



INVERELL
SHIRE COUNCIL



Inverell Aquatic Centre Replacement Update – The installation of the concrete blinding layer which has been installed over the 150mm drainage layer beneath the 50m swimming pool and the extent of the screw piling which has been installed. The screw piling is connected into the structural reinforcement of the concrete pool structure.

Supplementary Reports
Business Paper
Council Meeting
Wednesday, 28 February 2024

INVERELL SHIRE COUNCIL

23 February, 2024

A Council Meeting will be held in the Council Chambers, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 28 February, 2024, commencing at **3.00pm**.

Your attendance at this Council Meeting would be appreciated.

Please Note: Under the provisions of the Code of Meeting Practice the proceedings of this meeting (including presentations, deputations and debate) will be recorded. The audio recording of the meeting will be uploaded on the Council's website at a later time. Your attendance at this meeting is taken as consent to the possibility that your voice may be recorded and broadcast to the public.

I would like to remind those present that an audio recording of the meeting will be uploaded on the Council's website at a later time and participants should be mindful not to make any defamatory or offensive statements.

BRETT MCINNES

GENERAL MANAGER

Agenda

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5 MAYORAL MINUTE**5.2 RESIGNATION OF COUNCILLOR NICOLE LAVENDER****File Number:** S13.6.1 / 24/6845**Author:** Cr Paul Harmon, Mayor**RECOMMENDATION:***That Council:*

1. *Note the resignation of Councillor Nicole Lavender effective 22 February 2024.*
2. *Request the General Manager write to the Minister for Local Government, the Hon Ron Hoenig MP, seeking application to dispense with a by-election to replace the casual vacancy left following the recent resignation of Councillor Nicole Lavender in accordance with Section 294(2) of the NSW Local Government Act 1993.*
3. *Determine the non-voting Councillor representative to Council's Audit, Risk and Improvement Committee.*

COMMENTARY:

I wish to inform Council that Councillor Nicole Lavender tendered her resignation from Council to the General Manager on the 22 February 2024, effective immediately.

A copy of Councillor Lavender's resignation has been forwarded to Councillors under separate cover.

Councillor Lavender took her Oath to the Office of Councillor on the 12 January 2022, after being elected to Council at the December 2021 Council election.

I would like to take the opportunity to commend Councillor Lavender for the contribution she made to the advancement of Inverell Shire during her time as a Councillor. It is unfortunate that a change in personal circumstances has resulted in Councillor Lavender being unable to continue in her role. I know my fellow Councillors would join with me in wishing her well in her future endeavours.

In accordance with Section 294 of the *Local Government Act 1993* (the Act), as this resignation and resultant casual vacancy falls within 18 months before the election date for the next ordinary election of Councillors being 14 September 2024, Council may apply to the Minister for Local Government to dispense with a by-election under these circumstances. Section 294 of the Act is as follows:

LOCAL GOVERNMENT ACT 1993 - SECT 294***Dispensing with by-elections******294 Dispensing with by-elections***

(1) This section applies if a casual vacancy occurs in the office of a councillor, including a mayor elected by the electors of an area, within 18 months before the date specified for the next ordinary election of the councillors for the area.

(2) If such a casual vacancy occurs in the office of a councillor (but not the office of a mayor elected by the electors), the Minister may, on the application of the council -
(a) order that the vacancy not be filled, or

(b) order the holding on a stated day of a by-election to fill the vacancy and revoke any earlier order made under paragraph (a).

(3) If such a casual vacancy occurs in the office of a mayor elected by the electors, the casual vacancy is to be filled by the Governor appointing to the vacant office a councillor nominated by the council.

(4) If the council does not nominate a councillor for the purposes of subsection (3), the Governor may appoint one of the councillors to the vacant office.

If Council chooses not to resolve in line with the recommendation contained within this minute, Section 292 of the Act states that Council will be required to hold a by-election within 3 months of the date of the vacancy occurring. Council's Chief Financial Officer has advised the likely cost of conducting a by-election is \$150,000 and no specific budget allocation exists in the 2023/24 budget for such.

ATTACHMENTS:

Nil