

Meeting Date: Tuesday 24 August 2021
Location: Online Audio Visual Meeting
Time: 7.00pm

Council Meetings will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993. Council Meetings will also be webcast.

NOTICE OF BUSINESS

Item	Page
LATE COUNCIL REPORTS	
8	CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 17 August 2021 1
9	SCHEDULE OF PROPOSED COUNCIL/COMMITTEE MEETING DATES 5

LATE COUNCIL REPORTS**8 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 17 August 2021**

Report prepared by: Civic Services Manager**File No.:** CLM/21/1/1/2 - BP21/809

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Extraordinary Council Meeting 9/21, held on 17 August 2021 be confirmed.

ATTACHMENTS

- 1 MINUTES - Extraordinary Council Meeting - 17 August 2021

ITEM 8 (continued)

ATTACHMENT 1

**Extraordinary Council Meeting
MINUTES OF MEETING NO. 9/21**

Meeting Date: Tuesday 17 August 2021
Location: Online Audio Visual Meeting
Time: 7.00pm

Councillors Present: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Lane, Maggio, Moujalli, Pedersen, Purcell, Yedelian OAM and Zhou.

Apologies: Nil.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Acting Director – City Works, General Counsel, Chief Financial Officer, Manager – People and Performance, Manager – Corporate Governance, Manager – Strategic Property, Senior Coordinator – Property Management, IT Applications Support Officer, Civic Services Manager and Civic Support Officer.

PRAYER

The Mayor, Councillor Laxale offered prayer prior to the commencement of the meeting.

NATIONAL ANTHEM

The National Anthem was sung prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

TABLING OF PETITIONS

No Petitions were tabled.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No written submissions were made to Council.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No written submissions were made to Council.

ITEM 8 (continued)

ATTACHMENT 1

CLOSED SESSION

MM9/21 - PROPERTY MATTER – Mayor, Councillor Jerome Laxale

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RESOLUTION: (Moved by Councillor Maggio and the Mayor, Councillor Laxale)

That the Council resolve into Closed Session to consider the above matter.

Record of the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Maggio, Moujalli, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillor Lane

Note: The Council closed the meeting at 7.06pm. The public and media left the webcast.

MAYORAL MINUTE

MM9/21 PROPERTY MATTER - Mayor, Councillor Jerome Laxale

RECOMMENDATION: (Moved by the Mayor, Councillor Laxale and Councillor Maggio)

- (a) That Council delegates authority to the General Manager to immediately commence the acquisition of the property in accordance with the terms identified within the body of this report, to bid pre-auction and/or at the auction on behalf of Council, and if successful, immediately execute all documentation to effect the purchase of the property.
- (b) That should Council purchase the property, then Council publishes a notice pursuant to Section 34 of the Local Government Act that it proposes to classify the property as 'Operational Land' under the Local Government Act, with a further report to come to Council outlining options to lease the property as affordable or emergency housing.

ITEM 8 (continued)

ATTACHMENT 1

- (c) That Council endorses the proposed acquisition funding strategy as detailed in discussion in the Confidential session and the report and that an associated budget adjustment is made at the next Quarterly Budget Review.

Record of the Voting:

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by the Mayor, Councillor Laxale and Councillor Purcell)

- (a) That the Council resolve itself into open Council.
- (b) That the recommendations of Items considered in Closed Session be received and adopted as resolutions of Council without any alteration or amendment thereto.
- (c) That the Minutes of the Closed Session be adopted.

Record of the Voting:

For the Motion: Unanimous

Note: Open Council resumed at 7.54pm.

The meeting closed at 7.54pm.

CONFIRMED THIS 24TH DAY OF AUGUST 2021

Chairperson

9 SCHEDULE OF PROPOSED COUNCIL/COMMITTEE MEETING DATES

Report prepared by: Civic Services Manager

File No.: CLM/21/1/1/2 - BP21/725

REPORT SUMMARY

On 24 July 2021, the Minister for Local Government, Shelley Hancock MP made an Order under Section 318C of the *Local Government Act 1993* (the Act) to revoke the previous Order made on 26 June 2020 which postponed the election requirements of the Act for all Councils in New South Wales to 4 September 2021.

The Minister appointed 4 December 2021 as the new date on which the ordinary elections for all Councils in New South Wales are to be held.

As a result of these changes, part of this report outlines for the consideration and endorsement of Council, a draft schedule of meeting dates from September 2021 up to the end of November 2021 as provided for in **ATTACHMENT 1**.

This report also updates Council with the new commencement dates for the regulated period and caretaker period.

RECOMMENDATION:

- (a) That Council approve the Schedule of Meetings as detailed in the report and provided for in **ATTACHMENT 1**.
- (b) That Council note the regulated period commences on 25 October 2021 and ends on 4 December 2021.
- (c) That Council note the caretaker period commences on 5 November 2021 and ends on 4 December 2021 and the caretaker provisions as prescribed in the Local Government (General) Regulation 2005.

ATTACHMENTS

- 1 DRAFT Schedule of Meeting Dates for September 2021 up to Local Government Election on 4 December 2021

Report Prepared By:

Amanda Janvrin

Civic Services Manager

Report Approved By:

John Schanz

Manager - Corporate Governance

Mark Eady

Director - Corporate Services

ITEM 9 (continued)

Discussion

Council's current adopted Standing Committees are as follows:-

- Works and Community Committee; and
- Finance and Governance Committee.

Council's current meetings schedule is outlined below:-

- The Code of Meeting Practice allows for the Works and Community Committee and the Finance and Governance Committee meetings to be held on the second Tuesday of the months February to December inclusive.
- The Code of Meeting Practice allows for Council meetings to be held on the fourth Tuesday of the months February to December inclusive.

New date for ordinary elections for all New South Wales Councils

On 24 July 2021, the Minister for Local Government, Shelley Hancock MP made an Order under Section 318C of the *Local Government Act 1993* (the Act) to revoke the previous Order made on 26 June 2020 which postponed the election requirements of the Act for all Councils in New South Wales to 4 September 2021.

The Minister appointed 4 December 2021 as the new date on which the ordinary elections for all Councils in New South Wales are to be held.

Draft Schedule of Meeting Dates

Attached to this report for Council's consideration and endorsement and provided for in **ATTACHMENT 1** is a draft schedule of meeting dates for the period September 2021 up to the end of November 2021. Mayoral elections must be held for Mayors elected in September 2019 when their two year term expires in September 2021 and this has been included in the attached schedule.

It should be noted that the calendar may be amended at any time if Council resolves to alter the meeting day or to adjust the Council/Committee structure, subject to an appropriate transition period in order for public notices to be amended.

Regulated Period – Electoral Matter

With the election being held on 4 December 2021, the regulated period now commences on Monday, 25 October 2021, which is 40 days preceding the election day.

During this regulated period, Councils are to consider whether their publications could amount to being classified as electoral matter. "Electoral Matter" is defined under Clause 356A of the *Local Government (General) Regulation 2005* and broadly includes any matter that is intended or likely to affect voting in an election.

ITEM 9 (continued)

Council publications that promote the achievements of the Council may potentially fall within the definition of “electoral matter” – this could include websites, newsletters, e-newsletter, media releases, published speeches, brochures on services/facilities, advertisements, letters to residents and newspapers. The name, photograph and likeness of a candidate also fall within the definition of “electoral matter”.

Caretaker Period and Council decision-making prior to the December 2021 Local Government Elections

Council is reminded that the exercise of some of their functions is limited during the four weeks preceding the date of a local government election, in accordance with Clause 393B of the *Local Government (General) Regulation 2005*. This period is known as the caretaker period. It commences on Friday, 5 November 2021 and ends on Saturday, 4 December 2021.

Councils, the General Manager or any other delegate of the Council (other than a Joint Regional Planning Panel of the Central Sydney Planning Committee) must not exercise the following functions during the caretaker period:-

- Entering a contract or undertaking involving an expenditure or receipt by the Council of an amount equal to or greater than \$150,000 or 1% of the Council’s revenue from rates in the preceding financial year (whichever is the larger). This figure is \$765K based on the 2020/21 financial statements.
- Determining a “controversial development application”, except where a failure to make such a determination would give rise to a deemed refusal under Section 82 of the *Environmental Planning and Assessment Act 1979*, or such a deemed refusal arose before the commencement of the caretaker period.

“Controversial development application” means a development application under the *Environmental Planning and Assessment Act 1979* for which at least 25 persons have made submissions under Section 79(5) of that Act by way of objection.

- The appointment or reappointment of a person as the Council’s General Manager (or the removal of a person from that position) except for temporary appointments.

In certain circumstances, these functions may be exercised with the consent of the Minister.

Financial Implications

Adoption of the recommendation outlined in this report will have no financial impact as there is provision for the conduct of meetings allocated in the adopted 2021/2022 budget.

ITEM 9 (continued)

ATTACHMENT 1

**MEETING SCHEDULE – SEPTEMBER 2021 UP TO LOCAL
GOVERNMENT ELECTION ON 4 DECEMBER 2021**

DATE	MEETING TYPE	COMMENTS
SEPTEMBER		
07-Sep-21	No Meetings	
14-Sep-21	No Committee Meetings	
21-Sep-21	No Meetings	
28-Sep-21	Extraordinary Council Meeting	Mayor and Deputy Mayor Election Commencing at 7.00pm
OCTOBER		
05-Oct-21	No Meetings	
12-Oct-21	Works and Community Committee Meeting	Commencing at 6.00pm
12-Oct-21	Finance and Governance Committee Meeting	Commencing at 6.45pm
19-Oct-21	No Meetings	
26-Oct-21	Council Meeting	Commencing at 7.00pm
NOVEMBER		
02-Nov-21	No Meetings	
09-Nov-21	Works and Community Committee Meeting	Commencing at 6.00pm
09-Nov-21	Finance and Governance Committee Meeting	Commencing at 6.45pm
16-Nov-21	No Meetings	
23-Nov-21	Council Meeting	Commencing at 7.00pm
30-Nov-21	No Meetings	5th Tuesday

**Please note council elections scheduled for Saturday, 4 December 2021*