BUSINESS PAPER

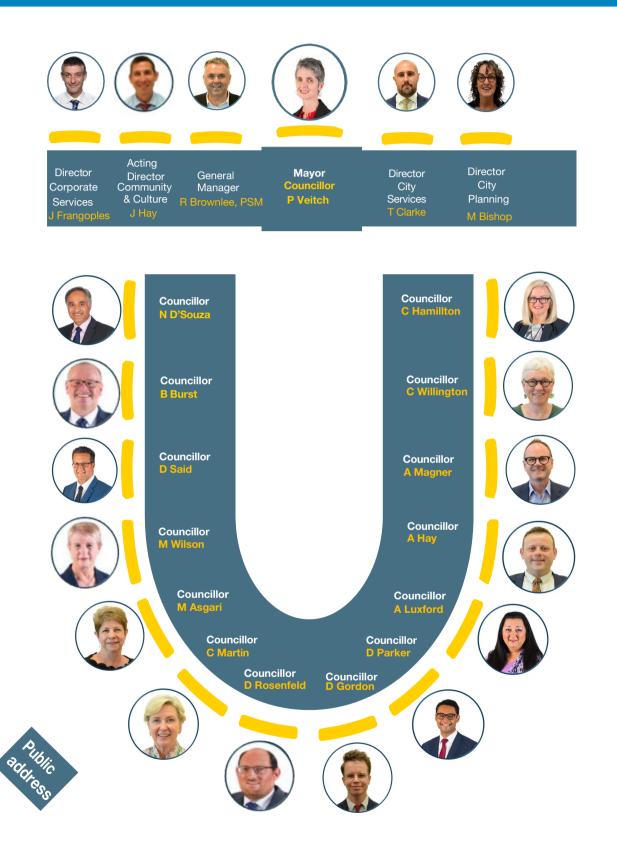
Extraordinary Council Meeting

Tuesday 8 October 2024



Randwick City Council 30 Frances Street Randwick NSW 2031 1300 722 542 council@randwick.nsw.gov.au www.randwick.nsw.gov.au

Seating Plan for Council meetings



Statement of ethical obligations

Obligations	
Oath [Affirmation] of Office by Councillors	I swear [solemnly and sincerely declare and affirm] that I will undertake the duties of the office of councillor in the best interests of the people of Randwick City and the Randwick City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.
Code of Conduct conf	
Pecuniary interests	A Councillor who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council at which the matter is being considered, must disclose the nature of the interest to the meeting.
	The Councillor must not be present at, or in sight of, the meeting:
	 a) at any time during which the matter is being considered or discussed, or b) at any time during which the council is voting on any question in relation to the matter.
Non-pecuniary conflict of interests	A Councillor who has a non-pecuniary conflict of interest in a matter, must disclose the relevant private interest in relation to the matter fully and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
Significant non- pecuniary interests	A Councillor who has a significant non-pecuniary conflict of interest in relation to a matter under consideration at a council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.
Non-significant non- pecuniary interests	A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest must also explain why conflict of interest is not significant and does not require further action in the circumstances.



Notice is hereby given that an Extraordinary Council meeting of Randwick City Council will be held in the Council Chamber, 1st Floor Randwick Town Hall, 90 Avoca St Randwick on Tuesday, 8 October 2024 at 6:00 PM

Welcome to Country - Uncle Ron Timbery, La Perouse Local Aboriginal Land Council

Acknowledgement of Country

"I would like to acknowledge that we are meeting on the land of the Bidjigal and the Gadigal peoples who occupied the Sydney Coast, being the traditional owners. On behalf of Randwick City Council, I acknowledge and pay my respects to the Elders past and present, and to Aboriginal people in attendance today."

Prayer

"Almighty God,

We humbly beseech you to bestow your blessings upon this Council and to direct and prosper our deliberations to the advancement of your glory and the true welfare of the people of Randwick and Australia. Amen"

Apologies/Granting of Leave of Absences

Requests to attend meeting by audio-visual link

Declarations of Pecuniary and Non-Pecuniary Interests

Address of Council by Members of the Public

Privacy warning;

In respect to Privacy & Personal Information Protection Act, members of the public are advised that the proceedings of this meeting will be recorded for the purposes of clause 5.20-5.23 of Council's Code of Meeting Practice.

Audio/video recording of meetings prohibited without permission; A person may be expelled from a meeting for using, or having used, an audio/video recorder without the express authority of the Council.

Mayoral Minutes

MM45/24	Financial Assistance and Donations - September - October 2024 1	
General M	lanager's Reports	
GM5/24	Oath or Affirmation of Office by Councillors	}
Director C	Corporate Services Reports	
CO38/24	Election of Mayor and Deputy Mayor7	,
CO39/24	Council Approval of Countback Method to Fill any Casual Councillor Vacancy17	,
CO40/24	Appointment of Delegates to Committees 19)

Ray Brownlee, PSM GENERAL MANAGER

Mayoral Minute No. MM45/24

Subject: Financial Assistance and Donations - September - October 2024

Motion:

That Council:

- a) waive the fees totaling \$9465.00 (\$5552.00 for street banners + \$3913.00 for beach hire and services) associated with the Coogee Surf Life Saving Club – RunSwim Coogee to be held on 2 November 2024; and
- b) waive the fees totaling \$6488.00 associated with the Coogee Surf Life Saving Club Coogee Island Challenge to be held on 24 November 2024 and 13 April 2025.

Background:

We received a late request on 10 September 2024 from the Coogee Surf Life Saving Club for funding for the above two events. As no council meeting was held in September due to the Local Government elections, and to allow the club to proceed with organisation of the events, I am putting the request for consideration at the October Extraordinary Council Meeting.

a) Coogee Surf Life Saving Club – RunSwim Coogee

Please note that this event was originally scheduled to be held on 5 May 2024 and funding was approved from the Mayors Contingency Fund on 28 November 2023. The event was postponed due to inclement weather and as it was approved in the last financial year the funds were not expended and a new request must be put through for funding from the Mayor's contingency Fund.

RunSwim Coogee Aquathlon takes place in Coogee and Clovelly with participants running along coastal footpath and completing swims at Clovelly, Gordon's Bay and Coogee beaches. It is an important community, fundraising and charity-based event and with limited registrations. All proceeds from the event go towards maintaining vital lifesaving equipment and services on the beach to keep the community safe.

b) Coogee Surf Life Saving Club – Coogee Island Challenge

Coogee SLSC has hosted and managed the Coogee Island Challenge since November 2000 through the provision of valuable Club lifesavers both in Water Safety, Beach Management and Event Coordination. The event offers three ocean swim distances, an 800m Junior Dash, a 1km course in the relative safety of the bay, and the 2.4km main event. The latter two distances are for swimmers aged 13 years and over. There is significant community engagement and registration on Goldstein Reserve. All proceeds from the event go towards maintaining vital lifesaving equipment and services on the beach to keep the community safe.

Source of funding:

The financial implications to Council will be \$15,953.00 funded from the 2024-25 Contingency Fund.

Submitted by: The Mayor, Cr Philipa Veitch

File Reference: F2024/06574

General Manager's Report No. GM5/24

Subject: Oath or Affirmation of Office by Councillors

Executive Summary

- There is a requirement under the *Local Government Act 1993*, for Councillors (including Mayors) to take an oath or affirmation of office. The prescribed words of the oath and affirmation are contained in the *Local Government Act 1993*.
- An oath or affirmations of office must be taken by each Councillor at or before the first meeting of the Council after being elected.

Recommendation

That the minutes reflect that the oath or affirmation of office was taken by each Councillor of Randwick City Council on Friday 4 October 2024 in the presence of The Hon. Ron Hoenig MP. Minister for Local Government, Leader of the House in the Legislative Assembly, Vice-President of the Executive Council and the General Manager of Randwick City Council, Mr Ray Brownlee PSM, as follows:

Oath	Affirmation
Councillor Bill Burst	Councillor Masoomeh Asgari
Councillor Noel D'Souza	Councillor Dexter Gordon
Councillor Andrew Hay	Councillor Christie Hamilton
Councillor Alexandra Luxford	Councillor Aaron Magner
Councillor Carolyn Martin	Councillor Dylan Parker
Councillor Daniel Rosenfeld	Councillor Philipa Veitch
Councillor Danny Said	Councillor Clare Willington
Councillor Marea Wilson	

Attachment/s:

Nil

Purpose

To record the taking of oaths/affirmations of office by Councillors, as required by the *Local Government Act 1993.*

Discussion

All Councillors attended and took either the oath or affirmation of office at an event held on Friday 4 October 2024 in the presence of The Hon. Ron Hoenig MP. **Minister for Local Government**, Leader of the House in the Legislative Assembly, Vice-President of the Executive Council and the General Manager of Randwick City Council, Mr Ray Brownlee PSM.

A record must be kept of the taking of the oath or affirmation by each Councillor following the 14 September 2024 Council elections.

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering services and regulatory functions:			
Service area	Customer Service & Governance Management		
Function	Unction Governance Management		
Delivery program commitment	Manage Council's governance framework and controls to ensure accountability, transparency, integrity, equity and ethical Council decision making.		

Resourcing Strategy implications

The Oaths and Affirmations event held on 4 October 2024 was funded from the 2024-25 Councillor Induction budget.

Policy and legislative requirements

Local Government Act 1993 (section 233A):

"233A Oath and affirmation for councillors

- (1) A councillor must take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.
- (2) The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace and is to be in the following form—

Oath

I [*name of councillor*] swear that I will undertake the duties of the office of councillor in the best interests of the people of [*name of council area*] and the [*name of council*] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

Affirmation

I [*name of councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of [*name of council*] area] and the [*name of council*] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

- (3) A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or made the affirmation.
- (4) Any absence of a councillor from an ordinary meeting of the council that the councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.
- (5) Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a councillor in the exercise of the councillor's functions.
- (6) The general manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise)."

Conclusion

Oaths or affirmations of office must be taken by each Councillor at or before the first meeting of the Council after being elected.

Responsible officer:Julie Hartshorn, Coordinator AdministrationFile Reference:F2023/00124

Director Corporate Services Report No. CO38/24

Subject: Election of Mayor and Deputy Mayor

Executive Summary

- The election of the Mayor by the Councillors is to be held, if it is the first election after an ordinary election of Councillors, within three (3) weeks after the declaration of the election results.
- The Mayor is to be elected for a two (2) year term. In this case, the current term will be 8 October 2024 to September 2026.
- It has been the practice at Randwick City Council to elect a Deputy Mayor. If Council resolves to continue to have a Deputy Mayor, the term of the Deputy Mayor is for the same term as the Mayor or a shorter term, as determined by the Council.
- The process for election of Mayor and Deputy Mayor is detailed in the attached Office of Local Government (OLG) fact sheet.

Recommendation

- a) **Method of Voting –** that Council determine the method of voting for Mayor and Deputy Mayor from one of the following:
 - Open Voting (traditional method at Randwick City Council)
 - Ordinary Ballot
 - Preferential Ballot.

b) Election of Mayor

- i. That the General Manager, as Returning Officer, calls nominations for the position of Mayor.
- ii. That, should more than one nomination be received, the General Manager, as Returning Officer, read the names of the candidates for the position of Mayor.
- iii. That, if necessary, an election be conducted in accordance with the Council's resolution made in relation to recommendation (a) for the position of Mayor.
- iv. That the General Manager, as Returning Officer declare the Mayor elected for the term 8 October 2024 to September 2026.

c) Election of Deputy Mayor

- i. That the Council determine if it will elect a Deputy Mayor and, if so, for what term of office.
- ii. That the General Manager, as Returning Officer, calls nominations for the position of Deputy Mayor.
- iii. That, should more than one nomination be received, the General Manager, as Returning Officer, read the names of the candidates for the position of Deputy Mayor.
- iv. That, if necessary, an election be conducted in accordance with the Council's resolution made in relation to recommendation (b) for the position of Deputy Mayor.
- v. That the General Manager, as Returning Officer, declare the Deputy Mayor elected for the term set by Council.

Attachment/s:

1. OLG Mayoral elections - Fact Sheet

Purpose

The purpose of this report is to facilitate the election of a Mayor for the period from October 2024 to September 2026 and to determine if Council will elect a Deputy Mayor and, if so, for the term of office of the Deputy Mayor to be determined.

Discussion

In accordance with section 230(1) of the *Local Government Act* 1993 (LGA) the Mayor holds the office of Mayor for a two (2) year term.

Council is not required to elect a Deputy Mayor. It has, however, been the practice at Randwick City Council to elect a Deputy Mayor to assist the Mayor as and when required. The Deputy Mayor may be elected for the Mayoral term or a shorter term.

1. Election of Mayor – 8 October 2024 to September 2026

The procedure to be followed for the election of Mayor is outlined in Attachment 1 'Office of Local Government Fact Sheet – Election of Mayor and Deputy Mayor by Councillors'.

2. Election of Deputy Mayor – term to be determined

In accordance with the provisions of Section 231 of the Local Government Act, the Council may elect one of its members to act as Deputy Mayor. Further, the 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 Mayor.

The procedure to be followed for the election of Deputy Mayor is the same as for the election of Mayor and is detailed in the attached Fact Sheet.

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering services and regulatory functions:		
Service area	Customer Service & Governance Management	
Function	Governance Management	
Delivery program commitment	Manage Council's governance framework and controls to ensure accountability, transparency, integrity, equity and ethical Council decision making.	

Resourcing Strategy implications

The Mayoral Allowance has been provided for in the 2024-25 Budget with an allowance for 10% of the Mayoral Allowance to be paid to the Deputy Mayor in accordance with past practice.

Policy and legislative requirements

Local Government Act 1993 Local Government (General) Regulation 2021.

Conclusion

Given the recent election of Councillors (following the 14 September 2024 elections), it is necessary for the Council, at this meeting, to elect a Mayor for the term 8 October 2024 to September 2026 and to make certain decisions relating to the election of a Deputy Mayor (and for elections to be conducted for the role).

Responsible officer: Julie Hartshorn, Coordinator Administration

File Reference: F2005/00751

Fact Sheet ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS



Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with clause 394 and Schedule 7 of *the Local Government (General) Regulation 2005* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A midterm mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

Procedures

Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.

In accordance with the Local Government (General) Regulation 2005, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.

A councillor may be nominated without notice for election as mayor or deputy 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 returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting i.e. by show of hands
- Ordinary ballot i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

Note: In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.

Each councillor is entitled to vote for only one candidate in each round of voting.

I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

Would those councillors voting for [name of candidate] please raise your hand.

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

[Name of candidate], having the lowest number of votes, is excluded.

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

[Name of candidate], having the lowest number of votes, is excluded.

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.

Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Preferential ballot

The returning officer explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

[Name of candidate], having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

[Name of candidate], having the lowest number of first preference votes, is excluded.

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

[Name of candidate], having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Schedule 7 - Election of Mayor by Councillors

Part 1 Preliminary

1 Returning officer

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

2 Nomination

- 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

- 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 (6) 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

- 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.
- (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. That candidate 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 councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Departmental Chief Executive and to the Chief Executive of Local Government New South Wales.

Director Corporate Services Report No. CO39/24

Subject: Council Approval of Countback Method to Fill any Casual Councillor Vacancy

Executive Summary

- Council can fill a Councillor vacancy using the ballot papers from the previous election within the first 18 months after the election.
- Council must pass a resolution at the first Council meeting following the ordinary election, to use the Countback method to fill a Councillor vacancy.

Recommendation

That the Countback method be used to fill a Councillor vacancy should it occur within 18 months of the 14 September 2024 election of Councillors.

Attachment/s:

Nil

Purpose

To approve and facilitate the use of the Countback method should a casual Councillor vacancy occur within 18 months of the 14 September 2024 election of Councillors.

Discussion

What is the Countback method?

A Countback election uses the proportional counting method to elect a Councillor to fill a vacancy.

Overview of the Countback method:

- Ballot papers from the prior ordinary election are used.
- All ballot preferences for the vacating Councillor will be distributed based on their next preference.
- Counting does not affect elected Councillors or elect non-participating candidates.
- The prospective candidates would be contacted to see if they are still interested.
- Counting continues until a participating candidate is elected.

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering services and regulatory functions:		
Service area	Customer Service & Governance Management	
Function	Governance Management	
Delivery program commitment	Manage Council's governance framework and controls to ensure accountability, transparency, integrity, equity and ethical Council decision making.	

Resourcing Strategy implications

Should Council resolve not to use Countback to fill a Councillor vacancy within 18 months of the election, then any casual vacancy would be filled by holding a by-election.

Based on the total estimated cost of \$980,000 (excl GST) to conduct the 2024 election, the cost to run a by-election for one ward would be un-budgeted and would be in the vicinity of \$275,000, given the fixed costs of having a returning officer, advertising and polling booths.

Policy and legislative requirements

Local Government (General) Regulation 2021.

Conclusion

From a cost and reputational perspective, this report recommends that Council resolve to utilise the Countback method should a casual Councillor vacancy occur within 18 months of the 14 September 2024 election of Councillors.

Responsible officer:	Julie Hartshorn, Coordinator Administration
----------------------	---------------------------------------------

File Reference: F2023/00124

Director Corporate Services Report No. CO40/24

Subject: Appointment of Delegates to Committees

Executive Summary

• Council is required to appoint delegates to its various advisory, statutory and external committees and bodies for the period from 8 October 2024 until the date of the Mayoral election in September 2026 (or shorter period if determined).

Recommendation

That Council determine the purpose and membership of its advisory committees and appoint delegates to its various advisory, statutory and external committees and to external bodies for the period October 2024 to September 2026.

Attachment/s:

1. **USE THIS LINK TO VIEW** Committee memberships table 2024-26 **2.1** Committees - Purpose, membership etc

Purpose

The purpose of this report is to facilitate the appointment of delegates to the various advisory and external committees for the period from 8 October 2024 until the date of the Mayoral election in September 2026 (or shorter period if determined).

Discussion

Council can appoint committees as it considers necessary.

The appointment of delegates/members to committees must be for a specified term, which obviously cannot exceed the term of the Council. Accordingly, Council may appoint delegates/members to its committees for any period of time (in the past the Council practice has been to elect committee representatives for a 12-month period from September to September, however, given the Mayor is now elected for a two-year term, it is recommended that Committee delegates be appointed for the same term).

The powers and functions of all current Council advisory committees are subject to determination by the Council. The Council may determine that the Committees, their functions and memberships remain the same (or otherwise).

Delegates are also appointed to external committee and bodies. These organisations are external to Council and, therefore, their functions and memberships are not subject to Council control.

The Committee memberships table, including delegate numbers, is provided under separate cover. Attached to this report is a summary of the purpose and membership details for each of the Committees/ organisations to which delegates are appointed, in the following categories:

 Special/Advisory Committees – committees of the Council that meet on an ad hoc basis and advisory committees created to perform a specific function, often with outside representation.

Proposed amendments since reported to Council in September 2023:

Aboriginal Consultative Committee (moved to representation on outside committees) – has been moved to representation on outside organisations/committees and now includes all related external agencies and forums including the Eastern Region LG Aboriginal & Torres Strait Islander Forum. The Council Aboriginal Consultative Committee has not meet for many years as the role of this committee has been absorbed by other agencies/forums.

Memorial for Fallen Lifesavers Trust (removed) – the purpose for which this Trust was formed (being the construction of the monument), has been served. Stakeholders will be involved in the application process for the Memorial to be acknowledged as a Military Memorial of National Significance.

Portfolio Advisory Committees (removed) – have not been operational since the conclusion of the trial period in 2022. The Informing Strategies were adopted in 2022 and their ongoing implementation is now an operational matter. Working Groups will be established for matters of interest as a need is identified (eg. Matraville Town Centre and the Live Music working groups).

Resilience Committee (renamed from Greening Randwick Committee) – it is proposed that the Greening Randwick Committee be renamed the Resilience Committee and that the Resilience Committee oversee the broader sustainability and resilience issues within our community, rather than simply tree management matters.

Road Safety Steering Committee (removed) - Under the Program Funding Agreement for the Local Government Road Safety Program, the Road Safety Steering Committee has changed to a Project Delivery Group and no longer includes Councillor representation as this is an operational group. This has been confirmed with Transport for NSW. (ii) **Councillor representation on outside organisations/committees** – bodies to which the Council is entitled to elect or appoint Councillor representatives.

Proposed amendments since reported to Council in September 2023:

Centennial Park Community Trustee Board (added) – this Board was established in 2022. Greater Sydney Parklands approached Council and strongly recommended that we appoint a community representative, rather than a Councillor. A report was presented to Council on 18 October 2022 and Council resolved to conduct a community EOI and delegated the Mayor to appoint the representative. A local resident was subsequently appointed and has representing our area well. Other Councils represented on this board (City of Sydney, Waverley and Woollahra Councils) appointed their mayors to be on the board. As such it is suggested that RCC also appoint the Mayor (or another Councillor) to this Board.

Randwick City Tourism (removed) – this group has not been operational for some years now. If the group is reactivated a report will be presented to Council for delegates to be appointed as appropriate.

Strategic alignment

The relationship with our 2022-26 Delivery Program is as follows:

Delivering service	Delivering services and regulatory functions:	
Service area Customer Service & Governance Management		
Function	Governance Management	
Delivery program commitment	Manage Council's governance framework and controls to ensure accountability, transparency, integrity, equity and ethical Council decision making.	

Resourcing Strategy implications

Operation expenditure for the various committees has been included in the 2024-25 Budget.

Policy and legislative requirements

Local Government Act 1993 Local Government (General) Regulation 2021.

Conclusion

It is necessary for the Council, at this meeting, to approve the appointment of delegates/members to advisory committees and to external bodies as per the Committee memberships table provided under separate cover.

Responsible officer:	Julie Hartshorn, Coordinator Administration
----------------------	---------------------------------------------

File Reference: F2005/00775

040/24



Special Committees

	Committee	Purpose	Membership	Quorum	
Advis	Advisory Committees				
1	Access & Older Person Advisory	To: monitor implementation & evaluation of Council's Disability Discrimination Action Plan; assist in the identification of current & future access needs for the community; support & promote activities & special projects relating to people with disabilities; comment on Council planning instruments in relation to disability issues; assist in determining the most appropriate use of the Accessible Pathways Budget; ensure that Council policies & programs are consistent with Commonwealth & State Government legislation & best practice; develop a Randwick Older People's Policy; assist in the identification of current & future needs of older persons.	2 Councillors & 6- 12 community representatives	5 members	
2	Arts and Cultural Advisory	To bring together key stakeholders in artistic and cultural development within Randwick City to facilitate the sharing of resources, knowledge, facilities, ideas and opportunities; and to advise Council on its public art, placemaking and cultural initiatives.	Maximum 12 members, consisting of no less than 5 local practising artists and 2 Councillors	N/A	
3	Audit, Risk and Improvement	The objective of the Internal Audit Committee (Committee) is to provide independent assurance and assistance to Randwick City Council on areas including risk management, control, legislative compliance and external accountability responsibilities.	1 Cr (cannot be the Mayor), plus 3 external appointments (with relevant experience)	2 external appts	
4	Coastal Advisory Committee	To provide a forum for representatives from local surf clubs, coastal sporting and water-based associations and Council to discuss current issues and future needs of our community.	Mayor + 2-6 Councillors + 6-20 reps of peak bodies/associations	Majority +1 of members	
5	Coogee Beach Stormwater Quality Advisory Committee	To investigate sources of pollution, explore options and develop viable recommendations to improve the water quality at Coogee Beach.	3 Councillors + expert agencies + community representatives	N/A	
6	Cultural Diversity & Equity Advisory	To ensure that all non-English speaking background residents are informed & have an understanding of Council's role & responsibilities & advise Council on issues that affect NESB residents	Equal mix of Council & community reps, with at least 2 Councillors & representatives from each Council Division (Max 10 community reps/others, excluding Crs)	6 members	
7	Cycleway and Bike Facilities	To enhance consultation between Council and the bike riding community. Review and provide advice on bike related capital works	3 Councillors & reps from BikeEast	N/A	

CO40/24



	Committee	Purpose	Membership	Quorum	
8	General Manager's Performance Review	To convene ½ yearly monitoring meetings & once yearly review meetings with the GM to administer his Performance Agreement & to amend the Performance Agreement when required	Mayor + 3 Councillors	3 members	
9	Resilience Committee	To oversee the Council and community programmes to reduce emissions, action the principes of circular economy to reduce waste and to become more resilient to the shocks and stresses experienced within our community.	Mayor + 3 Councillors + 4 community reps	5	
10	Sports	To ensure that Council policies and programs are consistent with Commonwealth & State Government legislation & best practice relevant to the full range of local sporting & recreation needs, to comment on Council planning instruments, including Plans of Management, in relation to sporting facilities, to assist Council in the identification of current & future sporting needs for the community etc	The Mayor & 3 Councillors, plus 6- 15 reps of peak sporting bodies or associations (being residents or members of local sporting bodies) plus Council staff reps	6 members	
11	Youth Advisory	To assist Council in the identification of the current interests of young people (ages 15-24 years), to support & promote activities & special projects relating to young people, to comment on Council planning instruments, to encourage students & young people's participation in Council's activities and community service initiatives etc	Not less than 2 Councillors & 6-12 young people (ages 15-24), but not more than 12 in total	6 members	
Trust	<u>s</u>				
12	Anzac Trust	 Renamed following April 2024 Notice of Motion. The purpose of this Trust is to work with Council staff to: a) Begin planning the 110th Anniversary of Anzac Day, 2025; b) Include plans to commemorate 100 years since the unveiling of the Cenotaph at High Cross Park; c) Conduct a comprehensive consultation process involving all stakeholders including RSL and Surf Clubs; and d) Bring back a report to Council on any additional funds that may be required. 	Mayor + 1 Councillor + GM + 10 external appointments	6	
13	La Perouse Museum & Headland Trust	To provide advice to Council with respect to Council's management of the La Perouse Museum and relevant buildings, heritage items, open space and landscaped areas within the La Perouse precinct of Kamay Botany Bay National Park	Mayor + 3 Councillors + 5 external appointments	5	
<u>Flood</u>	Floodplain Management Committees				
14	Birds Gully & Bunnerong Road Floodplain	Provide advice to Council on flooding related policies and objectives for the Birds Gully and Bunnerong Road catchment as well as the implementation of the floodplain management process.	2 Councillors, 2 community reps, 4 Council staff, 1 SES rep, 1 Sydney Water rep, 1	N/A	



	Committee	Purpose	Membership	Quorum
	Management Committee		adjoining Council rep (as appropriate)	
15	Clovelly Floodplain Management Committee	Provide advice to Council on flooding related policies and objectives for the Clovelly catchment as well as the implementation of the floodplain management process.	and 1 DECC rep	
16	Lurline Bay, Matraville, Malabar and Yarra Bay Floodplain Management Committee	Provide advice to Council on flooding related policies and objectives for the Lurline Bay, Matraville, Malabar and Yarra Bay catchment as well as the implementation of the floodplain management process.		

Councillor representation on outside organisations/committees

	Committee	Purpose	Membership	Randwick allocation
1	Aboriginal Consultative Agencies, including Eastern Region LG Aboriginal & Torres Strait Islander	[Representation on external agencies and forums] To provide leadership on local aboriginal issues and to attend regular meetings of the NGO Aboriginal Services Interagency, Aboriginal Government Agencies and the Police Aboriginal Consultative Committee and the La Perouse Aboriginal Community Alliance. With respect to the Eastern Region LG	Mayor + 2 Councillors and staff from Randwick, Bayside, Waverley & Woollahra & indigenous community reps	Mayor + 2 Councillors
	Forum	Aboriginal & Torres Strait Islander Forum - To consult local Aboriginal communities & their organisations in order to develop policies & cooperative strategies at a regional level & which will stimulate local government commitment to the reconciliation process		
2	Centennial Park Community Trustee Board		1 rep only – Can be representative from local community OR Mayor or other Councillor (2-year appointment)	Mayor OR 1 Councillor
3	NSW Public Libraries Association	As a member of the NSWPLA, Randwick City Council is entitled to 1 vote at the AGM	Representatives from member organisations	1 Councillor delegate and 1 Councillor as alternate delegate
4	Randwick Traffic Committee	To authorise traffic facilities & consider road safety issues	2 Councillors (being 1 delegate & 1 alternate delegate) + Council Traffic Engineer & reps from RTA, Police,	1 Councillor delegate & 1 Councillor as alternate delegate



	Committee	Purpose	Membership	Randwick allocation
			STA & the State Member of Parliament	
5	Southern Sydney Regional Organisation of Councils (SSROC)	To consider & assess the needs, disadvantages & opportunities of the member Councils & of the Southern Sydney region, to make representation & submissions relative to the needs, to submit requests for financial assistant, policy change and additional resources for the region or for member councils etc	Elected reps from member Councils	2 delegates (1 being the Mayor) & 2 alt delegates. Each delegate also serves on a SSROC Standing Committee
6	Sydney Coastal Councils	To maintain sharp focus on all water pollution issues that affect the coastal, harbour, bay and river environment within the areas covered by the member Councils and to develop initiatives to protect those areas.	Councillors & staff from member Councils	2 Councillor delegates (1 to be member of Exec Committee) & 2 Councillors as alternate delegates
7	Sydney East City Planning Panel (SECPP)	The principal function of regional panels is to determine regionally significant DAs.	5 members (Chair & 2 other members appointed by the Minister & 2 Council-appointed members	2 Councillors + 3 Councillors as alternate delegates