



Back row:
(left to right)

Councillor Lynne Webster, Councillor Doug Eaton, Councillor John McNamara, Councillor Greg Best, Councillor Doug Vincent and Councillor Emma McBride.

Front row:
(left to right)

Councillor Bill Symington, Councillor Bob Graham, Councillor Lisa Matthews and Councillor Sue Wynn.

Business Paper

EXTRAORDINARY MEETING

15 September 2010



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MEETING NOTICE

The **EXTRAORDINARY MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber,**
Wyong Civic Centre, Hely Street, Wyong on
Wednesday 15 September 2010 at 5.00 pm,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

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Michael Whittaker

GENERAL MANAGER

15 September 2010

To the Extraordinary Meeting

1.1 Mayoral Report for 2009-10

TRIM REFERENCE: F2004/06511 - D02277518

AUTHOR: Mayor, Bob Graham

The last 12 months have been rewarding and challenging as Council has continued to move forward with a number of major projects aimed at securing the Shire's future.

Major projects including the Mardi to Mangrove Link, the Estuary Management Program and formation of the Central Coast Water Corporation have all moved ahead.

I would like to thank my fellow Councillors; Councillor Greg Best, Councillor Doug Eaton, Councillor Lisa Matthews, Councillor Emma McBride, Councillor John McNamara, Councillor Bill Symington, Councillor Doug Vincent, Councillor Lynne Webster and Councillor Sue Wynn for their support, hard work and dedication to Wyong Shire.

I also wish to thank the staff for their efforts in assisting all Councillors come up to speed with a number of major Council projects.

To my Deputy Mayor, Councillor Matthews, I would like to thank you for your hard work behind the scenes.

I would also like to pay tribute to Mr Kerry Yates, who retired as General Manager after almost 27 years with Council earlier this year.

Mr Yates informed Councillors late last year he would not be seeking to extend his contract and all Councillors and staff wish him well with his endeavours in retirement and thank him for the time and effort he put into Council over many years of wonderful service.

The search for a new General Manager to replace Mr Yates started in October and it was an enormous job for all 10 Councillors.

Mr Michael Whittaker started work in May and has become only the fourth General Manager in Council's 63-year history.

I must say, Mr Whittaker has already put his stamp on the place and has proved to be a wonderful asset for Councillors and staff, and also Wyong Shire.

I wish to formally thank Mr Whittaker for his wonderful support and I know I speak on behalf of all Councillors when I say I look forward to continuing to work alongside him to move Wyong Shire forward and ensure we deliver all the services our community expects.

Mr Whittaker has some firm ideas for the area and the direction in which we should be heading and I can assure all residents that Wyong Shire is in wonderful hands with his vision, guidance, work ethic and support of Councillors and staff to make this area an even better place to live.

I would also like to thank the Directors and Managers within Council for their support during the past 12 months.

They have never knocked back a request to meet with me and talk me through some complex issues. These people are the genuine experts in their field and we, as Councillors, should never underestimate the value of their expertise.

Council's operational staff cannot be overlooked for their service to the community in the field. I have visited the Charmhaven and Long Jetty Depots on numerous occasions in the last 12 months in an informal capacity to rub shoulders and have a chat with the staff. Again we are blessed with many hardworking and dedicated people in these roles.

Finally, but certainly not in the least, I wish to thank my PA Sue Sampson.

Sue, through her hard work and professionalism, has kept the Mayor's office organised for the past 12 months and I wish to express my sincere gratitude for her dedication and efforts to help the staff and the public. She makes the job of being Mayor a lot easier. So, thank you Sue.

With Sue's organising skills and diary management, in the past 12 months as Mayor, I have:

- Attended 24 Council meetings and 49 committee and board meetings together with 42 briefing and inspection days
- Attended 288 meetings with staff and 28 staff recognition functions
- Had in excess of 75 appointments with ratepayers, residents and developers
- Attended more than 45 meetings with representatives of other levels of Government including local members, Ministers, the Premier and Prime Minister
- On two occasions, I have officially represented Council as Mayor in Canberra at National Local Government meetings.
- I have represented Council as Mayor at approximately 240 events throughout the Shire

I would also like to thank the Councillors who have represented the Mayor, and Council, at various other functions throughout the Shire in the past 12 months.

And so to the issues and achievements of the past 12 months.

Management Plan

Council continues to meet the challenges of such a growing Shire.

If you put a map of Wyong Shire over Sydney, it would go from Hornsby in the north to Sutherland in the South and as far west as Parramatta.

We are faced with many diverse issues, not the least being infrastructure, to cater for our growing population.

This year, Council approved a \$370 million business plan.

It must be noted that this places Council in the top 10 in the country as far as its budget is concerned. Of the Councils above us six are from Queensland, and the other is the City of Sydney Council. Unlike our Council, all of these have a fulltime Mayor and Councillors, which makes things a lot smoother and easier. I feel that's something our State Government needs to consider when it comes to large regional Councils such as ours.

Some of the major commitments contained in this year's budget include:

- \$80 million for water supply works including Mardi-Mangrove Transfer System; Mardi Dam Transfer; Mardi High Lift Pump Station and high voltage rising main; Mardi Dam pre-treatment facilities (water quality); Boomerang Creek Tunnel Rehabilitation and Porters Creek Stormwater Harvesting Project.
- \$23.4 million for sewage works including Warnervale Town Centre sewerage trunk mains; Warnervale Employment Zone sewerage trunk mains and treatment plant and pumping station refurbishments.
- \$10.1 million for open space improvements, oval and facility construction and playground construction including the Hamlyn Terrace sports fields on Minnesota Road.
- \$7.2 million for road construction including \$3.3 million for the completion of stage one of the Warnervale Link Road; \$1.9 million for Warnervale Road between Ebony and Monarch Drives and \$1.8 million for the start of works at Minnesota Road.
- \$6.9 million for the continuing implementation of the Tuggerah Lakes Estuary Management Plan and stormwater treatments works on the Shire's other waterways.
- \$2.6 million for community building construction including \$1.2 million for Hamlyn Terrace Community Centre; \$700,000 for the design of the Wyong Shire Cultural Centre and \$648,000 for the renewal of eight community halls.
- \$2.2 million for continued improvements at Council's four Holiday Parks.
- \$1.3 million for the Shire's surf clubs including the refurbishment of Soldiers Beach and Shelly Beach surf clubs.
- \$500,000 on the Cabbage Tree Harbour toe drainage structure.

Mardi to Mangrove Link

The Mardi-Mangrove Link Project is a major investment for both Wyong Shire and Gosford City Councils. It is the largest water infrastructure project on the Central Coast since Mangrove Creek Dam was built in 1979-82. We have also attracted Federal Government money for this project - \$80.3 million from the Water Smart Australia Program - which will assist Council and our water rate payers with funding the project. I thank the Federal Government for their valued contribution.

This money was secured during my previous term as Mayor and has come to fruition during my current term in the office.

Almost \$180 million is currently being invested in securing the region's water supply including the federally funded Mardi-Mangrove Link pipeline (\$120 million) and the Mardi Dam project (\$59 million).

Key elements of the projects include building a new pump station at Wyong River, a new 2.1 kilometre water pipeline from Wyong River to Mardi Dam, a new pump station at Mardi Dam, a new 19 kilometre water pipeline from Mardi Dam to Mangrove Creek Dam and associated works

The two projects are key plans in WaterPlan 2050 – the region's long term water supply strategy adopted in 2007.

The Mardi Dam Project is 90 per cent complete and dam levels are starting to rise while more than three kilometres of pipeline is now in the ground as part of the Mardi-Mangrove Link.

The Mardi Dam project involves the construction of two new pump stations, associated pipe work and a new intake tower.

After being dropped to around 20 per cent capacity, the dam is now more than half full with the tower close to completion and a new inlet channel complete.

The project is being jointly funded by both Councils and will be completed later this year.

The Mardi-Mangrove Link featured extensive community consultation and communication with weekly works and traffic updates as well as regular articles in both local and coast-wide media.

Affected landowners were also kept informed and involved with a dedicated team working to ensure issues were identified and addressed as they arose.

I would like to sincerely thank the people in our Valley's for their cooperation, patience and support of this important project.

I am pleased to say we are very much on track to complete the project by mid-2011.

I congratulate Project Manager Greg McDonald and his team.

Central Coast Water Corporation

One of the major achievements during this term of Council was the resolution from both Gosford City and Wyong Shire to move forward with the formation of the Central Coast Water Corporation.

Last month the formation of the Corporation took a major step forward with both Councils signing a Memorandum of Understanding (MoU).

The MoU outlines a five to six year transition period, during which water, sewerage and drainage infrastructure will be transferred from the two Councils to the new Central Coast Water Corporation.

There will be five distinct phases to the transition with a staged transfer of planning and operational control followed by assets and functions. The transfer of staff will also be staged.

Each Council will be represented on the board of directors and have input into the objectives of the corporation.

The MoU provides for changes to the Central Coast Water Corporation Act 2006 designed to protect community assets and allow for a smooth transition with minimal disruption to residents.

These changes will:

- Give power to the Councils to determine when to transfer staff, assets, rights and liabilities to the corporation
- Give Councils authority to decide when the corporation becomes a water supply authority
- The Councils will still be considered water supply authorities once the corporation is established.

During my previous term as Mayor, and again during this term, I have met a number of times with the various State Government Water Ministers and have always dug in my heels, as Mayor, until the right agreements could be reached to protect our assets and jobs.

Thanks to Minister Phillip Costa, we now have the right agreement and I'd just like to say that the Minister has been a breath of fresh air.

In the past, I've met with a number of Water Ministers who have given us a lot of grief.

But Minister Costa is a former Councillor and Mayor and he understood our situation from the very first meeting we had with him.

I'm now looking forward to the legislation going through State Parliament and having everything up and running by the end of the year.

People of the Central Coast will retain ownership of their water infrastructure but most importantly, 400 workers have job security, which is why I have dug in my heels for so long.

The fact we are moving forward with the formation of the Corporation also highlights another achievement in the past 12 months and that's continuing to build a strong relationship with our counterparts in Gosford.

I have a strong working relationship with Gosford Mayor Chris Holstein and presided over the first ever joint meeting of both Wyong Shire and Gosford Councils, where the recommendations were immediately adopted by simultaneous meetings of the two Councils.

There are a number of issues both Councils have found some common ground with and we will continue to work with Gosford and move forward for the benefit of not only Wyong Shire, but the entire Central Coast region.

Job Creation

This Council's major focus has been on job creation issues, given the above average unemployment rates of our area, particularly in the area of youth unemployment which peaks at a terrible figure of 42.2 per cent.

During the past 12 months, I have taken every opportunity as Mayor to stress to State and Federal Ministers how important job creation issues are for this Council, and our community, and stress the high and unacceptable rates of the Shire's youth unemployment.

In July, I was delighted when the Federal Government announced funding of \$2.7 million towards Central Coast Group Training's unique Youth Skills and Business Development Centre that will be built right in the heart of Wyong.

CCGT is the Central Coast's largest provider of apprentices and trainees. They are working hard and in combination with Council, we realise that the youth unemployment figure of 42.2 per cent is alarming and needs to be addressed.

I congratulate CCGT and their staff for the initiative they have shown and their efforts to give the youth of the area the skills and confidence to take into the workforce thanks to this new Skills Centre.

I'm of the firm belief there are many fine young people in our community just looking for an opportunity and I encourage employers to take them on board.

In recent months, we have also seen the opening of Bluetongue Brewery and Primo Smallgoods, both located at Warnervale. Primo have actually purchased the property next door to their current Distribution Centre and aim to expand their business, creating more employment opportunities for our residents.

Bluetongue will be in full operations by November and there's more to come with the next stage being a Tourist/Visitors Information Centre complete with a restaurant.

We are also close to opening up more land in the Warnervale Employment Zone (WEZ), which will provide an additional 6000 jobs down the track.

Council will continue to work hard to provide local employment opportunities for our growing population.

Estuary Management Program

The last 12 months has seen Council reach significant milestones in the on-ground-works program and associated communication and education projects.

We have now completed the contract of works as outlined in the Tuggerah Lakes Estuary Management Plan (EMP).

In my previous term as Mayor and as Chairman of the Estuary Management Committee, we achieved a \$20 million commitment from the Federal Government. Along with matching funds from Council, the works have been ongoing and I congratulate the EMP team on their progress.

To improve the health of the Tuggerah Lakes estuary a number of broader themes that address the health of the catchment have been achieved including stream bank rehabilitation, foreshore and salt marsh rehabilitation, catchment and wetland management, stormwater management and education.

In the past 12 months, Council has completed 12.7km of stream bank rehabilitation across four creek systems to improve water quality flowing into the lakes and reduce the amount of sediment building up in the channels.

These works included a total of 5.2km of stream bank rehabilitation completed along Tumbi Creek, 6.5km in the Saltwater Creek catchment, 0.5km along Ourimbah Creek and 0.5km along the Wyong River.

Work at a further 28 sites along Ourimbah Creek, Wyong River and Spring/Wallarah Creek have been approved bringing the overall stream bank rehabilitation to a total of 9.7km.

In order to improve the aesthetics and health of the lakes' foreshores, works under the Passive and Active Salt marsh Rehabilitation Plans have been implemented. Both aim to regenerate the Endangered Ecological Community (EEC) of salt marsh to assist in naturally drying out accumulated dead seagrass leaves, or wrack and lessen the smell or 'black ooze' that occurs.

The Active Plan involves reshaping the foreshore to a natural gradient and rebuilding salt marsh communities. Two sites have been completed for Tuggerah Lake -- Berkeley Vale and Long Jetty. The sites have regenerated a total of 1630.9m² and 1574.9m² respectively with a further three sites along Lake Munmorah currently underway.

As part of the Passive Salt marsh Rehabilitation on-ground-works, regeneration of salt marsh across the three lakes was carried out, totalling 7.8 hectares of salt marsh being rehabilitated and protected. Included in these works is the protection of Tuggerah Bay, an area of ecological importance, from illegal vehicular access, mapping and physical demarcation of salt marsh vegetation between Long Jetty and Chittaway Point, totalling 12km of foreshore and bush regeneration at Tuggerah Bay, Rocky Point, South Tacoma and Orooaloo Point.

Funded through the Waterways Environmental Levy, works to improve the quality of stormwater entering the lakes has seen projects at seven sites throughout the catchment and a further four sites outlined for designs to be carried out in the next contract.

Rehabilitation of Porters Creek Wetland included the development of a weed management plan, weed control works over 10.9ha and the installation of sedimentation and erosion control measures to minimise stormwater pollution and maintain the natural wetting/drying cycle for the area.

Construction of an artificial wetland at Pioneer Dairy to improve water quality entering Tuggerah Bay for the Wyong/Tuggerah industrial estate was completed in May 2010 and included construction, site rehabilitation and regeneration.

Improving and upgrading recreational facilities have continued with the installation of further barbecue shelters, play equipment and seating along the lakes' foreshores.

Other major recreational projects completed in the past 12 months included the upgrade of the Picnic Point boat ramp to four lanes and provision for fish cleaning facilities.

Over the next three years, vital on-ground-works will continue to be implemented.

Along with community support and involvement in programs we aim to make the Tuggerah Lakes, yet again, a jewel of Wyong Shire and a focus of commercial industry and recreation.

Community Facilities

Council has continued to build facilities for our growing population in the last 12 months.

A few months ago, I had the pleasure of travelling to Canberra where Council received \$5 million from the Federal Government for the construction of two new surf clubs at the Shire's two busiest beaches – Soldiers and Shelly Beach.

Along with \$1 million in Council funds, new clubhouses will be constructed at both these beaches while the other club three clubs will be refurbished.

I look forward to construction starting on these clubs.

Another highlight over the past 12 months has been the endorsement by Council of the \$24 million Central Coast Arts and Conference Centre, to be constructed on the Wyong Memorial Hall site on Anzac Road.

This has been more than a decade in the planning and I'm proud to lead a Council that has been so unanimous in its support of such a much needed community facility. This Council, like the previous Councils before, has never waived on delivering this long promised cultural centre.

It is exciting to think that we will be constructing a building and aiming for a 5 Star Green Rating, making it one of the most iconic buildings in regional Australia.

We will be seeking State and Federal Funding for this facility, and all being well, I look forward to construction starting in 2012 and for opening night in 2014.

In June, I had the pleasure of opening the Woongarra Sports Fields, a wonderful \$6 million facility to service one of the fastest growing areas in the Shire.

On the other side of Sparks Road, the Hamlyn Terrace Sports Fields are now under construction.

I was also delighted when Council voted to spend a total of \$1.3 million to upgrade the floodlighting at a number of sporting facilities across the Shire.

In January, Council voted to accept a \$431,505 tender to upgrade floodlights at various ovals in the south of the Shire including: Kurraba Oval, Berkeley Vale; Sir Joseph Banks Oval, Bateau Bay; EDSACC Netball Courts Bateau Bay; Ourimbah Rugby and Ourimbah Soccer fields.

Council also voted to accept a \$736,577.50 tender for proposed upgrading to floodlights at: EDSACC rugby league fields; Watanobbi Ovals 1 and 2; Darren Kennedy Oval, Toukley and John Slade Park, Budgewoi.

Council has completed 5.9 kilometres of shared pathways, which have proved extremely popular with locals and tourists alike.

We have finished the rehabilitation of the old Bateau Bay Landfill which has been converted into a first class sporting facility and completed Stage 2 of The Entrance Community Centre.

We also completed a revolutionary playground for the vision impaired at Canton Beach, six new netball courts at Wyong and all access toilets at Saltwater Creek Park courtesy of funding I received last year as part of the Federal Government's Community Infrastructure Grants Program.

Again, it has been a very productive period providing and improving the facilities for our fast growing community and I look forward to similar work happening over the next 12 months.

Fight to protect our Shire from long wall coal mining and off-shore mining/gas drilling:

I will continue in my role, as patron of the Australian Coal Alliance, to protect our valleys and water catchment areas from long wall coal mining. There is a place for it, but that place is not in our valleys.

There was no bigger evidence of the community's strong feelings against the proposed Wallarah 2 Coal Mine than when more than 200 people attended a public information session organised by Council in May.

At this meeting, representatives from the Department of Planning, Wallarah 2 and the Australian Coal Alliance all gave presentations.

I had the responsibility as Mayor to open the meeting, and reiterated Council's strong opposition to the coal mine proposal.

The Australian Coal Alliance has been working for more than 15 years to protect our valleys and any destruction to our water catchment area that may come from coal mining.

It was great to see so many people attend the forum and take an interest in our valleys.

The whole project is in danger of affecting the Central Coast's water supply and I encourage people to keep up the fight to the end.

In July, I also took up the fight on behalf of Council strongly opposing off shore mining activity off our coastline.

Council vehemently opposes any type of mining activity off our coastline and we sent a submission to NSW Industry and Investment two years ago regarding Asset Energy's Geophysical Site Survey.

We have again sent in another submission to them and we hope this one is taken a lot more seriously.

The Central Coast Community has not been adequately considered in any environmental plans with the only social references in the reports we have seen being about Newcastle and Sydney.

I don't think our community will receive any direct benefit from the exploration or mining and there are enormous concerns about the negative environmental, social and economic impacts an operation like this will have on our coastline region and communities.

Our Coastline and its offshore marine environment is of a high value to Council and its residents and we don't want to see this operation go ahead.

The Future

While a lot has been achieved over the past 12 months, there are many issues that still need to be addressed.

The top priorities are ensuring the Warnervale Town Centre, Employment Zone and Train Station come to fruition and the upgrade of the Pacific Highway through Wyong.

I remain concerned the proposed Warnervale Town Centre and the new train station was ignored again in the most recent State Budget.

Council has been told work on the Warnervale Train Station, the key part of the proposed new Town Centre, will not even start until at least 2013.

For the people of the growing Warnervale region to wait at least another five years for the promised and much needed new train station is very poor and Council will continue to do everything in its power to bring the timing of this forward, as the station directly affects the ability to construct the Warnervale Town Centre which thousands of new residents to the fastest growing area in the Shire have been promised and are crying out for.

Council is in the process of establishing a Warnervale Town Centre Committee to take this long running project forward.

The State Government did give us \$2 million to assist in the construction of the Town Centre Access Road and we are very close to getting agreement from land owners to proceed with construction of this road.

However, the lack of action from the State Government regarding the Town Centre Train Station remains the biggest hurdle.

This is despite the Government talking up \$5 million worth of improvements to Tuggerah Station allocated in the Budget, which was already part of an ongoing project.

We can't approve a DA for the station until Railcorp resolves some outstanding issues and they have yet to do that, however it would have been nice for the Government to recognise the Station which was promised to the public as far back as 2003.

The Budget also referred to the "Comprehensive Housing Supply Strategy" which caps development contributions at \$20,000 per lot or dwelling.

For our new release areas at Warnervale this represents a significant reduction to income in the order of \$50 million and a potential loss of crucial future community infrastructure.

The State Government Strategy puts forward an option for Council to recoup this loss of income through general rate increases. Obviously, that is something we would like to avoid at all costs, given the amount of cost shifting already imposed on us by the Government.

The State Budget contained \$10 million allocated to help improve the local roads network however, a closer look reveals more than one third or \$ 3 million is spent on further planning.

The public don't want to see another plan regarding the Pacific Highway through Wyong, they want to see something done.

The Government will be spending \$1.4 million on planning for the further upgrade of the Pacific Highway through Wyong on top of the million dollar plus allocation in last year's budget for the exact the same thing ... and the problem still exists and will continue to exist.

Something the public know I've been passionate about is the bottle neck at Long Jetty, and again there's no mention of this in the budget ... not even a plan.

I will continue to fight to ensure our growing public gets the road network it deserves and not more plans.

Council has also welcomed \$2.6 million in helping to improve waste collection, recycling and sustainability initiatives in the area.

We are very proactive in this area building a new cell at the Buttonderry Waste Management Facility and holding regular chemical clean and e-waste clean out days.

We have been forced, however, to raise fees at the tip owing to the State Government's EPA Levy so it is nice that we get a little back in return.

As Mayor, I have continued to take the fight to Government at all levels to ensure our rate payers are getting a fair deal.

Conclusion

On top of my Council duties, I am involved with many community organisations including the Mariners FC, Berkeley Vale Public School and the Central Coast Dance Company. I am also patron of dozens of sporting and community organisations and these commitments resulted in my attendance at more than 80 additional functions during the past 12 months.

In addition to this, I attended the four-day NSW Local Government Conference in Tamworth; a three-day Council weekend workshop and 13 Citizenship Ceremonies.

There were also many meetings regarding the recruitment of our new General Manager.

Overall, my official engagements as Mayor including meetings, functions and community engagements totalled more than 800 in the past 12 months.

As can be seen by my workload, it is impossible to perform the duties of Mayor of such a large Council like Wyong on a part time basis.

In the past year, it has not been unusual for me to put in 15 hour days.

As you can see, there has been a lot achieved in the past 12 months and our goal as Councillors and as an organisation must be to continue moving forward for the benefit of Wyong Shire and its residents.

Overall, it has been a pleasure to have served this fantastic community as Mayor over the past 12 months and I would like to again thank my fellow Councillors, Council staff and last but certainly not least the community for their wonderful support.

I formally move:

That Council receive the Mayoral report for the past 12 month term, 2009 – 2010.

ATTACHMENTS

Nil.

2.1 Election of Mayor and voting procedure

TRIM REFERENCE: F2004/06511 - D02277515

AUTHOR: Sonia Witt, Team Leader Governance and Councillor Services

SUMMARY

Nominations are invited for the Office of Mayor for the 2010-11 term. The election of Mayor of Wyong Shire Council must be held in accordance with Schedule 7 of the Local Government (General) Regulation, 2005 and Council's Code of Meeting Practice. The Office of Mayor commences on the day the person is elected and becomes vacant when the person's successor is declared elected.

RECOMMENDATION

That should an election for the Office of Mayor be required, Council determine whether the vote is to proceed by preferential ballot, by ordinary ballot or by open voting.

In accordance with Section 227(a) of the Local Government Act, 1993 the Mayor of Wyong Shire Council is elected by the Councillors from among their number.

Schedule 7 of the Local Government (General) Regulation, 2005, outlines the following procedures for the election of a Mayor.

Returning Officer

In accordance with the provisions of Schedule 7, the General Manager (or a person appointed by the General Manager) is the Returning Officer.

Nomination

A Councillor may be nominated without notice for election as Mayor. The nomination is to be made in writing by two 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.

The nomination is to be delivered or sent to the Returning Officer, who shall announce the names of the nominees at the Council meeting at which the election is to be held.

Election

If only one Councillor is nominated for the position of Mayor, that Councillor is elected. If more than one Councillor is nominated Council must determine if voting is to proceed by preferential ballot, by ordinary ballot (both secret ballots) or by Open Voting (voting by a show of hands or similar means). The elections of Mayor and Deputy Mayor are the only times Council can choose to vote by way of secret ballot. In all other matters open voting must be used. The election is to be held at the Council meeting at which the Council resolves on the method of voting.

Ordinary Ballot

- 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
 - a If there are only two candidates, the candidate with the higher number of votes is elected.
 - b If there are only two candidates and they are tied, the one elected is to be chosen by lot.
- 3
 - a If there are three or more candidates, the one with the lowest number of votes is to be excluded.
 - b If three 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.
 - c If, after that, three or more candidates still remain, the procedure set out in subclause 3 (b) is to be repeated until only two candidates remain.
 - d A further vote is to be taken of the two remaining candidates.
 - e Clause 2 of the above then applies to the determination of the election as if the two remaining candidates had been the only candidates.
 - f If at any stage during a count under subclause 3 (a) or 3 (b), two or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Open Voting

Follows the same procedures as for ordinary ballot excepting it is by a show of hands or similar means.

Preferential Ballot

- 1 This Part applies if the election proceeds by preferential ballot.
- 2 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.

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.

2.1 Election of Mayor and voting procedure (contd)

- 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 which is more than one-half of the number of formal unexhausted ballot-papers.

Tied Candidates

- 1 If, on any count of votes, there are two candidates in, or remaining in, the election and the numbers of votes cast for the two 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 three or more candidates in, or remaining in, the election and the numbers of votes cast for two 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.

Ballot Papers

Ballot papers will be issued at the election as required. The Returning Officer will decide the manner in which votes are to be marked on the ballot papers.

Formality of Ballot Paper

Under Schedule 7 to the Local Government (General) Regulations, 2005, the formality of a ballot paper will be determined in accordance with Clause 345, 1 (b) (c), 6 and 6A of that Regulation, as follows:

- 345 (1) *A ballot-paper of an elector at an election is informal if:*
- (b) *it has not been initialled on the front by an election official, or*
 - (c) *it contains a mark or writing that, in the returning officer's opinion, would enable the elector to be identified.*
- (6) *Despite subclause (1), a ballot-paper of an elector at an election is not informal by virtue of the existence of an unnecessary mark on the ballot-paper if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper.*
- (6A) *Despite subclause (1), a ballot-paper is not informal by reason only that the elector has placed one or more numbers, a tick or one or more crosses, adjacent to but outside a square or squares, if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper. In such a case, each such number, tick or cross is taken to have been placed within the relevant square.*

General

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.

It is custom at Wyong Council that each nominee for the Office of Mayor may appoint one scrutineer who is not a Councillor.

Two Nomination Forms for the position of Mayor have been enclosed with the Business Paper.

ATTACHMENTS

- 1 Nomination forms for the position of Mayor Enclosure D02337663

2.2 Election of Deputy Mayor

TRIM REFERENCE: F2004/06511 - D02277516

AUTHOR: Sonia Witt, Team Leader Governance and Councillor Services

SUMMARY

Nominations are invited for the Office of Deputy Mayor for the 2009-10 term. The election is held in accordance with Schedule 7 of the Local Government (General) Regulation, 2005 and Council's Code of Meeting Practice.

Section 231 of the Local Government Act provides that Councillors may elect a person from among their number to be Deputy Mayor. Clause 10 (2) of Council's Code of Meeting Practice provides that the procedures will be the same as those which apply to the election of the Mayor.

Two Nomination Forms for the position of Deputy Mayor have been enclosed with the Business Paper.

RECOMMENDATION

That the election of Deputy Mayor be conducted in the same manner as the election of Mayor for the 2010-11 term.

ATTACHMENTS

1 Nomination forms for the position of Deputy Mayor Enclosure D02337918

2.3 Ordinary Meeting Schedule

TRIM REFERENCE: F2004/06496 - D02349740

AUTHOR: Lesley Crawley, Manager Governance and Administration

SUMMARY

Proposal to amend the Ordinary Meeting schedule for 2011 and 2012.

RECOMMENDATION

1 That Council amend Clause 6 (2) of its Code of Meeting Practice to omit Ordinary Meetings of Council during the NSW public school holidays.

2 That Council cancel meetings currently scheduled for;

26 Jan 2011	25 Jan 2012
13 Apr 2011	11 Apr 2012
13 Jul 2011	11 Jul 2012
28 Sept 2011	26 Sept 2012

BACKGROUND

At a recent general workshop and briefing, several councillors expressed concern at the imposition that Council meetings have on parental responsibilities during school holidays.

It was agreed that Council may consider changes to the meeting schedule to accommodate councillors affected by the schedule and to demonstrate Council's willingness to encourage family values.

Section 365 of the Local Government Act (LGA) provides:

"The council is required to meet at least 10 times each year, each time in a different month."

In October 2008 Council adopted an Ordinary meeting schedule for a four year period as part of the WSC Code of Meeting Practice. Clause 6 (2) of the Code provides:

"(2) Ordinary meetings of Council will be held on the second and fourth Wednesday of each calendar month, with the exception of the last scheduled meeting in December and the first scheduled meeting in January, commencing at 5:00 pm. Where scheduled meetings of Council fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday. However, Council may alter the time and date of a meeting of Council by resolution at a prior Ordinary meeting without notice being given provided the requirements of clause 241 of the Local Government (General) Regulation 2005 are complied with."

Under this meeting schedule there are 22 Ordinary Meetings per annum.

THE PROPOSAL

It is proposed to cancel Council meetings currently scheduled during the NSW public school holiday period and amend the Ordinary meeting schedule for the remainder of the term. The amended schedule will allow Councillors, the community and staff to balance their duties with family life.

There are no Ordinary Meetings scheduled during the NSW Public School holidays for the remainder of 2010 calendar year. The Ordinary meetings under the current 2011/2012 schedule that will be affected by the proposal are:

2011	2012
26 January (also a Public Holiday – under current Code of Meeting Practice would be rescheduled to Thursday 27 January)	25 January (the day before Australia Day Public Holiday – given Council’s community commitments would likely be rescheduled, by Council resolution, to Tuesday 24 January)
13 April	11 April
13 July	11 July
28 September	26 September

The meetings scheduled for January and April would normally consider matters relating to Council’s Annual Plan and cancellation will require re-scheduling of the planning reports. Whilst achievable, the rescheduling will increase demand on councillor time on other Council days.

The meeting held in January historically has a large number of matters being considered given that there is no meeting held in the fourth week of December. It is not anticipated that a delay of a further two weeks would significantly further impact the size of the business paper for 9 February 2011.

The amendment to the schedule does not preclude Council’s other avenues under the Act to call an extraordinary meeting or to resolve to amend its meeting schedule for a specific reason. Clause 8 of the Code provides:

“Clause 8 Calling of Extraordinary Meetings of Council

Upon request by Councillors

- (1) *If the Mayor receives a request in writing signed by at least two (2) Councillors, the Mayor must call an extraordinary meeting of Council to be held as soon as practicable, but in any event within 14 days after receipt of the request* (Section 366 of the Local Government Act, 1993).*

** The extraordinary meeting can be held on the same day as a previously scheduled meeting of Council. However, each meeting must be dealt with separately.*

2.3 Ordinary Meeting Schedule (contd)

- (2) *The Mayor can be one of the two Councillors making the written request but he must firstly receive the written request from another Councillor, with the Councillors' signature attached, prior to signing the request for an extraordinary meeting himself.*

Extraordinary meetings are not only held in 'extraordinary' circumstances. These meetings are usually held to deal with special business or where there is so much business to be dealt with that an additional meeting is required."

The extraordinary meeting for the election of Mayor and Deputy Mayor also occurs during the spring school holiday period; third Wednesday of September. It is not proposed to alter that meeting date.

The WSC Code of Meeting Practice will require amendment if Council proceeds with the proposal. The following is suggested:

Replace Clause 6(2) with the following:

*"Council is required to meet at least 10 times each year, each time in a different month.
(Section 365 of the Act)*

Ordinary meetings of Council will be held as follows:

- *on the second and fourth Wednesday of the months February to November inclusive with the exclusion of those Wednesdays declared NSW Public School Holidays;*
- *on the second Wednesday of December.*

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

Ordinary meetings will commence at 5:00pm."

OPTIONS

- 1 Amend Council's Ordinary Meeting schedule to omit meetings during the NSW public school holiday period.
- 2 Make other amendments to the Ordinary Meeting schedule as identified by Council.
- 3 Retain the current Ordinary Meeting schedule.

STRATEGIC LINKS

Nil

Link to Shire Strategic Vision

Nil

Financial Implications

Nil

Principles of Sustainability

The proposal assists governance by providing a meeting structure that meets the needs of the organisation, the Council and the community.

CONSULTATION

This proposal was initiated as a result of consultation with Councillors.

GOVERNANCE

Section 363 of The Act provides that a Council may only amend its Code of Meeting Practice by re-adoption.

The Act further provides (S362) that if the Council is of the opinion that the amendment is not substantial it may adopt the Code without public exhibition. In this instance it is recommended that the amendment is not substantial in that it does not significantly alter the regular meeting days or times. It is however recommended that Council publicly notify the public of the amendment once it is adopted.

CORPORATE RISKS

Nil

CONCLUSION

Reducing the number of Ordinary Council meetings does not reduce the workload and will impact other meetings; however, a reduction does not significantly impact work or organisational timetables and can be accommodated.

An amended meeting schedule that schedules Council meetings outside school holiday periods can accommodate the needs of Councillors and the community in providing a balance between civic matters and family life.

ATTACHMENTS

Nil.