



## Agenda

### Extraordinary Meeting

Notice is hereby given that an Extraordinary Meeting of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

**Monday 6 September 2004**

Commencing at 7:30 pm for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped to ensure the accuracy of the minutes. However, under the *Local Government Act 1993*, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:  
[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*



**TABLE OF CONTENTS**

Item	Page No.
<b>APOLOGIES AND LEAVE OF ABSENCE</b>	
<b>DECLARATIONS OF INTEREST</b>	
<b>PUBLIC ADDRESSES</b>	
<b>GENERAL MANAGER'S REPORTS</b>	
<b>General Manager's Office Report No. 32</b> Election of Deputy Mayor .....	<b>2</b>
<b>General Manager's Office Report No. 33</b> Appointment of Chairperson and Deputy Chairperson for its Principal Committees.....	<b>5</b>
<b>MATTERS OF URGENCY</b> (In accordance with Clause 14 of the Local Government (Meetings) Regulations, 1993)	

**\*\*\*\*\* END OF AGENDA \*\*\*\*\***

**TO:** Extraordinary Meeting - 6 September 2004  
**REPORT:** General Manager's Office Report No. 32  
**SUBJECT:** Election of Deputy Mayor  
**FILE NO:**

---

## SUMMARY

Section 231 of the *Local Government Act, 1993* empowers the Council to elect one of its members to act as Deputy Mayor for the Mayoral term or for a shorter term.

A Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the Office of the Mayor.

The election for Deputy Mayor will be held at the Extraordinary Meeting of Council on 6 September 2004.

## REPORT

The term of the current Deputy Mayor is up to September 2004. The Council is required to conduct an election to fill this position for a further term.

## Procedure

Clause 124 of Part 12 of the Local Government (Elections) Regulation 1998 provides that the Deputy Mayor is to be elected in accordance with Schedule 3 of the Regulation. The provisions of the Schedule are summarised as follows:-

1. A nomination for the Office of Deputy Mayor 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**.

There is no prescribed form of "nomination paper". However, for convenience, "nomination papers" have been prepared and **distributed**.

2. If only one Councillor is nominated, that Councillor is elected. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by:-

- (a) Preferential Ballot.
- (b) Ordinary Ballot.
- (c) Open Voting.

(Note: It has been Manly Council long-standing practice to have Open Voting.)

3. If the method is by Preferential or Ordinary Ballot, it shall be by secret vote.
4. The General Manager (or a person appointed by the General Manager) is the Returning Officer.

The primary difference between Ordinary Ballot/Open Voting and Preferential Ballot is:-

**General Manager's Office Report No. 32 (Cont'd)**

- (i) Preferential Ballot - **Only one ballot is taken** and Councillors are to mark their votes by placing the numbers "1", "2", "3" and so on, against the various names so as to indicate the order of their preference for the candidates. Preferences must be shown for all candidates (Clause 9 of Schedule 3).

The formality of a ballot paper under this part is to be determined in accordance with Clause 76 of the Local Government (Elections) Regulation, 1998. In essence, the ballot paper must:-

- (a) Be completed in accordance with the directions for the showing of preferences.
- (b) Be initialled by the Returning Officer or an Electoral Officer.
- (c) Not contain a mark or writing which would enable the voter to be identified.

If a candidate has an absolute majority of first preference votes (i.e. more than one half of the number of formal ballot papers), that candidate is elected.

If not, the candidate with the lowest number of first preference votes is excluded and that candidate's votes transferred to that candidate's second preferences. This procedure continues until a candidate receives an absolute majority.

- (ii) Ordinary Ballot/Open Voting - Separate and continuing ballots/votes are taken to exclude the candidate with the lowest vote.

When there are two candidates remaining, a ballot/vote is taken **to elect** the candidate with the higher number of votes.

**Tied Candidates (Choosing by Lot)**

If, on any count of votes, the number of votes cast for two candidates are equal and:-

- (a) those candidates are the only candidates in, or remaining in the Election - 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; or
- (b) 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.

If on any count the number of votes cast for three or more candidates are equal and the lowest number of votes on the count of the vote - the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

**Summary of Procedure**

A summary of the procedure is as follows:-

- (a) Councillors will be called upon by the Returning Officer to submit their nomination papers (in writing signed by two or more Councillors and with nominees written consent) **before 7pm on Monday, 6 September 2004**.
- (b) Nominations received will be read to the Meeting by the Returning Officer and he will ask if any of the candidates so nominated wish to withdraw.
- (c) If there are more candidates than one, an election will be carried out in accordance with the provisions of Schedule 3 of the Local Government (Elections) Regulation 1998 as outlined

**General Manager's Office Report No. 32 (Cont'd)**

above, and Councillors will be requested to resolve whether the election is to proceed by Preferential Ballot, by Ordinary Ballot or by Open Voting.

- (d) (i) If a Preferential or Ordinary ballot is required, ballot papers will be prepared and distributed to Councillors for marking:-
- Upon completion of marking of the ballot papers by Councillors, the ballot papers will be collected on behalf of the Returning Officer and the votes will be counted.
  - When the ballot or ballots, as required pursuant to the provisions of Schedule 3, have been completed and a result obtained, the Returning Officer will announce the result to the meeting.
- (ii) If the election is by Open Voting, then votes **to exclude candidates (if more than two)** and, where there are two candidates, votes to elect a candidate will be taken by show of hands.

When one candidate has a majority of votes the Returning Officer will declare this Councillor duly elected.

**Term**

Section 231(2) of the *Local Government Act, 1993* states that the person may be elected for the Mayoral term or a shorter term.

As Council is aware the current Mayoral term at Manly Council will be for 4 ½ years. However, the practice has been to elect the Deputy Mayor for one term only.

**RECOMMENDATION**

1. That Council elect a Deputy Mayor for the period to **September 2005**.
2. That Council determine the method of voting for the election of Deputy Mayor for the 2004/2005 term.

**ATTACHMENTS**

There are no attachments for this report.

OM060904GMO\_32

\*\*\*\*\* End of General Manager's Office Report No. 32 \*\*\*\*\*

**TO:** Extraordinary Meeting - 6 September 2004  
**REPORT:** General Manager's Office Report No. 33  
**SUBJECT:** Appointment of Chairperson and Deputy Chairperson for its Principal Committees  
**FILE NO:**

---

## **SUMMARY**

The purpose of this report is to appoint the Chairperson and Deputy Chairperson for its Principal Committees of Land Use Management and Planning and Strategy.

## **REPORT**

The Council has two Principal Committees. These are the Land Use Management Committee and the Corporate Planning and Strategy Committee which are Principal Committees. They meet in Committees-of-the-Whole (membership consists of all councillors) and on a monthly cycle.

Under the *Local Government Act*, the Mayor is ex-officio Chairperson of all committees established by Council.

However it is the practice of Manly Council for the roles of Chair and Deputy Chair to be delegated to other Councillors.

### **Principal Committees**

Council's Code of Meeting Practice established (2) Principal Committees:-

- Corporate Planning and Strategy Committee
- Land Use Management Committee

The functions and responsibilities of the Principal Committees are as follows:-

#### **1. Corporate Planning and Strategy Committee**

##### ***Functions and Responsibilities:***

To consider and resolve on all matters pertaining to the Planning and Commissioning of facilities, works and services, and in particular:-

- (i) Forward planning (Local Environmental studies)
- (ii) Statutory planning (Local Environmental Plans and Development Control Plans)
- (iii) Management Plans (Reserves)
- (iv) Special Planning Projects
- (v) Urban Design Guidelines
- (vi) Special Design Projects
- (vii) Specification of Services

**General Manager's Office Report No. 33 (Cont'd)**

- (viii) Commissioning and Contracting of Work
- (ix) Monitoring of construction works
- (x) Monitoring of the Annual Works Programme
- (xi) Traffic Management - Works Implementation
- (xii) Waste Management and Recycling
- (xiii) Public Place Cleansing
- (xiv) Road Safety
- (xv) Flood Plain and Estuary Management
- (xvi) Asset Management

**2. Land Use Management Committee*****Functions and Responsibilities:***

To consider and resolve on matters pertaining to:-

- (i) Development Control (Processing of development applications)
- (ii) Associated Land Use Matters (fire safety, compliance, etc.)
- (iii) Strata Subdivision Applications
- (iv) Land Subdivision Applications
- (v) Advertising Signs

Council under s377 of the Act has delegated to the two (2) Principal Committees the power to resolve on matters properly before each Principal Committee.

Each Principal Committee presently comprises the whole of the Council with a **quorum of seven**.

**RECOMMENDATION**

1. That Council establish a Planning & Strategy Committee and Land Use Management Committee as its Principal Committees with the Functions & Responsibilities outlined in the above report.
2. That Council proceed to elect Chairpersons and Deputy Chairpersons for its Principal Committees of Land Use Management and Planning and Strategy.
3. That Council determine the method of voting as applied to the election of the Deputy Mayor.

**ATTACHMENTS**

There are no attachments for this report.

OM060904GMO\_33

\*\*\*\*\* End of General Manager's Office Report No. 33 \*\*\*\*\*