



Hawkesbury City Council

special meeting business paper

date of meeting: 20 September 2005

location: council chambers

time: 7.00 p.m.



mission statement

***"To create opportunities
for a variety of work
and lifestyle choices
in a healthy, natural
environment"***

How Council Operates

Hawkesbury City Council supports and encourages the involvement and participation of local residents in issues that affect the City.

The 12 Councillors who represent Hawkesbury City Council are elected at Local Government elections held every four years. Voting at these elections is compulsory for residents who are aged 18 years and over and who reside permanently in the City.

Ordinary Meetings of Council are held on the second Tuesday of each month, except January, and the last Tuesday of each month, except December. The meetings start at 5:00pm with a break from 7:00pm to 7:30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When a Special Meeting of Council is held it will usually start at 7:00pm. These meetings are also open to the public.

Meeting Procedure

The Mayor is Chairperson of the meeting.

The business paper contains the agenda and information on the issues to be dealt with at the meeting. Matters before the Council will be dealt with by an exception process. This involves Councillors advising the General Manager at least two hours before the meeting of those matters they wish to discuss. A list will then be prepared of all matters to be discussed and this will be publicly displayed in the Chambers. At the appropriate stage of the meeting, the Chairperson will move for all those matters not listed for discussion to be adopted. The meeting then will proceed to deal with each item listed for discussion and decision.

Public Participation

Members of the public can request to speak about a matter raised in the business paper for the Council meeting. You must register to speak prior to 3:00pm on the day of the meeting by contacting Council. You will need to complete an application form and lodge it with the General Manager by this time, where possible. The application form is available on the Council's website, from reception, at the meeting, by contacting the Manager Corporate Services on 4560 4426 or by email at lmifsud@hawkesbury.nsw.gov.au.

The Mayor will invite interested persons to address the Council when the matter is being considered. Speakers have a maximum of five minutes to present their views. If there are a large number of responses in a matter, they may be asked to organise for three representatives to address the Council.

A Point of Interest

Voting on matters for consideration is operated electronically. Councillors have in front of them both a "Yes" and a "No" button with which they cast their vote. The results of the vote are displayed on the electronic voting board above the Minute Clerk. This was an innovation in Australian Local Government pioneered by Hawkesbury City Council.

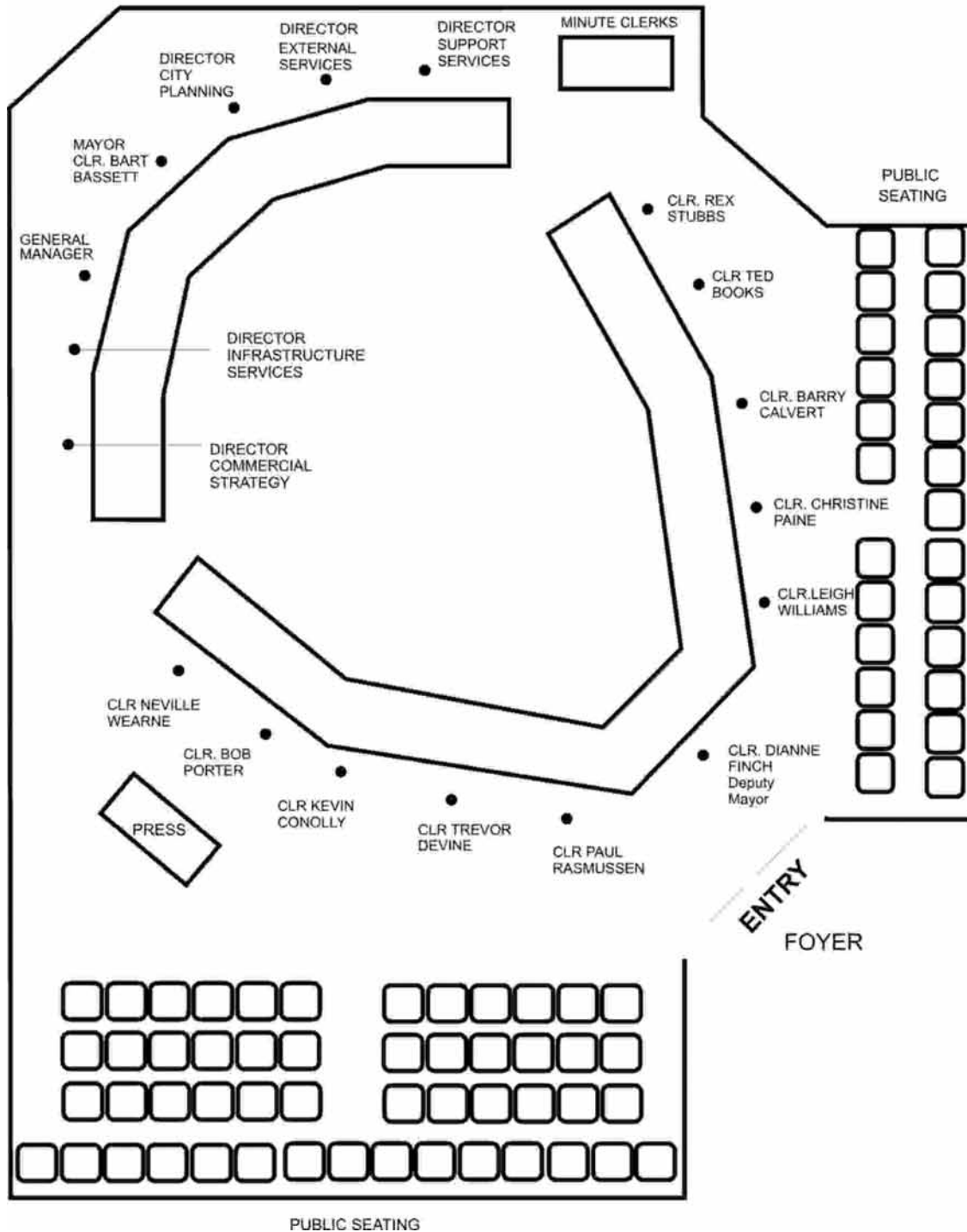
Website

Business Papers can be viewed on Council's website from noon on the Friday before each meeting. The website address is www.hawkesbury.nsw.gov.au.

Further Information

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Administration and Governance on, telephone 02 4560 4426.

council chambers



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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 280 GM - Election of Mayor - (79351, 95476)

REPORT:

The following provisions of the *Local Government (General) Regulation 2005* (Schedule 7 as specified by Clause 394) apply to the election of a Mayor.

"Part 1 - Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.*
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) The nomination is to be delivered or sent to the returning officer.*
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

3 Election

- (1) If only one councillor is nominated, that councillor is elected.*
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.*
- (4) In this clause:*

"ballot" has its normal meaning of secret ballot.

"open voting" means voting by a show of hands or similar means.

Part 2 - Ordinary ballot or open voting

4 Application of Part

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

5 Marking of ballot-papers

- (1) *If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.*
- (2) *The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.*
- (3) *An informal ballot-paper must be rejected at the count.*

6 Count—2 candidates

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

7 Count—3 or more candidates

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

Part 3 - Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

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

10 Count

- (1) *If a candidate has an absolute majority of first preference votes, that candidate is elected.*

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

11 Tied candidates

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

Part 4 - General

12 Choosing by lot

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

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

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

Appropriate nomination forms for this purpose have been distributed under separate cover.

RECOMMENDATION:

That an election for the position of Mayor of the City of Hawkesbury for the 2005/2006 Mayoral Term be carried out.

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ATTACHMENTS:

AT - 1 Nomination forms - (*distributed under separate cover*)

oooO END OF REPORT Oooo

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Item: 281 GM - Election of Deputy Mayor - (79351, 95496)

REPORT:

The provisions for the election of Mayor also apply to the election of Deputy Mayor.

RECOMMENDATION:

That an election for the position of Deputy Mayor of the City of Hawkesbury for the 2005/2006 Mayoral Term be carried out.

ATTACHMENTS:

AT - 1 Nomination forms (*distributed under separate cover*).

oooO END OF REPORT Oooo

SPECIAL MEETING**Meeting Date: 20 September 2005****Item: 282 GM - Appointment of Committees, Delegates and Representatives - Review of Committee Structure - (79351, 95496)****REPORT:**

At its Special Meeting held on 27 September 2004, Council reviewed its committee structure with such review basing the various committees on four broad committee types. These committee types were generally described as follows:

- a. Committees of Council – Committees established under the provisions of Section 377 of the Local Government Act 1993. These Committees perform certain functions as identified in their constitutions (which are modelled on the draft pro-forma constitution adopted by Council) and include provision for Councillor representation. Prior to the 2004 there were approximately 25 Committees of Council and these were reconfigured and amalgamated into 11 Committees. These Committees operate in accordance with Council's adopted pro-forma constitution.

It should also be noted that in accordance with Council's resolution of 27 September 2005 the Cultural Infrastructure Project Committee will only continue to operate until the project is completed.

- b. Statutory Committees - Committees, which are required to be established by legislation, or to meet obligations set down by Government departments and/or funding agencies. These Committees have set functions and terms of reference - they differ for 377 Council Committees, in that they are issue-specific and may meet irregularly on a 'as needs' basis and in practical terms cannot operate under Council's pro-forma constitution.
- c. Committees in which Council has a Financial Interest - these committees may manage Council owned facilities or funded services auspiced by Council. They generally operate as autonomous entities (incorporated associations) in accordance with their own constitutions. These Committees have a financial relationship with Council in that Council either provides a direct (financial) or an in-kind contribution (land or facilities) to support their operations, or Council has delegated responsibility for the management of a Council funded or Council auspiced services to them.
- d. Other Committees – Committees, which operate as autonomous entities and generally perform non-Council related functions. Councillor representation on these Committees is on an invitation basis. In the 2004 review it was indicated that a number of these committees did not require councillor representation and there are now only three committees in this type.

Each of the committees that fall into the above four type together with a brief indication of there purpose and current councillor representation is detailed in the following table:

Committee	Function	Current Representative/s
a. Committees of Council		
Strategic Planning Committee	To review Council's forward plans and to set and monitor corporate performance measures.	Clr. Bassett (Mayor) Clr. Calvert Clr. Conolly Clr. Devine Clr. Finch Clr. Stubbs Clr. Wearne
E-Commerce/Markets	Act as a policy advisory body to Council	Clr. Bassett (Mayor)

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Committee	Function	Current Representative/s
Advisory Committee	to identify markets for Hawkesbury businesses and facilitate access to these markets using established E-Commerce/Markets techniques.	Clr. Calvert Clr. Devine Clr. Stubbs Clr. Wearne
Audit Committee	To provide oversight of Council's financial procedures and processes and to help ensure adequate resources are available to Council's finance functions.	Clr. Bassett (Mayor) Clr. Conolly Clr. Devine Clr. Porter Clr. Stubbs
Community Planning Committee	To provide advice and recommendations for the co-ordination of community and social planning for the City of Hawkesbury and to provide a mechanism for the discussion of social issues.	Clr. Books Clr. Stubbs
Cultural Precinct Advisory Committee	To provide advice and recommendations on matters pertaining to the operation of the Hawkesbury Cultural Precinct.	Clr. Finch
Hawkesbury Civics & Citizenship Committee	To consider and determine nominations for recipients of Citizenship Awards (Australia Day, Sports Medal).	Clr. Bassett (Mayor) Clr. Finch Clr. Stubbs
Three Towns Sewerage Committee	Established to co-ordinate representations and lobbying for the three-towns sewerage scheme.	Clr. Devine Clr. Porter Clr. Wearne
Hawkesbury Bicycle and Access Mobility Committee	To provide advice to council in relation to access and mobility issues and cycle ways	None yet determined. Constitution provides for at least 1 councillor.
Cultural Infrastructure Project Committee	Co-ordinate development of cultural infrastructure project.	Clr. Conolly
Waste Management Task Force	Established to develop options for future waste management in City of Hawkesbury	Clr Porter Clr Devine
Heritage Advisory Committee	Provides advice to Council regarding Heritage and related issues.	Clr. Books
b. Statutory Committees		
Local Traffic Committee	Committee responsible for considering and determining requests for alterations to traffic rules and other traffic related matters.	Clr Bassett (Mayor) Clr Devine (alternate)
Schaffer Quarry Environmental Committee	Established by Land & Environment Court to monitor DA provision.	Clr. L. Williams
Western Sydney Area Assistance Scheme Local Ranking Committee	To consider and rank applications received under WSAAS Scheme.	Councillors appointed as delegate to Community Planning Committee + 2 additional delegates being: Clr. Bassett (Mayor) Clr. Calvert
Prioritising Committee Capital Assistance Applications – Sport & Recreation	To consider and determine applications received under Sport and Rec Capital Assistance Program.	Councillors appointed delegate to Community Planning Committee + 2 additional delegates being: Clr. Conolly

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Committee	Function	Current Representative/s
		Clr. Finch.
Community Development Support Expenditure Scheme Local Committee	To consider and rank applications received under CDSE Scheme.	Mayor + Councillors appointed as delegates to Community Planning Committee.
Floodplain Management Committee	Advisory Committee established to provide input in relation to floodplain management issues.	Clr. Devine Clr. Books Clr Conolly
Department of Land & Water Conservation Local Government Advisory Committee (Hawkesbury-Nepean Catchment)	Committee established by NSW Government to co-ordinate catchment management	Clr. Books
c. Committees where Council has a Financial Interest		
Westpool	Self-insurance agency established by consortium of participating Councils.	Clr. Books
McMahon's Park Management Committee	Incorporated body with delegated responsibility for management and operation of McMahons Park.	Clr. Calvert Clr Finch (alternate)
Hawkesbury Sports Council	Incorporated body with delegated responsibility for management and operation of Council facilities.	Clr. Devine
Peppercorn Service Inc.	Incorporated body with delegated responsibility for management and operation of Council auspiced disability and aged services (externally funded).	Clr. Paine Clr. Finch (alternate)
Western Sydney Regional Organisation of Council	Regional Body established to co-ordinate lobbying for Western Sydney	Clr. Bassett (Mayor) Clr. Calvert
Board of Directors Tourism Hawkesbury Inc.	Incorporated body involved with tourism development and marketing.	No longer required. Current nominee: Clr. Finch
Hawkesbury River County Council	Statutory Body responsible for management of Hawkesbury River.	Clr. Books Clr. Porter
Hawkesbury Sister City Association	Incorporated Body responsible for co-ordinating Sister City activities.	Clr. Finch
d. Other Committees		
National Parks and Wildlife Service – Blue Mountains Advisory Committee.	Established to provide advice regarding operation of government agency	Clr. Wearne
Sydney Road Links Committee	Established by Consortium of Councils (to the west of the Great Dividing Range) to lobby for upgrade of Bells Line of Road.	Clr. Bassett (Mayor) Clr Calvert (alternate)
Western Sydney Academy of Sport	Regional Body established to co-ordinate lobbying for sports development in Western Sydney	Clr. Finch

Possible RSL Liaison Committee

At the meeting of Council held on 12 July 2005 Councillor Rasmussen submitted a Question With Notice in relation to a "Liaison Committee" that had existed between RSL branches and Council to discuss matters

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such as maintenance of memorials and commemoration events in the Hawkesbury and suggested that this "committee" should be reconstituted.

In response to this question it was indicated as follows:

"The previous General Manager had generally arranged two meetings annually with the combined RSL branches approximately one month before ANZAC day and one month before Armistice Day to ensure that appropriate arrangements were in place, which would allow them to proceed smoothly. Other matters relating to the RSL branches were discussed at this time. These meetings were attended by the General Manager, the Director Infrastructure Services, the Manager Parks & Recreation and a Councillor. The forum provided for ongoing communication between the RSL branches and Council and were generally held at the Richmond Club. It is suggested that this program could be re-instated with attendance by the Mayor, a Councillor of Council's choice, the General Manager and the Director Infrastructure Services."

At the meeting it was also indicated that this matter would be referred to this meeting to enable Council to determine if it wished to establish a committee for this purpose.

RECOMMENDATION:

That Committees, delegates and representatives as determined by Council be appointed.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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special
meeting

end of
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paper

This business paper has
been produced
electronically to reduce
costs, improve efficiency
and reduce the use of
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