



GOSFORD CITY COUNCIL

LATE AGENDA

**ORDINARY
COUNCIL MEETING**

TUESDAY, 26 MARCH 2013

GOSFORD CITY COUNCIL - MEETING PROCEDURES

Public Participation

Council encourages members of the community of the City to participate in the decision making process of the Council and provides the following procedures which in part relate to the requirements stipulated in the Local Government Act 1993 (as amended).

Public participation is permitted for business before the Council when in Open Council, and at the Closed Council Meeting for confidential items. This does not allow the public to participate in respect to Petitions and Questions on Notice reports which are "information only" items, nor individual tenderers to participate in respect to tenders; nor reports concerning investigations of allegations of Code of Conduct violations by Councillors, General Manager or other Council employees. The speaker should not make defamatory or insulting statements. The speaker is to ensure they have approvals to discuss other people's personal information.

Ordinary Council Meetings commence at 6.00 pm and immediately close to consider confidential business in the Closed Council Meeting - Confidential.

Closed Council Meeting - Confidential

Council conducts a Confidential Session, commencing at 6.00 pm on Tuesday of Weeks 1 and 4 of each month and, if necessary, Week 2 of the month.

- 1 During these sessions, the Closed Council Meeting - Confidential is required to consider matters deemed confidential in accordance with Section 10A of the Local Government Act.
- 2 Prior to Closed Council Meeting considering these matters, members of the public may indicate reasons why any item listed should not be included in the Confidential Session [section 10A(4)].
- 3 Items to the Closed Council Meeting - Confidential will not be available. However the Table of Contents for the Ordinary Council meeting will identify that an item has been submitted to the Confidential Session.
- 4 The report of the Confidential Session will be included in the Ordinary Minutes for that meeting.
- 5 The Open Session of Council recommences at 6.45 pm.

Open Sessions of the Council Meetings

- 1 An Agenda Paper may be viewed on or collected from the Receptionist's Counter on the ground floor of the Administration Building after 12 noon on the Thursday preceding the meeting and at all Branch Libraries after 10.00 am on the Thursday preceding the meeting. The Agenda Paper is also available on Council's Internet site www.gosford.nsw.gov.au after 12 noon on the Thursday preceding the meeting.
- 2 All requests to address the Council must be submitted by each individual speaker to the Secretariat, or by Telephone on (02) 43258336 and (02) 43258379 or by Email addressed to secretariat@gosford.nsw.gov.au (**with the subject "Public Participation"**) before 12 noon on the Monday preceding the Ordinary meetings of Council, which are on Tuesdays in Weeks 1 and 4 of each month. All presentations must be limited to a maximum of three minutes. Electronic presentations to be given as part of the public participation must be submitted to the Secretariat at the email address above before the 12 noon deadline. If the electronic file is too large to email, contact should be made with the Secretariat on the above telephone numbers and Council's electronic drop box will be utilised. Please note: electronic presentations will not be accepted on the night of the meeting.
- 3 Requests from members of the public to address Council should include reference to the item number in the Agenda, the speaker's name, address, daytime telephone number and whether for or against the recommendation. Where a speaker wishes to address Council on behalf of an organisation, authorisation advice is required from the Organisation.
- 4 Items where Public Participation has been requested will be referred to the Open Council or the Closed Council. The number of participants speaking in favour of any one item is to be balanced by the same number of speaker(s) against the proposal. Council will decide who is to speak from the list of registered requests received and unless decided otherwise, speakers for/against will be in order of registration of intention to speak.
- 5 Registered participants will be invited to comment during Council's consideration of the matter (except the Closed Meeting, unless invited to do so by the Council or the Mayor).
- 6 Council may defer items on the Agenda for inspection or further discussion. Persons who have requested to address Council on any item listed for inspection by a Councillor will be advised, on the afternoon preceding the meeting, that their names have been registered to address Council at the Reconvened Meeting held at 6.45pm on Tuesday of Week 2.
- 7 Where a participant is to address a particular item, the Chairperson may invite that person, as well as any other persons present, to discuss the matter with Council.
- 8 Any proposed variations to the above shall be subject to a resolution of Council.
- 9 The Chairperson may curtail public participation where the information being presented is considered repetitive or irrelevant and may rule a participant or question out of order.

MATTERS TO BE SUBMITTED TO THE CLOSED COUNCIL MEETING - CONFIDENTIAL

To be held at 6.00 pm on Tuesday, 26 March 2013

(This meeting may be closed to the public and papers are therefore not attached to this Agenda)

MATTERS SUBMITTED BY THE GENERAL MANAGER

GEN.2 CONF - BUSINESS PRINCIPLES FOR THE IMPLEMENTATION OF THE CENTRAL COAST WATER CORPORATION (IR 13157901)

Directorate: General Manager

Business Unit: General Manager

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(C) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (c) *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*

MATTERS TO BE SUBMITTED TO THE OPEN COUNCIL

To be held at 6.00 pm on Tuesday, 26 March 2013

MAYORAL MINUTE

MM.1 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT (IR 9286189)

Mayor: Lawrie McKinna

Political Donation: None declared

BACKGROUND

Council has resolved in the past to support the financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly, and for inclusion of local government in any new Preamble to the Constitution if one is proposed. Council has also resolved to support the campaign by paying a special levy over a three year period to the Local Government & Shires Association.

The Lord Mayor of Sydney has written to Council advising that all Capital City Mayors met with Federal Government and Opposition members in Canberra. The Sydney Lord Mayor states that they received mixed messages about the Federal Government's and Opposition members' commitment to a referendum on constitutional recognition of local government. The Prime Minister advised the Mayors that she needed to know within two weeks whether there was support from the states for legislation for the referendum to proceed.

REPORT

Councils understand their communities and are best placed to make decisions in the best interests of their communities. Providing funding directly to local communities is a practical solution to delivering programs at a local level which achieve a national objective.

Achieving constitutional change to remove uncertainty around the issue of direct funding will ensure the Federal Government can fund the level of government best able to deliver those programs on the ground, targeting specific objectives and engaging directly with the communities receiving the funding.

A sticking point in the past, which has hampered discussions with the states, has been the actual words of any constitutional change to be proposed by the Federal Government. The Federal Parliamentary Joint Select Committee on the Constitutional Recognition of Local Government has now settled on the following words for an amendment to Section 96 of the Constitution:

"...the Parliament may grant financial assistance to any State or to any local government body formed by state or territory legislation on such terms and conditions as the Parliament thinks fit."

It is very important local government in NSW sends a strong message to our Premier and the Federal Government and Opposition.

Attachments: Nil

Tabled Items: Nil

FINANCIAL IMPACT STATEMENT

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

RECOMMENDATION

Gosford City Council write to the Premier, the Hon Barry O'Farrell MP, asking him to write to the Prime Minister indicating the NSW Government's support for a referendum on constitutional recognition of local government.