



northern
beaches
council

AGENDA

Notice is hereby given that an Extraordinary Northern Beaches Council Meeting will be held in the Council Chambers at the Civic Centre, Dee Why on

Tuesday 8 October 2024

Beginning at 6.00 pm for the purpose of considering and determining matters included in this agenda.

Scott Phillips
Chief Executive Officer

OUR VISION

Delivering the highest quality service valued and trusted by our community

OUR VALUES

Trust Teamwork Respect Integrity Service Leadership

OUR OBLIGATIONS

I swear/solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Northern Beaches and the Northern Beaches Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

ORDER OF BUSINESS

1.0	ACKNOWLEDGEMENT OF COUNTRY	
2.0	OATH / AFFIRMATION OF OFFICE	
3.0	CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS	5
3.1	Election of Mayor.....	5
3.2	Election of Deputy Mayor	10
4.0	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE	
5.0	DISCLOSURES OF INTEREST	
6.0	PUBLIC ADDRESS	
7.0	ITEMS RESOLVED BY EXCEPTION	
8.0	CORPORATE SERVICES DIVISION REPORTS	15
8.1	2025 Ordinary Council meeting schedule	15
8.2	Review of Delegation of Authority to Chief Executive Officer	17
8.3	Establishment of the Performance Review Panel - Chief Executive Officer	21
8.4	Method to Fill Casual Vacancies - Councillors.....	24
8.5	Councillor Fees	27
8.6	Public Exhibition - Councillor Expenses and Facilities Policy.....	31
8.7	Council Ward Boundary Review	34
8.8	Appointment of Committee Members	36
8.9	Voting Delegates for Local Government NSW Annual Conference 2024.....	41
8.10	Outcome of Public Exhibition - Code of Meeting Practice	44
8.11	Tabling of Designated Persons Returns 2023/24.....	47

1.0 ACKNOWLEDGEMENT OF COUNTRY

As a sign of respect, Northern Beaches Council acknowledges the traditional custodians of these lands on which we gather and pays respect to Elders past and present.

2.0 TAKING OF OATHS AND AFFIRMATIONS

Councillors are to take an oath or affirmation of office in accordance with the *Local Government Act 1993*.

Oath	Affirmation
<p>I swear that I will undertake the duties of the office of councillors in the best interests of the people of the Northern Beaches and Northern Beaches Council and that I will faithfully and impartially carry out the functions, power, authorities and discretions vested in me under the <i>Local Government Act 1993</i> or any other Act to the best of my ability and judgment.</p>	<p>I ... solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillors in the best interests of the people of the Northern Beaches and Northern Beaches Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the <i>Local Government Act 1993</i> or any other Act to the best of my ability and judgment.</p>

3.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 3.1 ELECTION OF MAYOR

PURPOSE

The purpose of this report is to facilitate an election for the Mayoral term of office from October 2024 to September 2026.

EXECUTIVE SUMMARY

- Council is required to hold an election for the office of Mayor for the October 2024 to September 2026 Mayoral term.
- Should more than one valid nomination be received for the office of Mayor an election will be conducted by the method determined by the Council.
- Secret votes (ordinary ballot or preferential ballot) are not able to be conducted by remote audio-visual methods.
- In the event some Councillors are granted approval by Council to participate in the Council meeting by remote audio-visual link, the most practicable method will be to conduct the election by open voting.

RECOMMENDATION

That:

1. Nominations be called for candidates for the office of Mayor.
2. Council determine the method of voting for the election of the Mayor to be conducted by one of the following methods:
 - a. Open voting
 - b. Ordinary ballot
 - c. Preferential ballot
3. The election of the Mayor for the Mayoral term ending September 2026 be held in accordance with the provisions of the Local Government (General) Regulation 2021.

BACKGROUND

Section 225 of the *Local Government Act, 1993* (the Act) requires a council to have a Mayor and the Northern Beaches Council must elect its Mayor in accordance with section 227(a) of the Act, that is, the Council itself is to elect one of its members to the office of Mayor. Under section 230(1), a Mayor elected by Councillors holds the office of Mayor for 2 years, subject to the Act.

Councils that elect their mayors are required under the Act to hold mid-term mayoral elections in the month of September. This means that the next mid-term mayoral election will be held in September 2026.

DISCUSSION

Conducting the election of the Mayor

A nomination for the office of Mayor (Attachment 1) 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.

In accordance with Schedule 7 of the Local Government (General) Regulation 2021, the general manager (Northern Beaches Council's Chief Executive Officer), or a person appointed by the general manager, is the returning officer. The returning officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

If only one Councillor is nominated, that Councillor is elected. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by:

- (a) open voting
- (b) ordinary ballot
- (c) preferential ballot.

The election is to be held at the Council meeting at which Council resolves on the method of voting. The returning officer is to conduct the ballot.

If the method is open vote this is to be conducted by a show of hands or similar means. If the method is by preferential or ordinary ballot, this will be conducted by a secret vote.

Secret votes are not able to be conducted by remote audio-visual methods, therefore in the event some Councillors are granted approval by the Council to participate in the Council meeting by remote audio-visual link, the most practicable method will be to conduct the election by open voting.

The below procedures are in accordance with the Act and the Office of Local Government's [Fact Sheet Election of Mayor and Deputy Mayor by Councillors](#).

Summary of Election Procedure

- Nomination papers are distributed to Councillors prior to the meeting (Attachment 1).
- Councillors will be called upon by the returning officer to submit their nomination papers.
- Nominations received will be read to the Council meeting by the returning officer who will ask if any of the candidates nominated wish to decline the nomination.
- If there are more candidates than one, an election will be carried out in accordance with the provisions of Schedule 7 of the Local Government (General) Regulation 2021.
- Councillors will resolve whether the election is to proceed by open voting, by ordinary ballot or by preferential ballot.
- If a secret ballot is required:
 - ballot papers will be prepared and distributed to Councillors for marking

- upon completion of marking of the ballot papers by Councillors, the ballot papers will be collected on behalf of the returning officer and the votes will be counted
- when the ballot or ballots, as required pursuant to the provisions of Schedule 7, have been completed and a result obtained, the returning officer will announce the results at the meeting.

Detailed Procedures for Election Methods

Open voting

An open vote will be conducted by a show of hands.

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

If there are 3 or more candidates, separate and continuing ballots are taken to exclude the candidate with the lowest number of votes, until only 2 candidates remain. Where only two candidates remain, the candidate with the higher number of votes is elected. If tied, the one elected is to be chosen by lot.

Ordinary ballot

If the election proceeds by ordinary ballot, the returning officer is to determine the manner in which votes are to be marked on the ballot papers.

The formality of a ballot paper must be determined in accordance with clause 345 of the Local Government (General) Regulation 2021.

An informal ballot paper must be rejected at the count.

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

If there are 3 or more candidates, separate and continuing ballots are taken to exclude the candidate with the lowest number of votes, until only 2 candidates remain. Where only two candidates remain, the candidate with the higher number of votes is elected. If tied, the one elected is to be chosen by lot.

Preferential ballot

Councillors are to mark their votes by placing the number '1' '2' and so on, against the listed candidates' names so as to indicate the order of their preference for all candidates.

An informal ballot-paper must be rejected at the count. The formality of a ballot paper is to be determined in accordance with section 345 of the Local Government (General) Regulation 2021.

If a candidate has an absolute majority of first preference votes, that candidate is elected.

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.

A candidate who then has an absolute majority of votes is elected. If no candidate has the absolute majority of votes, the candidate with the lowest number of votes is excluded. The preferences from the excluded candidate are distributed. The process continues until one candidate has received an absolute majority of votes.

Under the Regulation "absolute majority", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot papers.

Tied candidates

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.

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.

Explanation of choosing by lots

If a process is to be determined by lot then this refers to the selection of a candidate by the returning officer where the names of candidates are to be written on similar slips of paper, folded and mixed and selected randomly from a barrel.

FINANCIAL CONSIDERATIONS

The provision for an office of the Mayor is included within Council's existing operational budget.

GOVERNANCE AND RISK CONSIDERATIONS

The election of the Mayor is in line with sections 225 and 227 of the Act.

ENVIRONMENTAL CONSIDERATIONS

The election of the Mayor does not have an environmental impact.

SOCIAL CONSIDERATIONS

The civic responsibilities and community leadership role of the Mayor are outlined under section 226 of the Act.

Section 226 of the Act states that the role of the Mayor is as follows:

- (a) to be the leader of the council and a leader in the local community*
- (b) to advance community cohesion and promote civic awareness*
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities*
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council*
- (e) to preside at meetings of the council*
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act*
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council*
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council*
- (i) to promote partnerships between the council and key stakeholders*
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council*
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community*
- (l) to carry out the civic and ceremonial functions of the mayoral office*

(m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level

(n) in consultation with the councillors, to lead performance appraisals of the general manager

(o) to exercise any other functions of the council that the council determines.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome and Goal:

- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Governance & Risk
TRIM file ref	2024/269270
Attachments	⇒ 1 Nomination Form - Mayor (Included In Attachments Booklet)

ITEM 3.2 ELECTION OF DEPUTY MAYOR

PURPOSE

The purpose of this report is to consider the election of a Councillor to the office of Deputy Mayor for a term to be resolved by Council.

EXECUTIVE SUMMARY

- Council may decide whether to elect a Deputy Mayor and if so, the term of office.
- If Council decides to elect a Deputy Mayor, the person may be elected for the mayoral term (up to September 2026), or a shorter term.
- Should Council resolve to elect a Deputy Mayor and more than one valid nomination is received, an election will be conducted by the method determined by Council.
- Secret votes (ordinary or preferential ballot) are not able to be conducted by remote audio-visual methods.
- In the event some Councillors are granted approval by Council to participate in the Council meeting by remote audio-visual link, the most practicable method will be to conduct the election by open voting.

RECOMMENDATION

That Council:

1. Determine **whether** to elect a Deputy Mayor in accordance with section 231 of the *Local Government Act 1993* and for a term ending **September 2025 or September 2026**.
2. If required, nominations be called for candidates for the office of Deputy Mayor.
3. If required, determine the method of election for the Deputy Mayor to be conducted by one of the following methods:
 - a. Open voting
 - b. Ordinary ballot
 - c. Preferential ballot
4. Conduct any election of the Deputy Mayor in accordance with the provisions of the *Local Government (General) Regulation 2021*.

BACKGROUND

Section 231 of the *Local Government Act 1993* (the Act) provides that Council may elect one of its members as Deputy Mayor. The Deputy Mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

Should Council resolve to elect a Deputy Mayor, nominations shall be called for candidates for the office. If a Deputy Mayor is to be elected by the Councillors, the election is to be in accordance with Schedule 7 of the Local Government (General) Regulation 2021.

If Council decides to elect a Deputy Mayor, the person may be elected for the mayoral term, or a shorter term.

DISCUSSION

Conducting the Elections of the Deputy Mayor

A nomination for the office of Deputy Mayor is to be made in writing and endorsed 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.

In accordance with Schedule 7 of the Local Government (General) Regulation 2021, the general manager (Northern Beaches Council's Chief Executive Officer), or a person appointed by the general manager, is the returning officer. The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

If only one Councillor is nominated, that Councillor is elected. If more than one Councillor is nominated, the council is to resolve whether the election is to proceed by:

- (a) open voting
- (b) ordinary ballot
- (c) preferential ballot.

The election is to be held at the Council meeting at which the Council resolved on the method of voting. The returning officer is to conduct the ballot.

If the method is open vote this is to be conducted by a show of hands. If the method is by preferential or ordinary ballot, this will be conducted by a secret vote.

Secret votes are not able to be conducted by remote audio-visual methods, therefore in the event some Councillors are granted approval by the council to participate in the Council meeting by remote audio-visual link, the most practicable method will be to conduct the election by open voting.

The below procedures are in accordance with the Act and the Office of Local Government's [Fact Sheet](#) *Election of Mayor and Deputy Mayor by Councillors*.

Summary of Election Procedure

- Nomination papers are distributed to Councillors prior to the meeting (Attachment 1).
- Councillors will be called upon by the returning officer to submit their nomination papers.
- Nominations received will be read to the council meeting by the returning officer who will ask if any of the candidates nominated wish to decline the nomination.
- If there are more candidates than one, an election will be carried out in accordance with the provisions of Schedule 7 of the Local Government (General) Regulation 2021.
- Councillors will resolve whether the election is to proceed by open voting, by ordinary ballot or by preferential ballot.

- If an ordinary ballot or preferential ballot is required:
 - ballot papers will be prepared and distributed to Councillors for marking
 - upon completion of marking of the ballot papers by Councillors, the ballot papers will be collected on behalf of the returning officer and the votes will be counted
 - when the ballot or ballots, as required pursuant to the provisions of Schedule 7, have been completed and a result obtained, the returning officer will announce the results at the meeting.

Detailed Procedures for Election Methods

Open voting

An open vote will be conducted by a show of hands.

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

If there are 3 or more candidates, separate and continuing ballots are taken to exclude the candidate with the lowest number of votes, until only 2 candidates remain. Where only two candidates remain, the candidate with the higher number of votes is elected. If tied, the one elected is to be chosen by lot.

Ordinary ballot

If the election proceeds by ordinary ballot, the returning officer is to determine the manner in which votes are to be marked on the ballot papers.

The formality of a ballot paper must be conducted in accordance with section 345 (1) (b) and (c) of the Local Government (General) Regulation 2021.

An informal ballot paper must be rejected at the count.

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

If there are 3 or more candidates, separate and continuing ballots are taken to exclude the candidate with the lowest number of votes, until only 2 candidates remain. Where only two candidates remain, the candidate with the higher number of votes is elected. If tied, the one elected is to be chosen by lot.

Preferential ballot

Councillors are to mark their votes by placing the number '1' '2' and so on, against the listed candidates' names so as to indicate the order of their preference for all candidates.

An informal ballot-paper must be rejected at the count. The formality of a ballot paper is to be determined in accordance with section 345 of the Local Government (General) Regulation 2021.

If a candidate has an absolute majority of first preference votes, that candidate is elected.

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.

A candidate with an absolute majority of votes is elected. If no candidate has the absolute majority of votes, the candidate with the lowest number of votes is excluded. The preferences from the excluded candidate are distributed. The process continues until one candidate has received an absolute majority of votes.

Under the Regulation "absolute majority", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot papers.

Tied candidates

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.

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.

Explanation of choosing by lots

If a process is to be determined by lot then this refers to the selection of a candidate by the returning officer where the names of candidates are to be written on similar slips of paper, folded and mixed and selected randomly from a barrel.

FINANCIAL CONSIDERATIONS

The provision for an office of Deputy Mayor is included within Council’s existing operational budget.

GOVERNANCE AND RISK CONSIDERATIONS

The election of the Deputy Mayor is in line with section 231 of the *Local Government Act 1993*.

ENVIRONMENTAL CONSIDERATIONS

The election of the Deputy Mayor does not have an environmental impact.

SOCIAL CONSIDERATIONS

Section 231 of the Act deals with the election and role of the Deputy Mayor.

Section 231(3) of the Act states that:

The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome and Goal:

- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Governance & Risk
TRIM file ref	2024/269296
Attachments	⇒ 1 Deputy Mayor Nomination Form (Included In Attachments Booklet)

4.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

In accordance with Part 6 of the Code of Meeting Practice, apologies must be received and accepted from absent Councillors and a leave of absence from the Council meeting may be granted.

5.0 DISCLOSURES OF INTEREST

In accordance with Part 17 of the Code of Meeting Practice, all Councillors must disclose and manage any conflicts of interest they may have in matters being considered at the meeting.

A councillor who has a **pecuniary interest** in any matter with which Council is concerned, and who is present at a meeting of Council at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

The councillor must not be present at, or in sight of, the meeting:

- a. at any time during which the matter is being considered or discussed, or
- b. at any time during which Council is voting on any question in relation to the matter.

A councillor who has a **significant non-pecuniary** conflict of interest in a matter under consideration at a Council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.

A councillor who determines that they have a non-pecuniary conflict of interest in a matter that is **not significant** and does not require further action, when disclosing the interest must also explain why the conflict is not significant and does not require further action in the circumstances.

6.0 PUBLIC ADDRESS

In accordance with Part 5 of the Code of Meeting Practice, residents, ratepayers, applicants or other persons may request to address Council in relation to any one matter related to the general business of Council but no more than two matters listed for consideration on the agenda (Public Address).

7.0 ITEMS RESOLVED BY EXCEPTION

In accordance with Part 14 of the Code of Meeting Practice, items that are dealt with by exception are items where the recommendations contained in the staff reports in the agenda are adopted without discussion.

8.0 CORPORATE SERVICES DIVISION REPORTS

ITEM 8.1 2025 ORDINARY COUNCIL MEETING SCHEDULE

PURPOSE

The purpose of this report is to propose the Council meeting schedule for 2025.

EXECUTIVE SUMMARY

- Council is required to meet at least 10 times per year, each time in a different month.
- It is proposed that ordinary Council meetings are held on the third Tuesday of the month, commencing at 6.00pm from February 2025.
- The proposed dates do not clash with any public holidays or any sector conferences (at time of publication).
- The Local Government NSW annual conference will be held 23-25 November 2025.
- It is proposed that the April and July meetings be held during the NSW public school holidays.

RECOMMENDATION

That Council adopt the following 2025 Council meeting schedule:

Date 2025	Day	Time	Location
18 February	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
18 March	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
15 April	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
20 May	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
17 June	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
15 July	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
19 August	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
16 September	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
21 October	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
18 November	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
16 December	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why

BACKGROUND

Section 365 of the *Local Government Act 1993* (the Act) provides that Council is to meet at least 10 times per year, each time in a different month. Clause 4.1 of Council's Code of Meeting Practice requires the Council to determine by resolution the frequency, date, time and place of its ordinary meetings.

DISCUSSION

The below table set out the proposed 2025 meeting schedule:

Date 2025	Day	Time	Location
18 February	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
18 March	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
15 April	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
20 May	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
17 June	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
15 July	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
19 August	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
16 September	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
21 October	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
18 November	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why
16 December	Tuesday	6.00 pm	Council Chambers, Civic Centre, Dee Why

FINANCIAL CONSIDERATIONS

Funding to support the Northern Beaches Council meeting schedule is included in the existing operational budget.

GOVERNANCE AND RISK CONSIDERATIONS

The 2025 schedule is developed in line with Council's Code of Meeting Practice and section 365 of the *Local Government Act 1993*.

ENVIRONMENTAL CONSIDERATIONS

There are no adverse environmental impacts arising from this report.

SOCIAL CONSIDERATIONS

Council meetings provide an open and transparent public forum where the decisions of Council are made. Providing the schedule of meeting dates in advance provides the community with certainty and opportunity for engagement.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome and Goal:

- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Governance & Risk
TRIM file ref	2024/269958
Attachments	Nil

ITEM 8.2 REVIEW OF DELEGATION OF AUTHORITY TO CHIEF EXECUTIVE OFFICER**PURPOSE**

The purpose of this report is to review the delegations by Council to the Chief Executive Officer (CEO) in accordance with section 380 of the *Local Government Act 1993* (the Act).

EXECUTIVE SUMMARY

- Council must review all its delegations during the first 12 months of each term of office in accordance with section 380 of the Act.
- The only delegations that fall within this scope are those conferred on the CEO in 2022 (Attachment 1).
- Apart from a proposed discrete change (see tracking at Attachment 2), the recommended delegations to the CEO set out in Attachment 3 are otherwise the same as the current delegations to the CEO.
- It is a matter for Council whether it wishes to adopt the delegations as proposed at Attachment 3.

RECOMMENDATION

That Council:

1. Revoke the delegations conferred to the office of Chief Executive Officer (as statutory general manager) of 23 August 2022 at Attachment 1 of the report for this item.
2. Delegate to the office of Chief Executive Officer (as statutory general manager) the functions set out in Attachment 3 of the report for this item.
3. Authorise the Mayor to sign the instrument at Attachment 3 of the report for this item.

BACKGROUND

Under [section 380](#) of the *Local Government Act 1993* (the Act), Council must review all its delegations during the first 12 months of each term of office.

The delegations conferred by Council on 23 August 2022 (Attachment 1) remain in effect until such time they are changed and are subject to the review of Council in accordance with the Act.

Power of the Council to Delegate

[Section 377](#) of the Act enables Council to delegate to its Chief Executive Officer (CEO), being the statutory general manager, or any other person or body, functions of the Council except those functions specified in sections 377(1)(a) – (u) listed below. Section 377 relevantly provides:

377 General Power of the Council to Delegate

- (1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:*
- (a) the appointment of a general manager,*
 - (b) the making of a rate,*
 - (c) a determination under section 549 as to the levying of a rate,*
 - (d) the making of a charge,*
 - (e) the fixing of a fee,*
 - (f) the borrowing of money,*
 - (g) the voting of money for expenditure on its works, services or operations,*
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
 - (i) the acceptance of tenders to provide services currently provided by members of staff of the council,*
 - (j) the adoption of an operational plan under section 405,*
 - (k) the adoption of a financial statement included in an annual financial report,*
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,*
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979 ,*
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
 - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
 - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,*

- (s) *the making of an application, or the giving of a notice, to the Governor or Minister,*
 - (t) *this power of delegation,*
 - (u) *any function under this or any other Act that is expressly required to be exercised by resolution of the council.*
- (1A) *Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:*
- (a) *the financial assistance is part of a specified program, and*
 - (b) *the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
 - (c) *the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
 - (d) *the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.*
- (2) *A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.*

Functions of the General Manager (Chief Executive Officer)

[Section 335](#) of the Act outlines the functions of the General Manager. The General Manager is responsible for the effective and efficient operation of the Council and is to implement, without undue delay, lawful decisions of the Council. The CEO is the statutory General Manager for Northern Beaches Council.

DISCUSSION

The delegations Council conferred on the CEO in 2022 are the only delegations required for review. Council has not delegated any other statutory functions of Council to any other person or body. All committees of Council are advisory only in accordance with the Committee Framework and other bodies such as the Local Planning Panel and Sydney North Planning Panel operate and are established under legislation, not under delegation of Council.

The delegations Council conferred on the CEO in 2022 enable the efficient administration of the organisation given its size and breadth of operations.

Following a review of other councils' practices and cases, a discrete change to the delegations to the CEO is proposed. The change is in tracking for ease of reference at Attachment 2. A final version of the proposed delegation is provided at Attachment 3. It is a matter for Council to consider whether it wishes to adopt the delegations as presented at Attachment 3, or to seek to amend, expand or restrain the authorities it wishes to confer on the CEO.

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no direct financial impact on Council. Pursuant to section 377(1) of the Act certain functions of Council are non-delegable, including certain financial functions of Council.

GOVERNANCE AND RISK CONSIDERATIONS

The recommendations of this report maintain consistent governance arrangements and the proposed delegation from Council to the CEO (statutory general manager) is enabled under the provisions of the Act.

ENVIRONMENTAL CONSIDERATIONS

The proposed delegations by Council to the CEO (statutory general manager) will authorise the CEO to deal with various environmental matters.

SOCIAL CONSIDERATIONS

The proposed delegations by Council to the CEO (statutory general manager) will authorise the CEO to deal with various matters affecting the community.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome and Goal:

- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Governance & Risk
TRIM file ref	2024/518165
Attachments	<ul style="list-style-type: none"> ⇒1 Signed Delegation of Authority to CEO - 2022 (Included In Attachments Booklet) ⇒2 Draft Delegation of Authority to CEO - 2024 with tracking (Included In Attachments Booklet) ⇒3 Draft Delegation of Authority to CEO - 2024 no tracking (Included In Attachments Booklet)

ITEM 8.3 ESTABLISHMENT OF THE PERFORMANCE REVIEW PANEL - CHIEF EXECUTIVE OFFICER
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PURPOSE

The purpose of this report is to appoint a Performance Review Panel to review the performance of the Chief Executive Officer (CEO), and to delegate to the panel the performance management of the CEO having regard to the guidelines issued by the Office of Local Government, Department of Planning and Environment.

EXECUTIVE SUMMARY

- The CEO is accountable to Council, principally through his contract of employment which requires that the performance of the CEO is to be reviewed at least annually against agreed performance criteria.
- Consistent with previous practice, it is considered appropriate for Council to undertake the CEO's performance management having regard to and in accordance with the Guidelines for the Appointment and Oversight of General Managers 2022, issued by the Office of Local Government, Department of Planning and Environment (the guidelines) and to delegate the performance management of the CEO to a Performance Review Panel established in accordance with the guidelines.
- The guidelines require performance criteria to be agreed and set out in an agreement (performance agreement) and within a further 2 months of the signing of the performance agreement the CEO must submit to Council an action plan establishing how the performance criteria are to be met.
- To align with Council's planning and performance cycle, it is proposed that the Year 2 performance cycle of the CEO be for the period 22 July 2024 to 27 June 2025.

RECOMMENDATION

That for the remainder of the Council term, Council:

1. Undertake performance management of the Chief Executive Officer having regard to the *Guidelines for the Appointment & Oversight of General Managers 2022* issued by the Office of Local Government, Department of Planning and Environment.
2. Establish a performance review panel to undertake performance management of the Chief Executive Officer.
3. Resolve the composition of the Chief Executive Officer's performance review panel to consist of the Mayor, Deputy Mayor, and 2 nominated Councillors through to July 2025.
4. Delegate to the panel responsibility for performance management of the Chief Executive Officer, including discussions about performance and performance reviews, any actions that should be taken, the determination of each new performance agreement, the reporting of performance findings and recommendations to Council, and the selection of a qualified external facilitator to assist with the performance review process, and the development of each new performance agreement.
5. Agree to the involvement of an external facilitator to assist with the performance review process and the development of each new performance agreement.

BACKGROUND

It is proposed that the performance management for the new Chief Executive Officer (CEO) of Council be undertaken in accordance with the Guidelines for the Appointment & Oversight of General Managers guidelines (Attachment 1).

The guidelines state that Council's governing body is to establish a performance review panel and delegate the task of performance management of the CEO to this panel.

The guidelines also identify that the performance review panel be comprised of the Mayor, Deputy Mayor, a Councillor nominated by Council and a Councillor nominated by the CEO.

The CEO prefers to forgo his opportunity to nominate a Councillor, in favour of Council nominating 2 Councillors for the panel. The CEO is of the view that having 2 Council-nominated Councillors will best reflect the governing body's collective expectations of the CEO.

The guidelines recommend that full responsibility of performance management of the CEO (being the statutory General Manager) be delegated to the performance review panel, including discussions about performance, any actions that should be taken and the determination of the initial and subsequent performance agreements. This includes the conduct of formal performance reviews and reporting of findings and recommendations to Council following performance reviews.

The guidelines also provide that:

- The governing body of Council and the CEO may agree on the involvement of an external facilitator to assist with the process of performance review and the development of a performance agreement. This person should be selected by the governing body of Council or the performance review panel.
- At all times those Councillors not on the panel can contribute to the performance review process by providing feedback to the Mayor on the performance of the CEO, relevant to the agreed performance criteria in the performance agreement.

TIMING

It is proposed that an established panel carry out the annual performance review for the period 22 July 2024 to 27 June 2025 to coincide with Council's planning and performance cycle.

FINANCIAL CONSIDERATIONS

Funding for the engagement of an external facilitator is included in existing budgets.

GOVERNANCE AND RISK CONSIDERATIONS

This report meets the requirements of the guidelines.

ENVIRONMENTAL CONSIDERATIONS

The subject of this report has no environmental implications for Council.

SOCIAL CONSIDERATIONS

There are no social considerations associated with this report.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome and Goal:

- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Governance & Risk
TRIM file ref	2024/579675
Attachments	⇒ 1 Guidelines for the Appointment and Oversight of General Managers (Included In Attachments Booklet)

ITEM 8.4 METHOD TO FILL CASUAL VACANCIES - COUNCILLORS
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PURPOSE

The purpose of this report is for Council to consider its preferred method to fill any casual vacancies occurring in the office of a councillor within 18 months of the election.

EXECUTIVE SUMMARY

- Council has an option to use the countback method in the event of casual vacancy in the office of a Councillor within 18 months of the election (instead of a by-election).
- Northern Beaches Council utilised the countback option in the previous Council term as it is the most cost effective, transparent and quickest mechanism to fill vacancies as opposed to a by-election.
- In order to have access to the countback method, Council must, by resolution at its first meeting following the ordinary election of Councillors, declare that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.
- If Council does not resolve to fill casual vacancies using a countback at its first meeting after the election it will be required to fill casual vacancies using a by-election.

RECOMMENDATION

That pursuant to section 291A(1)(b) of the *Local Government Act 1993* Northern Beaches Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the Chief Executive Officer to notify the NSW Electoral Commission of Council's decision within 7 days of the decision.

BACKGROUND

Council has an option to use the countback method in the event of a Councillor vacancy within 18 months of the election (for example, due to resignation).

In accordance with section 291A of the *Local Government Act 1993*, to take up this option Council must, by resolution, declare that any casual vacancy that occurs in the office of a councillor within 18 months of the date of the last ordinary election of the councillors for the area is to be filled by a countback of votes cast at the last election for that office.

If Council does not resolve to fill casual vacancies using a countback at its first meeting after the election it will be required to fill casual vacancies using a by-election.

DISCUSSION

Countback elections

The NSW Electoral Commission provides the following information regarding countback elections.

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

A countback election must be completed within 49 days, and applications for candidates to participate is open for 10 days.

If there are no eligible candidates, an attendance by-election must be held. If there is only one eligible candidate, that candidate is elected. If there are multiple eligible candidates, a countback election is conducted. In a countback election, the returning officer:

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

At a countback election, a sitting Councillor cannot be unelected, and non-eligible candidates cannot be elected.

It is recommended Council adopt the countback method as it is the most transparent and quickest mechanism to fill vacancies as opposed to a by-election that requires staffing costs, venue procurement, printing, and all the requirements of undertaking a full election.

FINANCIAL CONSIDERATIONS

In the event of a casual vacancy in the office of Councillor there will be costs associated with either the use of a countback election or conducting a by-election. Those costs would need to be funded from existing operational budgets through a re-allocation process. When the countback provisions were introduced to Parliament in 2014, the Minister for Local Government cited the potential for

cost savings as a driver of the amendments. For reference, the 2023 countback cost \$5,300, significantly lower than the cost to hold a by-election.

GOVERNANCE AND RISK CONSIDERATIONS

The decision made in relation to this matter will have effect in the event of a casual vacancy in civic office.

Expanding the use of countback provisions is one of the advocacy agendas listed by Local Government NSW in its 2024 Policy Platform which states:

“16.9 Remove the need for council by-elections, by eliminating the 18-month time limit on using election countback to replace a councillor casual vacancy.”

ENVIRONMENTAL CONSIDERATIONS

There are no material environmental considerations relating to this matter however it is anticipated the countback option may be more environmentally sustainable by reducing the demand for resources required to administer a by-election.

SOCIAL CONSIDERATIONS

Voting in local government elections is mandatory and an important opportunity for the community to choose their representatives.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome and Goal:

- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Governance & Risk
TRIM file ref	2024/269367
Attachments	Nil

ITEM 8.5 COUNCILLOR FEES

PURPOSE

The purpose of this report is to seek Council's approval of Councillor fees.

EXECUTIVE SUMMARY

- The Local Government Remuneration Tribunal (the Tribunal) determines each year the minimum and maximum fees to be paid to mayors and councillors based on each category of council.
- Northern Beaches Council is categorised by the Tribunal as a 'Metropolitan Large' council.
- Council is required to set by resolution the annual fees to be paid to Councillors and the Mayor within the range determined by the Tribunal.
- Superannuation payments will be made in addition to Councillor fees in accordance with Council's resolution of 22 February 2022 (resolution number 020/22).
- It has been the practice of the Northern Beaches Council to set the annual fees at the maximum level determined by the Tribunal.
- Local Government NSW encourages councils to adopt the maximum relevant fees as it provides greater opportunity for a broad cross section of the community to stand for election and does not set a precedent that may limit future representation to those who are financially independent.

RECOMMENDATION

That Council:

1. Pursuant to Division 5 of Part 2 of Chapter 9 of the *Local Government Act 1993*, fix the annual fee for financial year 1 July 2024 to 30 June 2025 as follows:
 - a. Councillors at \$33,810
 - b. Mayoral additional fee at \$98,510.
2. Pursuant to Division 5 of Part 2 of Chapter 9 of the *Local Government Act 1993*, fix the annual fees payable to the Mayor and Councillors at the relevant maximum amounts determined by the Local Government Remuneration Tribunal.
3. Note that pursuant to section 250 of the *Local Government Act 1993*, the fees payable to the Mayor and Councillors are payable monthly in arrears for each month (or part of a month) for which the Councillor holds office.
4. Note that superannuation contribution payments will be made to Councillors pursuant and subject to section 254B of the *Local Government Act 1993*.

BACKGROUND

Section 241 of the *Local Government Act 1993* (the Act) provides that the Local Government Remuneration Tribunal (the Tribunal) determine the maximum and minimum amount of fees to be paid to mayors and councillors of councils for each of the categories determined under section 239.

Section 239 of the Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every three years. The categories were last reviewed in 2023. Northern Beaches Council is categorised as a 'Metropolitan Large' council.

DISCUSSION

Council is required to set by resolution the annual fees to be paid to Councillors and the Mayor within the category and range determined by the Tribunal.

It has been the practice of the Northern Beaches Council to set the annual fees at the maximum level determined by the Tribunal. This enables accurate forward budget planning.

Local Government NSW encourages councils to adopt the maximum relevant fees as it provides greater opportunity for a broad cross section of the community to stand for election and does not set a precedent that may limit future representation to those who are financially independent.

Setting a lower fee may create a barrier for women, young people or minorities from considering running for council. It is important for local democracy that the settings are in place to support a diverse range of candidates to stand for election, helping to ensure that elected representatives truly reflect their communities.

The Tribunal's 2024 Determination is provided at Attachment 1. The relevant extract is provided below.

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	30,720	45,070
Major CBD	20,500	37,960
Metropolitan Major	20,500	35,890
Metropolitan Large	20,500	33,810
Metropolitan Medium	15,370	28,690
Metropolitan Small	10,220	22,540

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	188,010	247,390
Major CBD	43,530	122,640
Metropolitan Major	43,530	110,970
Metropolitan Large	43,530	98,510
Metropolitan Medium	32,650	76,190
Metropolitan Small	21,770	49,170

Section 254B of the *Local Government Act 1993* covers the provisions for the payment of superannuation to councillors.

On 22 February 2022 Council resolved (020/22) to make superannuation payments to all councillors. This means Councillors will receive superannuation payments in addition to fees.

Section 254B provides:

254B Payment for superannuation contributions for councillors

- (1) A council may make a payment (a superannuation contribution payment) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.
- (2) The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.
- (3) A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the councillor.
- (4) A council is not permitted to make a superannuation contribution payment—
 - (a) unless the council has previously passed a resolution at an open meeting to make superannuation contribution payments to its councillors, or
 - (b) if the councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or
 - (c) to the extent the councillor has agreed in writing to forgo or reduce the payment.
- (5) The Remuneration Tribunal may not take superannuation contribution payments into account in determining annual fees or other remuneration payable to a mayor or other councillor.
- (6) A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment.
- (7) A superannuation contribution payment does not constitute salary for the purposes of any Act.
- (8) Sections 248A and 254A apply in relation to a superannuation contribution payment in the same way as they apply in relation to an annual fee.
- (9) In this section—

Commonwealth superannuation legislation means the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth.

superannuation account means an account for superannuation or retirement benefits from a scheme or fund to which the Commonwealth superannuation legislation applies.

FINANCIAL CONSIDERATIONS

Councillor fees and superannuation contributions are provided for as part of the normal budget process.

GOVERNANCE AND RISK CONSIDERATIONS

The recommendation is within the fee range parameters set by the Tribunal and is consistent with the provisions under sections 239 and 241 of the Act.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations relating to this matter.

SOCIAL CONSIDERATIONS

According to the NSW Government's Your Council website, the 15 Northern Beaches Councillors represent an average population of 17,632 per councillor, which is higher than the group average of 14,031 population per councillor.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome and Goal:

- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Governance & Risk
TRIM file ref	2024/269497
Attachments	⇒ 1 Local Government Remuneration Tribunal Determination 2024 (Included In Attachments Booklet)

ITEM 8.6	PUBLIC EXHIBITION - COUNCILLOR EXPENSES AND FACILITIES POLICY
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PURPOSE

The purpose of this report is to place the draft Councillor Expenses and Facilities Policy on public exhibition.

EXECUTIVE SUMMARY

- Council is required to adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and Councillors within 12 months of the election.
- The policy must comply with the provisions of the *Local Government Act 1993* (the Act), the Local Government (General) Regulation 2021 and the guidelines issued by the Office of Local Government (OLG) under section 23A of the Act.
- A draft Councillor Expenses and Facilities Policy, which complies with the above requirements and is based on the OLG's template policy, is provided for Council's consideration.
- The draft maintains all the existing provisions of the current policy whilst including some minor changes to ensure the financial limits for the reimbursement of expenses are increased each financial year in line with CPI.
- It is also proposed to increase the carer's expenses cap from \$6,000 to \$9,000 per year to better reflect the cost of these services and reference to parking permits has been included.
- It is proposed to place the draft Councillor Expenses and Facilities Policy on public exhibition.

RECOMMENDATION

That Council place the draft Councillor Expenses and Facilities Policy on public exhibition for a period of 28 days with the outcome of the public exhibition to be reported to Council.

BACKGROUND

Under [section 252](#) of the Act Council is required to adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and Councillors in relation to discharging the functions of civic office within the first 12 months of each term of Council.

Expenses and facilities provided by the policy are in addition to fees paid to Councillors.

A policy under section 252 must comply with the provisions of the Act, the Local Government (General) Regulation 2021 and the guidelines issued by the OLG under section 23A of the *Local Government Act 1993*.

The draft Policy (Attachment 1) has been prepared in accordance with these requirements and is based on the OLG's policy template. The draft Policy maintains all the existing provisions of the current policy whilst including some minor amendments for Council's consideration. The proposed amendments are highlighted in red for ease of reference.

The draft Councillor Expenses and Facilities Policy seeks to provide reasonable and appropriate support to Councillors and the Mayor to assist in fulfilling their civic duties.

DISCUSSION

Key considerations with regards to the draft Policy include:

- Having a practical, clear and transparent framework for the reimbursement of expenses.
- Ensuring adequate financial thresholds for information technology assets to support the increased ongoing requirement for remote meetings and digital ways of working.
- Setting suitable limits to enable Councillors and the Mayor to participate in a range of community events and functions, having regard to the size and scale of Northern Beaches Council.
- Ensuring Councillors have access to the necessary support to meet the requirements of the role of a Councillor, including "to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor" (section 232 of the Act).
- Aligning the policy to budget processes.

It is proposed that the annual financial limits stipulated in the policy are increased by CPI each financial year to maintain pace with inflation.

It is also proposed to increase one particular Councillor expense limit, being carer's expenses, increasing the limit from \$6,000 to \$9,000 a year. This has been proposed following a review of the cost of these services, with consideration given to the number of activities, meetings and events that Councillors may be involved in.

Some minor administrative changes have also been made and reference to the parking permits provided to Councillors.

CONSULTATION

While the proposed changes are not substantial, under the Act, before adopting a policy of this nature councils must consider any submissions and any appropriate changes to the draft policy. It is proposed to place the draft policy on public exhibition to comply with this requirement.

FINANCIAL CONSIDERATIONS

There is a funding allocation for councillor expenses and facilities included in the current operational budget. The minor proposed increase to carer's expenses will be incorporated into the budget if approved.

GOVERNANCE AND RISK CONSIDERATIONS

As per Council’s Policy Framework, the draft Councillor Expenses and Facilities Policy is based on the example policy from the Office of Local Government.

The draft Policy seeks to facilitate the discharge of civic functions by Councillors. Adopting a policy will ensure Council complies with its obligations under section 252 of the Act.

The draft Policy complies with the relevant requirements of the *Local Government Act 1993*, the Local Government (General) Regulation 2021 and the guidelines issued by the Office of Local Government under section 23A of the *Local Government Act 1993*.

ENVIRONMENTAL CONSIDERATIONS

There are no material environmental considerations associated with the draft Policy.

SOCIAL CONSIDERATIONS

The proposed draft Policy provides a framework for Councillors to claim appropriate expenses incurred through the undertaking of their roles. This supports Councillors to fully and appropriately participate in civic duties across the local government area.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome and Goal:

- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Governance & Risk
TRIM file ref	2024/465438
Attachments	⇒ 1 Draft Councillor Expenses and Facilities Policy 2024 (Included In Attachments Booklet)

ITEM 8.7 COUNCIL WARD BOUNDARY REVIEW**PURPOSE**

The purpose of this report is to advise that Council meets the statutory requirements under the *Local Government Act 1993* regarding number of electors in each ward of the Northern Beaches Council.

EXECUTIVE SUMMARY

- Under section 211 of the *Local Government Act 1993* (the Act), councils must keep ward boundaries under review to ensure that a difference in elector numbers of no greater than 10% exists between wards.
- Council last reviewed its ward boundaries on 26 April 2022 and no changes were required at that time.
- According to the latest statistics provided by the NSW Electoral Commission (NSWEC), as at 26 August 2024, no changes to ward boundaries are required.
- The statistics show the difference in elector numbers between the highest and lowest numbers per ward in the Northern Beaches Council is 4.7%, which is within the required 10% limit.

RECOMMENDATION

That Council note no action is necessary to alter existing ward boundaries.

BACKGROUND

Under section 211 of the Act, councils must keep ward boundaries under review to ensure that a difference in elector numbers of no greater than 10% exists between wards.

Council last reviewed its ward boundaries on 26 April 2022 and no changes were required.

The NSWEC maintains a [website](#) which provides enrolment statistics for each council and ward. The last published data was provided by the NSWEC on 26 August 2024.

DISCUSSION

The statistics show the difference in elector numbers between the highest and lowest numbers per ward in the Northern Beaches LGA is 4.7%. This is within the required 10% limit.

Ward	No. of electors	Variance = 4.7%
Curl Curl	38,960	Highest
Narrabeen	37,820	
Manly	37,509	
Frenchs Forest	37,329	
Pittwater	37,121	Lowest

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no financial impact on Council.

GOVERNANCE AND RISK CONSIDERATIONS

It is important that Council monitors the variance in number of electors in each ward to ensure Council is complying with section 211 of the Act and meeting its statutory compliance.

The risk of a significant change in ward elector numbers which would drive the variance beyond the 10% threshold between wards is considered unlikely to occur prior to the next local government election.

ENVIRONMENTAL CONSIDERATIONS

The subject of this report has no environmental implications for Council.

SOCIAL CONSIDERATIONS

There are no social or community impacts relating to this report.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome/s and Goal/s:

- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Governance & Risk
TRIM file ref	2024/467115
Attachments	Nil

ITEM 8.8 APPOINTMENT OF COMMITTEE MEMBERS

PURPOSE

The purpose of this report is to appoint Councillors as members of committees and groups for the Council term and update 2 terms of reference.

EXECUTIVE SUMMARY

- Under the Council's committee framework, Council is required to appointment Councillor representatives to certain committees and forums by resolution.
- It is proposed to appoint Councillors to a number of forums as soon as possible to support ongoing Council business.
- Some minor changes to the terms of reference for 2 committees is proposed to streamline reporting processes and make Councillor membership periods consistent.

RECOMMENDATION

That Council:

1. Determine Councillor representation for the following committees and memberships effective from 9 October 2024 for the remainder of the current Council term (scheduled for September 2028) as follows:

Committee or membership	Representation
Audit, Risk and Improvement Committee	1 Councillor
Traffic Committee	1 Councillor (as Chair)
Rural Fire Service Bush Fire Management Committee	1 Councillor (as Chair) 1 Councillor as member
Currawong State Park Advisory Committee	1 Councillor
Manly Warringah War Memorial State Park Advisory Committee	1 Councillor
Narrabeen Lagoon State Advisory Park Committee	1 Councillor
PCYC Club Advisory Committee	1 Councillor*
Committee of the Friends of the Bible Garden Memorial Inc.	1 Councillor
Community Safety Advisory Committee	Mayor 4 Councillors 1 per ward
Business and Industry Stakeholder Committee	Mayor Up to 4 Councillors
NSW Metro Public Library Association	1 Councillor
Sydney Coastal Council Group	1 Councillor (executive committee) 1 Councillor (member)
Nature for Northern Beaches Trust	Mayor 2 Councillors
Event Grants and Sponsorship Panel	2 Councillors

* When PCYC confirm establishment of committee

2. Adopt the Community Safety Committee Terms of Reference provided at Attachment 2.
3. Adopt the Business and Industry Stakeholder Committee Terms of Reference provided at Attachment 3.

BACKGROUND

Council's committee framework was adopted in February 2022 (Attachment 1). Council operates and participates in numerous forums under this framework.

There are a range of statutory and other committees for which membership is required to be established by Council resolution as soon as practicable. The Office of Local Government recommends the membership of the Audit, Risk and Improvement Committee (ARIC) is confirmed at Council's first meeting.

DISCUSSION

In line with the framework the following committees require Councillor representation to be determined by Council resolution.

Committee	Description	Meeting frequency	Councillor rep
Statutory Committees			
ARIC	Independent oversight of the Council. 4 external independent ARIC members and 1 Councillor.	Quarterly	1 Councillor for a term of 4 years
Traffic Committee	Enables Council to exercise decision making under delegation of the Transport for NSW. It provides a technical review of traffic proposals.	Monthly	1 Councillor who serves as Chair
Joint Stakeholder Committees (External)			
Rural Fire Service Bush Fire Management Committee	Coordinated by the Rural Fire Service involves agencies and landowners responsible for bush fire management in the Northern Beaches. Members include Council, NSW Fire and Rescue, National Parks and Wildlife and the State Emergency Service.	As per Rural Fires Regulation 2013	2 Councillors (including one as Chair)
Currawong State Park Advisory Committee	Advisory support to the Currawong State Park. Members include state agencies, Council and community representatives.	Bi-annually	1 Councillor
Manly Warringah War Memorial State Park Advisory Committee	Advisory support role to the Manly Warringah War Memorial State Park Trust – Council is Trust Manager. Members include NSW agencies and Council.	Bi-annually	1 Councillor
Narrabeen Lagoon State Advisory Park Committee	Advisory support to the Narrabeen Lagoon State Park Trust – Council is Trust Manager. Members include NSW agencies and Metropolitan Local Aboriginal Land Council	Bi-annually	1 Councillor who may serve as Chair on behalf of Trust Manager
PCYC Club Advisory Committee*	Externally managed by the PCYC, to ensure the PCYC Club is achieving the PCYC and Northern Beaches Council joint objectives to support youth development, the promotion of individual and community participation in PCYC activities and the promotion and development of programs to reduce crime by and against young people.	At least 4 times per year	1 Councillor

Committee of the Friends of the Bible Garden Memorial Inc.	Established by the Bible Garden, Palm Beach Plan of Management (2006) this Committee manages and cares for the Bible Garden at Palm Beach on Council's behalf.	At least quarterly	1 Councillor
Joint Stakeholder Committees (Council)			
Community Safety Advisory Committee	To provide specialist advice to Council on strategic community safety issues impacting the Northern Beaches. Members include Police area command, staff, Councillors, stakeholders involved in implementation of Community Safety Plan.	Quarterly	Mayor and 4 Councillors (1 per ward)
Business and Industry Stakeholder Committee	A high-level industry forum to understand local changing economic and business needs and opportunities and advocate these to all levels of government.		Mayor and up to 4 Councillors
Memberships			
NSW Metro Public Library Association	Peak body for public libraries in NSW	-	1 Councillor
Sydney Coastal Council Group	Promotes collaboration between Member Councils on issues relating to the sustainable management of the urban coastal and estuarine environment.	-	2 Councillors (1 for the executive committee and 1 member)
Nature for Northern Beaches Trust	Promotes the protection and enhancement of the environment and provides an opportunity for the community to make tax deductible donates to local initiatives.	As required	Mayor and 2 Councillors
Event Grants and Sponsorship Panel	To participate in a panel that reviews proposals received under the Event Grants & Sponsorship Program. Panel recommendations are then put to the CEO for approval.	As required	2 Councillors

* When PCYC confirm establishment of committee

Appointments that do not need to be resolved by Council as the arrangements are ongoing are:

- Alex McTaggart's appointment as Council's representative on the Northern Beaches Indoor Sports Centre Board. In accordance with Council resolution 015/22 this appointment is ongoing.
- Cr Bingham's appointment as Council's representative on the Quarantine Station Community Consultative Committee. In accordance with Council resolution 015/23 this appointment was for a term of 4 years and will conclude on 28 February 2027.

Update to Community Safety Advisory Committee Terms of Reference

Draft updated Terms of Reference for the Community Safety Advisory Committee are provided at Attachment 2. The proposed amendments are highlighted in tracked changes for ease of reference. The changes are:

- Updating the reporting of the minutes to Councillors to be consistent with Council's other committees and processes (e.g. Councillor Bulletin) rather than via report to the Council. Reporting in this way will ensure Councillors are receiving copies of the draft minutes efficiently and shortly after the meeting, rather than waiting for a confirmed set of minutes to be provided via Council report. The minutes of the Committee will continue to be published on Council's website.

- Updating the term of Councillor membership from 2 years to 4 years to be consistent with other committees (such as ARIC) and provide continuity of service.
- Clarification regarding the delegation of attendance at meetings on behalf of Committee members that are unable to attend and the inclusion of the Executive Manager Parks and Open Space.
- Other minor amendments to ensure consistency between the Terms of Reference and the Committee Charter and to update relevant legislation such as the relevant parts of the Code of Conduct.

Update to Business and Industry Stakeholder Committee Terms of Reference

Draft updated Terms of Reference for the Business and Industry Stakeholder Committee are provided at Attachment 3. The proposed amendments are highlighted in tracked changes for ease of reference. The proposed amendments include:

- updating the reporting of the minutes to Councillors to be consistent with Council's other committees and processes (eg Councillor Bulletin) rather than via report to the Council. Reporting in this way will ensure Councillors are receiving copies of the draft minutes efficiently and shortly after the meeting, rather than waiting for a confirmed set of minutes to be provided via Council report. The minutes of the Committee will continue to be published on Council's website
- updating the term of Councillor membership from 2 years to 4 years to be consistent with other committees (such as ARIC) and provide continuity of service.
- minor reference updates to Council policies.

TIMING

Councillor appointments to these groups would apply for the remainder of the current Council term.

FINANCIAL CONSIDERATIONS

The costs associated with supporting the committees and memberships listed in this Council report are provided for within operational budgets. The establishment of new or additional forums would incur additional expenditure and identification of budget would be required prior to doing so.

GOVERNANCE AND RISK CONSIDERATIONS

The committee framework provides the overarching delegation for how committees and other forums are established. Committees and groups are to operate in line with their relevant terms of reference or approved operating arrangements.

Committees and memberships established within the committee framework support Council's engagement practices with stakeholders, agencies, key stakeholders, community groups and the broader community.

ENVIRONMENTAL CONSIDERATIONS

Relevant committees and groups positively contribute to Council's management of the environment and natural hazards.

SOCIAL CONSIDERATIONS

The committee framework is consistent with Council's Community Engagement Policy which recognises that community engagement and participation processes are a vital part of local democracy. Effective engagement is key to the Northern Beaches Council commitment to our community, and underpins good business practice and sound governance.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome and Goal:

- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Governance & Risk
TRIM file ref	2024/269469
Attachments	<ul style="list-style-type: none"> ⇒1 Council's Committee Framework (Included In Attachments Booklet) ⇒2 Draft Terms of Reference - Community Safety Advisory Committee - October 2024 (Included In Attachments Booklet) ⇒3 Draft Terms of Reference - Business and Industry Stakeholder Committee (Included In Attachments Booklet)

ITEM 8.9 VOTING DELEGATES FOR LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2024

PURPOSE

The purpose of this report is to determine the voting delegates to attend the Local Government NSW (LGNSW) Conference to be held Sunday 17 to Tuesday 19 November 2024.

EXECUTIVE SUMMARY

- LGNSW is the peak industry body for councils across NSW and its Annual Conference is the main policy-making event for all NSW councils and associate members.
- The 2024 conference will be held in Tamworth between Sunday 17 and Tuesday 19 November.
- Northern Beaches Council is entitled to send up to 10 voting delegates to the conference which need to be advised to LGNSW by 6 November 2024.

RECOMMENDATION

That Council:

1. Nominate up to 10 councillors as voting delegates to attend the Local Government NSW Annual Conference from Sunday 17 to Tuesday 19 November 2024.
2. Delegate authority to the Mayor to authorise any further voting delegates in circumstances where a voting delegate is no longer able to participate or attend.

BACKGROUND

Local Government NSW (LGNSW) is the peak industry body for councils in NSW. Every year LGNSW holds an annual conference which is the primary policy-making event.

LGNSW members are invited to submit motions for possible debate at the annual conference. A motion that is endorsed at the annual conference by a majority of voting delegates becomes a resolution and resolutions eventually form LGNSW's policy and advocacy agenda.

The 2024 [annual conference](#) will be held from Sunday 17 to Tuesday 19 November 2024 at Tamworth Regional Entertainment and Conference Centre.

At its 13 August 2024 Council meeting Council [resolved](#) (Council Resolution 216/24) to submit 8 motions to the Annual Conference for discussion and debate. Those motions have now been submitted to LGNSW for inclusion on the business papers.

DISCUSSION

Northern Beaches Council is entitled to send up to 10 voting delegates to the conference. Nominated delegates are to be advised to LGNSW by 6 November 2024.

Councillors wishing to represent Council as a voting delegate at the conference will be resolved by the Council. To facilitate this process, Councillors are requested to notify the Chief Executive Officer if they wish to be a voting delegate prior to this Council meeting.

It is proposed that the Mayor be authorised to manage any subsequent voting delegates if required due to unforeseen circumstances (such as a councillor no longer being available to attend the conference) or if delegate positions remain available after the Council meeting.

Interested Councillors that are not voting delegates may still attend the conference should they wish to do so.

Councillors wishing to place any additional motions on the agenda for the annual conference will first require those motions to be supported by Council resolution (via submitting a Notice of Motion to a Council meeting). Motions intended for the conference must be relevant for the entire sector generally and are due to LGNSW by 20 October 2024.

The final opportunity for the Council to consider submitting a motion to the annual conference is at the upcoming Ordinary Council meeting on 15 October 2024.

FINANCIAL CONSIDERATIONS

Budget is available for Councillor attendance at conferences in accordance with the Councillor Expenses and Facilities Policy.

GOVERNANCE AND RISK CONSIDERATIONS

There are no significant governance or risk considerations relating to this report. Council complies with the LGNSW conference rules with regards to motions and nominations as voting delegates.

ENVIRONMENTAL CONSIDERATIONS

There are no significant environmental considerations relating to this report.

SOCIAL CONSIDERATIONS

There is benefit in Councillors interacting with other metropolitan, regional and rural councils to share knowledge of trends and ideas across the sector.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome and Goal:

- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Governance & Risk
TRIM file ref	2024/269575
Attachments	Nil

ITEM 8.10	OUTCOME OF PUBLIC EXHIBITION - CODE OF MEETING PRACTICE
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PURPOSE

The purpose of this report is to report the outcome of public exhibition and seek adoption of the draft Code of Meeting Practice 2024.

EXECUTIVE SUMMARY

- The Code of Meeting Practice provides direction on how Council conducts its meetings.
- Under section 360 of the *Local Government Act 1993*, Council is required to adopt a Code of Meeting Practice which is consistent with the Model Code of Meeting Practice within 12 months of an election of councillors.
- The Code is to incorporate the mandatory provisions of the Model Code and may also include the non mandatory and other provisions.
- The draft Northern Beaches Council Code of Meeting Practice 2024 complies with these requirements.
- In preparation for the new term of Council, a preliminary review of the Code of Meeting Practice was undertaken last term with some minor changes proposed and placed on public exhibition.
- During the public exhibition process 9 comments were received and no changes are proposed to the draft that was placed on public exhibition.

RECOMMENDATION

That Council:

1. Note the outcome of the public exhibition of the draft Northern Beaches Council Code of Meeting Practice.
2. Adopt the draft Northern Beaches Council Code of Meeting Practice 2024 provided at Attachment 1.

BACKGROUND

In accordance with section 360 of the *Local Government Act 1993*, Councils are required to review and adopt a Code of Meeting Practice which is consistent with the Model Code of Meeting Practice within 12 months of an election of councillors.

The Northern Beaches Code of Meeting Practice was last adopted by Council at its meeting on 24 May 2022.

In preparation for the upcoming new term of Council, staff undertook a review of the Code of Meeting Practice.

At its 30 July 2024 meeting, Council resolved to place a draft Code of Meeting Practice on exhibition with the outcomes to be reported to Council (resolution 172/24).

The draft Code of Meeting Practice (Attachment 1) includes some proposed amendments for clarity in relation to minor administrative matters. The changes proposed are as follows (these have been highlighted as tracked changes in the attachment for ease of reference):

- Clarifying the provisions in relation to rescission motions, specifically that notice is ordinarily required for any alternative motion.
- Confirming that resolutions passed prior to any meeting adjournment may be implemented prior to the resumption of the adjourned meeting, in line with current practice.
- Other minor changes relate to formalising and clarifying Council's current practices regarding additions and complaints, the chairperson having regard to attendance of members of the public for the order of business, photographs in the chambers, titles and general numbering references.

DISCUSSION

The draft Code of Meeting Practice was publicly exhibited from 8 August to 8 September 2024 and attracted 9 submissions. Verbatim responses are provided in the Community Engagement Report (Attachment 2). The key themes raised in the submissions were:

- Size of Council generally
- Time allowed for speakers to address Council and actioning of resolutions
- Photography and recording at and in the vicinity of Council meetings

The intentions of the provisions around photography and recording have not changed and are mandatory components of the Code through the Model Code of Meeting Practice set by the NSW Government. The minor proposed changes are intended to make the provisions clearer.

Under the existing Code photographs are not permitted to be taken in the chamber without prior permission. This is to protect the integrity of confidential documents which may be around the chamber table and to protect the privacy of our staff, councillors or other attendees at the meeting, who could inadvertently end up in images on controversial topics on social media (potentially without their knowledge or consent).

There is no change to photography or videos being taken out the front of the building as happens regularly now.

The proceedings of Council are live streamed and recorded with a public record maintained on Council's website.

There are no proposed changes to the draft Code following public exhibition.

FINANCIAL CONSIDERATIONS

The publication of a revised Northern Beaches Council Code of Meeting Practice 2024 is provided for within existing operational budgets.

GOVERNANCE AND RISK CONSIDERATIONS

Under section 360 of the *Local Government Act 1993*, Council is required to adopt a Code of Meeting Practice within 12 months after an ordinary election. The Code is to incorporate the mandatory provisions of the Model Code and may also include the non-mandatory and other provisions. The draft Northern Beaches Council Code of Meeting Practice complies with these requirements.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts to consider in respect of adopting a Code of Meeting Practice on public exhibition.

SOCIAL CONSIDERATIONS

The exhibition of the draft Northern Beaches Council Code of Meeting Practice provided the opportunity for the community to consider and comment on the regulatory and decision-making framework of Council meetings. The Code predominantly consists of mandatory provisions set by the NSW Government.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome and Goal:

- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Governance & Risk
TRIM file ref	2024/465399
Attachments	⇒1 Draft Code of Meeting Practice 2024 (Included In Attachments Booklet) ⇒2 Community Engagement Report (Included In Attachments Booklet)

ITEM 8.11 TABLING OF DESIGNATED PERSONS RETURNS 2023/24

PURPOSE

The purpose of this report is to table Council's designated persons' annual disclosure of interest returns lodged under clause 4.21 of the Northern Beaches Council Code of Conduct (Code) for the 2023/24 financial year and adopt the list of designated persons positions for the 2024/25 financial year.

EXECUTIVE SUMMARY

- Council's Code requires Councillors and designated persons to make and lodge a return within 3 months of 30 June each year (annual return).
- These returns are collected in a register of returns and, in accordance with clauses 4.25 of the Code, are to be tabled at the first meeting of Council following the last day of lodgement which is 30 September.
- After being tabled at the Council meeting, returns are published on Council's website in line with the mandatory open access requirements of the *Government Information (Public Access) Act 2009* (GIPA Act).
- A proposed list of designated persons for the period 1 July 2024 to 30 June 2025 is provided at Attachment 1 for Council's consideration.

RECOMMENDATION

That Council:

1. Note the designated persons disclosure of interest returns for the period 1 July 2023 to 30 June 2024, as tabled in accordance with clause 4.25 of Council's Code of Conduct.
2. Adopt the list of positions for designated persons for the period 1 July 2024 to 30 June 2025 in accordance with clause 4.8 of Council's Code of Conduct.

BACKGROUND

The Northern Beaches Council Code of Conduct (Code) requires Councillors and designated persons to make and lodge a return disclosing their interests within 3 months of becoming a Councillor or designated person (first return), within 3 months of 30 June each year (annual return) or as they become aware of an interest throughout the year (change return). First or change returns are to be tabled at the next Council meeting after the return is lodged.

This report tables annual returns for 2023/24 for the following:

- 15 Councillors
- 4 Audit, Risk and Improvement Committee (ARIC) members
- 305 staff in roles defined as designated persons.

Nine designated persons (staff) are currently on parental leave, long term sick leave or extended leave. They will be asked to complete their forms when they return to work.

In addition to being publicly available on request, these returns will be published on Council's website as soon as practicable, in line with the mandatory open access requirements of the *Government Information (Public Access) Act 2009* (GIPA Act) and [Information Access Guideline 1 - For Local Councils on the disclosure of information \(returns disclosing the interest of councillors and designated persons\) September 2019](#).

In accordance with the *Local Government Act 1993* and sections 6(1) and 13 of the GIPA Act, a public interest test determined that there is an overriding public interest against the disclosure of designated persons' residential addresses.

The list of roles defined as designated persons is reviewed annually by the Chief Executive Team and the 2024/25 list is presented to Council for adoption (Attachment 1). This list includes 19 new positions from 2023/24 and proposes to remove 13 positions that were not considered to be required as designated any further (Attachment 2).

FINANCIAL CONSIDERATIONS

The recommendations in this report do not result in any change to the existing Council budget.

GOVERNANCE AND RISK CONSIDERATIONS

The collection, tabling and public release of designated persons annual returns are statutory requirements in the Code. Section 440AAB of the *Local Government Act 1993* also requires that a register of returns be kept by the Chief Executive Officer and returns be tabled at a Council meeting.

Council's Code is based on the Office of Local Government's Model Code of Conduct as prescribed by the Local Government (General) Regulation 2021. Failure to complete a disclosure is a breach of the Code of Conduct and Council therefore has measures in place to ensure full compliance with the requirement to submit and table designated persons returns.

ENVIRONMENTAL CONSIDERATIONS

The subject of this report has no environmental implications for Council.

SOCIAL CONSIDERATIONS

The designated persons returns are tabled annually at the October Council meeting and are publicly available in accordance with clause 1(2)(a) of Schedule 1 of the Government Information (Public Access) Regulation 2018.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome and Goal:

- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Governance & Risk
TRIM file ref	2024/269455
Attachments	⇒1 Final Designated Positions List 2024/25 (Included In Attachments Booklet) ⇒2 Change in Designated Positions for 2024/25 (Included In Attachments Booklet)