***Council:***

- A. undertakes a review of the capital works plan to determine if the amenities/grandstand upgrade can be completed concurrently with the ground works and in the 2024-2025 year, and*
- B. provides a memo back to Councillors of the outcome of the review.*

<u>For the Motion</u>	<u>Against the Motion</u>
Cr. Adamthwaite	Cr. Grigg
Cr. Antcliff	Cr. Bishop
Cr. Conroy	Cr. Buckley
Cr. Belcher	Cr. Warner
Cr. Pauling	Cr. Fraser
Cr. Shultz	
(carried)	

(Carried)

As this concluded the business the  
Chairperson terminated the meeting at 5.11pm.  
Minutes adopted by resolution of Council,  
at its meeting held on 14 October 2024.



**Business arising from Public Forum:*****Special Reports of the Chief Executive Officer******Monday 14 October 2024***

<b>24SP059</b>	Election of Deputy Mayor
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<b>Key focus area</b>	7. Shared decision-making
<b>Objective</b>	7.2 We know how and why decisions are made
<b>File</b>	F2004/07687 - D11357257
<b>Author</b>	Coordinator Council Liaison - Amber Murray
<b>Responsible manager</b>	Manager Communications and Corporate Strategy - Jacqueline Smith

**Executive summary**

This report asks Council to decide if a Deputy Mayor is required. If so, Council must determine the term and the method of voting to be used to elect a Councillor to the position and, at that time, elect a Deputy Mayor.

***Recommendation***

Council:

- A. resolves to elect a Deputy Mayor,
- B. determines that the Deputy Mayor holds the position until the Ordinary Council meeting of September 2025,
- C. determines the method of voting, being by ordinary ballot, and
- D. elects a Deputy Mayor.

**Context**

Under section 231 of the *Local Government Act 1993*, Council can elect a Deputy Mayor for the mayoral term or a shorter term. The election of a Deputy Mayor should be carried out by Council in accordance with the *Local Government (General) Regulation 2021*, Schedule 7.

**Discussion**

The role of Deputy Mayor represents the Mayor or undertakes mayoral duties when the Mayor is unable to attend to those duties. This may include, but is not limited to:

- officially representing Council at various functions, within and outside of Lake Macquarie City, as requested by the Mayor

- chairing Council and Committee meetings and briefings, of which the Mayor is chairperson, in the Mayor's absence
- witnessing the affixing of Council's Seal to documents specified by Council resolution
- performing 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.

While electing a Deputy Mayor is optional (section 231 of the *Local Government Act 1993*), in most councils across NSW, council elects a Deputy Mayor. Lake Macquarie's most recent Deputy Mayor was elected on 25 September 2023 with this term expiring on 13 September 2024, one day before the Local Government election.

Council is also required to determine the method of voting to elect a Deputy Mayor. To assist Council, an extract from the *Local Government (General) Regulation 2021* (Schedule 7) relating to the process of electing a Mayor (also applicable to election of a Deputy Mayor) is contained in Attachment 1 to this report.

## Community engagement and internal consultation

Consultation has been undertaken with Council's Executive in the preparation of this report. Community engagement for election of a Deputy Mayor is not required under section 7 of the *Local Government Act 1993*.

## Assessment of options

The election of a Deputy Mayor is optional (section 231 of the *Local Government Act 1993*).

The recommendation to elect a Deputy Mayor will ensure orderly coverage of the Mayor's obligations and duties during any periods of absence.

Council can elect a Deputy Mayor for the mayoral term or a shorter term. Councils across NSW typically elect a Deputy Mayor in September each year, which reflects the ordinary legislative timing of Council elections and provides the opportunity for four equal Deputy Mayoral terms of 12 months each.

Keeping Deputy Mayor elections in September each year is usual practice. The Office of Local Government regularly issues updates and guidance prior to September each year about mayoral elections, as these are required to occur in the month of September. This guidance is also relevant to Deputy Mayoral elections, which are required to follow the same procedures as mayoral elections.

Other options for the length of a Deputy Mayor term would require elections at different times of the year and may not offer terms of equal length given timing of usual Council recesses during January.

If Council resolves to appoint a Deputy Mayor, the election must occur in accordance with Schedule 7 of the *Local Government (General) Regulation 2021* (Attachment 1).

## Key considerations

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### Economic

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None.

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### Environment

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None.

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### **Community**

The Deputy Mayor can attend community functions and events in the absence of the Mayor, providing consistent community support and engagement for Lake Macquarie City.

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### **Civic leadership**

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. As such, the role of Deputy Mayor is important in providing consistent leadership and service to Lake Macquarie City.

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### **Financial**

None.

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### **Infrastructure**

None.

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### **Compliance**

Under the *Local Government Act 1993*, Councillors may elect a Deputy Mayor for the mayoral term or a shorter term. Council is not required to elect a Deputy Mayor.

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## **Legislative and policy considerations**

*Local Government Act 1993*

*Local Government (General) Regulation 2021, Schedule 7*

## **Attachments**

- |    |  |           |
|----|--|-----------|
| 1. | Local Government (General) Regulation 2021 - Schedule 7 Election of mayor by Councillors | D11682029 |
|----|--|-----------|

## **Schedule 7 Election of mayor by councillors**

(Section 394)

### **Part 1 Preliminary**

#### **1 Returning officer**

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

#### **2 Nomination**

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

#### **3 Election**

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this section—

**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 section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

#### **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 subsection (2) is to be repeated until only 2 candidates remain.

(4) A further vote is to be taken of the 2 remaining candidates.

(5) Section 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 subsection (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 section 345 of this Regulation as if it were a ballot-paper referred to in that section.

(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.

(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 section, **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 Secretary and the Chief Executive Officer of Local Government NSW.

<b>24SP060</b>	Standing committees of Council and meeting schedule for 2024-2028
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<b>Key focus area</b>	7. Shared decision-making
<b>Objective</b>	7.2 We know how and why decisions are made
<b>File</b>	F2004/06312 - D11357702
<b>Author</b>	Coordinator Council Liaison - Amber Murray
<b>Responsible manager</b>	Manager Communications and Corporate Strategy - Jacqueline Smith

## Executive summary

This report recommends Council establishes ongoing Standing Committee and Ordinary Council meeting schedules for this term of Council.

### ***Recommendation***

Council:

- A. adopts the charters at Attachments 1 to 5 for the following Standing Committees of Council:
  - i) Development and Planning Standing Committee
  - ii) Planning for the Future Standing Committee
  - iii) Organisational Services Standing Committee
  - iv) Built and Natural Assets Standing Committee
  - v) Service Delivery Standing Committee,
- B. grants the Development and Planning Standing Committee delegated authority to determine matters as outlined in Attachment 1,
- C. appoints all Councillors to the Standing Committees of Council listed in item A,
- D. adopts the charter of the General Business Committee at Attachment 6,
- E. appoints all Councillors and the Chief Executive Officer to the General Business Committee,
- F. resolves to continue the current meeting schedule for Standing Committees, General Business Committee and Ordinary Council meetings, as follows:
  - i) Standing Committees and the General Business Committee meet on the second Monday of each month February through to November,
  - ii) Ordinary Council meetings meet on the fourth Monday of each month February through to November,
  - iii) Standing Committees and the General Business Committee meet on the first Monday of December,
  - iv) Ordinary Council meetings meet on the second Monday of December

G. notes that Standing Committee and Ordinary Council meetings will commence at 6.30pm, and

H. resolves the standard location for meetings will be the Council Chambers.

## Context

Under section 365 of the *Local Government Act 1993*, Council must meet a minimum of 10 times each year, each time in a different month. This decision will enable the meeting frequency to be set for the term of Council, in accordance with requirements under the Act.

## Discussion

Council meetings are the central forum for decision-making and exercise of functions by the elected Council. The Code of Meeting Practice (the Code) governs the way in which Council meetings are conducted and how decisions are made.

## Standing Committees

In addition to Ordinary Council meetings, Council has for many years operated Standing Committees of which the Mayor and all Councillors are members. Standing Committees provide an opportunity for Councillors to discuss complex or detailed matters and make recommendations for determination at an Ordinary Council meeting. Standing Committees, which include all Councillors as members, are required to be conducted in accordance with the Code.

Current Standing Committees are as follows:

- Development and Planning Standing Committee
- Planning for the Future Standing Committee
- Organisational Services Standing Committee
- Built and Natural Assets Standing Committee
- Service Delivery Standing Committee.

The Development and Planning Standing Committee has a delegation to decide matters, unlike other Standing Committees which make recommendations to Ordinary Council. The delegation is designed to reduce, where possible, the time it takes Council to determine planning matters such as development applications and planning proposals. It is proposed Council renews the Development and Planning Standing Committee delegated authority to determine matters. This delegation is captured in the recommendations of this report and documented in the proposed charter for the Development and Planning Standing Committee (Attachment 1).

Council also operates a General Business Committee comprising all Councillors and the Chief Executive Officer. The General Business Committee has historically provided Councillors with an opportunity to request information outside the formal structure that applies to other Standing Committees of Council, and allows Councillors a forum to raise issues or call attention to items of public interest for Lake Macquarie City.

Charters for Standing Committees and the General Business Committee (Attachments 1 to 6) have been prepared to include the functions of each committee and note key requirements.



## Meeting schedule

Under the Code, changes to the time, date and place of Council meetings require a Council resolution.

Standing Committees and the General Business Committee currently meet on the second Monday of each month. Ordinary Council meetings are held on the fourth Monday of each month. Unless there is a public holiday, in which case meetings are moved to the Tuesday. For the month of December, Standing Committees and the General Business Committee meet on the first Monday and the Ordinary meeting meets on the second Monday prior to the Christmas period.

Meetings are held in the Council Chambers, commencing at 6.30pm.

The General Business Committee meets following other Standing Committee meetings.

## Community engagement and internal consultation

Council's Executive and the Communications and Corporate Strategy department were consulted during the preparation of this report.

## Assessment of options

The recommended approach in this report is to maintain the existing arrangements for Council meetings.

There are a range of options to amend the existing arrangements. In setting meeting arrangements, key considerations are to ensure the ability of all Councillors to attend meetings in accordance with the *Local Government Act 1993* regardless of personal circumstances (such as employment and other commitments) and maintain equitable access at a convenient time for a broad range of community members who may attend.

Council may consider changing the time, date and place of Council meetings at any time, by Council resolution. Council staff continually review the meeting schedule and report to Council about any necessary changes to accommodate relevant events and other matters where necessary during the year.

## Key considerations

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### Economic

A delegation to the Development and Planning Standing Committee is designed to assist in reducing the time taken to determine development matters. This contributes to a diverse economy by making the city an attractive place for business to invest.

Timely determination of development matters aids in Council's performance against NSW government assessment league tables, and signals to the community and development industry that Council understands the social and economic impact of development decisions seeking to expeditiously progress these matters.

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### Environment

None.

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### Community

The recommended approach ensures a clear and consistent meeting schedule and arrangements for Council decision-making to ensure the community is aware of meetings and can attend and understand the decision making process.

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### Civic leadership

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The recommended approach enables Council to meet its statutory obligations and assists Council to operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.

Under section 365 of the *Local Government Act 1993*, councils are required to meet at least 10 times each year, each time in a different month. Council is also required to advertise details of Council meetings to the community.

Standing Committees assist informed decision-making, as they provide Councillors with a mechanism to consider and discuss complex matters and seek required information before making a final decision.

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### Financial

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Costs associated with Council meetings are available within the existing budget.

Under the proposed Standing Committee structure:

- small budgetary matters will be considered by relevant Standing Committees
- significant budgetary matters will be considered by the Planning for the Future Standing Committee
- the Quarterly Review of the Operational Plan and Budget will be considered by Ordinary Council.

Urgent budgetary matters may proceed directly to Ordinary Council should timing not allow prior consideration by the appropriate Standing Committee.

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### Infrastructure

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None.

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### Compliance

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This report ensures compliance with key requirements and transparency of Council meeting arrangements, and addresses risks in accordance with the Enterprise Risk Management Framework.

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## Legislative and policy considerations

*Local Government Act 1993*

*Local Government (General) Regulation 2021*

Model Code of Meeting Practice for Local Councils in NSW

Code of Meeting Practice

## Attachments

- |    |   |           |
|----|---|-----------|
| 1. | Recommended to be adopted - Development and Planning Standing Committee - Committee Charter - Version 3 | D11734181 |
| 2. | Recommended to be adopted - Planning for the Future Standing Committee - Committee Charter - Version 3  | D11734194 |
| 3. | Recommended to be adopted - Organisational Services Standing Committee - Committee Charter - Version 3  | D11734190 |

- |    |   |           |
|----|---|-----------|
| 4. | Recommended to be adopted - Built and Natural Assets Standing Committee - Committee Charter - Version 3 | D11734175 |
| 5. | Recommended to be adopted - Draft Service Delivery Standing Committee - Committee Charter - Version 3   | D11734198 |
| 6. | Recommended to be adopted - General Business Committee Charter - Version 3                              | D11734184 |

	<div>Committee Charter</div> <div>Development and Planning</div>	
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## 1 PURPOSE

The purpose of the Development and Planning Standing Committee is to consider matters broadly associated with:

- the exercise of functions under the *Environmental Planning and Assessment Act 1979* (see section 375A of the *Local Government Act 1993*)
- the exercise of functions under Chapter 7 of the *Local Government Act 1993*
- land use planning.

## 2 AUTHORITY

Council has resolved to establish this Standing Committee in accordance with Council's Code of Meeting Practice.

## 3 RESPONSIBILITIES AND FUNCTIONS

The Development and Planning Standing Committee is responsible for determining planning matters. If a determination cannot be made during a meeting of the Development and Planning Standing Committee, the Standing Committee is to determine whether the matter should be:

- referred to a future Ordinary Council meeting for further consideration, or
- referred to a future meeting of the Standing Committee for further consideration, or
- deferred for further investigation and consideration.

## 4 DELEGATION

The Development and Planning Standing Committee has delegated authority (refer to Appendix A) to determine matters referred to the Committee.

## 5 COMPOSITION OF THE COMMITTEE

All Councillors are members of the Development and Planning Standing Committee.

The Mayor is the chairperson of the Development and Planning Standing Committee.

If requested by, or in the absence of, the Mayor, the Deputy Mayor will chair a meeting of the Development and Planning Standing Committee.

If the Mayor and Deputy Mayor are absent, Councillors present will elect a Councillor to chair the meeting of the Development and Planning Standing Committee. Council's Code of Meeting Practice governs the election process for a chairperson in the absence of the Mayor and Deputy Mayor.

## 6 APPLICATION OF CODE OF CONDUCT AND CODE OF MEETING PRACTICE

The Development and Planning Standing Committee is required to adhere to Council's Code of Meeting Practice, Code of Conduct, and any other Council policies as applicable.

## 7 MEETINGS

The Development and Planning Standing Committee will meet on the second Monday of the month or at other times as determined by the Chief Executive Officer in consultation with the Mayor.

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Meetings of the Standing Committee, including agenda preparation, are subject to Council's Code of Meeting Practice.

## **APPENDIX A – INSTRUMENT OF DELEGATION**

On 14 October 2024, Council resolved to delegate to the Development and Planning Standing Committee the authority to determine matters referred to the Development and Planning Standing Committee.

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### Authorisation Details

<b>Folder No:</b>	F2018/01117	<b>TRIM Record No:</b>	D11691908
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<b>Department:</b>	Communications & Corporate Strategy		
<b>Officer:</b>	Coordinator Council Liaison – Amber Murray		
<b>Review Timeframe:</b> Max < 4 years	4 years	<b>Next Scheduled Review Date:</b>	31 October 2028
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<b>Committee Business Paper TRIM No:</b>		<b>Authorisation – Council Adoption Date:</b>	

### Related Document Information, Standards & References

<b>Related Legislation:</b>	(Legislation Name) Local Government Act 1993 Local Government (General) Regulations 2021	(Relationship/Context) Council's authority to undertake works and services and ability to delegate authority
<b>Related Policies (Council &amp; Internal):</b>	(Policy Name) Code of Conduct for Councillors Code of Conduct - Council Officials Code of Conduct - Staff Code of Meeting Practice	(Relationship/Context) Standards and procedures for Standing Committees
<b>Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:</b>	(Document Name) Nil	(Relationship/Context) N/A
<b>Standards COP's &amp; Other References</b>	(Standard, COP or Other References) Nil	(Relationship/Context) N/A

### Definitions

Term / Abbreviation	Definition
Nil	

### Consultation (update for each version created)

<b>Key Departments, Teams, Positions, Meetings:</b>	Communications and Corporate Strategy
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### Version History

Version No	Date Changed	Modified By	Details and Comments
1	June 2018	Dan Hughes	Creation and approval of Standing Committee charter.
2	January 2022	Loren Cousins	New template and other updates to reflect changes to the Local Government (General) Regulation 2021, Model Code of Meeting Practice for Local Councils in NSW and Code of Meeting Practice and editorial and stylistic changes.
3	October 2024	Amber Murray	Minor changes for style and clarity of responsibilities and functions of Standing Committees.

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	<div>Committee Charter</div> <div>Planning for the Future</div>	
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## 1 PURPOSE

The purpose of the Planning for the Future Standing Committee is to consider matters and projects broadly associated with:

- the financial health of the Council and the city
- projects
- the future state of the city and the Council
- long term implications for the city and the Council.

## 2 AUTHORITY

Council has resolved to establish this Standing Committee in accordance with Council's Code of Meeting Practice.

## 3 RESPONSIBILITIES AND FUNCTIONS

The Planning for the Future Standing Committee is to make recommendations to Council for its determination. If a decision on a recommendation to Council cannot be made during a meeting of the Standing Committee, the Standing Committee is to determine whether the decision should be:

- referred to a future Ordinary Council Meeting for further consideration, or
- referred to a future meeting of the Standing Committee for further consideration, or
- deferred for further investigation and consideration.

## 4 COMPOSITION OF THE COMMITTEE

All Councillors are members of the Planning for the Future Standing Committee.

The Mayor is the chairperson of the Planning for the Future Standing Committee.

If requested by, or in the absence of, the Mayor, the Deputy Mayor will chair a meeting of the Planning for the Future Standing Committee.

If the Mayor and Deputy Mayor are absent, Councillors present will elect a Councillor to chair the meeting of the Planning for the Future Standing Committee. Council's Code of Meeting Practice governs the election process for a chairperson in the absence of the Mayor and Deputy Mayor.

## 5 APPLICATION OF CODE OF CONDUCT AND CODE OF MEETING PRACTICE

The Planning for the Future Standing Committee is required to adhere to Council's Code of Meeting Practice, Code of Conduct, and any other Council policies as applicable.

## 6 MEETINGS

The Planning for the Future Standing Committee will meet on the second Monday of the month or at other times as determined by the Chief Executive Officer in consultation with the Mayor.

Meetings of the Standing Committee, including agenda preparation, are subject to Council's Code of Meeting Practice.

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Lake Macquarie City Council

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## Planning for the Future - Committee Charter

Version 3 - October 2024

## Authorisation Details

<b>Folder No:</b>	F2018/01117	<b>TRIM Record No:</b>	D11691957
<b>Audience:</b>	Council Wide - Councillors and Council staff		
<b>Department:</b>	Communications & Corporate Strategy		
<b>Officer:</b>	Coordinator Council Liaison – Amber Murray		
<b>Review Timeframe:</b> Max < 4 years	4 years	<b>Next Scheduled Review Date:</b>	31 October 2028
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## Related Document Information, Standards &amp; References

<b>Related Legislation:</b>	(Legislation Name) Local Government Act 1993 Local Government (General) Regulations 2021	(Relationship/Context) Council's authority to undertake works and services and ability to delegate authority
<b>Related Policies (Council &amp; Internal):</b>	(Policy Name) Code of Conduct for Councillors Code of Conduct - Council Officials Code of Conduct - Staff Code of Meeting Practice	(Relationship/Context) Standards and procedures for Standing Committees
<b>Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:</b>	(Document Name) Nil	(Relationship/Context) N/A
<b>Standards COP's &amp; Other References</b>	(Standard, COP or Other References) Nil	(Relationship/Context) N/A

## Definitions

Term / Abbreviation	Definition
Nil	

## Consultation (update for each version created)

<b>Key Departments, Teams, Positions, Meetings:</b>	Communications and Corporate Strategy
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## Version History

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1	June 2018	Dan Hughes	Creation and approval of Standing Committee charter.
2	January 2022	Loren Cousins	New template and other updates to reflect changes to the Local Government (General) Regulation 2021, Model Code of Meeting Practice for Local Councils in NSW and Code of Meeting Practice and editorial and stylistic changes.
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	<div>Committee Charter</div> <div>Organisational Services</div>	
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## 1 PURPOSE

The purpose of the Organisational Services Standing Committee is to consider matters broadly associated with:

- property transactions
- Council's Holiday Parks
- governance and policy issues as they pertain to the elected governing body of Council
- customer experiences and customer service standards.

## 2 AUTHORITY

Council has resolved to establish this Standing Committee in accordance with Council's Code of Meeting Practice.

## 3 RESPONSIBILITIES AND FUNCTIONS

The Organisational Services Standing Committee is to make recommendations to Council for its determination. If a decision on a recommendation to Council cannot be made during a meeting of the Standing Committee, the Standing Committee is to determine whether the decision should be:

- referred to a future Ordinary Council meeting for further consideration, or
- referred to a future meeting of the Standing Committee for further consideration, or
- deferred for further investigation and consideration.

## 4 COMPOSITION OF THE COMMITTEE

All Councillors are members of the Organisational Services Standing Committee.

The Mayor is the chairperson of the Organisational Services Standing Committee.

If requested by, or in the absence of, the Mayor, the Deputy Mayor will chair a meeting of the Organisational Services Standing Committee.

If the Mayor and Deputy Mayor are absent, Councillors present will elect a Councillor to chair the meeting of the Organisational Services Standing Committee. Council's Code of Meeting Practice governs the election process for a chairperson in the absence of the Mayor and Deputy Mayor.

## 5 APPLICATION OF CODE OF CONDUCT AND CODE OF MEETING PRACTICE

The Organisational Services Standing Committee is required to adhere to Council's Code of Meeting Practice, Code of Conduct, and any other Council policies as applicable.

## 6 MEETINGS

The Organisational Services Standing Committee will meet on the second Monday of the month or at other times as determined by the Chief Executive Officer in consultation with the Mayor.

Meetings of the Standing Committee, including agenda preparation, are subject to Council's Code of Meeting Practice.

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	<div>Committee Charter</div> <div><b>Built and Natural Assets</b></div>	
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## 1 PURPOSE

The purpose of the Built and Natural Assets Standing Committee is to consider matters broadly associated with:

- sustainability policy and programs
- asset policy for community assets and infrastructure assets
- City Works' service delivery and performance.

## 2 AUTHORITY

Council has resolved to establish this Standing Committee in accordance with Council's Code of Meeting Practice.

## 3 RESPONSIBILITIES AND FUNCTIONS

The Built and Natural Assets Standing Committee is to make recommendations to Council for its determination. If a decision on a recommendation to Council cannot be made during a meeting of the Standing Committee, the Standing Committee is to determine whether the decision should be:

- referred to a future Ordinary Council meeting for further consideration, or
- referred to a future meeting of the Standing Committee for further consideration, or
- deferred for further investigation and consideration.

## 4 COMPOSITION OF THE COMMITTEE

All Councillors are members of the Built and Natural Assets Standing Committee.

The Mayor is the chairperson of the Built and Natural Assets Standing Committee.

If requested by, or in the absence of, the Mayor, the Deputy Mayor will chair a meeting of the Built and Natural Assets Standing Committee.

If the Mayor and Deputy Mayor are absent, Councillors present will elect a Councillor to chair the meeting of the Built and Natural Assets Standing Committee. Council's Code of Meeting Practice governs the election process for a chairperson in the absence of the Mayor and Deputy Mayor.

## 5 APPLICATION OF CODE OF CONDUCT AND CODE OF MEETING PRACTICE

The Built and Natural Assets Standing Committee is required to adhere to Council's Code of Meeting Practice, Code of Conduct, and any other Council policies as applicable.

## 6 MEETINGS

The Built and Natural Assets Standing Committee will meet on the second Monday of the month or at other times as determined by the Chief Executive Officer in consultation with the Mayor.

Meetings of the Standing Committee, including agenda preparation, are subject to Council's Code of Meeting Practice.

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<b>Audience:</b>	Council Wide - Councillors and Council staff		
<b>Department:</b>	Communications & Corporate Strategy		
<b>Officer:</b>	Coordinator Council Liaison – Amber Murray		
<b>Review Timeframe:</b> Max < 4 years	4 years	<b>Next Scheduled Review Date:</b>	31 October 2028
<b>Authorisation:</b>			
<b>Committee Business Paper TRIM No:</b>		<b>Authorisation – Council Adoption Date:</b>	

### Related Document Information, Standards & References

<b>Related Legislation:</b>	(Legislation Name) Local Government Act 1993 Local Government (General) Regulations 2021	(Relationship/Context) Council's authority to undertake works and services and ability to delegate authority
<b>Related Policies (Council &amp; Internal):</b>	(Policy Name) Code of Conduct for Councillors Code of Conduct - Council Officials Code of Conduct - Staff Code of Meeting Practice	(Relationship/Context) Standards and procedures for Standing Committees
<b>Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:</b>	(Document Name) Nil	(Relationship/Context) N/A
<b>Standards COP's &amp; Other References</b>	(Standard, COP or Other References) Nil	(Relationship/Context) N/A

### Definitions

Term / Abbreviation	Definition
Nil	

### Consultation (update for each version created)

<b>Key Departments, Teams, Positions, Meetings:</b>	Communications and Corporate Strategy
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### Version History

Version No	Date Changed	Modified By	Details and Comments
1	June 2018	Dan Hughes	Creation and approval of Standing Committee charter.
2	January 2022	Loren Cousins	New template and other updates to reflect changes to the Local Government (General) Regulation 2021, Model Code of Meeting Practice for Local Councils in NSW and Code of Meeting Practice and editorial and stylistic changes.
3	October 2024	Amber Murray	Minor changes for style and clarity of responsibilities and functions of Standing Committees.

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	<div>Committee Charter</div> <div>Service Delivery</div>	
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CD DRAFT

## 1 PURPOSE

The purpose of the Service Delivery Standing Committee is to consider matters broadly associated with:

- delivery of services to our community
- strategy development
- provision of grants
- external partnerships.

## 2 AUTHORITY

Council has resolved to establish this Standing Committee in accordance with Council's Code of Meeting Practice.

## 3 RESPONSIBILITIES AND FUNCTIONS

The Service Delivery Standing Committee is to make recommendations to Council for its determination. If a decision on a recommendation to Council cannot be made during a meeting of the Standing Committee, the Standing Committee is to determine whether the decision should be:

- referred to a future Ordinary Council meeting for further consideration, or
- referred to a future meeting of the Standing Committee for further consideration, or
- deferred for further investigation and consideration.

## 4 COMPOSITION OF THE COMMITTEE

All Councillors are members of the Service Delivery Standing Committee.

The Mayor is the chairperson of the Service Delivery Standing Committee.

If requested by, or in the absence of, the Mayor, the Deputy Mayor will chair a meeting of the Service Delivery Standing Committee.

If the Mayor and Deputy Mayor are absent, Councillors present will elect a Councillor to chair the meeting of the Service Delivery Standing Committee. Council's Code of Meeting Practice governs the election process for a chairperson in the absence of the Mayor and Deputy Mayor.

## 5 APPLICATION OF CODE OF CONDUCT AND CODE OF MEETING PRACTICE

The Service Delivery Standing Committee is required to adhere to Council's Code of Meeting Practice, Code of Conduct, and any other Council policies as applicable.

## 6 MEETINGS

The Service Delivery Standing Committee will meet on the second Monday of the month or at other times as determined by the Chief Executive Officer in consultation with the Mayor.

Meetings of the Standing Committee, including agenda preparation, are subject to Council's Code of Meeting Practice.

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## Service Delivery - Committee Charter

Version 3 – October 2024

**Controlled Document Information****Authorisation Details**

<b>Folder No:</b>	F2018/01117	<b>TRIM Record No:</b>	D11691952
<b>Audience:</b>	Council Wide - Councillors and Council staff.		
<b>Department:</b>	Communications & Corporate Strategy		
<b>Officer:</b>			
<b>Review Timeframe:</b> Max < 4 years	4 years	<b>Next Scheduled Review Date:</b>	31 October 2028
<b>Authorisation:</b>			
<b>Committee Business Paper TRIM No:</b>		<b>Authorisation – Council Adoption Date:</b>	

**Related Document Information, Standards & References**

<b>Related Legislation:</b>	(Legislation Name) Local Government Act 1993 Local Government (General) Regulations 2005	(Relationship/Context) Council's authority to undertake works and services and ability to delegate authority
<b>Related Policies (Council &amp; Internal):</b>	(Policy Name) Code of Conduct for Councillors Code of Conduct - Council Officials Code of Conduct - Staff Code of Meeting Practice	(Relationship/Context) Standards and procedures for Standing Committees
<b>Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:</b>	(Document Name) Nil	(Relationship/Context) N/A
<b>Standards COP's &amp; Other References</b>	(Standard, COP or Other References) Nil	(Relationship/Context) N/A

**Definitions**

Term / Abbreviation	Definition
N/A	

**Consultation (update for each version created)**

<b>Key Departments, Teams, Positions, Meetings:</b>	Communications and Corporate Strategy
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**Version History**

Version No	Date Changed	Modified By	Details and Comments
1	June 2018	Dan Hughes	Creation and approval of Standing Committee charter.
2	January 2022	Loren Cousins	New template and other updates to reflect changes to the Local Government (General) Regulation 2021, Model Code of Meeting Practice for Local Councils in NSW and Code of Meeting Practice and editorial and stylistic changes.
3	October 2024	Amber Murray	Minor changes for style and clarity of responsibilities and functions of Standing Committees.

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Lake Macquarie City Council

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## 1 PURPOSE

The purpose of the General Business Committee is to consider matters raised by Councillors. However, the General Business Committee should not be used:

- to raise matters of significance where the use of a notice of motion would be appropriate
- where the item relates to routine maintenance or construction problems or enquiries that can be dealt with by a service request
- for a report of attendance at a meeting or a function. Such a report of attendance is to be given to the Council Business Support team for distribution as an information report, or
- where items would take an extended period of time to implement, or
- to allocate resources outside the Operational Plan process.

The chairperson of the General Business Committee will determine the appropriateness of an item being raised in accordance with Council's Code of Meeting Practice.

## 2 AUTHORITY

Council has resolved to establish the General Business Committee in accordance with Council's Code of Meeting Practice.

## 3 RESPONSIBILITIES AND FUNCTIONS

Recommendations of the General Business Committee will be referred to the subsequent Ordinary Council meeting for consideration as long as that meeting is not held immediately following the meeting of Standing Committees.

A minimum of three working days must separate the holding of the General Business Committee and the Ordinary Council meeting where those recommendations are to be considered.

## 4 COMPOSITION OF THE COMMITTEE

All Councillors, as well as the Chief Executive Officer, are members of the General Business Committee.

The Mayor is the chairperson of the General Business Committee. If requested by, or in the absence of, the Mayor, the Deputy Mayor will chair a meeting of the General Business Committee.

If the Mayor and Deputy Mayor are absent, Councillors present will elect a Councillor to chair the meeting of the General Business Committee. Council's Code of Meeting Practice governs the election process for a chairperson in the absence of the Mayor and Deputy Mayor.

## 5 APPLICATION OF CODE OF CONDUCT AND CODE OF MEETING PRACTICE

The General Business Committee is required to adhere to Council's Code of Meeting Practice, Code of Conduct, and any other Council policies as applicable.

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## 6 MEETINGS

The General Business Committee is to meet following other Standing Committee meetings.

Quorum for the General Business Committee will consist of a majority of the Councillors who hold office at the time of the meeting and are not suspended from office.

A meeting of the General Business Committee must be adjourned if a quorum is not present:

- a) within half an hour after the time designated for the holding of the meeting, or
- b) at any time during the meeting.

In either case, the meeting must be adjourned to a time, date and place fixed:

- a) by the chairperson
- b) in his or her absence, by the majority of the Councillors present, or
- c) failing that, by the Chief Executive Officer.

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## General Business - Committee Charter

Version 3 – October 2024

## Controlled Document Information

## Authorisation Details

<b>Folder No:</b>	F2018/01117	<b>TRIM Record No:</b>	D11691899
<b>Audience:</b>	Council Wide - Councillors and Council staff		
<b>Department:</b>	Communications & Corporate Strategy		
<b>Officer:</b>	Coordinator Council Liaison – Amber Murray		
<b>Review Timeframe:</b> Max < 4 years	4 years	<b>Next Scheduled Review Date:</b>	31 October 2028
<b>Authorisation:</b>			
<b>Committee Business Paper TRIM No:</b>		<b>Authorisation – Council Adoption Date:</b>	

## Related Document Information, Standards &amp; References

<b>Related Legislation:</b>	(Legislation Name) Local Government Act 1993 Local Government (General) Regulation 2021	(Relationship/Context) Council's authority to undertake works and services and ability to delegate authority
<b>Related Policies (Council &amp; Internal):</b>	(Policy Name) Code of Conduct for Councillors Code of Conduct - Council Officials Code of Conduct - Staff Code of Meeting Practice	(Relationship/Context) Standards and procedures for General Business Committee
<b>Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:</b>	(Document Name) Nil	(Relationship/Context) N/A
<b>Standards COP's &amp; Other References</b>	(Standard, COP or Other References) Nil	(Relationship/Context) N/A

## Definitions

Term / Abbreviation	Definition
Nil	

## Consultation (update for each version created)

<b>Key Departments, Teams, Positions, Meetings:</b>	Communications and Corporate Strategy
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## Version History

Version No	Date Changed	Modified By	Details and Comments
1	June 2018	Dan Hughes	Creation and approval of Standing Committee charter.
2	January 2022	Loren Cousins	New template and other updates to reflect changes to the Local Government (General) Regulation 2021, Model Code of Meeting Practice for Local Councils in NSW and Code of Meeting Practice and editorial and stylistic changes.
3	October 2024	Amber Murray	Minor changes for consistency with writing style guide.

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Lake Macquarie City Council

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**24SP061**

Countback options for Councillor vacancies

<b>Key focus area</b>	7. Shared decision-making
<b>Objective</b>	7.2 We know how and why decisions are made
<b>File</b>	F2024/00417 - D11357777
<b>Author</b>	Coordinator Council Liaison - Amber Murray
<b>Responsible manager</b>	Manager Communications and Corporate Strategy - Jacqueline Smith

## Executive summary

Local government elections were held on 14 September 2024 to elect the Mayor and Councillors. This report seeks Council's resolution to fill any casual vacancies in the office of a Councillor in the next 18 months by a countback election.

### Recommendation

Council:

- A. declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary Council election on 14 September 2024 are to be filled by a countback of votes cast at that election in accordance with section 291A(1)(b) of the *Local Government Act 1993*, and
- B. requests the Chief Executive Officer to notify the NSW Electoral Commissioner of Council's decision within seven days of the decision.

## Context

Under section 291A(1)(b) of the *Local Government Act 1993*, Council can resolve to fill a Councillor casual vacancy within 18 months of the last Ordinary election through a countback election. This decision can only be determined at the first Ordinary meeting of Council following a local government election.

## Discussion

The Mayor and Councillors have been elected for a term of Council which extends until the next local government elections, scheduled for 9 September 2028.

Under section 234 of the *Local Government Act 1993* (the Act), casual vacancies in the civic office of Councillor may occur for a range of reasons.

If a casual vacancy occurs during a term, the Act provides a range of approaches that can be used to deal with that vacancy. The default approach for Councillor vacancies is a by-election, which is an election held when required outside of the legislated four-year schedule. However, the Act provides an option to use a 'countback' to fill Councillor vacancies that occur in the first 18 months following the election. The countback is run using data from the ballot papers of the last ordinary election. This option avoids the administrative and financial impact of a by-election.



The countback option is not available for a vacancy in the office of Mayor, with a by-election required to fill the casual. Should a casual vacancy occur within 18 months of the next ordinary election, the NSW Governor would appoint a Councillor nominated by the Council. If Council did not nominate a Councillor, the Governor may appoint one of the current Councillors to the office for the remainder of the term.

The option for a countback election is only available if Council adopts this approach at its first meeting following the election.

The countback process is outlined in Schedule 9A of the *Local Government (General) Regulations 2021* as follows:

1. After a casual vacancy occurs, the Electoral Commissioner is notified within seven days of it occurring.
2. A returning officer is appointed within 14 days of the notification of the vacancy. The returning officer must be appointed from the same agency as conducted the most recent election (in this case, the NSW Electoral Commission).
3. Within 14 days of their appointment, the returning officer contacts all unelected candidates from the local government ordinary election who may still qualify to be elected to the office of Councillor.
4. Where a candidate is interested, they must submit a formal application to the returning officer. All candidates who submit an application and do not withdraw it, become eligible candidates. The application period closes after 10 days of the notices being issued.
5. The countback is conducted using preference data from ballot papers and the same proportional representation method from the previous local government ordinary election. The returning officer makes the vacating Councillor ineligible and distributes that candidate's ballot to their next preference on the ballot paper.
6. This process is re-run until an eligible candidate is elected and results declared. A countback election must be completed within 49 days of the casual vacancy occurring.

If there are no eligible candidates, a by-election must be held. If there is only one eligible candidate, that candidate is elected.

During the countback process, a sitting Councillor cannot be unelected, and non-eligible candidates cannot be elected.

If Council determines not to use the countback option and a casual vacancy occurs in the first 18 months of the new term, a by-election will be required to be held on a Saturday less than three months after the vacancy occurs.

Federal and State elections are scheduled for 2025 and 2027 respectively. A countback election will maintain community sentiment and uphold their democratic voice without having to physically attend a by-election and cast an additional ballot.

## **Community engagement and internal consultation**

The NSW Electoral Commission, Council's Executive and General Counsel were consulted in the preparation of this report.

## Assessment of options

To be able to fill a casual vacancy by countback of votes within 18 months of the election, Council must resolve to do so at its first ordinary meeting after the ordinary election. The legislation does not allow Council to defer this decision.

If Council adopts the recommendation, a countback is then required to be used to fill any Councillor vacancy which arises within 18 months of 14 September 2024. It is not open to Council to decide to use a by-election at the time a casual vacancy arises. A by-election would only be available if the casual vacancy cannot be filled after completing the countback process.

If Council does not adopt the recommendation, any casual vacancies within 18 months of the election will be required to be filled via by-election. A by-election requires a complete election service to be provided and would be more expensive than a countback election.

## Next steps

If Council approves the recommendation and a Councillor casual vacancy occurs within the first 18 months of the September 2024 election, the NSW Electoral Commission will conduct a countback election.

## Key considerations

### Economic

None.

### Environment

None.

### Community

The recommendation seeks to meet community expectations about democratic processes for electing civic leaders. A countback election would adopt the preferences of the community as expressed in the most recent ordinary local government election.

### Civic leadership

The recommendation will assist Council to operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct in accordance with law.

### Financial

Council budgets for election expenditure based on the ordinary election cycle (every four years) and includes funding into an election reserve for this purpose. As local government election costs have been expended for the September 2024 election, the election reserve has limited funding available in early stages of the Council term, increasing each year. The election reserve budget does not include funding for by-elections, and additional funding would be required if a Councillor vacancy were to occur and by-election process was required.

The NSW Electoral Commission has estimated that a countback election would cost approximately \$50,000 while a by-election would cost about 75 per cent of an ordinary election (in the order of \$1 million). A countback election provides a lower cost option than a by-election should a casual vacancy arise in the first 18 months.

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### Infrastructure

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None.

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### Compliance

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The recommendation addresses risks such as harm to the organisation's reputation and relationship with the community. It also ensures legal compliance and delivers outcomes in line with our risk appetite.

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## Legislative and policy considerations

*Local Government Act 1993*

*Local Government (General) Regulation 2021*

## Attachments

*Nil.*

<b>24SP062</b>	Councillor nomination and charter review for Audit, Risk and Improvement Committee
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<b>Key focus area</b>	7. Shared decision-making
<b>Objective</b>	7.2 We know how and why decisions are made
<b>File</b>	F2024/00419 - D11700052
<b>Author</b>	Risk and Compliance Lead - Jane Lulham, Governance and Privacy Lead - Loren Cousins
<b>Responsible manager</b>	Executive Manager Integrity and Risk - Martene Archer
<b>Previous items</b>	16SP055 - Establishment of an Audit, Risk and Improvement Committee - Ordinary Council - 25 Jul 2016 7.00pm 23SP073 - Audit, Risk and Improvement Committee Charter - Ordinary Council - 23 Oct 2023 6.30pm

## Executive summary

The purpose of this report is to provide the Audit, Risk and Improvement Committee (ARIC) Charter to Council for adoption, and to seek the appointment of one Councillor as a non-voting member of the ARIC.

### ***Recommendation***

Council:

- A. rescinds the existing Audit, Risk and Improvement Committee Charter – version 3,
- B. approves the Audit, Risk and Improvement Committee Charter – version 4 (Attachment 1), and
- C. appoints one Councillor as the Councillor member of the Audit Risk and Improvement Committee for the Council term.

## Context

Council has had an established ARIC since 2016 (16SP055).

The ARIC Charter sets out the committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

The current ARIC Charter - adopted by Council in October 2023 (23SP073) - aligns with the model terms featured in the Office of Local Government (OLG) Guidelines for Risk Management and Internal Audit for Local Government in NSW (the Guidelines).

## Discussion

### **Revised Audit, Risk and Improvement Committee Charter**

The charter is reviewed annually by the committee and at least once each Council term by the Council.

The revised Audit, Risk and Improvement Committee Charter is provided at Attachment 1. The revised charter aligns with the model terms developed by the OLG and includes minor updates which aim to support committee operations and effectiveness. Attachment 2 provides tracked changes from version 3 to version 4.

The committee has reviewed the charter and feedback received from ARIC members has been incorporated.

### **Councillor member nomination**

One Councillor member is to be appointed by Council at the first Council meeting after the ordinary election. The Councillor member's term ends at the end of the Council term.

The initial term of a Councillor member of ARIC is four years, coinciding the with Council term. The Councillor member can be reappointed for another four-year term, if re-elected at Council's next ordinary election, but the total period of continuous membership on the committee cannot exceed eight years.

Nominations for councillor member should reflect the considerations for councillor members set out in the Guidelines. Key skillsets under the Guidelines include:

- a capacity to understand the ethical requirements of government (including potential conflicts of interest)
- a good understanding of one or more of the following: risk management, performance management, human resources management, internal and external auditing, financial reporting, reading financial statements, accounting, management control frameworks, internal financial controls, governance (including planning, reporting and oversight), or business operations
- a capacity to form independent judgements and willingness to constructively challenge/question management practices and information
- a professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of a councillor member of an audit, risk and improvement committee, and
- preparedness to undertake any training on the operation of audit, risk and improvement committees recommended by the chairperson based on their assessment of the skills, knowledge and experience of the councillor member.

The Mayor cannot be appointed as a Councillor member.

### **Community engagement and internal consultation**

The ARIC reviewed the charter at the committee meeting held on 13 August 2024.

### **Assessment of options**

The recommendation will enable Council to meet the requirements under the *Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023* and ARIC Charter.

## Key considerations

### Economic

None.

### Environment

The committee independently reviews and advises on aspects of Council's system of risk management including environmental risks.

### Community

The ARIC independently reviews and advises on aspects of Council's operations including implementation of the Community Strategic Plan, Delivery Program and strategies, Council's service delivery and service reviews.

### Civic leadership

The committee is an important accountability mechanism providing the Lake Macquarie community with valuable insight into the performance of Council.

### Financial

The committee provides an independent level of assurance around Council's financial and internal controls. The operations of the committee, including the payment of fees to independent members, are covered within existing budgets.

### Infrastructure

The committee independently reviews and advises on the effectiveness of Council's management of its assets.

### Compliance

The draft charter aligns with the intent of the model terms issued by the OLG to ensure compliance with legislative requirements.

## Legislative and policy considerations


*Local Government Act 1993 (NSW), section 428A*

*Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023*

Guidelines for Risk Management and Internal Audit for Local Government in NSW issued under the *Local Government Act 1993*, section 23A

## Attachments

- |   |           |
|---|-----------|
| 1. Recommended to be adopted: Audit, Risk and Improvement Committee Charter – version 4                                     | D11733737 |
| 2. Recommended to be rescinded: Audit, Risk and Improvement Committee Charter – version 3 with tracked changes to version 4 | D11741194 |

	<p style="text-align: center;"><b>Charter</b></p> <p style="text-align: center;"><b>Audit, Risk and Improvement Committee</b></p>	
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## Purpose of this charter

The purpose of this charter is to facilitate the operation of Council's Audit, Risk and Improvement Committee (the committee). The charter is prepared and approved by Lake Macquarie City Council (Council) pursuant to the *Local Government (General) Regulation 2021* and the Departmental Chief Executive's Guidelines for Risk Management and Internal Audit for Local Government in NSW (the guidelines).

## Introduction

The committee is established by Council in accordance with section 428A of the *Local Government Act (1993)* (the LG Act). The committee has an advisory and assurance role only and does not have executive powers or authority over administrative functions, nor delegated financial responsibilities or any management functions of the Council.

The committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its charter to facilitate decision making by the organisation in relation to the discharge of its responsibilities.

## Objectives

In accordance with section 428A of the LG Act, the role of the committee is to review and provide independent advice to Council regarding the following aspects of Council operations:

- compliance
- risk management
- fraud control
- financial management
- governance
- implementation of the Community Strategic Plan, Delivery Program and strategies
- service reviews
- collection of performance measurement data by the Council
- internal audit.

The committee's specific responsibilities under section 428A of the LG Act are outlined in Schedule 1 to this charter.

## Authority

Council authorises the committee to:

- perform activities within this charter as the committee deems relevant and necessary
- review the internal and external auditor's annual audit plans and the outcomes/results of all audits undertaken
- seek any information or advice it requires from Council via the Chief Executive Officer (CEO)
- formally meet with management, and internal and external auditors as necessary
- seek resolution on any disagreements between management and the external audits on financial reporting.

## Composition

The committee will comprise of an independent chair, at least two independent members, and one Councillor.

Council will appoint committee members.

The Councillor member is appointed for each term of Council, by Council, or as otherwise determined by Council.

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**Audit, Risk and Improvement Committee - Charter****Version 4 - DRAFT**

Independent members will be appointed by public expression of interest run by Council's Committee Appointment Panel and must meet the independence and eligibility criteria prescribed in the guidelines. The Committee Appointment Panel is comprised of the Mayor, the CEO and Chief Financial Officer.

The Chair will be an independent member appointed to the role of Chair by the Committee Appointment Panel. The committee is authorised to appoint an Acting Chair, from the independent members, when required.

The members of the committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Council including expertise in accounting or financial management and an understanding of accounting and auditing standards in a local government environment. The Chair in consultation with the CEO and Mayor may invite any other person to assist the deliberations of the committee by attending either for particular items or for entire meetings.

Members will be appointed for up to a four-year term and can be reappointed for one further term providing the total period of continuous membership does not exceed eight years. Reappointment or extension of an independent member is subject to assessment of their performance and compliance with the independence and eligibility requirements.

Independent members will be remunerated at a rate set by Council, taking into consideration the time, inclusive of expenses, commitment and responsibility involved in serving on the committee.

New members will receive relevant information and briefings on their appointment to assist them to meet their committee responsibilities.

Members unable to complete their term or not seeking reappointment should give a minimum eight weeks' notice to the CEO.

Committee membership will be terminated where an independent member ceases to meet eligibility or independence criteria or has:

- breached the Council's Code of Conduct
- performed unsatisfactorily or not to expectations.
- been declared bankrupt or found to be insolvent.
- been proven to be in a serious breach of their obligations under any legislation, or
- declared, or is found to be in, a position of a conflict of interest which is unresolvable.

The position of the councillor member on the committee can be terminated at any time by the elected Council via resolution.

## **Meetings**

The committee will meet at least four times a year, with authority to convene additional meetings as circumstances require. Additional meetings may be called by the Chair or at the request of the CEO.

A quorum will consist of a majority of members.

Committee meetings are closed to the public.

The CEO will facilitate the meetings of the committee and invite members of management, internal and external auditors or others to attend meetings as observers and to provide pertinent information, as necessary. The CEO will appoint Council employee/s to provide secretariat support to the committee.

Meetings can be held in person, by telephone or videoconference.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the committee each year. The forward meeting plan will cover all committee responsibilities as detailed in this charter over a four-year period, aligned with the Council term.

Meeting agendas will be prepared and provided to members one week before each meeting, along with appropriate briefing materials.

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Minutes will be taken at each meeting. Minutes will be approved by the Chair and presented to the subsequent meeting for confirmation.

The committee can hold closed meetings whenever it needs to discuss confidential or sensitive issues with the CEO.

## **Responsibilities of members**

### **Responsibilities of independent members**

Independent members are expected to understand and observe the requirements of the guidelines, and also expected to:

- make themselves available to attend and participate in meetings.
- contribute the time needed to review and understand information provided.
- apply good analytical skills, objectivity and judgement.
- act in the best interests of Council.
- express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of enquiry.
- maintain effective working relationships with Council.

### **Responsibilities of Councillor members**

The role of the Councillor member is to:

- relay to the committee any concerns the elected Council may have regarding Council and issues being considered by the committee.
- provide insights into local issues and the strategic priorities of Council that would add value to the committee's consideration of agenda items.
- advise the elected Council (as necessary) of the work of the committee and any issues arising from it.
- assist the elected Council to review the performance of the committee.

Issues or information the Councillor member raises with or provides to the committee must relate to the matters listed in Schedule 1 and issues being considered by the committee.

## **General conduct**

Independent committee members are required to comply with Council's Code of Conduct.

Committee members must declare any conflict of interest at the start of each meeting or before discussion of a relevant agenda item or topic and, where appropriate, excuse themselves from participating in committee deliberations.

Once a year, committee members must provide written declarations to the Council confirming they do not have any conflicts of interest that would preclude them from being members of the committee. Independent committee members are 'designated persons' for the purposes of the Code of Conduct and must also complete and submit returns of their interests.

## **Reporting and assessment**

The committee will provide an update to the elected Council and the CEO of activities and opinions:

- quarterly, after each regular committee meeting.
- annually on the committee's work and its opinion on how the Council is performing.
- at the end of the Council term, providing a comprehensive assessment of the matters listed in Schedule 1.

Council will undertake an external review of the effectiveness of the committee's performance once each Council term in conformance with the International Professional Practice Framework.

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## Review of this charter

These terms of reference must be reviewed annually by the committee and once each Council term by the elected Council. Any substantive changes are to be approved by the elected Council.

## Schedule 1 - Roles and responsibilities

### 1. Internal audit

- 1.1 Review with management and the internal auditor the charter, activities, and resourcing of the internal audit function.
- 1.2 Review and approve the annual internal audit plan.
- 1.3 Monitor that the internal auditor's annual plan is linked with and covers the material business risks.
- 1.4 Monitor processes and practices to ensure the independence of the internal audit function is maintained.
- 1.5 Review all internal audit reports and provide advice to Council on significant issues identified in audit reports and action to be taken on issues raised, including identification and dissemination of good practice.
- 1.6 Monitor management's implementation of internal audit recommendations.
- 1.7 Periodically review the performance of the internal audit function.

### 2. External audit

- 2.1 Note the external auditor's proposed audit scope and approach for financial and performance audits, including any reliance on internal auditor activity.
- 2.2 Consider the findings and recommendations of relevant performance audits undertaken by the external auditor and ensure Council implements relevant recommendations.
- 2.3 Monitor processes and practices to ensure the independence of the external audit function is maintained.
- 2.4 Review all external audit reports and provide advice to Council on significant issues identified in audit reports and action to be taken on issues raised, including identification and dissemination of good practice.
- 2.5 Annually review the performance of external audit including the level of satisfaction with the external audit function.
- 2.6 Monitor management's implementation of external audit recommendations.

### 3. Risk management and fraud prevention

- 3.1 Monitor and provide advice on risk management systems and controls.
- 3.2 Review whether management has in place a current and comprehensive enterprise risk management framework for effective identification and management of Council's business and financial risks.
- 3.3 Review WHS risks and the effectiveness of implementation of Council's Safety Management System
- 3.4 Monitor and provide advice on fraud prevention systems to assist Council in ensuring it has appropriate processes and systems in place to detect, capture and effectively respond to fraud and improper activities.
- 3.5 Monitor and provide advice on systems and controls in relation to cyber security, including strategy, assets protection, testing and recovery.
- 3.6 Assess the impact of Council's risk management approach on Council's insurance arrangements.
- 3.7 Note and consider through regular reporting, information relating to WHS performance and major incidents and near misses; actual and potential fraud activity; legal claims; instances of non-conformance with laws and regulations; proposed changes to accounting policies; material, unusual accounting transactions and adjustments.
- 3.8 Consider whether a sound and effective approach has been followed in establishing Council's business continuity and emergency management planning arrangements, including whether plans have been periodically updated and tested.

### 4. Internal control

- 4.1 Review whether management's approach to maintaining an effective internal control framework is sound and effective.

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- 4.2 Review whether management has in place relevant policies and procedures, and that these are periodically reviewed and updated.
- 4.3 Review whether appropriate policies and procedures are in place for the management and exercise of delegations.

**5. Compliance**

- 5.1 Consider whether the appropriate processes are in place to assess compliance with relevant laws and regulations and the results of management's follow up of any instances of non-compliance.
- 5.2 Keep informed of the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other agencies) and monitor management's response to the findings.

**6. Financial management**

- 6.1 Monitor financial and investment performance, strategic commercial activities and financial sustainability including the Long-Term Financial Plan.
- 6.2 Review the Operational Plan and Budget and consider whether they adequately reflect Council's priorities and are consistent with information known to committee members.
- 6.3 Review the annual financial report and performance report of Council and consider whether it is complete, consistent with information known to committee members, and reflects appropriate accounting principles.
- 6.4 Assess the financial impact of strategic proposals, on budget and planning priorities and on resource and capital allocation.
- 6.5 Review with management and the external auditors all matters required to be communicated to the committee under the Australian Auditing Standards.

**7. Governance**

- 7.1 Review and advise Council regarding its governance framework.

**8. Strategic planning and performance data and measurement**

- 8.1 Review the framework for integrated, planning and reporting (IP&R) and the integration of the community's aspirations into Council's vision and long-term strategy.
- 8.2 Review and advise if appropriate reporting and monitoring mechanisms are in place to measure progress and outcomes against objectives including performance data collection and reporting.

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- 9.1 Review and advise if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance.
- 9.2 Provide advice on how Council can improve its service delivery and Council's performance of its business and functions generally.

**10. Reporting responsibilities**

Provide an update to the elected Council and the CEO of its activities and opinions:

- 10.1 quarterly, after each regular committee meeting.
- 10.2 annually on the committee's work and its opinion on how Council is performing.
- 10.3 following commencement of the guidelines, and prior to the end of each Council term, present an end of term report to a closed session of Council providing a comprehensive assessment on the matters listed in Schedule 1. Internal audit reports and external audit reports will not be made public.

**11. Other responsibilities**

- 11.1 Assess performance annually, relative to the committee's purpose, duties and responsibilities.
- 11.2 Annually assess the adequacy of the committee charter.
- 11.3 Undertake an external review of committee performance once each Council term.

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<b>Folder No:</b>	F2004/12078	<b>TRIM Record No:</b>	D11127702
<b>Audience:</b>	Council Wide - All of Council and Audit Risk and Improvement Committee members		
<b>Department:</b>	Executive Group		
<b>Officer:</b>	Risk and Compliance Lead - Jane Lulham		
<b>Review Timeframe:</b> Max < 4 years	Annually	<b>Next Scheduled Review Date:</b>	23 October 2025
<b>Authorisation:</b>			
<b>Committee Business Paper TRIM No:</b>		<b>Authorisation – Committee/Council Adoption Date:</b>	

**Related Document Information, Standards & References**

<b>Related Legislation:</b>	(Legislation Name) Local Government Act 1993 Local Government (General) Regulation 2021	(Relationship/Context) Overarching guidance on functions of local government.
<b>Related Policies (Council &amp; Internal):</b>	(Policy Name) Code of Conduct Internal Audit Charter Council policies	(Relationship/Context) Policies relevant to aspects of audit, risk management, financial accountability and performance improvement.
<b>Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:</b>	(Document Name)	(Relationship/Context)
<b>Standards COP's &amp; Other References</b>	(Standard, COP or Other References) Guidelines for risk management and internal audit for local government in NSW International Standards for the Professional Practice of Internal Auditing ISO31000:2018 – Risk Management Guidelines	(Relationship/Context) Specific guidance on leading practice relating to the committee.

**Definitions**

Term / Abbreviation	Definition
OLG	Office of Local Government

**Consultation (update for each version created)**

<b>Key Departments, Teams, Positions, Meetings:</b>	CEO, Executive, Chief Financial Officer, Internal Auditor, Executive Manager Integrity and Risk, and Audit, Risk and Improvement Committee.
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**Version History**

Version No	Date Changed	Modified By	Details and Comments
1	25 July 2016	Ross Gilshenan	New document

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2	September 2020	Dwight Graham, Martene Archer & Marilize VanderWesthuizen	Major update: a number of changes to align with: the new proposed change to the Local Government (General) Regulations 2005; the Office of Local Government discussion paper on the proposed regulations; and to realign the terms of independent members.
3	July 2023	Martene Archer & Jane Lulham	Major update to align with the intent of Office of Local Government Guidelines for Risk Management and Internal Audit for Local Government in NSW issued under section 23A of the Local Government Act 1993.
4	October 2024	Martene Archer & Jane Lulham	Annual review. Composition description updated to align with Office of Local Government Guidelines for Risk Management and Internal Audit for Local Government in NSW. Numbering to Schedule 1.

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## Purpose of this cCharter

The purpose of this cCharter is to facilitate the operation of Council's Audit, Risk and Improvement Committee (the committee). The charter is prepared and approved by Lake Macquarie City Council (Council) pursuant to the *Local Government (General) Regulation 2021* and the Departmental Chief Executive's Guidelines for fRisk mManagement and iInternal aAudit for Llocal gGovernment in NSW (the gGuidelines).

## Introduction

The committee is established by the-Council in accordance with section 428A of the *Local Government Act (1993)* (the LG Act). The committee has an advisory and assurance role only and does not have executive powers or authority over administrative functions, nor delegated financial responsibilities or any management functions of the Council.

The committee's role is to report to the-Council and provide appropriate advice and recommendations on matters relevant to its charter to facilitate decision making by the organisation in relation to the discharge of its responsibilities.

## Objectives

In accordance with section 428A of the LG Act, the role of the committee is to review and provide independent advice to the-Council regarding the following aspects of Council operations:

- compliance
- risk management
- fraud control
- financial management
- governance
- implementation of the Community Sstrategic pPlan, Ddelivery pProgram and strategies
- service reviews
- collection of performance measurement data by the Council, and
- internal audit.

The committee's specific responsibilities under section 428A of the LG Act are outlined in Schedule 1 to this cCharter.

## Authority

Council authorises the committee to:

- perform activities within this cCharter as the committee deems relevant and necessary.
- review the internal and external auditor's annual audit plans and the outcomes/results of all audits undertaken.
- seek any information or advice it requires from Council via the Chief Executive Officer (CEO).
- formally meet with management, and internal and external auditors as necessary.
- seek resolution on any disagreements between management and the external audits on financial reporting.

## Composition

The committee will comprise of an independent chair, at least two independent members, five members, four being independent and one Councillor.

The-Council will appoint committee members.

The Ccouncillor member is appointed for each term of Council, by Council, or as otherwise determined by the-Council.

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Independent members will be appointed by public expression of interest run by Council's Committee Appointment Panel and must meet the independence and eligibility criteria prescribed in the [gGuidelines](#). The Committee Appointment Panel is comprised of the Mayor, the CEO and Chief Financial Officer.

The Chair will be an independent member appointed to the role of Chair by the Committee Appointment Panel. The committee is authorised to appoint an Acting Chair, from the independent members, when required.

The members of the committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Council including expertise in accounting or financial management and an understanding of accounting and auditing standards in a local government environment. The Chair in consultation with the CEO and Mayor may invite any other person to assist the deliberations of the committee by attending either for particular items or for entire meetings.

Members will be appointed for up to a four-year term and can be reappointed for one further term providing the total period of continuous membership does not exceed eight years. Reappointment or extension of an independent member is subject to assessment of their performance and compliance with the independence and eligibility requirements.

Independent members will be remunerated at a rate set by Council, taking into consideration the time, inclusive of expenses, commitment and responsibility involved in serving on the committee.

New members will receive relevant information and briefings on their appointment to assist them to meet their committee responsibilities.

Members unable to complete their term or not seeking reappointment should give a minimum [eight](#)8 weeks' notice to the CEO.

Committee membership will be terminated where an independent member ~~does ceases not to~~ meet eligibility ~~or and~~ independence criteria or has:

- breached the Council's Code of Conduct
- performed unsatisfactorily or not to expectations.
- been declared bankrupt or found to be insolvent.
- been proven to be in a serious breach of their obligations under any legislation, or
- declared, or is found to be in, a position of a conflict of interest which is unresolvable.

The position of the councillor member on the committee can be terminated at any time by the elected Council via resolution.

## Meetings

The committee will meet at least four times a year, with authority to convene additional meetings as circumstances require. Additional meetings may be called by the Chair or at the request of the CEO.

A quorum will consist of a majority of members.

Committee meetings are closed to the public.

The CEO will facilitate the meetings of the committee and invite members of management, internal and external auditors or others to attend meetings as observers and to provide pertinent information, as necessary. The CEO will appoint ~~a~~-eCouncil employee/s to provide secretariat support to the committee.

Meetings can be held in person, by telephone or videoconference.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the committee each year. The forward meeting plan will cover all committee responsibilities as detailed in this [c](#)Charter over a four-year period, aligned with the Council term.

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Independent members are expected to understand and observe the requirements of the [Guidelines](#), and also expected to:

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The role of the ~~C~~councillor member is to:

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## Audit, Risk and Improvement Committee - Charter

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**4. Internal control**

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Audience:	Council Wide - All of Council and Audit Risk and Improvement Committee members		
Department:	Executive Group		
Officer:	Risk and Compliance Lead - Jane Lulham		
Review Timeframe: Max < 4 years	Annually	Next Scheduled Review Date:	23 October 2025 <sup>4</sup>
Authorisation:	Adopted by Council – 23 October 2023		
Committee Business Paper TRIM No:	D11286858	Authorisation – Committee/Council Adoption Date:	23 October 2023

### Related Document Information, Standards & References

Related Legislation:	(Legislation Name) Local Government Act 1993 Local Government (General) Regulation 2021	(Relationship/Context) Overarching guidance on functions of local government.
Related Policies (Council & Internal):	(Policy Name) Code of Conduct Internal Audit Charter Council policies	(Relationship/Context) Policies relevant to aspects of audit, risk management, financial accountability and performance improvement.
Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:	(Document Name)	(Relationship/Context)
Standards COP's & Other References	(Standard, COP or Other References) Guidelines for risk management and internal audit for local government in NSW International Standards for the Professional Practice of Internal Auditing ISO31000:2018 – Risk Management Guidelines	(Relationship/Context) Specific guidance on leading practice relating to the committee.

### Definitions

Term / Abbreviation	Definition
OLG	Office of Local Government

### Consultation (update for each version created)

Key Departments, Teams, Positions, Meetings:	CEO, Executive, Chief Financial Officer, Internal Auditor, Executive Manager Integrity and Risk, and Audit, Risk and Improvement Committee.
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### Version History

Version No	Date Changed	Modified By	Details and Comments
1	25 July 2016	Ross Gilshenan	New document

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**Audit, Risk and Improvement Committee - Charter****Version ~~34~~ - 23-October-2023****DRAFT**

2	September 2020	Dwight Graham, Martene Archer & Marilize VanderWesthuizen	Major update: a number of changes to align with: the new proposed change to the Local Government (General) Regulations 2005; the Office of Local Government discussion paper on the proposed regulations; and to realign the terms of independent members.
3	July 2023	Martene Archer & Jane Lulham	Major update to align with the intent of Office of Local Government Guidelines for Risk Management and Internal Audit for Local Government in NSW issued under section 23A of the Local Government Act 1993.
<u>4</u>	<u>October 2024</u>	<u>Martene Archer &amp; Jane Lulham</u>	<u>Annual review. Composition description updated to align with Office of Local Government Guidelines for Risk Management and Internal Audit for Local Government in NSW. Numbering to Schedule 1.</u>

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**Lake Macquarie City Council**

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**Special Reports of the Director of Organisational Services****Monday 14 October 2024**

<b>24SP063</b>	2024 Local Government NSW annual conference - Tamworth - 17-19 November - attendance, voting delegates and motions
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<b>Key focus area</b>	7. Shared decision-making
<b>Objective</b>	7.3 Partnerships between community, government and business benefit our city
<b>File</b>	F2024/00417/01 - D11358058
<b>Author</b>	Government Relations Lead - Madison Boyd, Council Liaison Support Officer - Angela Lamb
<b>Responsible manager</b>	Manager Communications and Corporate Strategy - Jacqueline Smith

**Executive summary**

This report seeks nominations for attendees and voting delegates for the 2024 Local Government New South Wales (LGNSW) conference. It also seeks a determination from Council regarding its motions for the conference.

**Recommendation**

Council:

- A. nominates Lake Macquarie Mayor, Deputy Mayor and Councillors to attend the annual Local Government NSW Conference to be held in Tamworth from 17-19 November 2024,
- B. nominates six voting delegates by ordinary ballot if required, in addition to the Mayor, for the business session, and
- C. endorses the proposed motions at Attachments 1 and 2 to be submitted for the 2024 LGNSW conference.

**Context**

LGNSW is an association representing New South Wales local councils and members. Their role is to support, promote, advocate for, and represent the local government sector to serve our communities.

The LGNSW conference is scheduled from 17-19 November (inclusive) in Tamworth. LGNSW is an independent organisation, which provides advocacy, representation and support to help member councils across NSW deliver improved services, and better outcomes to their local communities.

The LGNSW conference is designed as a key policy-making event and provides an opportunity for councils across NSW to come together to debate and discuss key issues, and to work towards a better future in NSW.

## Discussion

LGNSW has invited councils to submit motions for possible debate at the conference. Motions debated and resolved at the conference set LGNSW's advocacy priorities for the year ahead.

Submitting motions is a good opportunity to put issues of concern or special interest on the state advocacy agenda and gain the backing of LGNSW and other councils. Motions selected for debate should reflect strategic local government issues that affect councils state-wide and introduce new or emerging policy.

The proposed motions address matters of significance for Lake Macquarie City, which also have state-wide importance.

### State-wide matter

1. Financial impact for councils and residents disposing waste and debris following storm events not classified as a natural disaster.

### Local significance

The NSW State Emergency Service (SES) provides a vital service and assistance to Lake Macquarie City, however, there are no ongoing agreements between NSW SES and Council to remove green waste or other debris following a storm event that has not met the criteria of a natural disaster. This means residents are currently required to find their own means to remove and dispose of vegetation and debris material.

Council has identified an opportunity to expand how the NSW Government can assist the community during and following storm events by providing additional assistance or exemptions to alleviate the cost burden to impacted households.

2. Complexities with the existing regulatory framework to allow for the adaptive reuse of post-mining land.

Lake Macquarie City is home to two operational underground coal mines and the Eraring Power Station, Australia's largest power station, which is scheduled for closure in 2027.

Coal mining and coal fired energy generation directly employ an estimated 1800 people, contributing approximately 15 per cent of the local economic output. These industries have been stable supporters of high-income jobs and local supply chains in the city for more than 100 years. Due to this legacy, there is an estimated 62km<sup>2</sup> of former and current coal mining surface land area in the city. This constitutes 9.5 per cent of the total LGA land area and represents a significant opportunity for pursuing alternative land uses.

## Community engagement and internal consultation

Councillors, Executive, the Communications and Corporate Strategy department and the Governance Portfolio have been consulted on attendance and voting delegations for the conference.

Councillors, Executive and managers across all Council departments were invited to submit motions or ideas for motions. Council staff contributed to the drafting of the motions.

## Assessment of options

Council's Payment of Expenses and Provision of Facilities to Councillors Policy provides for Council representation at the LGNSW Conference and requires approval of all Councillor attendance.

Council may determine additional or alternate delegates to attend the LGNSW conference or decline to nominate any attendees.

Council is entitled to a maximum of seven voting delegates (including the Mayor) for the conference. If more than seven attendees are approved to attend, Council must then decide the voting delegates. Should more than six Councillors express interest in voting, it is recommended the selection of Councillors be by ordinary (closed) ballot.

Proposed motions submitted by Council will be considered by LGNSW for inclusion in the conference business paper. Council may opt to endorse all, some or none of the proposed motions for submission.

## Key considerations

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### Economic

Attendance at the conference will provide an opportunity for Councillors to engage with peers and share information at a state level that will support the Lake Macquarie economy. Motion 2 is related to the city's economic development, supporting industry and workforce diversification.

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### Environment

Motion 2 is related to a pathway forward for the adaptive reuse of mining-related sites to avoid environmental impacts associated with developing greenfield sites.

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### Community

Attendance at the conference will provide an opportunity for Councillors to access knowledge to strengthen partnerships for the Lake Macquarie community.

Motion 1 advocates for additional support for residents to remove green waste or other debris following a storm event that has not met the criteria of a natural disaster.

Motion 2 recognises that by repurposing mining and energy-generating lands, communities will benefit from potential housing solutions, job creation and the emergence of new industries, thereby diversifying local economies.

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### Civic leadership

The conference facilitates networking between key agencies, organisations, other councils and peak bodies in local government across NSW. Council's presence allows us to take a role in discussion and debate on matters of significance to local government and the communities they serve.

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**Financial**

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The cost of one Councillor to attend the conference in person is approximately \$2000 for the full event. This is inclusive of travel, accommodation and registration. The Payment of Expenses and Provision of Facilities to Councillors Policy provides that Council will pay up to \$20,000 for total Councillor representation at the LGNSW Conference. If more than 10 Councillors nominate to attend, funding would be reallocated in the December review.

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**Infrastructure**

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A favourable response to motion 2 could influence achieving a streamlined pathway for infrastructure on former mining-related sites in NSW.

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**Compliance**

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None.

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**Legislative and policy considerations**

Payment of Expenses and Provision of Facilities to Councillors Policy

**Attachments**

- |    |  |           |
|----|--|-----------|
| 1. | Motion 1 - LGNSW 2024 conference - SES agreement   | D11733607 |
| 2. | Motion 2 - LGNSW 2024 conference - Streamlining the pathway for timely adaptive reuse of mining-related sites in NSW | D11733634 |

**2024 NSW LOCAL GOVERNMENT CONFERENCE****Motion 1**

**Council:** Lake Macquarie City Council

**Motion Category:**

Social and community policy

**Motion Title:** Ongoing funding agreement and dialogue with the NSW State Emergency Service (SES).

**Motion wording:**

That the NSW Government commits to investigating opportunities to better support councils across NSW and local residents by covering the costs associated with removing storm debris generated as a result of SES attendance and clean up after events that do not meet the criteria of a natural disaster.

**Motion background**

The NSW State Emergency Service (SES) provides a vital service and assistance to Lake Macquarie and communities across the state. In the event of a natural disaster, councils across NSW including Lake Macquarie City Council work with the NSW SES, emergency services and other agencies to provide disaster response and recovery assistance. If a significant event occurs, a Natural Disaster Exemption from the waste levy arising from the event may be issued by the Environmental Protection Agency. This exemption allows residents to dispose of flood and storm affected waste at the landfill for a reduced fee.

However, there is a gap in the level of support provided to residents following a local storm event that has not met the criteria of a natural disaster. In this case there are no ongoing agreements between NSW SES and local councils across NSW to remove green waste or other debris. SES attend to make safe and clean up only, and residents are currently required to find their own means to remove and dispose of vegetation and debris material. There is an opportunity to expand how the NSW SES and NSW councils can assist the community during and following storm events and provide additional assistance or exemptions to alleviate the cost burden to impacted households.

**2024 NSW LOCAL GOVERNMENT CONFERENCE****Motion 2****Council:** Lake Macquarie City Council**Motion Category:**

Planning, housing and building regulation policy

**Motion Title:** Streamlining the pathway for timely adaptive reuse of mining-related sites in NSW.**Motion wording:**

That the NSW Government continues the work of the recent inquiry into beneficial and productive post-mining land use to establish a regulatory environment allowing for the adaptive reuse of mining-related sites that balances future employment generation and environmental stewardship.

**Motion background**

Adaptive reuse of post-mining landscapes presents a strategic opportunity for transitioning communities. By repurposing disturbed mining and energy-generating lands, communities can avoid the environmental impact of developing untouched greenfield sites. This approach aligns with sustainable development goals and supports housing solutions, job creation, and the emergence of new industries, thereby diversifying local economies.

The NSW government has acknowledged the importance of this issue with the establishment of an "Inquiry into beneficial and productive post-mining land use". Multiple hearings and submissions highlight the complexity of the existing system and disconnection between landowners, mining lease holders and future land use opportunities.

It is often at the discretion of the mining leaseholder to initiate an alternative land use, and leaseholders may lack incentives to deviate from established consent conditions due to the associated risks. This situation can hinder the implementation of adaptive reuse strategies within a reasonable timeframe or uses that are relevant to a modern land use. Notably, successful projects like Black Rock Motor Resort in Lake Macquarie have progressed primarily due to the determination of the proponents, underscoring the need for a more streamlined and supportive regulatory framework.

The NSW Government's role is pivotal in facilitating the transition of mining-related lands to new uses. It must act as a custodian, ensuring active transition is encouraged and allowing a pathway where proponents other than miners have a pathway to achieve adaptive reuse. Mining companies, as key stakeholders, must be encouraged to participate actively in this process, so that new opportunities can be pursued for these lands.