



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 27 September 2017
9am

at

Armidale Council Chambers

Members

Councillor Peter Bailey
Councillor Jon Galletly
Councillor Diane Gray
Councillor Libby Martin
Councillor Andrew Murat
Councillor Simon Murray
Councillor Debra O'Brien
Councillor Margaret O'Connor
Councillor Dorothy Robinson
Councillor Ian Tiley
Councillor Bradley Widders

AGENDA

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Item: 8.1 **Ref:** AINT/2017/13719
Title: FOR DECISION: Election of Mayor for September 2017 - September 2019 **Container:** ARC17/2267
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: Nil

RECOMMENDATION:

- a) That the CEO, as Returning Officer, call for nominations for the election of Mayor for the two year term of office, from September 2017 to September 2019; and
- b) That the method of voting be by open voting (show of hands).

Background:

The report deals with the election of the Mayor. In accordance with amendments to the NSW Local Government Act, the term of office for a Mayor, elected by Councillors has been increased to two years.

Key Issues and Risks

In accordance with the NSW Local Government Act and Regulations, nominations for Mayor must be in writing, signed by two (2) Councillors and the nominee must consent in writing. The nomination and acceptance can be made prior to the meeting.

Integrated Planning and Reporting Framework

Community Strategic Plan – Leadership for the Region

Delivery Program:

L2.2 Council implements a business excellence program across its operations

L2.2.2 Implement a Good Governance Framework

Stakeholder Engagement

In all new councils, the mayor is elected by the councillors. The Local Government (General) Regulation 2005 requires that when there is no chairperson present at a meeting of a council, the first business of the meeting must be the election of the Mayor (ie: chairperson) to preside at the meeting.

Financial Implications

There are no financial implications as a result of this report.

Next Steps

The OLG has developed Mayoral Election Procedures (May 2017) to be used when electing a Mayor. The method of election of a Mayor by Councillors is to be conducted in accordance with Schedule 7 of the Regulation.

Local Government (General) Regulation 2005 – Schedule 7 Schedule 7 – Election Of Mayor By Councillors (Clause 394)

Part 1 – Preliminary

1 Returning Officer

The General Manager (or a person appointed by the General Manager) is the Returning Officer.

2 Nomination

- (1) A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.
- (2) The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the Returning Officer.
- (4) The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

3 Election

- (1) If only one Councillor is nominated, that Councillor is elected.
- (2) If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the Council meeting at which the Council resolves on the method of voting.
- (4) In this clause:
 - “ballot” has its normal meaning of secret ballot
 - “open voting” means voting by a show of hands or similar means

Part 2 - Ordinary ballot or open voting

4 Application of Part

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

5 Marking of ballot-papers

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

6 Count – 2 candidates

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

7 Count – 3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.

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

Part 3 - Preferential Ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot – Papers and voting

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

10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- (4) In this clause, “**absolute majority**”, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

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

Part 4 – General

12 Choosing by lot

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

13 Result

The result of the election (including the name of the candidate elected as Mayor or Deputy Mayor) is:

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

Item:	8.2	Ref: AINT/2017/13720
Title:	FOR DECISION: Election of Deputy Mayor for September 2017 - September 2019	Container: ARC17/2268
Author:	Peter Wilson, Acting Program Leader Governance, Risk and Legal	
Attachments:	Nil	

RECOMMENDATION:

- a) That Council create the position of Deputy Mayor.
- b) That Council set the term of appointment for the position of Deputy Mayor of two (2) years.
- c) That the CEO, as Returning Officer, call for nominations for the election of Deputy Mayor for the two year term of office, from September 2017 to September 2019.
- d) That the ballot be by open voting (show of hands).

Background:

The report deals with the election of the Deputy Mayor. In accordance with amendments to the NSW Local Government Act, the term of office for a Deputy Mayor, elected by Councillors can be for a term of one year or two years. There is however no legal obligation for Council to elect a Deputy Mayor.

The recommendation reflects the former Council's traditional practices.

Key Issues and Risks

Council can determine to create the position of Deputy Mayor, for a period coinciding with the Mayoral term or a shorter period. The Deputy Mayor position is largely ceremonial with the Deputy Mayor able to fill in for the Mayor at functions where the Mayor is not available.

Section 231 of the Local Government Act 1993 ("the Act"), provides the following:

- (1) *The Councillors may elect a person from among their number to be the Deputy Mayor.*
- (2) *The person may be elected for the Mayoral term or a shorter term.*
- (3) *The Deputy Mayor may exercise any functions of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.*
- (4) *The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this Section, or if no Deputy Mayor has been elected.*

In accordance with the NSW Local Government Act and Regulations, nominations for Deputy Mayor must be in writing, signed by two (2) Councillors and the nominee must consent in writing. The nomination and acceptance can be made prior to the meeting.

Integrated Planning and Reporting Framework

Community Strategic Plan – Leadership for the Region

Delivery Program:

L2.2 Council implements a business excellence program across its operations

L2.2.2 Implement a Good Governance Framework

Stakeholder Engagement

The Local Government Act 1993 and Local Government (General) Regulation 2005 – Schedule 7 provide for the election of a Deputy Mayor.

Financial Implications

The Deputy Mayor can be paid an allowance for such time as the Deputy Mayor acts in the office of the Mayor. The Office of Local Government has advised that such an allowance cannot be established on an annual basis and paid as an annual figure. Rather it must reflect actual time acting as the Mayor. Therefore the Deputy Mayor will only receive an allowance if the Mayor is on a period of extended leave and Council has resolved to pay such an allowance.

Next Steps

The OLG has developed Mayoral Election Procedures (May 2017) to be used when electing a Mayor. The method of election of a Mayor by Councillors is to be conducted in accordance with Schedule 7 of the Regulation.

The Deputy Mayor will assume the role of Mayor on occasions when the Mayor is absent.

Item: 8.3 **Ref:** AINT/2017/13740
Title: FOR DECISION: Council meeting cycle for Ordinary Meetings for the remainder of 2017-2018 **Container:** ARC16/0759
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: Nil

RECOMMENDATION:

- a) **That Ordinary Meetings of Council be held in accordance with the Code of Meeting Practice, Part D Operative Parts, Clause 1.1.**
- b) **That the Ordinary Council Meeting cycle for the remainder of 2017-2018 be as follows:**
- i. **Wednesday 25 October 2017, 9.00am in Armidale**
 - ii. **Wednesday 22 November 2017, 9.00am in Guyra**
 - iii. **Wednesday 13 December 2017, 9.00am in Armidale (Second Wednesday)**
 - iv. **Wednesday 28 February 2018, 9.00am in Armidale**
 - v. **Wednesday 28 March 2018, 9.00am in Guyra**
 - vi. **Thursday 26 April 2018, 9.00am in Armidale (Public Holiday Wednesday 25 April)**
 - vii. **Wednesday 23 May 2018, 9.00am in Armidale**
 - viii. **Wednesday 27 June 2018, 9.00 in Guyra**

Background:

This report deals with arrangements for Ordinary Council meetings for the remainder of the 2017-2018 year. Council may determine the day and time of Ordinary Meetings in view of each councillor's work commitments and the expectations of the public.

Key Issues and Risks

As per the Code of Meeting Practice, Ordinary Council meetings take place on the fourth Wednesday of each month, except for December and January. The meeting cycle includes a rotation between Armidale and Guyra as both administration centres have suitable meeting room facilities and webcasting capabilities. This appears to have worked well over the past 15 months and the public is familiar with the arrangements.

When setting the time and date, Council should give consideration to the needs of the public, the most effective use of Councillor time and the safety and wellbeing of councillors and staff. From a safety perspective and given our Council has a large rural area (with staff and possibly Councillors living in outlying rural areas) Council should take into account risks associated commuting to (and from) meetings later at night particularly during the colder winter months. The current practice is for Council meetings to be conducted on the fourth Wednesday of each month during the day.

If no changes are proposed to when and where ordinary meetings are held, as outlined in the Code of Meeting Practice, then the Ordinary Council meeting cycle for the remainder of 2017-2018 would be as follows:

- Wednesday 25 October 2017, 9.00am in Armidale
- Wednesday 22 November 2017, 9.00am in Guyra
- Wednesday 13 December 2017, 9.00am in Armidale (Second Wednesday)
- Wednesday 28 February 2018, 9.00am in Armidale
- Wednesday 28 March 2018, 9.00am in Guyra
- Thursday 26 April 2018, 9.00am in Armidale (Public Holiday Wednesday 25 April)
- Wednesday 23 May 2018, 9.00am in Armidale
- Wednesday 27 June 2018, 9.00 in Guyra

It is planned that Workshops/Briefings be scheduled in the second week of each month, except in the months of December and January, to allow councillors to meet informally and discuss key projects, strategic planning and emerging issues.

Integrated Planning and Reporting Framework

Community strategic Plan – Leadership for the Region

L2 – Council exceeds community expectations when managing its budget and operations

L2.2 – Council implements a business excellence program across its operations

L2.2.2 – Implement a Good Governance Framework

Stakeholder Engagement

Council's Code of Meeting Practice outlines when and where Ordinary Meetings are held:

1.1 When and where are Ordinary Meetings held?

(1) Ordinary meetings of Council will be held on the fourth Wednesday of the months of February to November inclusive, at either 158 Bradley Street, Guyra or 135 Rusden Street, Armidale commencing at 9.00am.

(2) Ordinary meetings of Council will be held on the second Wednesday of the month of December, at either 158 Bradley Street, Guyra or 135 Rusden Street, Armidale commencing at 9.00am.

(3) Where scheduled meetings of Council fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday.

Financial Implications

There are minimal budgetary impacts associated with the date and timing of meetings.

Next Steps

Implement the Ordinary Council meeting cycle as determined by the new council.

Financial Implications

The Chairpersons Allowance and Councillor Fees are set annually by the County Council in accordance with the determination made by the Local Government Remuneration Tribunal. The annual fees for 2017-2018 are \$5,942 and \$2,377 respectively.

Next Steps

The meetings are held bi-monthly with the next meeting to be held on Tuesday 24 October 2017, commencing at 8.30am.

Item: 8.5 **Ref:** AINT/2017/15367
Title: FOR DECISION: Council Representation on External Bodies for 2017 - 2020 **Container:** ARC16/0759
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: Nil

RECOMMENDATION:

That Council determine the Councillor representation on the external bodies listed in the report, for the term of the council.

Background:

This report lists the external bodies on which Council has elected member representation.

Key Issues and Risks

The external bodies on which Council is represented by an elected member are listed below:

External Bodies	Councillor Representation
<p>Country Mayors Association (CMA) A Lobby Group on behalf of the concerns of major rural centres within New South Wales, the Country Mayor's Association is a forum to discuss like issues and make representations to other levels of government</p>	Mayor and Deputy Mayor (Alternate)
<p>New England Group of Councils (NEGOC) This group provides coordination of local government within the New England Region including resource sharing and local government advocacy.</p> <p>Membership is comprised of Armidale, Glen Innes Severn, Gwydir, Inverell, Moree, Tenterfield and Uralla councils and the NE Weeds Authority as an associate member.</p> <p>The State Government has identified the development and implementation of Regional Joint Organisations (JO's) as a key part of the Fit for the Future reform package. Consultation on the proposed boundaries has concluded however no government decision has been made.</p> <p>The proposed New England JO would include Armidale, Glen Innes Severn, Inverell and Tenterfield councils.</p>	Mayor and Deputy Mayor (Alternate)
<p>Joint Regional Planning Panel (JRPP) The principal function of regional panels is to determine regionally significant Development Applications</p>	Mayor and Councillor (Alternate)
<p>New England Bushfire Management Committee (BFMC) The Bush Fire Management Committee is comprised of representatives of all key Land Management Agencies and Stakeholder Groups, the Rural Fire Service, Police Service and an elected Local Government representative and Staff Member. The Committee is responsible for Bush Fire Risk Management Plans and Operational Plans.</p>	Councillor (1)

Determination of councillor representation on the New England Weeds Authority is the subject of a separate report.

Integrated Planning and Reporting Framework

Community Strategic Plan – Leadership for the Region

Delivery Program:

L4.2 Council initiates and fosters strong partnerships with all levels of government, peak bodies and agencies and the community.

L4.2.1 Facilitate a range of partnerships and networks to develop regional strategies.

Stakeholder Engagement

With the election of the new Council, it is now appropriate to appoint Councillor representation where required. Council may from time to time invite Councillors to nominate to act as its delegate on an external body, if it is satisfied that such appointment will be of benefit to both Council and the community.

Financial Implications

This report relates to the continuation of Councillor representation on various External Bodies and therefore there are no new budget implications in adopting the recommendation.

Next Steps

A report will be submitted to the October Council meeting to determine the Councillor representation on the Advisory Committees and committees constituted by Council under Section 355 of the Local Government Act.

Councillors, in their private capacity, are not prevented from accepting positions on external bodies provided that such positions are declared on their Annual Declaration of Interest Return and that, where appropriate, they declare their interest at Council meetings.

Item: 8.6 **Ref:** AINT/2017/15230
Title: FOR DECISION: Delegation to the Mayor **Container:** ARC17/2144
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: 1. Instrument of Delegation Mayor

RECOMMENDATION:

That Council delegate to the Mayor the delegations contained in the “Instrument of Delegation Mayor”.

Background:

The purpose of this report is to consider the delegations to be granted to the Office of the Mayor.

Key Issues and Risks

The role of the mayor is defined in Section 226 of the Act 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.

The proposed delegation provides the Mayor with the appropriate powers to ensure that the organisation can remain responsive and effective.

Integrated Planning and Reporting Framework

Community Strategic Plan – Leadership for the Region

L2 – Council exceeds community expectations when managing its budget and operations

L2.2 – Council implements a business excellence program across its operations

L2.2.2 – Implement a Good Governance Framework

Stakeholder Engagement

In accordance with Section 380 of the Act, Council is required to review its delegations during the first 12 months of the Council term. Section 377 of the Act empowers Council by resolution to delegate to the Mayor any of the functions of Council.

Financial Implications

There are no additional budget and resource issues arising from the issuing of delegations to the Mayor.

Next Steps

As this is a new Council following the Administration period it is considered pertinent to adopt the delegations for the Mayor at the beginning of the Council term.

It should also be noted that the Deputy Mayor, when officially acting in the role of Mayor, has the authority to exercise the delegated authorities for the role of Mayor.

Item: 8.7 **Ref:** AINT/2017/15176
Title: FOR DECISION: Review of CEO Delegations of Authority **Container:**
ARC17/2144
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: 1. Instrument of Delegation CEO

RECOMMENDATION:

- a) That any previous delegation to the Chief Executive Officer, Peter Dennis be revoked.
- b) That Council delegate to the Chief Executive Officer, Peter Dennis, the “Instrument of Delegation CEO” attached.
- c) For the period 27 September 2017 and ongoing appoint one of the two Group Leaders to act as CEO if the CEO is sick or otherwise absent from work on leave, with such appointment to cease upon the return to work of the CEO or other resolution of the Council.
- d) That Council delegate to any person acting as Chief Executive Officer, pursuant to this resolution, all the functions, delegations and sub-delegations given to the CEO by the Council.

Background:

This report presents the current Instrument of Delegation for the CEO for consideration by the new Council.

Key Issues and Risks

Council’s general power to delegate its functions is contained within Section 377 of the Act. For the new council’s information, this section is reproduced hereunder:

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.

The NSW Parliament in 2016 passed amendments to the Act by the proclamation of the Local Government Amendment (Governance and Planning) Act 2016. These reforms are known as the 'Phase One amendments' and have not all commenced. However the amendments in relation to the delegations for the acceptance of tenders for goods and services (refer to Section 377(1)(i) above) commenced on 23 September 2016.

The amendment to the delegations was the subject of extensive community and industry consultation and was proposed in order to facilitate the more efficient and effective delivery of services by council and thus enabling the council to focus on strategic issues.

Currently, a tender process takes about 3 to 4 months to complete. The delegation of authority to the CEO to accept tenders up to \$500,000 has shortened the tender process by approximately 4-6 weeks. This then has a positive impact on the service providers and operational activities, by ensuring a more efficient and timely process, where appropriate.

Integrated Planning and Reporting Framework

Community Strategic Plan – Leadership for the Region

L2 – Council exceeds community expectations when managing its budget and operations

L2.2 – Council implements a business excellence program across its operations

L2.2.2 – Implement a Good Governance Framework

Stakeholder Engagement

Under the provisions of Section 380 of the Local Government Act 1993, Council is required to review its delegations of authority during the first 12 months of each term of office.

Financial Implications

The administration and implementation of Council's delegations is the responsibility of the governance program utilising existing resources.

Next Steps

The Instrument of Delegation to be executed by the Mayor in accordance with the council resolution. All tenders approved under delegation are to be reported to open Council quarterly.

Item:	8.8	Ref: AINT/2017/08906
Title:	FOR DECISION: Ratification of the Fixing of Mayor and Councillors Fees for 2017-2018	Container: ARC16/1146
Author:	Peter Wilson, Acting Program Leader Governance, Risk and Legal	
Attachments:	Nil	

RECOMMENDATION:

That Council endorse Minute 126/17 (24 May 2017), fixing the 2017/18 fees payable to Councillors at the maximum of \$19,310 and fixing the 2017/18 fees payable to the Mayor at the maximum of \$42,120.

Background:

The Local Government Remuneration Tribunal (the Tribunal) has determined an increase of 2.5% to mayoral and councillor fees for the 2017/18 financial year, with effect from 1 July 2017.

Council resolved on 24 May 2017 to fix the 2017/18 fee payable to Councillors, under section 248 LGA at the maximum of \$19,310, and that the 2017/18 fee payable to the Mayor, under section 249 LGA, be fixed at the maximum of \$42,120.

It was also resolved that the decision be referred to the new Council for ratification.

Key Issues and Risks

The Act requires the annual fees to be fixed prior to 30 June and if a council that does not fix the annual fee, it must pay the appropriate minimum fee determined by the Remuneration Tribunal.

Following the creation of 20 new councils in 2016, the Tribunal, in consultation with the sector, has conducted a review of the categories of councils and mayoral offices pursuant to section 239 of the Local Government Act 1993.

The determination provides for the retention of five existing categories (some with new titles) and the creation of two new categories. In accordance with section 239, the categories of general purpose councils have been determined as follows:

Metropolitan	Non-metropolitan
Principal CBD	Regional City
Major CBD	Regional Strategic Area
Metropolitan Large	Regional Rural
Metropolitan Medium	Rural
Metropolitan Small	

Each council is allocated into one of these categories, based on criteria identified by the Tribunal. The new Armidale Regional Council is categorised as 'General Purpose Council – Non-metropolitan - Regional Rural' along with 36 other councils, including Clarence Valley, Coffs Harbour, Dubbo, Mid-Coast and Tamworth. The former Armidale Dumaresq Council was categorised as Regional Rural.

The following criterion applies to the category - Regional Rural:

Councils categorised as Regional Rural will typically have a minimum population of 20,000. Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area;
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities;
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres;
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports; and
- these councils may also attract large visitor numbers to established tourism ventures.

The Tribunal's report and determination is available on the Office of Local Government's website www.olg.nsw.gov.au and on the NSW Remuneration Tribunal's website www.remtribunals.nsw.gov.au.

Integrated Planning and Reporting Framework

Community Strategic Plan – Leadership for the Region

Delivery Program:

L2.2 Council implements a business excellence program across its operations

L2.2.2 Implement a Good Governance Framework

The role and responsibilities of the elected members is an integral component of the Local Government Good Governance Framework.

Stakeholder Engagement

Sections 248 and 249 of the Act require councils to fix and pay an annual fee based on the Tribunal's determination for the 2017/18 financial year. The fixing of the maximum fee is in accordance with the previous practice of the two former councils.

Financial Implications

The Tribunal's determination provides for an increase of 2.5% only, which is consistent with the Government's public sector wages policy cap on increases of 2.5%.

Pursuant to section 241 of the Act, the annual fees to be paid to Councillors and the Mayor effective on and from 1 July 2017 are determined as follows:

Annual Fee – Councillor: Minimum \$8,750 and Maximum \$19,310

Annual Fee – Mayor: Minimum \$18,630 and Maximum \$42,120

The maximum increase has been budgeted in the 2017/18 budget, based on a 75% (9 months) pro rata basis. The annualised budget is \$254,530.

Next Steps

The fees are payable monthly in arrears for each month (or part of a month) for which the councillor holds office.

Item:	8.9	Ref: AINT/2017/15295
Title:	FOR DECISION: Draft Media Policy	Container: ARC17/2331
Author:	Peter Wilson, Acting Program Leader Governance, Risk and Legal	
Attachments:	1. Draft Media Policy	

RECOMMENDATION:

- a) **That the Draft Media Policy be endorsed.**
- b) **That the Draft Media Policy go on public exhibition for a period of not less than 28 days, from Friday 29 September to Monday 30 October 2017.**
- c) **That a further report be provided to the November 2017 Council meeting for consideration of any submissions received.**
- d) **That if no submissions are made within the submission period, then the Media Policy be adopted retrospectively.**
- e) **That it be acknowledged that the intent of the Media Policy is to be implemented immediately, in order to provide a strong statement of the new Council's commitment to media relations and that the Mayor and the CEO are the chief spokespersons for the Council.**

Background:

This report seeks Council's endorsement of the draft Media Policy in order to provide a strong statement of Council's commitment to working with the media in order to communicate accurate and timely information to the community. It also defines the rights and responsibilities of Council staff and elected representatives in dealing with the media.

Key Issues and Risks

The draft Media Policy has been developed to ensure that comment made to the public through the media:

- Is consistent, well informed, timely and appropriate.
- Provides a coordinated, professional and consistent approach to media liaison.
- Clearly indicates council's authorised spokespersons and defines the roles and responsibilities within the council for working with the media.

Integrated Planning and Reporting Framework

Community Strategic Plan – Leadership for the Region

L2 – Council exceeds community expectations when managing its budget and operations

L2.2 – Council implements a business excellence program across its operations

L2.2.2 – Implement a Good Governance Framework

Stakeholder Engagement

Placing a draft policy on public exhibition is an important step in developing policy and engaging with the community and key stakeholders. It is also a statutory requirement that the draft Policy be publicly exhibited for not less than 28 days and that any submissions are considered by Council prior to the adoption of the Policy.

Financial Implications

There is no cost implications associated with the endorsement of the draft Policy.

Next Steps

The Policy will confirm Council's commitment to providing timely and accurate information to the community through positive working relationships with the media.

The Policy will be placed on public exhibition and a report will be submitted to the November Council meeting to consider any submissions received.

Item: 8.10 **Ref:** AINT/2017/15311
Title: FOR DECISION: Draft Councillor and Staff Interaction Policy **Container:**
ARC17/2330
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: 1. Draft Councillor and Staff Interaction Policy

RECOMMENDATION:

- a) **That the Draft Councillor and Staff Interaction Policy be endorsed.**
- b) **That the Draft Councillor and Staff Interaction Policy go on public exhibition for a period of not less than 28 days, from Friday 29 September to Monday 30 October 2017.**
- c) **That a further report be provided to the November 2017 Council meeting for consideration of any submissions received.**
- d) **That if no submissions are made within the submission period, then the Councillor and Staff Interaction Policy be adopted retrospectively.**
- e) **That it be acknowledged that the intent of the Councillor and Staff Interaction Policy is to be implemented immediately, in order to establish a good governance framework.**

Background:

The Draft Policy provides a framework for Councillors in exercising their civic duties by specifically addressing their ability to interact and receive advice from authorised staff. This Policy supports the provisions of the Code of Conduct and will form a central part of Council's Code of Conduct Framework.

Key Issues and Risks

The Local Government Act defines the roles and responsibilities of the Mayor and Councillors, and specifies that the General Manager is to direct staff in the performance of their duties. Interactions between Councillors and staff are necessary to facilitate well-informed decisions and the provision of Council services.

In accordance with Council's Code of Conduct, Councillors, Administrators and staff are expected to conduct their interactions with each other with respect, professionalism, objectivity, honesty and to a high standard of ethical behaviour. This Policy supplements the Code and nominates those Council staff that Councillors may access to exercise their civic leadership and represent the views of the community.

Integrated Planning and Reporting Framework

Community Strategic Plan – Leadership for the Region
L2 – Council exceeds community expectations when managing its budget and operations
L2.2 – Council implements a business excellence program across its operations
L2.2.2 – Implement a Good Governance Framework

Stakeholder Engagement

Placing a draft policy on public exhibition is an important step in developing policy and engaging with the community and key stakeholders. It is also a statutory requirement that the draft Policy

be publicly exhibited for not less than 28 days and that any submissions are considered by Council prior to the adoption of the Policy.

Financial Implications

There are no financial impacts associated with this report.

Next Steps

The Policy will be placed on public exhibition and a report will be submitted to the November Council meeting to consider any submissions received.

Item: 12.1 **Ref:** AINT/2017/15150
Title: FOR INFORMATION: Councillor Onboarding and Induction Program
Container: ARC16/1273
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: Nil

RECOMMENDATION:

That the Phase One program to induct and onboard the new council, to be delivered from September to December 2017, be received and noted.

Background:

An important part of the transition from Administration to Elected Representation is the delivery of a local Councillor Onboarding and Induction Program to support and guide newly elected Councillors to effectively fulfil their role.

Key Issues and Risks

Council officers have developed a detailed program to provide the necessary information and tools to support the newly elected Councillors. The program will contribute strongly to the development of a positive Council culture and strong working relationship between individual Councillors – and between Councillors and the Executive Leadership Team (ELT).

For new councils, the program will be important for councillors to understand the size and capacity of the new organisation, as well as the remaining implementation priorities.

The Office of Local Government (OLG) will continue to provide sector-wide councillor induction support, including a “Hit the Ground Running” workshop for all councillors in October.

The schedule for September – December 2017 is as follows:

- **Welcome Function** - (ELT, Councillors and Partners) including the issue of an e-Toolkit and taking of photographs, Tuesday 19 September.
- **Electronic Distribution of Ordinary Council Meeting Business paper** - Thursday 21 September.
- **ICT Support Sessions** - Friday 22 September.
- **Inauguration of Councillors and first Ordinary Council Meeting** - Wednesday 27 September.
- **Workshop on Regional Growth Funding Programs** – Wednesday 11 October;
- **Safety Induction** - Tuesday 17 October.
- **Office of Local Government, Hit the Ground Running Workshop** - Tuesday 17 October.
- **New Council Residential Workshop (offsite)** - Friday 20 October and Saturday 21 October.
- **Councillors bus tour of LGA (inspection of key projects)** - Wednesday 8 November.
- **NSW Local Government Annual Conference, Sydney** – Monday 4 to Wednesday 6 December (nominated Councillors).

Integrated Planning and Reporting Framework

Community Strategic Plan – Leadership for the Region

L3 - Council demonstrates sound organisational health and has a culture which promotes action, accountability and transparency

L3.1 - Elected officials, and people considering a role as an elected official, can easily access information and support with a view to attracting a diverse and high quality calibre of representatives

L3.1.1 - Develop and implement a Councillor on-boarding program

Stakeholder Engagement

The program has been developed in consultation with OLG.

Financial Implications

Funds have been allocated in the budget for the Onboarding and Induction of Councillors. The Councillor Expenses and Facilities Policy also makes provision for the induction, training and development of councillors.

Next Steps

Council's program for induction will require a commitment from new councillors for their participation at the sessions offered to them. Phase One of the Councillor Induction and Onboarding program will be delivered in the September to December period.

Phase Two of the induction program will be developed in consultation with the new council. There is a range of further training opportunities available to Councillors including a number of Courses focused on Local Government Governance. These will be discussed at the residential workshop with Councillors and a paper will be prepared for Councils consideration. A Training and Development Program is also being developed by OLG and council will supplement this with tailored professional development.

Item: 12.2 **Ref:** AINT/2017/13717
Title: FOR INFORMATION: Oath or Affirmation of Office **Container:**
ARC17/2266
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: Nil

RECOMMENDATION:

a) That it be noted that the following Councillors took the Oath of Office, before the CEO, prior to the first Ordinary Meeting of the new Council, on 27 September 2017:

List Councillors – to be advised.

b) That it be noted that the following Councillors took the Affirmation of Office, before the CEO, prior to the first Ordinary Meeting of the new Council, on 27 September 2017:

List Councillors – to be advised.

Background:

The purpose of this report is to make a formal record of the Oath of Office or Affirmation of Office taken by individual Councillors prior to the commencement of the new Council's first Ordinary Meeting.

Key Issues and Risks

The NSW Parliament has passed amendments to the Local Government Act 1993, known as the Phase 1 reforms, focussing mainly on improving council governance and strategic business planning.

Some of these amendments are now in force including Section 233A of the Act, which requires all councillors, including mayors, to take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.

Integrated Planning and Reporting Framework

Community Strategic Plan – Leadership for the Region

Delivery Program:

L2.2 Council implements a business excellence program across its operations

L2.2.2 Implement a Good Governance Framework

Stakeholder Engagement

There was no engagement required as the taking of the oath or affirmation is a statutory requirement.

233A Oath and affirmation for councillors

(1) *A councillor must take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.*

(2) *The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace and is to be in the following form:*

Oath

I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of 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 judgment.

Affirmation

I [name of councillor] 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 [name of council area] and the [name of 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 judgment.

- (3) A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or made the affirmation.*
- (4) Any absence of a councillor from an ordinary meeting of the council that the councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.*
- (5) Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a councillor in the exercise of the councillor's functions.*
- (6) The general manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise).*

Financial Implications

There are no financial implications as a result of this report.

Next Steps

A Councillor who fails, without reasonable excuse, to take the oath or affirmation will not be entitled to attend Council meetings until they do so and will be taken to be absent without leave.