

## **ADDENDUM TO THE CONFERENCE BUSINESS PAPER**

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This Addendum deals with final changes to the Business Paper, Executive Motions and proposed Executive Motions which cover a number of motions within the business paper.

### **Election Costs – (Executive Motion)**

#### **Comment:**

See motion 145 within the business paper. The President met with the Electoral Commissioner on 9 October 2007 to discuss the issue of the costs of the 2008 Local Government Elections. This motion endeavours to encompass motions 233 -252.

#### **Motion:**

That the Association:

1. Notes the significant and unsubstantiated cost increases advised to councils for the 2008 Local Government elections over the cost of the 2004 elections;
2. Encourages councils to meet individually with the NSW Electoral Commissioner to seek review of and adjustments to these costs;
3. Expresses its concern to the Treasurer and the NSW Government at their full cost recovery model for Local Government elections within which councils are expected to fund a state monopoly provider with little or no capacity to manage or influence costs;
4. Calls on the NSW Government to enter into negotiations with a view to formulating an agreed scheme and complementary legislative amendments, allowing councils to conduct their own elections if they so wish; and
5. Calls on the Australian Government to recognise that Local Government elections are integral to the democratic process and fund all elections from taxation revenue.

### **Drought – (Executive Motion)**

#### **Comment:**

This matter has arisen from the Drought Summit held in Parkes on 25 September 2007 and initiatives endorsed by the Rural Alliance for action.

#### **Motion:**

That the Association:

1. Notes the severity of the drought being experienced across Australia and especially in regional New South Wales;

2. Notes with concern that the duration of this drought has exhausted the reserves of many country communities – financially, socially and psychologically – such that restocking and replanting, as well as continued business profitability and social wellbeing at the end of the drought cannot be assumed;
3. Notes that a drought summit was held in Parkes on 25 September 2007, chaired by Cr Bruce Miller, President of the Shires Association of NSW and attended by representatives of local, state and national governments, farmers, businesses, charities, rural counsellors, banks, service clubs, and local communities;
4. Endorses for action the priority initiatives identified by the drought summit, namely:
  - a. A minimum 15% annual rate rebate for Local Government and Rural Lands Protection Board rates for bona fide primary producers and agriculture-related businesses in areas officially 'in drought'.
  - b. Long-term funding and job security for Rural Financial Counsellors and Drought Support Workers.
  - c. Increased funding for councils to maintain and improve local infrastructure.
  - d. Increase in Mental health support:
    - On the ground mental health resources – volunteers or other support staff needed to visit homes in drought affected communities;
    - Short training courses to teach delegates how to deal with mental strain; and
    - A fact sheet for individuals to recognise symptoms of mental strain and referral contacts.
  - e. Waiver of fixed water charges for irrigators who have had their allocations reduced due to drought.
  - f. Commitment from State Government that teachers will not be transferred because of falling student numbers in drought-declared areas; and
5. Authorises the President to work with the President of the Shires Association and other members of the Rural Alliance to pursue these priority initiatives through all appropriate channels as a matter of urgency.

## **Proposed Changes to the Constitution – (Executive Motion)**

### **Comment:**

See motion 151B within the business paper. This change is proposed as the 2008 local government elections will be held on the 27 September 2008. The 2008 conference is scheduled for 25 -29 October 2008. The existing Constitution states:

44. (a) *The Returning Officer shall cause an election notice inviting nominations for the offices of President, Treasurer, Vice-Presidents and Executive Committee members to be published in the Association's official journal or sent to each ordinary member council at least fourteen (14) weeks prior to the first day of the Annual Conference. The Returning Officer shall close nominations at least eight (8) weeks prior to the first day of the Annual Conference.*

The Constitution as it stands would require nominations for the offices of President, Treasurer, Vice-Presidents and Executive Committee members to be opened and closed **before the 2008 Local Government** election occurred and will cause problems if nominating councillors fail to be re-elected. This change proposes that nominations would open at least 4 weeks before the conference and close at least 1 week before the conference which would solve the issue.

### **Motion:**

That the Association amend clause 44(a) of the Constitution to read:

44. (a) *The Returning Officer shall cause an election notice inviting nominations for the offices of President, Treasurer, Vice-Presidents and Executive Committee members to be published in the Association's official journal or sent to each ordinary member council at least four(4) weeks prior to the first day of the Annual Conference. The Returning Officer shall close nominations at least one (1) week prior to the first day of the Annual Conference.*

## **Late Motion from Baulkham Hills Shire Council – Development Contributions and Housing Affordability**

### **Comment:**

Due to the recent announcement by the Minister for Planning this motion has been accepted and will be dealt with in conjunction with motion 68 by way of an overarching Executive Motion.

The recently announced future framework for infrastructure charges represents more than a curtailment of s94 contributions to Local Government. It cuts to the heart of the broader issue of the financial sustainability of NSW Local Government. The LGI Report demonstrated the financial stress that NSW Local Government is under. Its key findings included:

- An infrastructure renewals backlog of \$6.3 billion (now estimated to be over \$7 billion), growing by \$500m p.a.

- 25% of councils financially unsustainable, 50% vulnerable and only 25% in a relatively strong position
- Councils struggling to maintain or even failing to deliver the infrastructure and services demanded by their communities
- Local Government is not getting a fair share of Commonwealth or State taxation revenue.

The State Governments new framework will further exacerbate this crisis.

It is preposterous to curtail a critical Local Government infrastructure funding mechanism and in doing so, propose a shift to rate funding, without even acknowledging, let alone addressing rate pegging and other revenue raising constraints. Local Governments reliance on s94 contributions has grown as a direct consequence of rate pegging.

It is also tantamount to cost shifting. Revenue curtailment without a corresponding reduction in demands and responsibilities amounts to the same thing.

The spectacular lack of consultation with, let alone regard for, Local Government in imposing this new framework also demonstrates the crying need for a strong and binding IGA between the NSW Government and Local Government. The Association has proposed and delivered a draft IGA to the State Government but after over 12 months has failed to secure a commitment.

To some extent (a large extent), the new framework has been a consequence of the State Governments encroachment on a revenue raising mechanism in Growth Centres that was previously left largely to Local Government (except for water and sewerage contributions in Sydney and Hunter). The State Government has introduced new levies for state infrastructure that was previously centrally (budget) funded from the broader taxation and revenue base of the State Government. The imposition of new State Government infrastructure levies on top of s94 contributions has no doubt raised developer resistance to infrastructure levies in general and has resulted in this ill-conceived response. Notably, new state levies stay in place, although reduced by 30%, while Local Government levies are reduced by 42%. Local Government, with its limited revenue raising base, is being crowded out.

**Executive Motion:**

That the Association call on the State Government to:

- To enter into a dialogue with Local Government on Local finances and infrastructure provision.
- Place a moratorium on the introduction of the new infrastructure funding framework until this dialogue has occurred
- Accelerate the promised whole of government response to the Associations response to the Local Government Inquiry recommendations (as a basis for the dialogue)
- Urgently enter into a strong and binding Intergovernmental Agreement with NSW Local Government

**If carried the above motion covers the late motion from Baulkham Hills (set out below) and motion 68 from Holroyd Council.**

**Motion:**

Baulkham Hills Shire Council calls on the Iemma State Labor Government to delay any implementation of developer contributions reform until further widespread consultation with Local Government has occurred.

**Background:**

On 12 October 2007, the NSW State Government rather hastily announced a suite of reforms to the current developer contribution system in NSW. While there were no specific details or draft legislation made available for comment, the Premier, Treasurer and Minister for Planning outlined the scope of the changes and the need for change by citing a small number of isolated examples that certainly would not call for the action of the Government.

Apart from the legal relief available to developers under the Environmental Planning and Assessment Act, the powers of the Planning Minister are sufficient to call in Council Contributions Plans that include facilities and services that cannot reasonably be attributed to the increase in demands from additional home sites.

Councils support the reduction in the non appealable State infrastructure levy, a levy introduced without warning, without consultation and without appeal. The NSW State Government has a wide range of taxation avenues to compensate for its announced reduction in the State infrastructure levy, taxation avenues not available to Council.

New residential development obviously needs basic new services such as new roads, reserves, playing fields, public amenities and other services. Council's levy contributions by way of a condition of consent, to receive land or money towards the provision of these basic amenities and services to meet the expected future needs. The contribution can only be levied in accordance with an adopted Contribution Plan that has fully justified the prediction about the future needs for public amenities and services. Furthermore, the condition of consent and the Contribution Plan is fully appealable meaning the level of work, justification and planning underpinning the condition must be robust. This system is in stark contrast to the powers of the Minister for Planning who like Councillors, is accountable to the electorate once every four years.

Reducing any Council Contribution Plan in the manner announced is without clear justification and ignores the financial impacts on local councils in high growth areas. Without a sustainable satisfactory alternative funding source, levels of public amenities and services will have to decrease and Council asks the State Government to hasten slowly on these reforms to allow appropriate consultation and understanding of the issues.

## **Executive Motion – Emergent Motion – Population/Ageing**

### **Comment:**

One of the biggest medium term challenges is how we adapt council transport infrastructure and services to deal with increasing compliance demands as more people with disabilities live independently in the community thanks to improvements in medical care and assistive technologies. Equally there are huge challenges how we adapt council infrastructure and services, council planning and regulatory activity and even council employment practices to the population ageing phenomenon.

If we are being strategic we can't just move motions about getting some Commonwealth money for meeting compliance with our thousands of local bus stops or for expanding Commonwealth and State Home and Community Care funding - as important as these two are. We need to forge a new dialogue with both central governments about tackling these challenges in partnership and all of us doing things in new and adaptive ways. We have an immediate opportunity to raise the need for a very strategic approach at the NSW Ageing 2030 Summit at the end of the month.

### **Proposed Executive Motion:**

That the Association seek, through the NSW Ageing 2030 Summit and discussions with the NSW Premier and Minister for Ageing, a formal State/Local Government dialogue on our respective roles in responding to population ageing, with the aim of agreeing on a small number of major issues of mutual concern drawn from the Association's *Ageing and place* for inclusion in the State Plan in the coming year;

with following issues amongst those recommended for priority consideration:

- Identifying those Local Government areas where population ageing will impact the earliest and developing local place-based responses across both spheres of government;
- Collaboratively negotiating a State response to the national Disability Standards for Accessible Public Transport to the extent they are affected by population ageing;
- Responding to the need for both more and possibly qualitatively different Community Care Services; and
- Collaboratively negotiating a national regulatory regime on slip resistance to prevent domestic slip and fall injuries.

## **Motion from Kiama Council – Crown Lands**

That the Association:

- a) (i) Campaign to ensure that commercial developments proposed on Crown Land are compatible with the general use of the crown land for public purposes and are of a scale and nature that do not alienate these areas from people who have traditionally used them, both local and visitors to the area.  
(ii) Campaign for more open and transparent processes when commercial activities of any sort are proposed in State Recreation Areas and in so doing ensure that the Government is subject to the same level of public accountability as is local Government in its dealings with public land under its care, and

(iii) Campaign to ensure that profits from public land are returned to the community and that leasing arrangements do not lead to inappropriate speculation and private profit at the expense of the community.

- b) Requests the LGA to invite representations from community groups which are concerned about the implications of the matters raised in part a)

**Details supporting the case:**

The proposal for a huge privately run tourist development in Killalea State Recreation Area supported by a 52 year lease, highlights the changes that are underway in the management and operation of crown land in NSW. Whilst commercial operations per se are not the problem, de facto privatisation through long term leases undermines the whole nature of crown land being "owned" by and "managed" for the people of NSW.

When commercialisation has the potential to significantly change the way that people have and do experience relatively untouched coastal beaches and bushland then the public are the losers. When there are opportunities for private and personal financial gain through the purchase and sale of sub leases on land which is public land then we are seeing an unacceptable change to the way that public land is perceived.

Further, the nature of the processes which have been used to achieve these changes has demonstrated a lack of concern for local communities in determining the future of "their" land. The process in the case of Killalea has been secretive and so-called public consultation has been a sham.

**Motion from Shoalhaven Council – Part 3A Major Projects**

**Motion:**

That a review be undertaken to address the following problems that currently affect projects being determined under Part 3A:

The lack of community consultation

The lack of revenue that flows to Council from these applications

The reduction in Section 94 contributions being levied

The local Council, and by extension the local community being excluded from the process

**Comment:**

Part 3A applications have been put forward by the State Government as a way of streamlining the approval process for major developments. However many Councils are finding this process has major implications on their resources as well as for their community.

Most residents do not fully understand the difference between Councils and the State Government being the consent authority and are therefore confused when they do not get advised of significant development proposals in the manner they are use to by their local Council. Consequently there is often considerable frustration both by residents and Council staff when details of 3A applications have not been distributed adequately within their

community. Enquires can be difficult to answer when state officers are not readily available to discuss these projects.

Additional, the expectations of Councils to provide details of relevant issues, detailed assessment comments and potential conditions of approval without any fee revenue is completely unrealistic. For some Councils who have a significant number of 3A applications this impact is dramatic. Such is the drain on resources, it can materially affect the Councils ability to meet reasonable performance targets for normal development applications.

More fundamentally, the 3A process is removing from Local Government the ability to make their own decisions on applications that affect their communities. 3A applications are not just those very large and complex applications that most would regard as of State significance. Increasingly they also involve far simpler applications that should be processed at a local level. This is particularly the case in coastal locations.

### **Motion from Shoalhaven Council – NSW Local Government Grants Commission**

#### **Motion:**

That the formula used by the NSW Local Government Grants Commission for distribution of the Financial Assistance Grant be reviewed to ensure that no Local Councils are penalised through temporary shifts in the land value of properties in their Local Government Area.

#### **Comment:**

The present formula used by the NSW Local Government Grants Commission has a component that measures the ability of each local council to raise revenue. This component is based on the movements in land value with the local government area as supplied by the Valuer Generals Department.

The use of changes in land value to measure the ability the local council has to raise revenue can lead to some Councils receiving major reductions in their Financial Assistance Grant. The Financial Assistance Grant is a major source of revenue for local councils, and it is not equitable for some councils to receive reductions in this grant when the total amount of grant received by the state increases by over 3% each year.

### **Motion from Shoalhaven Council – Code of Conduct Training**

#### **Motion:**

That the Local Government Act General Regulations be amended to require mandatory training for Councillors on the requirements of the Code of Conduct & Pecuniary Interest declarations.

#### **Comment:**

Many of the breaches of the Code of Conduct or the rules regarding pecuniary interest declarations occur due to the lack of knowledge of the requirements on behalf of elected representatives. It is of vital importance that all elected representatives are fully educated on the requirements that the Code of Conduct and the Local Government Act & regulations

place upon them, and for this reason, training on these issues should be mandatory for all Councillors immediately following an election

### **Motion from Shoalhaven Council - Guidelines on motions to be debated at the LGA Conference**

**Motion:**

That clear guidelines be established to guide delegates on what type of motions should be debated at the Local Government Association Conference.

**Comment:**

In the past there has been a wide variety of motions debated at the LGA Conference, and it is felt that many of them really don't relate much to issues being faced by the majority of Local Councils in NSW. In previous years, national issues such as the war in Iraq have been debated, and although a very important issue, should not be the subject of debate at a Local Government Association Conference. If clear guidelines were established on the type of issues that should be debated, delegates would be better placed to make informed decisions on what motions to propose.

### **Motion from Shoalhaven Council – Local Environment Plan Review Panel**

**Motion:**

That the Local Government Association lobby the NSW State Government to allow Local Councils to directly address the LEP Review Panel

**Comment:**

There is currently a lack of opportunity for adequate direct representation to the LEP Review Panel and often the importance and benefits of a particular LEP amendment may not be adequately relayed to the Panel.

The ability to answer questions or present information direct to the panel would avoid the time and resources wasted in the present extended communication trail.

### **Late Motion from Ku-Ring-Gai Council – External Planning Panels**

**Comment:**

Ku-Ring-Gai Council seeks the support of the conference to object to the State Government's use of external planning panels to deny local communities a voice on decisions affecting their future.

**Motion:**

That conference objects to the State Government's use of external planning panels to deny local communities a voice on decisions affecting their future.

## **Proposed Executive Motions**

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Your Executive have reviewed the following motions and propose amendments in order to place these motions in a wider strategic policy framework which will maximise the benefits to all members when advocating to government on these issues. If you or your Council have any questions regarding these proposed amendments or motions please contact Peter Coulton (0419 240 080) or David Hale (0407 205 159) or come to the LGA office during the course of the conference.

### **Motions 4 (Wollondilly), 14 (Pittwater), 22 (Bankstown) - Graffiti**

#### **Comment:**

Given that the NSW Government through the Attorney General's Department is presently running the Review of all legislation to stop graffiti vandalism, it may be more strategic to bundle motions 4 (Malicious Public Damage), 14 (Graffiti Data & Reporting) and 22 (Spray Paint Cans) together and refer them for consideration in that review.

#### **Proposed Executive Motion:**

That the Association refer the following questions for consideration and examination of available evidence by NSW Attorney General's Department during its Review of all legislation to stop graffiti vandalism and by the NSW State Government Anti-graffiti Action Team:

- whether to amend the NSW legislation to bring malicious damage into a more serious crime category;
- whether new regulatory requirements to limit access to or even ban the purchase of spray paint cans are likely to succeed; and
- whether a streamlined system for Local Government to report graffiti can be developed.

### **32 – (Penrith) - Comprehensive Sustainability Standard for local government**

#### **Comment:**

The Sustainability Standard is supported in principle but needs to be developed and implemented in line with existing council budgetary and reporting arrangements: eg: the quadruple bottom line including economic, environmental, social and governance criteria.

#### **Proposed Executive Motion:**

That the Local Government Association consider developing a comprehensive Sustainability Standard for use by all councils as a tool to improve their quadruple bottom line sustainability performance. The Sustainability Standard should be developed and implemented in line with existing council budgetary and reporting arrangements: eg: the quadruple bottom line including economic, environmental, social and governance criteria.

#### **41 – (Canada Bay) - Climate Change**

**Comment:**

The LGSA has been actively promoting Climate Change Mitigation and Adaptation through the Climate Change Action Pack. A significant number of councils have signed up to the Action Pack and are taking a strong interest in addressing climate change. These councils need more support to address climate change and this support should be administered through an MOU between all spheres of Government.

**Proposed Executive Motion:**

That in recognition of the high rates of Local Government awareness and interest in addressing climate change, the Association seek additional support from Federal and State Governments to assist Local Government in their pivotal role to achieve sustainable carbon neutral outcomes for our communities. This support should be administered through an MOU between spheres of Government (Federal / LGSA, State/LGSA or Federal / State / LGSA)

#### **71 – (Manly) - Campaign to Encourage People to Drink Tap Water**

**Comment:**

The Association, working through the Boomerang Alliance, supports resource conservation, waste management, container deposit legislation, and extended producer responsibility. The motion is supported but it is also recommended that clause (2) be added and that the Association also lobby State and Federal Governments to have the life cycle ecological impact of products assessed and identified to consumers through a clear, consistent, agreed set of indicators and symbols.

**Proposed Executive Motion**

1. That the Association, working through the Boomerang Alliance, mounts a campaign to address the increasing consumption of bottled water, the proliferation of plastic water bottles, and the serious toll on the environment. Such campaign should include the issues of resource conservation, waste management, container deposit legislation, extended producer responsibility and greenhouse emissions.
2. That the Association lobbies State and Federal Governments to have the life cycle ecological impact of products assessed and identified to consumers through a clear, consistent, agreed set of indicators and symbols. This system needs to be based on quantifiable criteria developed in consultation with major stakeholders including consumer groups, local government and industry.

### **110 – (Baulkham Hills) - Review of F3 to M2 Transport Link**

**Comment:**

This motion should be modified to reflect the views of all affected councils in Northern and Western Sydney, which all have somewhat differing views on the ideal F3 to M2 road link.

**Proposed Executive Motion:**

That the Local Government Association make representations to the NSW Department of Planning, NSW Dept. of Transport, NSW Minister for Roads and the Federal Government calling for a review of options for the above link in the National Highway with particular attention to the inclusion of a Type C. Option which proposes a new transport corridor from Kariiong to Dean Park.

### **121 – (Newcastle) - Fifteen Minute Free Parking**

**Comment:**

This motion should be considered in the wider context of parking and traffic management. It is understood that the Minister has asked the Department to do a review of council parking policies. The Transport Committee has also initiated a review to inform policy in this area.

**Proposed Executive Motion:**

That this motion be referred to the Executive for appropriate action.

### **125 – (Leichhardt) - Iron Cove Bridge & Victoria Road Widening**

**Comment:**

While being aware of the potential local impacts of the planned Victoria Road & Iron Cove Bridge widening, this motion should also be considered in the context of improvements to traffic and bus transport services from other council areas of Sydney especially points further west, and also overall strategic transport planning outcomes for the greater metropolitan area of Sydney.

**Proposed Executive Motion:**

That this Conference notes the announcement by the NSW Government in February 2007 of plans to widen Victoria Road in Sydney's Inner west and to duplicate the Iron Cove Bridge to accommodate additional traffic and improve bus services.

That Conference encourages the Government to fully consider the potential impact on local traffic congestion, bottlenecks at Anzac Bridge and additional air and noise pollution to local residents in the inner west of Sydney, and to also include consideration of improved public transport services as part of their impact assessment for this project.

**Motions 60 (Ryde), 61 (Great Lakes), 103 (Lane Cove), 105 (Baulkham Hills) and 106 (Lake Macquarie) - Private certifiers**

**Comment:**

There are 5 motions considering Private certifiers which deal with slightly different aspects of the problem which can be covered by one simpler and broader motion.

**Proposed Executive Motion:**

That the Local Government Association call on the Minister for Planning to make meaningful reforms to the system of private certification to:

- improve the accountability of private certifiers and remove the inherent conflict of interest faced by private certifiers employed by developers;
- address the range of problems arising from the poor performance of private certifiers; and
- enable councils to fully recover the costs associated with investigating complaints against private certifiers and ensuring they fulfil their statutory duties

**152T (Late) – (Lake Macquarie) - Constitutional Recognition of Local Government**

**Comment:**

The motion proposed by Lake Macquarie states:

*“That the Association:*

- a) Supports the President of the NSW Local Government Association & the President of NSW Shires Association in their backing of Federal Labor’s commitment to constitutional recognition of Local Government in Australia.*
- b) Supports the commitment by Federal Labor to establish a Council of Australian Local Governments to meet biannually to strengthen the dialogue between Federal and Local Governments and to ensure Local Government representatives have a more effective voice at COAG.*
- c) Call upon the Coalition to commit itself to these important initiatives for Local Government in Australia”*

The motion is consistent with Association policy on constitutional recognition. The LGSA has submitted a draft Intergovernmental Agreement to the State Government. The State Government wants an additional clause advocating that councils use the State industrial relations system. The Shires Association have deferred consideration of this issue until after the federal election. Notwithstanding, the motion could include an additional clause as set out below:

**Proposed Executive Amendment:**

Which includes A, B and C above adding a further point:

- (d) The Association call upon the State Government to demonstrate its commitment to working with Local Government by signing the draft Intergovernmental Agreement.