DISSOLUTION

(c) In the case of former Presidents, the Board shall determine such appointment(s).

AMENDMENT

- 68. (a) Subject to sub-rule (b) of this Rule, no alteration, amendment or rescission shall be made to this Constitution unless by resolution of a Conference adopted by a majority of the voting delegates and members of the Board in attendance at any such Conference.
 - (b) For a period of 12 months from the date of commencement of this Rule, the Board may make such amendments to these Rules as it may deem advisable for the purposes of either bringing the Rules into conformity with relevant legislation or adopting measures provided for in such legislation that the Board believes are in the best interests of the Association, provided that any such amendments are adopted by a resolution carried by an absolute majority of the directors then holding office and present and voting thereon.

NOTIFICATION OF DISPUTES

69. Any industrial disputes may be notified to the appropriate court or tribunal under the relevant legislation in writing by the Chief Executive, or any Office Bearer authorised to do so by a resolution of the Board.

DISSOLUTION

- 70. In the event that the Association is dissolved or wound up:
 - (a) a member shall not be required to contribute to the payment of the debts and liabilities of the Association or the costs, charges and expenses of the dissolution or winding up in an amount which is more than 10% of the member's annual subscription for the financial year in which the dissolution or winding up takes place; and
 - (b) any surplus funds remaining after the dissolution or winding up shall be paid to the members of the Association in the proportion which each member's subscription for the year in which the dissolution or winding up occurred bears to the total amount of subscriptions collected for that year.

TRANSITIONAL ARRANGEMENTS

71. On the Amalgamation Date, the following arrangements shall apply to office holders, pending elections for all officers to be conducted within six (6) months of the Amalgamation Date.

OFFICE HOLDERS AND BOARD MEMBERS

Interim Joint President: TBA

Interim Joint President: TBA

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End of Dulos

End of Rules	
Interim Vice-President (Metropolitan/Urban):	ТВА
Interim Vice-President (Regional/Rural):	TBA
Interim Treasurer:	ТВА
Interim Board Members (Metropolitan/Urban):	ТВА
Interim Board Members (Regional/Rural):	ТВА

CONFERENCE DELEGATES

All delegates holding office as delegates to Conference in the Local Government Association of NSW or the Shires Association of NSW as at the amalgamation date.

- 72.. Pending the conduct of the first elections for officers after the Amalgamation Date, the Rules of the Association shall apply to and bind all members, subject to the following limitations:
 - (a) no amendment of these Rules shall be made except pursuant to Rule 68(b);
 - (b) any resolution presented at a Conference of the Association shall require, for its adoption, the presence of a quorum consisting of 75% of all delegates then holding office and a vote of 75% in favour of the resolution;
 - (c) any casual vacancy occurring in any office shall be left vacant, except for the office of President or Treasurer.
 - (d) Not less than three (3) months after the amalgamation date, the Board shall direct the Chief Executive by resolution to notify Fair Work Australia as to the need for elections for all officers in the Association to be conducted by the Australian Electoral Commission. In the absence of such a resolution within the said period, the Treasurer shall make such notification at his or her own initiative.

NOTE: INAUGURAL MEMBERS OF THE ASSOCIATION

All members of the LGA NSW and the SA NSW, including any associate members, shall on the amalgamation date be automatically members of the Association, in accordance with the relevant legislation.

End of Rules

SCHEDULE A

METROPOLITAN/URBAN COUNCILS AND COUNTY COUNCILS

See Definition in Rule 3

(TO BE FINALISED)

Metropolitan/Urban Councils

Ashfield; Auburn; Bankstown; The Hills Shire; Blacktown; Botany Bay; Burwood; Camden; Campbelltown; Canada Bay; Canterbury; Fairfield; Holroyd; Hornsby; Hunters Hill; Hurstville; Kogarah; Ku-ring-gai; Lane Cove; Leichhardt; Liverpool; Manly; Marrickville; Mosman; North Sydney; Parramatta; Penrith; Pittwater; Randwick; Rockdale; Ryde; Strathfield; Sutherland Shire; Sydney; Warringah; Waverley; Willoughby; Woollahra, and the ALRA Region for Sydney/Newcastle.

Metropolitan/Urban County Councils

TBA

ALRA Regions other than Sydney/Newcastle

North Western, Northern, South Coast, North Coast, Western, Wiradjuri, Central and Mid North Coast.

End of Schedule A

SCHEDULE B

RULES FOR CONDUCT OF ELECTIONS BY SECRET POSTAL BALLOT

Scheme of Elections

1. The elections for members of the Board of the Association (including the Office Holders) shall be carried out in accordance with the following scheme.

Conduct of Elections by secret postal ballot

- 2. The Board may determine the form of any nomination form(s) subject to the requirements of the relevant legislation.
- 3. The Board shall appoint a Returning Officer not being the holder of any other office in and not being an employee of the Association, and who shall not be a candidate at the election. [NB: under relevant legislation the Returning Officer for such elections will be an officer of either the Australian Electoral Commission or the State Electoral Commission, as the case may be, unless exemption is obtained under such legislation.]
- 4. The Roll of Voters for any election is to be determined by the Association in accordance with the requirements of Rule 37 and must be closed seven (7) days prior to the day on which nominations for the election open.
- 5. (a) The Returning Officer shall cause an election notice inviting nominations for the offices of President, Treasurer, Vice President (Rural/Regionl), Vice President (Metropolitan/Urban) and Board members to be published in the Association's official journal and sent to each ordinary member council by post at least seven (7) weeks prior to the ballot.
 - (b) The election notice shall advise the closing date of nominations and arrangements for absent voting. A nomination form shall be enclosed with the election notice when sent by post. The Returning Officer shall make such arrangements for absent voting as will ensure that any member not able to vote by way of secret postal ballot may be able to vote on an absentee basis.
 - (c) The election notice shall require voting members to advise the Returning Officer prior to the closing of the Roll of Voters of the name(s) of the councillor(s) who are to be issued ballot papers in the election. Such advice to the Returning Officer shall be in writing and signed by either the Mayor or General Manager of the council. If a councillor so specified ceases to hold office prior to the closing of the ballot the vote of that person may be exercised by another councillor authorised in writing by either the Mayor or General Manager of the council.
- 6. The persons proposing and seconding a nomination for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban), and Board members must be elected members of any council which is an ordinary member of the Association. Nominations shall be signed by the proposer and seconder, and consented to in writing by the candidate.

- 7. A candidate may nominate for more than one office or position that is subject to an election however, election to the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) shall automatically exclude the candidate so elected from election to any other office or position on the Board.
- 8. A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven (7) days before the holding of the ballot.
- 9. All candidates shall declare any current membership of a registered political party on their nomination forms and on all "how to vote" material. "How to vote" material may not be caused to be distributed without registered party memberships being declared or without details of the authorisation of the material.
- Nominations for election shall close at least four (4) weeks prior to the close of the ballot.
- 11. If the Returning Officer should receive a nomination that is defective, the Returning Officer shall not immediately reject the nomination but shall instead give the candidate concerned written notice of the defect and where practicable at least seven (7) days to remedy the defect.
- 12. (a) If there be no more candidates than the number required to be elected those nominated shall be declared to be elected and if there be more candidates for any office than required to be elected an election by secret ballot shall be held. Pending the declaration of the result of any such election the persons holding office shall retain office.
 - (b) Where the nominations received are insufficient to fill all vacancies, the Board at its first meeting after the Annual Conference at which it was elected shall determine whether the number and type of vacancies are such as to require that the vacancies be filled and if it so determines, request the Returning Officer to conduct a further election by way of a secret postal ballot of members to fill such vacancies. Such secret ballot shall be conducted in accordance with the requirements of these Rules for the conduct of elections, so far as they can apply to a secret ballot.
- 13. (a) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of President, Treasurer, Vice President (Rural/Regional), and Vice President (Metropolitan/Urban), the election shall be conducted using the preferential system of voting.
 - (b) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of other directors the election shall be conducted using the proportional system of voting.
- 14. Where an election by secret ballot is required, the Returning Officer shall, for each office/position to be contested, issue one (1) ballot paper to each delegate on the roll of voters supplied to the Returning Officer by the Chief Executive. The Returning Officer shall issue the required number of ballot papers, a declaration

envelope(s) and a prepaid envelope(s), both in the form prescribed by the relevant legislation, in a sealed envelope(s) to be handed or posted to each voter not less than fourteen (14) days before the closing date for voting. The ballot paper shall include:

- (i) the Returning Officer's initials:
- (ii) a description of each office/position to be filled, including the number of offices/positions to be filled;
- (iii) the name of each candidate for each office/position to be filled, including the candidates declared current registered political party membership;
- (iv) instructions on how to complete the ballot paper;
- (v) the name and address of the Returning Officer to whom the ballot paper(s) shall be returned, the closing date and the time for receipt of votes and instructions that the ballot papers shall be placed in the declaration envelope and returned to the Returning Officer in the prepaid envelope; and
- (vi) such other information as the Returning Officer deems appropriate.
- 15. The ballot papers shall be placed in the declaration envelope and returned in the prepaid envelope to the Returning Officer on or before the closing date fixed for voting.
- 16. The non-receipt of a ballot paper by a member entitled to vote, or the non-return of a ballot paper or the return of a ballot paper improperly filled in or not enclosed in a sealed envelope, shall not invalidate the ballot.
- 17. No voter shall vote for a greater or lesser number of candidates than the number directed on the ballot paper and any vote or ballot paper contrary to this provision or otherwise improperly filled in shall be informal.
- 18. The Returning Officer shall arrange for the use of a post office box or other receptacle to which ballot papers may be returned to him/her and arrange for the same not to be opened by any other person.
- 19. The Returning Officer shall count the votes and declare the elected candidate in the following sequence:
 - (i) President;
 - (ii) Treasurer;
 - (iii) Vice Presidents (Rural/Regional and Metropolitan/Urban);
 - (iv) Board members (10 Rural/Regional and 10 Metropolitan/ Urban).
- 20. The Returning Officer shall count the votes indicated upon the ballot papers which are properly marked. The candidates who receive the greatest number of votes shall be progressively elected until all offices are filled.

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- 21. Where two or more candidates have an equal number of votes, the candidate who is first drawn by lot by the Returning Officer shall be declared elected.
- 22. The Returning Officer shall arrange for votes to be counted and shall within three days after the closing date for voting declare the result of the ballot to the members of the Association by post or in such manner as the Board may from time to time prescribe and the candidate or candidates declared elected shall assume office from the date that the Returning Officer declares the result of the election.
- 23. Every person concerned in the ballot shall ensure as far as practicable that no irregularity occurs in the ballot.

Scrutineers

- 24. Each candidate at any election shall have the right, if he/she so desires, to appoint before the closing of the ballot a scrutineer to represent him/her at the ballot; and shall give notice of any such appointment of a scrutineer in writing to the Returning Officer.
- 25. Every scrutineer shall, so far as is possible having regard to the time of his/her appointment have the following rights and duties:
 - (a) to be present with the Returning Officer when the ballot papers are being forwarded and to watch the interests of the person whom he/she represents; and
 - (b) to be present with the Returning Officer when the ballot papers are opened and when the votes are counted and to watch the interests of the person whom he/she represents, but no election shall be vitiated by reason of the fact that a scrutineer does not exercise any or all of his/her rights or duties if he/she has a reasonable opportunity to do so.
- 26. Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper and the decision of the Returning Officer shall, subject to the relevant legislation be final.
- Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

End of Schedule B

SCHEDULE C

RULES FOR CONDUCT OF ELECTIONS IF EXEMPTION IS APPROVED BY FAIR WORK AUSTRALIA/ INDUSTRIAL REGISTRAR

General

- 1. The Board shall appoint a Returning Officer not being the holder of any other office in and not being an employee of the Association, and who shall not be a candidate at the election. [NB: under relevant legislation the Returning Officer for such elections will be an officer of either the Australian Electoral Commission or the State Electoral Commission, as the case may be, unless exemption is obtained under such legislation.]
- The Returning Officer shall notify the Chief Executive that he or she is required to deliver a list of ordinary members entitled to vote in the election of members of the Board.
- The Roll of Voters is to be determined by the Association in accordance with the requirements of Rule 37 and must be closed seven (7) days prior to the date upon which the Returning Officer calls nominations for an election pursuant to these Rules.
- 4. The Board may determine the form of any nomination form(s) subject to the requirements of the relevant legislation.
- 5. (a) The Returning Officer shall cause an election notice inviting nominations for the office of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members to be published in the Association's official journal and sent to each ordinary member council by post at least seven (7) weeks prior to the first business day of the Annual Conference in an election year. Such notice shall prescribe the time and date prescribed by these Rules for the closing of nominations.
 - (b) The Returning Officer may in any notice calling for nominations specify a facsimile number to which nominations can be forwarded. The Returning Officer may then accept nominations lodged at that facsimile number before the time and date specified for receipt of nominations. The Returning Officer shall require that the original of the facsimile nomination be forwarded within a time specified by the Returning Officer. Receipt of nomination by facsimile shall be deemed to be formal receipt of the nomination.
- 6. The persons proposing and seconding a nomination for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members must be elected members of any Council, as defined in Rule 2, which is an ordinary member of the Association. Nominations shall be signed by the proposer and seconder, and consented to in writing by the candidate.
- 7. A candidate may nominate for more than one office or position that is subject to an election however, election to the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) shall automatically exclude the candidate so elected from election to any other office or position on the Board.

- 8. Nominations for the offices of President, Treasurer, Vice President (Rural/Regioanl), Vice President (Metropolitan/Urban) and Board members must reach the Returning Officer at least four (4) weeks prior to the first business day of the Annual Conference in the relevant year.
- 9. If the Returning Officer should receive a nomination that is defective, the Returning Officer shall not immediately reject the nomination but shall instead give the candidate concerned written notice of the defect and where practicable at least seven (7) days to remedy the defect.
- 10. A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven (7) days before the holding of the ballot.
- 11. Details of nominations received, together with details of Local Government service, shall be placed before constituent councils before the Annual Conference.
- 12. All candidates shall declare any current membership of a registered political party on their nomination forms and on all "how to vote" material. "How to vote" material may not be caused to be distributed without registered party memberships being declared or without details of the authorisation of the material.
- 13. (a) In the event that for any office or position to be filled the number of nominations does not exceed the number of persons to be elected then the persons nominated shall be elected to those positions.
 - (b) Where the nominations received are insufficient to fill all vacancies, the Board at its first meeting after the Annual Conference at which it was elected shall determine whether the number and type of vacancies are such as to require that the vacancies be filled and if it so determines, request the Returning Officer to conduct a further election by way of a secret postal ballot of members to fill such vacancies. Such secret ballot shall be conducted in accordance with the requirements of these Rules for the conduct of elections, so far as they can apply to a secret ballot.

Conduct of Elections at the Annual Conference

14. (a) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban), the election shall be conducted at the Annual Conference using the standard preferential system of voting. Voters must mark a preference for all candidates,

Where two or more candidates have an equal number of votes, the candidate who is successful or is to remain in the count at an exclusion shall be the candidate first drawn by lot.

(b) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of other directors the election shall be conducted at the Annual Conference using the proportional system of voting, as described below.

Voters must mark a preference for all candidates.

To be elected, except as provided in the last paragraph of this Rule, a candidate needs to gain a certain proportion (or quota) of the formal votes. The quota is calculated by dividing the total number of formal first preference votes in the count by one more than the number of officers to be elected; and adding one to the result, disregarding any remainder.

The ballot papers are sorted according to the first preference on each paper.

If a candidate receives more first preference votes than the quota, they are immediately elected and, unless all vacancies have been filled, their surplus votes are passed on to the continuing candidates listed on the ballot paper; based on the voter's next available order of preference.

The transfer value of the surplus votes is calculated by dividing the elected candidate's total of surplus votes by the total number of the candidate's votes, and is applied to each of the ballot papers of the elected candidate. The result is taken to the fourth decimal point.

The number of votes to be transferred, disregarding any fraction, shall be added to the continuing candidate(s)' votes.

If any of those candidates who received the surplus votes now have more than the quota they are elected. Their surplus votes are transferred to the candidate listed as the next preference on all of the ballot papers. This is done by dividing the surplus votes by the total number of ballot papers the candidate has received (first preferences plus transferred ballot papers). This process continues until there are no more candidates with enough votes to be elected.

Where, on the counting of the first preference or on any transfer, more than one candidate has a surplus, the largest surplus shall be dealt with first.

Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be dealt with first, and, if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide by lot which candidate's surplus shall be dealt with first.

To fill any remaining places not filled by the above process, the candidate with the smallest number of votes is excluded and votes for this candidate are transferred to the remaining continuing candidates. This is done at the value at which the votes were received by the candidate to be excluded. When the transfer of these preferences gives a candidate a quota, that candidate is elected.

Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all

preceding counts or transfers the Returning Officer shall decide by lot which candidate's votes shall be distributed.

Where the contest for the last seat is close, it is common for the final two continuing candidates to both have less than a quota. In this case, the continuing candidate with the highest number of votes is elected.

- 15. (a) Where an election is required at the Annual Conference, the voters in such an election shall be the Delegates who are by virtue of Rule 37 of the Association's Rules entitled to vote in such election.
 - (b) The Returning Officer shall issue the ballot paper(s) to the voters, such ballot paper(s) to include:
 - (i) the Returning Officer's initials;
 - (ii) the name of each candidate for the office/position to be filled, including the candidates declared current registered political party membership;
 - (iii) such other information as the Returning Officer deems appropriate.
- 16. If a delegate of a member or a member of the Board cannot for any reason be present at the Conference to vote in any election (hereafter referred to as "the absentee"), the absentee may by notice in writing signed by the absentee and delivered to the Returning Officer prior to the commencement of the Conference appoint another delegate from the same member to exercise the absentee's right to vote in the election.
- 17. Where required, the ballots shall be conducted in the following manner, to the extent practicable:
 - (a) The ballot for the office of President shall be conducted first;
 - (b) After the completion of the ballot for President, the ballot for the office of Treasurer shall be conducted next;
 - (c) The ballots for the offices of Vice President (Rural/Regional) and Vice President (Metropolitan/Urban) shall be undertaken after the ballot for the office of Treasurer:
 - (d) The ballots for Board members shall be conducted after all previous elections are completed.

Every person concerned in the ballot shall ensure as far as practicable that no irregularity occurs in the ballot.

Scrutineers

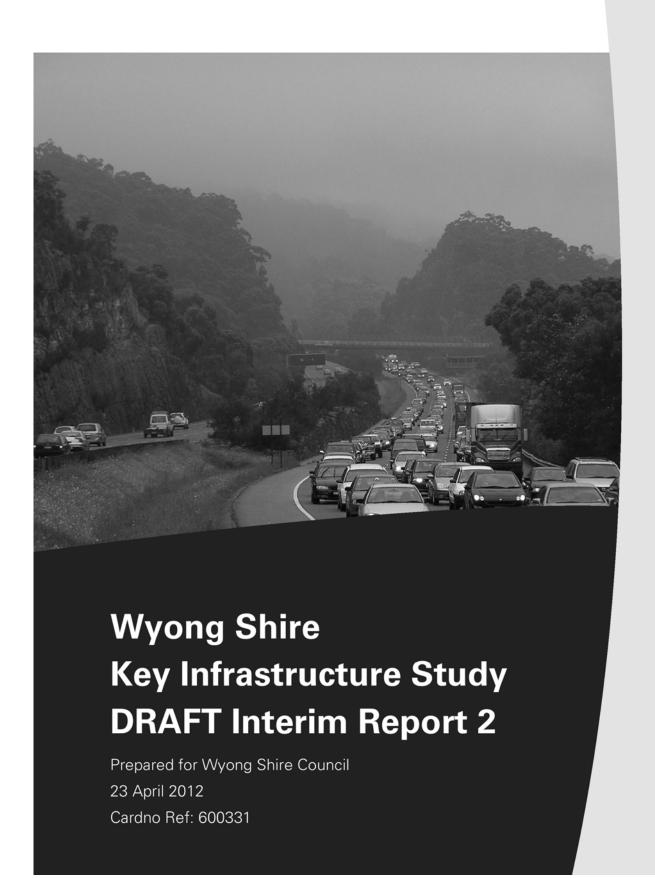
18. Each candidate at any election shall have the right, if he or she so desires, to appoint before the closing of the ballot a scrutineer to represent him or her at the

ballot; and shall give notice of any such appointment of a scrutineer in writing to the Returning Officer.

- 19. Every scrutineer shall, so far as is possible having regard to the time of their appointment, have the following rights and duties:
 - (a) to be present with the Returning Officer when the ballot papers are being handed out to voters and to watch the interests of the person whom they represent; and
 - (b) to be present with the Returning Officer when the ballot papers are opened and when the votes are counted and to watch the interests of the person whom they represent, but no election shall be vitiated by reason of the fact that a scrutineer did not exercise any or all of their rights or duties if they had a reasonable opportunity to do so.
- 20. Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper but the decision of the Returning Officer shall, subject to the relevant legislation, be final.
- 21. Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

End of Schedule C







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23 April 2012

Cardno (NSW) Pty Ltd

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CHAPTER 1 Introduction

23 April 2012 Cardno (NSW) Pty Ltd

1 Background

To meet the short and long term needs of the state's growing population, increasing densities and anticipated higher demand on mass transit, New South Wales requires significant investment in major transport infrastructure.

Three planned key transport infrastructure projects have been identified by Wyong Shire Council (**Council**) as having the potential to significantly and directly impact on Wyong Shire and the Central Coast as a whole. These projects include Sydney's second airport, the East Coast High Speed Rail (**HSR**) and an alternative vehicular route to the F3 freeway to link Sydney and the Hunter Region. These projects are considered to be necessary to address the increasing demand on the corridor from Sydney to the Hunter as the Central Coast and the Hunter Region meet their anticipated growth potential over the next 25 years.

The nationally significant Second Sydney Airport and East Coast HSR projects have both received renewed recent attention as the pressure on existing infrastructure increases. The new push for these projects, along with the evident need for both an alternative freeway linking Sydney and the Hunter region and an enhanced utilities corridor covering the same distance, constitute a basis for consideration of the multi-layered impact of these integrated projects on affected regions such as the NSW the Central Coast.

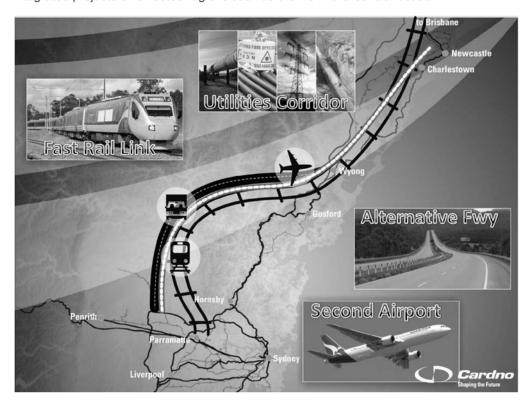


Figure 1 Potential Key Infrastructure

23 April 2012 Cardno (NSW) Pty Ltd

In response to current planning activity for the three infrastructure projects, Wyong Shire Council has engaged Cardno to conduct a study to:

- Determine the status of the key infrastructure projects;

 Identify local Central Coast infrastructure that may be required to support the key projects; and
- Ultimately arrive at a professional opinion regarding the potential impediments to each of the three projects proceeding.

The combined possibilities of these three projects cannot be underestimated. As a package they have the potential to be the largest transport infrastructure project in Australian history. Wyong Shire Council is to be congratulated for initiating this Strategic Review to assist with plan making. It is up to the broader civic and political community to lend weight to Council's initiative in order to place the projects high on the National infrastructure agenda.

The proposed key infrastructure has the potential to impact on the region's economy, environment and people for decades to come. It also presents a unique opportunity for development, employment and social change.

Cardno have been interested in these key infrastructure projects for some time. In 2009 the Company, in collaboration with other industry and regional experts, identified a potential site for Sydney's second airport in the Central Coast's Somersby region. Initial investigations by Cardno with the private consortium led to development of a proposal to locate the airport at Peats Ridge. In 2010, this concept proposal was presented to both local Central Coast representatives and the Federal Minister for Infrastructure and Transport, the Hon Anthony Albanese MP.

2 Content and purpose of this report

Cardno was initially commissioned by Wyong Shire Council to carry out a study that would provide advice with regard to:

- An outline assessment of the status of planning of each of the three items and planned future actions necessary prior to any likely government commitment to proceed:
- At a regional level, other key transport infrastructure items required to support the future growth of the Shire and/or the provision of the proposed F3 Links, East Coast HSR and the second Sydney Airport; and
- The broad costs and benefits to Council and the community to be realised by the delivery of the identified infrastructure items.

At the time of preparation of this report, Cardno has carried out a review of the currently available reporting on the three projects and conducted consultations with a range of Local, State and Federal Government Agencies. The process culminated in a presentation and workshop conducted with Council's Executive Team in early November 2011. It was resolved at the workshop that Cardno should at this point:

Prepare a report on the findings of the research and consultation process to date; and

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Revisit the matter later in 2012, after a number of key reports have been issued, in order to provide a fulsome report on the status of the three projects.

In response, the purpose of this report is to provide a current time snapshot of the strategic planning position of the three projects. To achieve this, the report includes:

- A précis of the outcomes of the research process;

 A summary of critical information and key messages resulting from the work to
- A bibliography of reports reviewed; and
- Written notes on each of the stakeholders' consultations.