



Wyong Shire Council

Business Paper

EXTRAORDINARY COUNCIL MEETING

16 May 2013

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MEETING NOTICE

**The Extraordinary Council Meeting
of Wyong Shire Council
will be held at the Gosford Regional Gallery and Arts Centre,
36 Webb Street, East Gosford on
Thursday 16 May 2013 at 7.00 pm,
for the transaction of the business listed below:**

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

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At the conclusion of the meeting and at the discretion of the Mayor, Council may meet with staff in an informal, non-decision making mode for a period of no more than 30 minutes.

Michael Whittaker
GENERAL MANAGER

1.1 Disclosure of Interest

TRIM REFERENCE: F2013/00023 - D03348889

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

The provisions of Chapter 14 of the *Local Government Act, 1993* regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

That Councillors now disclose any conflicts of interest in matters under consideration by Council at this meeting.

2.1 Terms of Reference - Central Coast Regional Organisation of Councils

TRIM REFERENCE: F2004/06390 - D03349254

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

SUMMARY

To better reflect the purpose and intent of the Central Coast Regional Organisation of Councils the current Terms of Reference for the committee has been reviewed.

The wording to be removed is marked by strikethrough and the new wording is highlighted by bold and italic font.

RECOMMENDATION

That Council adopt the amended Terms of Reference - Central Coast Regional Organisation of Councils.

BACKGROUND

CENTRAL COAST REGIONAL ORGANISATION OF COUNCILS	
Membership	<p><i>Gosford City Council Representatives:</i> All ten Councillors General Manager Gosford - (Hon Secretary)</p> <p><i>Wyong Shire Council Representatives:</i> All ten Councillors General Manager - Michael Whittaker.</p> <p><i>Executive Group</i> - Mayors, Deputy Mayors and General Managers of Gosford and Wyong Councils. Gosford - Councillor Doyle, Councillor Macfadyen (alternate) & Councillor McKinna (Chair). Wyong - Councillor Luke Nayna</p>
Terms of Reference	<p>To identify the needs of the local government areas and of the people of the Central Coast Region and make known those needs to the <i>Federal Commonwealth</i> and New South Wales Governments.</p> <p>To submit to such governments requests for financial assistance, policy changes and additional resources for the <i>Central Coast</i> region of member councils.</p> <p>To encourage closer co-ordination among Local, State and Commonwealth Governments for the promotion and benefit of the region.</p>

CENTRAL COAST REGIONAL ORGANISATION OF COUNCILS	
	<p><i>To enhance the collective status of Local Government within the Central Coast area.</i></p> <p>To encourage the Councils of the region to work together and co-operate on problems and projects of joint interest.</p> <p><i>To participate in activities which promote effective regional development.</i></p> <p>To initiate resource sharing and regional research projects to advance services and encourage cost effectiveness.</p> <p><i>To make the councils stronger by helping improve their financial sustainability and services for the community, through regional purchasing, projects and by exploring and delivering shared services on a regional scale.</i></p> <p>To overview the planning of major facilities and services and maximise their use and development with a view to avoiding duplication.</p> <p>To provide the opportunity for the exchange of information and knowledge to enhance the role of Local Government in the region.</p> <p><i>To provide a mechanism to share expertise and ideas and to promote innovation between constituent councils.</i></p> <p><i>To facilitate regional planning on a range of environmental, economic, social, and infrastructure issues.</i></p> <p>To facilitate a forum for advocacy on behalf of the region.</p> <p><i>To encourage regionally consistent education, promotion and marketing.</i></p> <p><i>To promote regional vision, teamwork, communication, commitment and leadership between the constituent councils.</i></p> <p>To develop a strategic plan for the Association, in accordance with these objectives.</p>

FINANCIAL IMPACT STATEMENT

The recommendation does not impact on Council's financial position.

ATTACHMENTS

Nil.

2.2 Conduct Review Panel

TRIM REFERENCE: F2004/06498 - D03349310

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

SUMMARY

The Department of the Premier & Cabinet, Division of Local Government, issued Circular 12/45 on the 19 December 2012 to advise councils of the issue of a new version of the Model Code of Conduct for Local Councils in NSW.

The Circular advises that Councils should make a number of administrative arrangements in preparation for commencement of the Code, which is to be adopted by Councils by 1 March 2013.

An additional requirement is for Councils to ensure panels of conduct reviewers, appointed using the selection process prescribed under the new Administrative Procedures that support the Code of Conduct, are in place by 30 September 2013. Councils without existing panels should establish a panel by 1 March 2013.

RECOMMENDATION

That Wyong Shire Council engage a panel of Conduct Reviews who will provide services to both Wyong Shire and Gosford City Council in line with the Code of Conduct Administrative Procedures.

BACKGROUND

Part 3, Administrative Framework, Clause 3.1 and 3.2 of the "Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW – March 2013", advises Councils are to establish, by resolution, a panel of Conduct Reviewers, and can, also by resolution, enter into an arrangement with one or more other councils to share a panel of conduct reviewers.

At a meeting with Wyong Shire Council on the 1st February 2013, they advised that they utilise the services of an 'Ombudsman' rather than Conduct Reviewers, and as such would be required to implement by 1st March 2013. Gosford City Council has an established panel and as such has until the 30 September 2013 to comply.

The process to establish a panel will involve advertising for expressions of interest from members of the public, assessing the expressions of interest against the criteria contained in the Administrative Procedures, selecting appropriate panel members (4 members) and negotiating fee for service. The Conduct Reviewers are engaged for the 4 year term of Council when the process is repeated. Conduct reviewers are engaged when code of conduct complaints are made against the Mayor, Councillors or the General Manager.

2.2 Conduct Review Panel (contd)

In recent discussions with Wyong they advise that they have sought Expressions of Interest (EOI) from parties to be conduct reviewers. Gosford has not, as yet, issued an EOI. An in principle agreement was reached that would see Wyong appoint conduct reviewers who would be available to both Wyong and Gosford Council's. Each Council would be responsible for the payment of fees for service to the applicable selected conduct reviewer.

Based on this, it is appropriate for both Gosford City Council and Wyong Shire Council to share a joint panel of Conduct reviewers.

FINANCIAL IMPACT STATEMENT

The recommendation impacts on both Councils financial position.

Ongoing funding will be required to pay each of the Conduct Reviewers for their investigation and reporting of code of conduct matters. It is possible that applications will be received from suitable persons outside the Local Government Area, such as Sydney. This may require additional cost associated with travel and meeting / interview attendance.

The cost associated with the engagement of a Conduct Reviewer, to undertake an investigation, is to be borne by the Council engaging the Conduct Reviewer at the negotiated rates.

ATTACHMENTS

Nil.

3.1 Release of the Independent Local Government Review Panel 'Future Directions' Report

TRIM REFERENCE: F2004/06400 - D03349100

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

SUMMARY

The Independent Local Government Review Panel released its third report on 24 April 2013, *Future Directions for NSW Local Government*, setting out the options for creating stronger local government and stronger communities in NSW.

RECOMMENDATION

That Council receive the report on Release of the Independent Local Government Review Panel 'Future Directions' Report.

BACKGROUND

As stated in the Hon Don Page's Ministerial Circular:

"The report provides comprehensive draft options for the future of local government in NSW. It provides suggestions for improving the fiscal responsibility and financial sustainability of councils and the services and infrastructure that are critical to the sector and the State. It provides options for new structures and boundaries in local government, designed to make councils a stronger, and a more effective partner of the State.

The Panel has made a convincing case, through the research, analysis and consultation it has done to date, that 'no change, is not an option' to ensure stronger local government in NSW in the future. This was reinforced by the publication of the TCorp report on financial sustainability last week.

The Panel's report provides local government, and its representative body Local Government NSW, an opportunity to continue to help shape the future direction of councils and communities.

All councils are encouraged to read the report and contribute to the next stage of consultation, to ensure the final report provided by the Panel presents real solutions to the significant challenges facing local government in NSW."

FINANCIAL IMPACT STATEMENT

The recommendation does not impact on Council's financial position.

ATTACHMENTS

Nil.