

Richmond
Valley
Council



AGENDA

Extraordinary Council Meeting

I hereby give notice that an Extraordinary Meeting of Council will be held on:

Date: Tuesday, 18 January 2022

Time: 5.00pm

Location: Council Chambers
10 Graham Place, Casino

Vaughan Macdonald
General Manager

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1 ACKNOWLEDGEMENT OF COUNTRY

The Mayor will provide an Acknowledgement of Country by reading the following statement on behalf of Council:

"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."

2 PRAYER**3 APOLOGIES****4 DECLARATION OF INTERESTS**

5 GENERAL MANAGER'S REPORTS

5.1 OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS

Author: Vaughan Macdonald, General Manager

EXECUTIVE SUMMARY

One of the first duties for newly elected Councillors is to take the Oath or Affirmation of Office, required under the *Local Government Act 1993*. The Oath or Affirmation is a public statement by each Councillor, affirming their commitment to undertake their duties in the best interests of the people of the Richmond Valley and to faithfully and impartially carry out their functions, powers, authorities and discretions vested under NSW legislation to the best of their ability and judgement. The General Manager must ensure that each councillor (including the mayor) makes an oath or affirmation at, or before, the first meeting of the council following the Local Government Election.

RECOMMENDATION

That, in accordance with s.233A of the *Local Government Act 1993*, a record is made of the taking of the Oath or Affirmation by each of the seven newly elected Councillors at the commencement of this meeting.

DELIVERY PROGRAM LINKS

Making Council Great

CS1: Leading and Advocating for our Community

CS1.3: Ensure transparency and accountability in council's operations

REPORT

In order to comply with the *Local Government Act 1993*, the General Manager must ensure that each councillor (including the mayor) makes an oath or affirmation prior to the first meeting of the council following the Local Government Election.

Each oath or affirmation being taken is to be recorded by way of a signed statement containing the oath or affirmation, or by recording the taking of the oath or affirmation by each councillor in the minutes of the council meeting. It is proposed that the record be kept by way of recording the taking of the oath or affirmation of each councillor in the minutes of the council meeting.

If for any circumstance a councillor is unable to attend the first council meeting, he or she may take the oath or affirmation of office at another location in front of the General Manager, an Australian legal practitioner or a Justice of the Peace. The taking of the oath or affirmation outside a council meeting must be publicly recorded by the council. To meet this requirement a council staff member should also be present to ensure that an accurate record can be kept by the council.

For the purposes of each councillor (including the mayor) making an oath or affirmation as the first item of business for this meeting, the wording of the oath and affirmation are provided below:

Oath

I, Councillor (... *please state full name* ...), swear that I will undertake the duties of the office of councillor in the best interests of the people of the Richmond Valley community and Richmond Valley 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, Councillor (... *please state full name* ...), 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 Richmond Valley community and Richmond Valley 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.

CONCLUSION

Richmond Valley Council's newly elected Mayor and Councillors will take the oath or affirmation at the commencement of the 18 January 2022 Extraordinary Council meeting.

ATTACHMENT(S)

Nil

5.2 ELECTION OF DEPUTY MAYOR

Author: Vaughan Macdonald, General Manager

EXECUTIVE SUMMARY

Section 231 of the *Local Government Act 1993* (The Act) provides that the Councillors may elect a deputy mayor for the mayoral term or for a shorter term. 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.

Schedule 7 of the *Local Government (General) Regulation 2021* (The Regulation) outlines the method of conducting the election of Deputy Mayor. Under the Regulation, nominations for the position of Deputy Mayor are to be made in writing by two or more councillors (one of whom may be the nominee) and delivered to the returning officer.

If more than one candidate is nominated, the Regulation provides for the election to be conducted by either preferential ballot, ordinary ballot or open voting. Following public declaration of the election result, nomination forms and any ballot papers used in the election may be destroyed.

It is recommended that the method of conduct for the election of Deputy Mayor be by open voting.

RECOMMENDATION

Recommended that:

1. Council elects a Deputy Mayor for a one-year period.
2. Nominations for the position of Deputy Mayor be submitted in accordance with the *Local Government (General) Regulation 2021*, Schedule 7.
3. The method of conduct for the election of Deputy Mayor be by open voting.
4. Following declaration of the election result, nomination forms be destroyed.

DELIVERY PROGRAM LINKS

Making Council Great

CS1: Leading and Advocating for our Community

CS1.3: Ensure transparency and accountability in council's operations

BUDGET IMPLICATIONS

No fee is specifically payable to the Deputy Mayor. Should Council determine that a fee be payable, the Mayoral allowance would need to be reduced by the same amount.

REPORT

Section 231 of The Act provides for the following in relation to the position of Deputy Mayor:

- (1) The councillors may elect a person from among their number to be the deputy mayor.*
- (2) The person may be elected for the mayoral term or a shorter term.*
- (3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*

- (4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.”*

Schedule 7 of The Regulation outlines the requirements for conducting the election of Deputy Mayor. Under the Regulation, the General Manager, or a person appointed by the General Manager, acts as the returning officer for the election.

Nominating candidates

The Regulation provides for a councillor to be nominated without notice for the role of Deputy Mayor. Nominations must be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee consents to the nomination in writing. Nominations are then delivered to the returning officer and he or she announces the names of the nominees at the council meeting at which the election is to be held.

If only one councillor is nominated, he or she is elected. If more than one councillor is nominated, Council then determines by resolution whether it will use open voting, ordinary ballot or preferential ballot for the election. The election must be conducted at the same meeting.

Deciding by open voting

Should Council decide to undertake the election via the open voting method, the preferred candidate is selected by show of hands.

If there are three or more candidates, the one with the lowest number of votes is excluded and the show of hands is taken repeatedly, using the same process, until there are only two candidates remaining. The person with the highest number of votes at the final poll is elected. If the final poll is a draw, the successful candidate is selected by lot.

Deciding by ordinary ballot

Should Council decide to undertake the election via ordinary ballot, the returning officer decides the manner in which votes are to be marked on the ballot paper. He or she then determines if all the ballot papers received are formal votes (using the guidance in cl 345 of the Regulation) and excludes any informal ballot papers. If there are only two candidates, the one with the highest number of votes is elected. If there are three or more candidates in the election, the one with the lowest number of votes is excluded after the first poll. The poll is then taken repeatedly, using the same process, until there are only two candidates remaining. The person with the highest number of votes at the final poll is elected. If the final poll is a draw, the successful candidate is selected by lot.

Deciding by preferential ballot

Generally, the preferential ballot system is only applied in larger councils, when there are more than two candidates for the role. Should council decide to use this method councillors are asked to mark their votes by placing the numbers 1, 2, 3 and so on against the various names on the ballot paper to indicate their order of preference for all the candidates. If a candidate has an absolute majority (more than half the first preference votes), that candidate is elected. If not, the candidate with the least number of first preference votes is excluded and his or her votes are transferred to those marked as the second preference on the ballot paper/s. This process continues until one of the candidates has an absolute majority. If, at the final count, there are only two candidates left, each with the same number of votes, the successful candidate is selected by lot.

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 then mixed, and one is drawn at random by the returning officer. The candidate whose name is on the drawn slip is chosen.

Declaring the result

The Regulation requires the returning officer to declare the results of the election, including the name of the successful candidate, at the council meeting where the election is held. The result must also be sent to the Office of Local Government and LGNSW.

CONSULTATION

Nomination forms have been provided to each Councillor.

CONCLUSION

This report provides details of the process required for the election of Deputy Mayor. Nomination forms for the position of Deputy Mayor have been forwarded to each Councillor.

ATTACHMENT(S)

Nil

5.3 MAYORAL DELEGATION

Author: Vaughan Macdonald, General Manager

EXECUTIVE SUMMARY

Section 226 of the *Local Government Act 1993* sets out the role of the Mayor. To give effect to the role of the Mayor, Council adopted the Mayoral delegation at the 17 September 2013 Ordinary Meeting and this was subsequently confirmed by the 2016-21 Council.

The 2022-24 Council may wish to continue this practice

RECOMMENDATION

That Council endorses the following delegations to the Mayor:

1. That Council authorises the Mayor to exercise policy-making functions between meetings (in cases of necessity).
2. That Council delegates authority to the Mayor to approve leave of absences for the General Manager.
3. That Council delegates to the Mayor an allowance of \$20,000 maximum expenditure between meetings for use in the event of an emergency; and the details of such expenditure be reported at the next Council Meeting.

DELIVERY PROGRAM LINKS

Making Council Great

CS1: Leading and Advocating for our Community

CS1.2: Facilitate Council's compliance with legal and governance requirements, including risk and insurance

BUDGET IMPLICATIONS

Nil

REPORT

Section 226 of the *Local Government Act 1993* states:

“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.”

Council has previously adopted the Mayoral delegation for purposes of providing authority to the Mayor in respect of policy-making functions between Council meetings. In addition, the delegation provides authority for the Mayor to approve leave of absence for the General Manager and to delegate an allowance of \$20,000 maximum expenditure between meetings for use in the event of an emergency with details of such expenditure to be reported to the next meeting of council.

The in-coming Council wish to this practice. A copy of the delegation is provided below.

**Delegations of Functions and Authority
Section 377 Local Government Act 1993**

- That Council authorises the Mayor to exercise policy-making functions between meetings (in cases of necessity).
- That Council delegates authority to the Mayor to approve leave of absences for the General Manager.
- That Council delegates to the Mayor an allowance of \$20,000 maximum expenditure between meetings for use in the event of an emergency; and the details of such expenditure be reported in detail at the next Council Meeting.

CONSULTATION

Nil

CONCLUSION

The Mayoral delegation is provided for consideration by Council.

ATTACHMENT(S)

Nil

5.4 COUNCIL COMMITTEES AND DELEGATES

Author: Vaughan Macdonald, General Manager

EXECUTIVE SUMMARY

Richmond Valley Council has a range of committees that contribute to its operations, activities and functions. Council also has delegate commitments to external organisations.

Generally, appointments to essential committees and organisations are determined at the first meeting of the newly elected Council. This includes:

- Electing Council's two delegates to Rous County Council
- Selecting Council's representative on the Richmond Valley Council Local Traffic Committee
- Determining Council's representative on the Arts Northern Rivers Board.

County council elections are conducted under the provisions of the *Local Government Act 1993* and the Local Government (General) Regulation 2021, with the matter being determined by preferential ballot. However, a recent amendment to s285 of the Act has resulted in some unintended anomalies for county council elections for the 2022-24 term. The Office of Local Government is working to correct this problem. However, in the meantime, it will be necessary to conduct a separate ballot for each Rous delegate, should more than two nominations be received.

RECOMMENDATION

That Council:

- 1) Appoints Councillor representatives/delegates to the following committees or organisations:
 - Rous County Council – two Councillors
 - Richmond Valley Council Local Traffic Committee – one Councillor
 - Arts Northern Rivers (one representative and alternate);
- 2) The General Manager conducts the elections for the above positions in line with the requirements of the Local Government Act and Regulation, as set out in this report;
- 3) Notes the appointment of the Mayor as Council's representative on the Northern Rivers Joint Organisation Board for the 2022-24 term; and
- 4) Notes that a review of other committee appointments, including Council's Internal Audit and Risk Committee, will be brought to a future meeting of Council.

DELIVERY PROGRAM LINKS

Making Council Great

CS1: Leading and Advocating for our Community

CS1.3: Ensure transparency and accountability in council's operations

BUDGET IMPLICATIONS

Nil

REPORT

Following each local government election, Council is required to review the appointment of Councillor representatives to various committees and to elect new Council delegates to Rous County Council.

Details of the Councillor appointments to be determined at the January meeting of Council are provided below.

Rous County Council

Under the provisions of the *Local Government Act 1993*, Local Government (General) Regulation 2021 and the Rous County Council Charter, Council must appoint two new delegates to the Rous County Council board following each local government election.

Schedule 9 of the Regulation outlines how the election should be conducted. The Rous County Council Charter requires each constituent council to choose two of its members to serve on the Board. Accordingly, the ballot is conducted under the Single Area Electorate provisions of Schedule 9, with the General Manager serving as Returning Officer.

In past years, the election of the two Rous delegates has been determined by preferential ballot, with s285 of the Act and Schedule 4 of the Regulation outlining the voting procedure. However, in 2019, s285 was amended so that it was no longer possible to elect multiple delegates by preferential ballot. This resulted in unintended consequences for county council elections, which were not detected until the 2022-24 council term commenced. The NSW Government is working to resolve this problem. However, in the meantime, Council has received advice from the Office of Local Government that the election may be conducted as two separate ballots – one for each delegate. This will allow preferential voting to be used, if required.

Nominating candidates

Nomination forms for Rous County Council delegates have been forwarded to each Councillor. Part 2 (5) of Schedule 9 outlines how nominations may be received.

The nomination:

- (a) may be made without notice by any councillor of the council, and
- (b) is to be in writing delivered or sent to the returning officer, and
- (c) is not valid unless the nominee has indicated consent to the nomination in writing.

The Returning Officer will announce the names of the nominees at the Council meeting. If more than two nominations are received, a ballot will be conducted to appoint each delegate. If only two nominations are received, both nominees will be declared elected.

Conducting the ballot

If more than two nominations are received, the successful candidates will be selected via a preferential ballot for each delegate. Ballot papers will be distributed to Councillors, containing the names of all candidates, with each Councillor being required to mark their votes by placing the figures 1, 2 and so on against the various names to indicate the order of their preference. The votes will be counted in accordance with Schedule 4. Once the first delegate is chosen, the ballot will be repeated to select the second delegate.

Results of the election will be announced at the Council meeting and forwarded to the General Manager of Rous County Council.

Richmond Valley Council Local Traffic Committee

This committee is a statutory committee which advises Council on traffic related matters, referred to it by Council Officers and/or by Council resolution. The Committee is an advisory body only with recommendations reported to Council.

Membership consists of one Councillor, Director Community Service Delivery (or nominee), one representative each from the Police Traffic Branch and Transport for NSW and the Member for Clarence (or nominee).

With the commencement of the 2022-24 Term, Council is required to appoint a new Councillor representative to the Committee.

Arts Northern Rivers

Arts Northern Rivers is an incorporated association that includes representatives of local councils on its Board. The six member councils are: Richmond Valley, Tweed, Lismore, Byron, Kyogle, and Clarence Valley Councils.

The organisation aims to:

- Foster and promote the culture of the region;
- Foster and encourage Indigenous arts and cultural programs and practices;
- Promote the arts, and achievement in the arts, to enhance social and economic community development;
- Encourage an increase in the level of cultural tourism.

Member councils make an annual contribution to Arts Northern Rivers to support its work and the organisation also receives grant funding from State and Federal Government. Council's contribution for the 2021-22 financial year was \$15,743.

The ANR constitution allows each contributing council to decide how it will select its representative (either by direct appointment or calling expressions of interest) and whether it wishes to appoint a Councillor, staff member, or member of the local arts community as its representative. An Alternate must also be appointed. In the previous council term, Council chose a Councillor as its representative, with a member of staff serving as the Alternate. Four board meetings are held each year, with the first scheduled for 18 February 2022.

Northern Rivers Joint Organisation

Richmond Valley Council is a member of the Northern Rivers Joint Organisation (NRJO) with the Mayor serving as Council's representative on the Board, in accordance with the requirements of the *Local Government Act 1993*. The General Manager serves on the Advisory Committee. The JO elects a new Chair following each local government election. Election of the new Chair will take place at the first meeting of NRJO for the 2022-24 Council term.

Internal Audit and Risk Committee

Council has previously operated an Internal Audit and Risk Committee, as a committee of the whole Council. However, the *Local Government Act 1993* was amended in 2016 to introduce new requirements for risk management and internal audit, with the first of these changes coming into effect from 2022. Councils will be required to appoint a new Audit, Risk and Improvement Committee by June 2022, in accordance with the regulations. The NSW Government is still consulting with councils on the final risk management and internal audit framework and a report will be brought to Council's February meeting for further consideration.

CONSULTATION

Nil

CONCLUSION

This report outlines the requirements for appointing Councillor representatives and delegates to various committees and organisations. Matters to be addressed at the January Extraordinary meeting include appointment of delegates to Rous County Council and appointment of representatives to the Traffic Committee and Arts Northern Rivers. Details of other committee appointments will be brought to a future Council meeting.

ATTACHMENT(S)

Nil

5.5 COUNCIL MEETINGS - ORDINARY MEETING DAY AND TIME

Author: Vaughan Macdonald, General Manager

EXECUTIVE SUMMARY

Under the *Local Government Act 1993*, a council is required to meet at least ten times each year, each time in a different month. Following a local government election, it has been Council's usual practice to review its meeting days and commencement times for its Ordinary Meetings.

Proposed meeting times and dates are recommended in this report.

RECOMMENDATION

That:

1. Council holds its Ordinary Meetings on the third Tuesday of the month commencing at 5.00pm.
2. There will be no Ordinary Meeting held in January each year unless a resolution is passed to the contrary.
3. Council confirms that its Ordinary Meetings for the remainder of 2022 will be held on the following dates:
 - 15 February
 - 15 March
 - 19 April
 - 17 May
 - 28 June (Budget Meeting)
 - 19 July
 - 16 August
 - 20 September
 - 18 October
 - 15 November
 - 20 December

DELIVERY PROGRAM LINKS

Making Council Great

CS1: Leading and Advocating for our Community

CS1.1: Improve decision making by engaging stakeholders and taking community input into account

BUDGET IMPLICATIONS

Nil

REPORT

Section 365 of the *Local Government Act 1993* states that a council is required to meet at least ten times each year, each time in a different month. Following a local government election, it has been usual practice for Council to review its meeting days and commencement times.

At present, Council's Ordinary Meetings are held at 5.00pm on the third Tuesday of each month.

As per the Code of Meeting Practice, Council does not normally conduct an Ordinary Meeting in January, unless a resolution is passed to the contrary. It is proposed that this practice continues.

It is further proposed that Council meetings for the remainder of 2022 continue to be held on the third Tuesday of the month commencing at 5.00pm. This is with the exception of the June Ordinary Meeting, which occurs on the fourth Tuesday of the month, due to the timing of budgetary requirements.

The following meeting dates and times are proposed:

- 15 February 2022
- 15 March 2022
- 19 April 2022
- 17 May 2022
- 28 June 2022 (Budget Meeting)
- 19 July 2022
- 16 August 2022
- 20 September 2022
- 18 October 2022
- 15 November 2022
- 20 December 2022

CONSULTATION

Under the Model Code of Meeting Practice for Local Councils in NSW (adopted by Council in 2019), a council must give notice to the public of the time, date and place of each of its meetings (Clause 3.6).

CONCLUSION

Council has traditionally reviewed the day and time of its Ordinary Meetings following each local government election. This report proposes a meeting schedule for 2022.

ATTACHMENT(S)

Nil

5.6 COUNTBACK ELECTIONS

Author: Vaughan Macdonald, General Manager

EXECUTIVE SUMMARY

Following the 2021 local government elections, councils will, for the first time, have the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring on the Council in the first 18 months. This helps to avoid the cost of holding a by-election.

Under the new provisions, Richmond Valley Council could use the countback option if a vacancy occurred amongst the six Councillors, but not for a vacancy in the Mayoral office. In order to use the countback method, a resolution must be passed at the first meeting of the newly elected council.

RECOMMENDATION

That:

1. Pursuant to section 291A(1)(b) of the *Local Government Act 1993* (the Act), Richmond Valley Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act.
2. The General Manager notifies the NSW Electoral Commissioner of the Council's decision within 7 days.

DELIVERY PROGRAM LINKS

Making Council Great

CS1: Leading and Advocating for our Community

CS1.3: Ensure transparency and accountability in council's operations

BUDGET IMPLICATIONS

Use of the countback election process would incur administrative costs for Council, however these are expected to be less than the cost of holding an attendance by-election

REPORT

The *Local Government Act 1993* was recently amended to allow councils to use the countback method to fill casual vacancies on the elected council if they choose to do so. There are a number of conditions regarding this option:

- Councils must opt-in to the process by passing a resolution at their first council meeting
- The vacancy must occur within 18 months of the election
- The method cannot be used to fill a vacancy for a popularly elected mayor.

As the 2022-24 council term is shorter than the usual term of office (33 months), the new countback option under s291A of the Act may present an efficient and economical solution for filling vacancies, combined with the Dispensing with By-election provisions of s294. If Council chose to opt-in to the countback process, the following scenarios would apply:

Councillor vacancies:

- Within the first 18 months of office, the vacancy could be filled by countback
- Within the remaining 15 months of office, Council could choose to hold a by-election, or apply to the Minister under s294 not to fill the vacancy.

Vacancy in the Mayoral office

- Within the first 15 months of office, a by-election would need to be conducted.
- Within the last 18 months of office, the Governor would appoint a Councillor nominated by Council to fill the role, in accordance with s294.

Countback methodology

The countback election process is used to elect a councillor to fill a single vacancy, where the vacating councillor was elected under the proportional representation method (i.e. where two or more candidates were elected at a local government ordinary election). If there are multiple vacancies, a separate countback election is held for each vacancy. The process must be conducted by Council's election manager, the NSW Electoral Commissioner.

Once Council notifies the Electoral Commissioner of the vacancy, the Returning Officer contacts all unelected candidates from the local government ordinary election who may still qualify to be elected to the office of councillor. Where the candidate is interested, he or she must submit a formal application to the Returning Officer. All candidates who do not withdraw their application, become eligible candidates.

Applications for candidates to participate are open for 10 days; with the countback election required to be completed within 49 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; and
- Re-runs the countback until an eligible candidate is elected.

CONSULTATION

Nil

CONCLUSION

Opting-in to the new countback option under s291A of the Act may provide Council will a cost-effective way of addressing casual vacancies in office. However, the provisions would not apply to the Office of Mayor in Richmond Valley Council's circumstances.

ATTACHMENT(S)

Nil

6 GENERAL BUSINESS

6.1 DRAFT COMMUNITY ENGAGEMENT STRATEGY

Author: Sharon Davidson, Manager Community Connection

EXECUTIVE SUMMARY

Richmond Valley Council is embarking on the development and delivery of its next Community Strategic Plan.

The Community Strategic Plan will capture the community's vision for the area and identify key social, economic and environmental priorities, along with long-term strategies for the next 10 years. It will reflect the aspirations, needs and priorities of the local community.

The purpose of this engagement strategy is to ensure the Community Strategic Plan is developed in close consultation and collaboration with our local community. It outlines the stakeholders to be engaged, proposes a range of engagement approaches, and presents key timelines to assist in the delivery of the Community Strategic Plan.

This strategy will evolve as opportunities emerge and feedback is sought from the community.

RECOMMENDATION

That Council:

1. Receives and adopts the Draft Community Strategic Plan - Community Engagement Strategy 2021-2022; and
2. Notes the strategy will be implemented from January-June 2022 to inform the next Community Strategic Plan, which will be adopted at the June 2022 Council meeting.

DELIVERY PROGRAM LINKS

Making Council Great

CS1: Leading and Advocating for our Community

CS1.1: Improve decision making by engaging stakeholders and taking community input into account

BUDGET IMPLICATIONS

Nil

REPORT

All councils are required to prepare and implement an engagement strategy to meet the provisions of Section 402A of the *Local Government Act 1993*.

The Act specifically states that councils are required to "establish and implement a strategy for engagement with the local community when developing their plans, policies and programs and for the purpose of determining activities".

Richmond Valley Council welcomes community ideas, input and feedback. Council wants to strengthen relationships and build a better understanding of community needs and views to help it make informed and transparent decisions.

To do this successfully and consistently across various services and projects, Council has developed a Community Strategic Plan-Engagement Strategy, titled *Our Big Conversation 2021-2022*. This document outlines a process for how Council will conduct community engagement

activities and explains how the community can be involved in decisions about matters which are important to them.

Implementing this strategy is the shared responsibility of the entire Richmond Valley Council organisation and applies to councillors, staff, contractors and consultants. The strategy recognises the key to successful community engagement is a productive and collaborative partnership between Council and the community.

Opportunities to participate will be available to anyone who is likely to be affected by, or who has an interest in, a decision or outcome.

Council will seek to ensure views from a cross-section of the community are gathered which are relevant to the decision. This means Council will proactively seek out the views of those whose voices are not often heard.

Council has identified that young people in particular are often under-represented in our community engagement processes. To address this, Council will develop a specific youth consultation plan with targeted engagement channels and techniques to better involve our young people.

There are eight principles to Council's overall framework for community engagement. Together, these provide a roadmap for how we achieve our vision for a transparent and accountable Council where decision-making is informed by input from the community.

1. Easy for the community to access and participate in
2. Interactive
3. Inclusive of the whole community
4. Fun, novel and engaging
5. Clear and simple
6. Meaningful, authentic and adds value
7. Snappy, short and sharp
8. Impactful and tangible

In addition to the eight engagement principles listed above, the engagement strategy is aligned with the spectrum of participation developed by the International Association of Public Participation.

The Spectrum of Public Participation was designed to assist with the selection of the level of participation which defines the public's role in any public participation process, including the development of community strategic plans. The spectrum has five participation goals:

Inform – to provide the community with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.

Consult – to obtain community feedback on analysis, alternatives and/or decisions.

Involve – to work directly with the community in each aspect of the decision including the development of alternatives and the identification of preferred solutions.

Collaborate – to partner with the community in each aspect of the decision including the development of alternatives and the identification of the preferred solutions.

Empower – to place final decision-making in the hands of the community.

The COVID-19 pandemic is presenting Council with challenges to continuing its engagement programs as usual. The COVID-enforced delays in holding the NSW Local Government elections have resulted in a shortened Council term, which in turn has led to a reduced consultation timeframe. Social distancing requirements mean face-to-face meetings, events and workshops may not be an option. Council has been exploring digital ways of engaging its stakeholders, such as via Zoom and other video-hosting programs, and seeking public feedback via social media platforms and its website. These tools are proving effective and will continue to be part of Council's engagement process going forward.

Community engagement methods will vary depending on who is being consulted, the level of public participation desired and the timeframes and resources required. A mix of engagement methods are generally required to cater for different stakeholder needs, preferences and the level of participation Council is seeking to achieve.

Through all engagement activities, Council will encourage the open expression of all views. As the engagement strategy is implemented, Council will monitor the effectiveness of the different activities and the level and breadth of participation. Using this information, Council will reassess and adjust engagement activities, timelines or other factors if required to improve the process. For example, if a group in the community is identified whose voices have not been heard, we may undertake additional activities specifically aimed at reaching them.

Council recognises that transparent decision-making processes rely on the use of sound evidence, community input and representation. All views gathered through community engagement activities will be considered, balanced and assessed, giving consideration to any other data, advice, strategies and/or legislation that is relevant to the matter.

Council will:

- Give consideration to all feedback received.
- Report back the findings and decisions in a timely and accessible way.
- Use findings to influence decisions or advocate where we do not have the authority to make decisions.

In making the decision, Council will refer back to the purpose of the engagement activity and ensure the final decision reflects the original purpose and objective.

Importantly, Council will report back to participants and the community to clearly demonstrate how engagement results and outcomes have been used to inform the final decision.

For longer-term engagement projects, Council will report back at key progress milestones, so the community is kept informed and maintains interest and confidence in our process.

Community feedback (positive and negative) on Council's engagement activities is welcome at any time. This can be provided directly to the team managing the engagement process or via Council's Customer Experience team.

CONCLUSION

This strategy is a guiding framework to support development of the Community Strategic Plan in close consultation and collaboration with our local community. It will ensure residents, businesses and community organisations:

- Are informed on issues and decisions facing Council that could significantly affect their future.
- Are given opportunities to have their say, in a way and at a time which suits them.
- Can be certain their views and advice have been genuinely considered before Council decisions are made.
- Are provided with explanations about Council's decisions.

It is proposed to implement the strategy from January to June 2022.

ATTACHMENT(S)

- 1. Draft Community Engagement Strategy (under separate cover)**