

Local Government  
Association of NSW



# Action Report

from the 2003 annual conference

**This document reports the outcome of representations made following resolutions of the 2003 annual conference in Albury.**

**It indicates responses received by the Association to representations, and followup where this was necessary.**

**Updated: September 2004**

**1 - The Executive**

That Sessional Orders as printed at pages 19 - 21 be adopted.

Adopted and implemented at Conference; no further action required.

**2 - The Executive**

That the Treasurer's Report be adopted.

Adopted and implemented at Conference; no further action required.

**3 - Leichhardt**

That this Conference endorse the Association discussion paper and policy in relation to the role of local government in the provision of fire services in NSW.

This decision has been recorded and will form part of future dealings on fire matters, not the least of which is the NSW Public Accounts Committee Inquiry into the current and alternative methods of funding the State's fire services.

**4 - Sutherland Shire**

That the Local Government Association make representations to the Minister for Local Government and Emergency Services, the Hon. Tony Kelly MP, seeking the appointment of a representative from the Local Government and Shires Association to the State Emergency Management Committee.

Letter to Minister 29 September 2003 requesting him to reconsider his earlier refusal to give local government direct membership. Situation emphasised in address by President to Emergency Management Conference held in Leura on 20 and 21 May 2004.

**5 - Sutherland Shire**

That the Local Government Association make representations to require the State Government (State Emergency Management Committee) to take the lead rather than relying on the resources of local government to introduce the Emergency Risk Management process as the basis for Emergency Planning in New South Wales.

The Minister is seeking further advice.

**6 - Newcastle**

That the Local Government Association call on the State Government to fund and implement initiatives recommended in the report on outcomes of the Drug and Alcohol Summit.

Letter outlining resolution sent to Hon. John Della Bosca, Special Minister of State in January 2004. Hon. John Della Bosca, Special Minister of State responded in January 2004 noting he was pleased a representative of the Association participated in the summit. He explained that the Summit Communiqué contained over 300 recommendations and given the scope of the recommendations and the need to consult widely the Government's response is still being finalised over the coming months. An interim report is available highlighting 50 initiatives or projects that have started.

**7 - Mosman**

Lost

## 8 - Sutherland Shire

That the LGA liaise with the Australian Standards Board to ensure that a unisex accessible toilet be included in any new or upgraded premises that the public or a section of the public is entitled or allowed to enter or use, in adherence with the Disability Discrimination Act, as outlined in the Act, i.e.

- a) services relating to banking, insurance, superannuation and the provision of grants, loans, credit or finance;
- b) services relating to entertainment, recreation or refreshment;
- c) services relating to transport or travel;
- d) services relating to telecommunications;
- e) services of the kind provided by the members of any profession or trade;
- f) services of the kind provided by a government, a government authority or a local government body.

Letters sent to Dr Sev Ozdowski, Human Rights Commissioner and Acting Disability Discrimination Commissioner, and Mr George Edwards, Chairman Standards Australia outlining resolution and background on 18 December 2003. Further letter sent to Mr Mike Balch, Acting Executive Director, Australian Building Codes Board on 6 January 2004 after advice from Standards Australia that that was more appropriate avenue. Dr Sev Ozdowski, replied on 7 January 2004, noting that the Commission is currently working with representatives from the disability sector, property developers, design professionals, regulators and all levels of government including ALGA on revising the Building Code of Australia so that it can be referenced as part of a DDA Disability Standard on Access to Premises. Work is nearly complete on the draft Disability Standard and public awareness sessions will be held during February. The issue of unisex accessible toilets has been thoroughly discussed in the development of the draft standard which currently includes a requirement that a unisex accessible toilet be provided at every location where there is a block of toilets. The Commission strongly supports such a proposal, but its inclusion in the final standard depends on public reaction to the draft. The Commissioner concluded by encouraging the Association to express its support for the inclusion of unisex accessible toilets in the final standard during the consultation period. Mike Balch, responded in March 2004 noting the ABCB recently released for public comment a proposal to amend the Building Code Australia (BCA) to ensure that it meets the intent and objectives of the DDA, and suggesting councils and the Associations make a submission in response. The Associations subsequently made a submission.

## 9 - The Executive

That the Local Government Association of NSW make representations to the Federal Minister of Family and Community Services and Minister for Children and Youth Affairs, seeking:

1. An ongoing commitment to the operational funding of Family Day Care Schemes
2. A review Federal Government Planning policy to ensure equity of access to affordable quality children's services for parents of children aged 0-2 years, through a transparent needs based planning process and controlled distribution of CCB places
3. An increase the Child Care Benefit ceiling to more accurately reflect the true cost of providing centre-based children's services, especially for the 0-2 year olds
4. A review of Child Care Benefit place allocations for children of school age
5. The release adequate Child Care Benefit funded places for children requiring out of school care services through a transparent needs based planning process
6. One off financial support to Out of School Hours Services to assist with the introduction of Quality Assurance
7. Financial recompense to assist in the compliance costs associated with the proposed changes to the Children's Services Regulation 2002 Chapter 12 for Council owned and operated child care services.

Letters sent to Senator Kay Patterson, Minister for Family and Community Services and Hon. Larry Anthony, Minister for Children and Youth Affairs in January 2004. Hon. Larry Anthony, Minister for Children and Youth Affairs responded on 3 March 2004 noting that the Australian Government is committed to providing an affordable and accessible quality child care system to help parents balance their work and family commitments. Around \$8 billion over 4 years to 2006-07 has been specifically allocated to support parents to use child care, with the vast majority going towards the payment of Child Care Benefit (CCB). The introduction of CCB on 1 July 2000 substantially increased the amount of funding to child care and significantly reduced the cost for most parents. The Minister was pleased to announce in December 2003 that operational funding for Family Day Care (FDC) will remain in the redeveloped Child Care Support Broadband, whilst the Broadband redevelopment will be considered in the 2004-05 Budget context. In terms of the requested review of the planing system the Minister notes new FDC, Outside School Hours (OSHC) and if necessary Occasional Care

places are allocated to areas where they are most needed through the National Planning System. In this process Planning Advisory Committees (PACs) have been established in each state to provide expert advice to the Department on the need for child care in different areas. There is no restriction on the number of Long Day Care (LDC) centres that can be established, with any service meeting state and local government requirements can apply to offer CCB-approved places, including 0-2 places. When prospective LDC services contact the Department they are given local area information and encouraged to provide care for 0-2 age group. Current data shows that there has been considerable increase in the numbers of babies and toddlers able to access child care since the introduction of CCB. On the matter increasing the rate of CCB to more accurately reflect the cost of care especially for 0-2 years olds, the Minister notes there are competing priorities for expenditure of taxpayer's dollars and the Government, providers and parents must share the financial responsibility. The amount of CCB is based on a standard hourly rate whereas actual fees charged vary significantly depending on commercial decisions of providers. There is no guarantee that increasing the standard hourly rate of CCB for 0-2 year olds would result in more affordable care, as services might also increase their fees. On OSHC, the Minister notes that the Government recognises there are some unmet demand for OSHC and has developed a 2 part strategy to address the issue. The first part covers the December 2003 announcement of 10,000 places to existing OSHC services (these were allocated immediately and attract CCB) Additional funding will be considered as part of the next Budget. In terms of quality assurance for transition to quality assurance for OSHC, the Minister notes that in addition to the support from the National Childcare Accreditation Council the Government funded the development of OSHC Quality Assurance training materials, face-to-face training and other support. The Minister suggested that matters relating to the Children's Services Regulation 2002 should be addressed to the NSW Minister.

#### **10 - Penrith**

covered

#### **11 - Penrith**

covered

#### **12 - Holroyd**

covered

#### **13 - Penrith**

covered

#### **14 - Hornsby**

covered

#### **15 - Pittwater**

covered

#### **16 - The Executive**

Composite motion from the Executive covering Child care issues that relate to the State Government's responsibilities:

The Local Government Association call upon the State Minister for Community Services:

1. To acknowledge particular barriers and issues related to the access of children from Culturally and Linguistically Diverse (CALD) and Aboriginal and Torres Strait Islander backgrounds to pre-school services and to implement strategies to overcome these barriers to access in addition to Support Children with Additional Needs (SCAN) funding
2. To review the distribution of funding to Support Children with Additional Needs (SCAN) across regions within the State to address regional inequities
3. To provide one off financial support to Out of School Hours Services to assist with the introduction of Quality Assurance
4. That the Minister for Community Services review the levels of economic needs subsidy to pre-schools and distribute it on an equitable and needs basis at rates equivalent to the commonwealth child care benefit.

Letter detailing resolution sent to Hon. Carmel Tebbutt, Minister for Community Services in January 2004. Hon. Carmel Tebbutt, Minister for Community Services responded on 26 March 2004 noting that the Department of Community Services (DoCS) allocates \$10.6 million to the Supporting Children with Additional Needs (SCAN) program. SCAN aims to support children's services providers with resources to assist children with additional needs to access quality early childhood or vacation care programs. It operates by pooling funding on a regional basis and was developed through the Children's Services Review. Preschools have participated actively in the implementation processes since May 2001, with the processes including developing the terms of reference for organisations contracting to manage SCAN funding, selecting successful SCAN organisations, developing access criteria and determining the amount of funding to be allocated according to the intensity of support and need. DoCS have tried to ensure that these participatory processes continue by encouraging service involvement in local area and State reference groups. SCAN will be evaluated later in 2004 and it is anticipated that the evaluation will examine issues regarding access for children from Culturally and Linguistically Diverse (CALD) and Aboriginal and Torres Strait Islander backgrounds. The Minister noted the resolution regarding preschool funding and highlighted that the NSW Government's Early Childhood Services Policy provides the framework for the type of system that is envisaged for NSW. Under this Policy framework, DoCS is reviewing the policy for fee assistance in preschools and has established a Steering Committee. DoCS presently allocates \$13.7 million annually to help services reduce fees for low income families and the review is looking at possible improvement to the policy to help ensure that these funds are used to best effect and allocated to those most in need. The Minister suggested directing any questions on the Quality Assurance system for OSHC to the Commonwealth, as it their initiative.

**17 - Penrith**

covered

**18 - Penrith**

covered

**19 - Pittwater**

covered

**20 - Penrith**

The Local Government Association call upon the State Minister for Community Services to review the distribution of funding to Support Children with Additional Needs (SCAN) across regions within the State to address regional inequities.

Letter detailing resolution sent to Hon. Carmel Tebbutt, Minister for Community Services in January 2004. Response is covered at resolution 16.

**21 - Albury**

That the Local Government Association pursue changes to the CDSE program to strengthen the role and ability of the Local Committee to determine Category 1 expenditure.

Letter sent to Hon. Grant McBride, Minister for Gaming and Racing, outlining resolution on 6 January 2004. Hon. Grant McBride, Minister for Gaming and Racing responded noting that the CDSE Steering Group involving Council of Social Services (NCOSS) ClubsNSW, Department of Community Services (DoCS), the Liquor Administration Board (LAB), the Club Industry Advisory Council (CIAC), the Associations and the Department, maintains oversight of the Scheme and makes recommendations from time to time for changes to the scheme for the Minister's approval. The guidelines provide for representation of local communities through CDSE Local Committees, with the primary role to provide advice to clubs on local funding priorities. However, given the different circumstances that exist in different local government areas the guidelines do not seek to mandate every aspect of the scheme locally. Whilst the guidelines give a broad outline the finer details are to be determined by individual committees. The Minister goes on to advise that the Government does not intend to change the rate of the 1.5% rebate. Finally the Minister notes it is important to appreciate that whilst Local Committees serve in an advisory capacity, any decisions regarding the allocation of funding are ultimately made by the boards of directors of participating clubs.

## 22 - Sutherland Shire

That the Executive urgently lobbies the Hon. C M Tebbutt MLC, Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth, to:

1. recognise the crisis being faced by community-based organisations funded under the Community Services Grants Program (CSGP) who, due to the current funding freeze, are having to reduce hours and close services targeted at disadvantaged and marginalised communities;
2. ensure additional NSW Department of Community Services (DoCS) funding is provided for these organisations to maintain an effective support service to the community.

Letter sent to Hon. Carmel Tebbutt, Minister for Community Services outlining resolution and background in January 2004. Refer to response in resolution 16.

## 23 - Mudgee

That the Department of Veterans Affairs:

1. be requested to formally advise councils who auspice Community Transport Services of any proposed changes to current provision of medically related transport for its clients through community transport services in rural / regional areas
2. establish an advisory committee, with a minimum of three representatives of community transport representatives and three client representatives from rural / regional services prior to the implementation of any changes to ascertain the affects such changes may have on clients, particularly in country regions.

Letter sent to Hon. Danna Vaile, Minister for Veterans Affairs outlining resolution and background on 19 December 2003.

## 24 - Canterbury

That the State Government provide additional resources to fund the ongoing provision of services for domestic violence victims (including the provision of 'immediate' accommodation).

Letter sent to Hon. Carmel Tebbutt, Minister for Community Services outlining resolution and background in January 2004. Refer to response in resolution 16.

## 25 - Albury

That the following matter be referred to the Executive for consideration: That the Local Government Association work with the NSW government and ClubsNSW to review the state's proposal for increased taxes on gaming machine revenue given the significant impact this will have on the financial viability of clubs and their consequent ability to fund local facilities, support community initiatives and generate employment, particularly for young people.

Executive discussed the issue in December 2003 deciding to note the report on the issue and make representations to Hon. Grant McBride, Minister for Gaming and Racing about strengthening the Community Development and Support Expenditure (CDSE) Scheme. Letter outlining Executive decision sent to Minister McBride on 6 January 2004.

## 26 - Holroyd

covered

## 27 - Goulburn

covered

## 28 - Mudgee

That the Local Government Association suggest that the State and Federal Governments look to individual case management of procedural general practitioners to facilitate keeping them performing procedural medicine.

Letter sent to Hon. Tony Abbott, Minister for Health and Ageing outlining resolution and background on 6 January 2004. Hon. Tony Abbott, Minister for Health and Ageing responded on 23 February 2004 noting that the Australia Government recognises that rural and remote GPs are often required to deliver a wide range of medical services, including operations, obstetric services, anaesthetics and other services and committed to supporting rural and remote procedural GPs. A new program supporting rural and remote procedural GPs will be introduced as part of Medicare Plus. The first element will support rural and remote procedural GPs to attend relevant training skills maintenance and upskilling. GPs will receive a grant for up to two weeks of training including the cost of required locum support, up to a total of \$15,000 per GP per annum. The initiative also includes a financial incentive to GPs who deliver procedural services in rural and remote areas. Work is occurring on these two elements in early 2004.

### **29 - Holroyd**

That the Local Government Association of NSW actively lobby the Federal Government to reduce the economic barriers facing young people aspiring to embark on a university education.

Letter sent to Hon. Dr Brendan Nelson, Minister for Education, Science and Training outlining resolution and background on 19 December 2003. Hon. Dr Brendan Nelson, Minister for Education, Science and Training responded on 12 February 2004, stressing that he believed the higher education reforms will be the new foundation for our higher education sector and will work to realise the Australian Government's vision for an education system in which every Australian is able to find and achieve his own potential. The reforms will give universities access to funding they need to deliver world-class higher education, with a focus on quality learning outcomes. There will be an increase in public investment in the sector of around \$2.6 billion over the next 5 years or \$11 billion in new support over the next 0 years. There will be more than 34,000 new Commonwealth supported student places and more funding for each Commonwealth supported student linked to improvements in how Universities are managed. There will be extra funds for regional universities. There will be new places in National Priority areas of nursing and teaching and special fee arrangements to encourage people to enrol in these fields. The Government will no longer dictate what universities should charge for their courses. Under the new arrangement institutions will set their own student contributions for Commonwealth supported places within a range of \$0 to a maximum set by the Australian Government which is no more than 25% above current levels. Fees for teaching and nursing covering around 14% of students will be exempt. The most students contributions will increase will be \$1600 per year for medicine, law and dentistry and \$960 per year for courses such as arts and social sciences. Around \$327 million will be spent over the next five years on two new scholarship programs from 2004 to assist rural, regional and Indigenous students from low socio-economic backgrounds with education and accommodation costs. Full fee paying undergraduate places are additional to Commonwealth supported places. The creation of one fee-paying place does not equate to one less Commonwealth supported opportunity.

### **30 - Western Aboriginal Land Council**

That mechanisms be put in place for local government Aboriginal Advisory/Liaison committees to invite the NSWALC councillors within their region to address the committees on issues and be informed of any issues happening at the local level.

When NSWALC structures and representatives are settled, this resolution will be revisited.

### **31 - Wollongong**

That the Local Government Association of NSW support the efforts of the indigenous people in relation to the return of the remains of and artefacts of Aboriginal people from England and any other country to Australia.

This is a matter of principle and therefore the Local Government Association of NSW stands ready to support the efforts of indigenous people in relation to the return of the remains of and artefacts, when made aware of individual efforts.

### **32 - Penrith**

That the Local Government Association of NSW advocates to the State Government for a more contemporary funding approach to NSW Public Libraries as centres of public and corporate information and that the Local Government Association supports collaborative bids from the NSW Library Network for increases in funding levels provided by the State Government .

Conference also requests that the NSW government restore in real terms per capita library funding to a level equivalent to the national average per capita funding of all states and territories in the commonwealth.

Letter sent to Hon. Bob Carr, Premier and Minister for the Arts outlining resolution and background on 19 December 2003.

### **33 - Canterbury**

covered

### **34 - Shoalhaven**

covered

### **35 - Newcastle**

covered

### **36 - Maclean**

covered

### **37 - Wagga Wagga**

That the Local Government Association support the proposal to seek a Productivity Commission Inquiry into the provision of medical services in rural and regional Australia. The lobbying for the inquiry to be co-ordinated by the ALGA

Letter sent to Cr Mike Montgomery, President, ALGA outlining resolution and background on 19 December 2003. Cr Mike Montgomery, President, ALGA responded on 12 January 2004, noting ALGA shares the Associations concerns about the general inadequacy of medical services in regional Australia and noting he had given this issue considerable attention since becoming President. Cr Montgomery was placing this item on the ALGA February 2004 meeting agenda. Cr Montgomery considers a national inquiry into the way we plan and deploy our medical workforce is warranted. Cr Montgomery notes whilst supporting in principle the call for an inquiry, he notes that health professionals have noted the solutions are well known and that therefore such an inquiry may provide Commonwealth and State governments a pretext to further delay action until the Commission reports in perhaps 2 years. Cr Montgomery would be concerned if pressure on them to quickly address the problem was weakened by deferring the issue to a lengthy inquiry. Cr Montgomery outlined ALGA's recent lobbying including budget submission and joint ALGA, Rural Doctors Association of Australia, National Farmers Federation and Country Women's Association joint statement on regional doctors shortages. ALGA will actively lobby the major parties to consider these matters in the lead up to the Commonwealth election.

### **38 - Campbelltown**

That the Local Government Association Conference seek a campaign to have NAIDOC Day included on all Australian calendars.

Representations made to State Government seeking their advice and assistance in pursuing the resolution in May 2004.

### **39 - Parramatta**

That Conference notes that the NSW Government has agreed as a matter of policy to establish a charter with the RTA that will allow a photographic identification card for those persons who do not drive nor hold a passport and supports an expedited implementation of the scheme.

Letter sent to Hon. Carl Scully, Minister for Roads and Minister for Housing outlining resolution and background on 19 December 2003. Tony Stewart Parliamentary Secretary for Roads responded on 23 February 2004 noting that the Minister announced on 29 October 2003 that the State Government plans to introduce a new NSW Identification (ID) Card for people who do not have a driver's licence or other current form of photo ID. An intergovernmental working party has been established to oversee the development of the photo ID card proposal. It will develop legislation to support the card and determine ID standards needed to obtain an ID card and its security features. Use of the card will be strictly voluntary. Subject to the resolution of legislation issues the new ID card is expected to be available at RTA registries in 2004.

#### **40 - Fairfield**

That NSW Health develop a service charter with local councils addressing specific key performance indicators, as to how they will service local councils in regards to regulation and promotional activities.

Letter sent to Hon. Morris Iemma, Minister for Health outlining resolution and background on 19 December 2003. Hon. Cherie Burton, Parliamentary Secretary for Health responded on 24 March 2004 agreeing that there is a need to clarify and consolidate the service arrangements that underpin the important partnership in public that is undertaken by NSW Health and councils and has been a feature of public health delivery in NSW for over 100 years. The Parliamentary Secretary noted that in the process of reviewing the NSW Public Health Act there has been active discussion with the Association and other stakeholders of ways and means to consolidate this partnership and more clearly define respective roles and responsibilities. During consultations for the Review there were many submissions indicating strong support for clarifying the role of local government and introducing coordinating mechanisms. Work continues on exploring possible mechanisms through the Strategic Liaison Group of which the Association is a member.

#### **41 - Wollongong**

Noting the increasing levels of childhood asthma in Australia, the increasing use of products containing VOCs (Volatile Organic Chemicals) and formaldehydes in homes, that these products have been recognised in studies in Victoria and Western Australia as contributing to this increasing childhood asthma problem, as well as the efforts in Europe, North America and Asia to address these concerns:

1. That the Local Government Association call on the Federal Government to set lower permissible levels for VOCs and formaldehydes in building and home products i.e. laminated pineboard/chipboards/MDF/particle board and carpets as well as the adhesives used in these, in order to meet Best Practice international levels, eg the European EI Standard and the new levels in the Japanese Building Standards Laws commencing on 1 July 2003 and that consideration be given to incorporating these levels into the Building Codes of Australia.
2. That the Federal Government introduce a labelling system for such products similar to the 'Indoor Climate label' as used in Denmark, the 'Blue Angel label' used in Germany and the 'Green label' being introduced on a voluntary basis in the USA.
3. That this Conference provide written support for the CSIRO's proposals to establish a National Centre for Air Toxic Emission Assessment of Manufactured Products.
4. That other local government bodies be invited to support these initiatives aimed at improving indoor air quality, including other State Local Government Associations, Australian Local Government Association, Local Government Managers Association, RAPI and the Environmental Health Institute.
5. Consideration be given to implementing the recommendations of the New South Wales Sick Building Industry Inquiry in regard to the testing of VOC's and total Formaldehydes in these building products.
6. That this motion be forwarded to the National Industrial Chemicals Notification Assessment (NICNAS) team which is the federal government agency undertaking a national assessment of formaldehydes and looking at public health issues including indoor air quality and is due to report in 2004.

Further, that the Local Government Association contact NICNAS with a view to establishing an ongoing dialogue to ensure that any recommendations that come out of the national assessment are able to be quickly and appropriately implemented.

Letters sent to Hon. Tony Abbott, Minister for Health and Ageing and National Industrial Chemicals Notification Assessment Scheme (NICNAS) outlining resolution and background in January 2004. Letters sent to various local government and related associations seeking to gauge their interest in issue in January 2004. Hon. Trish Worth, Parliamentary Secretary replied in March 2004 thanking President for raising this important public

health issue and providing the Conference resolution. The Parliamentary Secretary noted NICNAS is currently undertaking a national assessment of indoor formaldehyde levels, following a public process and declaration a priority existing chemical for assessment. The first three points raised by Conference are being looked at in this assessment. The Parliamentary Secretary noted it was inappropriate to pre-empt the outcomes of the assessment. The Parliamentary Secretary has asked NICNAS to forward a copy of their draft assessment to the Association when it is released for public comment in mid-2004. The Parliamentary Secretary also noted raising the issue with other local government bodies was appreciated as recommendations by NICNAS may need to be implemented by local government. NICNAS Director Dr Margaret Hartley also wrote in March 2004 confirming the same points as the Parliamentary Secretary.

#### **42 - Holroyd**

That the Local Government Association of NSW campaign to oppose the NSW State Government's dramatic increase in TAFE fees for nearly all students due to take effect in 2004.

Letter sent to Hon. Dr Andrew Refshauge, Deputy Premier and Minister for Education and Training outlining resolution and background on 19 December 2003. Hon. Dr Andrew Refshauge, Deputy Premier and Minister for Education and Training replied on 20 January 2004 noting that the TAFE fee increases were party of the NSW state budget strategy announced by the Treasurer. Whilst acknowledging concerns the Minister notes that the new TAFE fee structure brings NSW broadly into line with other states and remains substantially cheaper than most private providers. The Minister notes that a significant number of students will still study for free - including those eligible for individual exemptions, those enrolled in courses that are fee exempt and those doing a course funded by another organisation or agency. Fees for apprentices and trainees are capped at \$350 per annum. Exemptions are available to students such as those on Commonwealth Government benefits, their partners and/or dependant children, and all Aboriginal people and Torres Strait Islanders. Fee exemptions for 38 TAFE Introductory Learning (Access) courses are retained. The Minister concludes noting 150,000 people will continue to study at TAFE for free and that over 60% of enrolments will not be affected by fee increases.

#### **43 - Hawkesbury**

That in the interests of our children the Local Government Association:

1. supports a ban on smoking within 10(ten) metres of all children's playground equipment.
2. supports a ban on smoking around all playing fields and sporting grounds.
3. supports erection of signage around playground equipment and playing fields to indicate that the areas are smoke free.
4. supports ensuring that events run or sponsored by Councils should be smoke free.
5. council send a motion to the LGA for inclusion in the business paper for November 2003 which supports the 10 metre exclusion zone.

Councils informed of resolution through publication of item in Local Government Weekly in January 2004. Referred for inclusion in next revision of Policy Statements.

#### **44 - Central Coast Aboriginal LC & Willoughby**

That a cultural awareness training package be developed by the Aboriginal Issues Standing Committee and offered by Local Government Learning Solutions as part of their annual training calendar.

Advice sought in May 2004, from Local Government Learning Solutions on a framework and practical details to assist the Aboriginal Issues Standing Committee to develop such a training package. Training now developed and included in calendar.

#### **44.1 - Dubbo**

That the Association fully support Dubbo City Council

1. In supporting BreastScreen NSW mobile van continuing its services to the Central West.
2. Write to our State and Federal members expressing concerns regarding the expectations placed on local governments to subsidise health care.
3. Also express concerns that this is another attempt to transfer responsibilities to local government.
4. Recommends all funding be met by both State and Federal Governments to allow the services provided by the BreastScreen NSW mobile van to continue.

Letters sent to Hon. Tony Abbott, Minister for Health and Ageing and Hon. Morris Iemma, Minister for Health in January 2004. Hon. Trish Worth, Parliamentary Secretary, responded noting that breast cancer is a serious public health concern and noting that is why the Australian Government in partnership with State and Territory Governments have and will continue to support efforts to achieve significant reductions in mortality and morbidity from breast cancer. The Parliamentary Secretary recognises the important contribution that local government particularly in rural areas, make in supporting breast cancer screening, leading to higher screening rates in rural areas than in capital cities. The Breast Screen is a cost-shared program between Australian and State Governments, with the Commonwealth's contribution made through the Public Health Outcome Funding Agreements. It is the State's responsibility to determine allocations and therefore questions should be directed to the State Minister for Health.

#### **44.2 - Ballina**

That the Executive report to councils within 90 days on action taken to implement the objectives as defined in the Association's policy on women in local government.

Report to the Executive meeting scheduled for February 2004, to enable Executive to report by publishing a Local Government Weekly item in early 2004. The Local Government Weekly item was published in Issue 06/04 13 February 2004 at item 22.

#### **44.3 - Sydney/Newcastle Regional Aboriginal Land Council. LATE**

That this Conference ask the NSW Local Aboriginal Network Annual Conference to consider moving from September to late June/early July each year from 2005 to enable issues raised to be discussed in a Summit which should be held prior to the closure of motions for the Annual LGA conference.

Letter sent on 4 December 2003 to Cr Gwen Griffin, Chairperson, NSW Local Government Aboriginal Network exploring the resolution and seeking a response after discussion by Network members.

#### **44.4 - Sydney/Newcastle RALC LATE**

That the following motion adopted at the 15th Annual NSW Local Government Aboriginal Network Conference 2002, be endorsed by the NSW Local Government Association Conference 2003:

That the Australian Local Government Association calls on the Australian federal government to incorporate the words "I recognise the Aboriginal and Torres Strait Islander peoples as the traditional owners of the land on which I stand", into the affirmation and oath of the Australian citizenship pledge, after the words "from this time forward" in the affirmation and after the words "from this time forward under god", in the oath.

Letter sent to ALGA 14 January 2004. Matter being explored with other State Associations.

#### **44.5 - Fairfield LATE**

That the Association demand the Federal Government to fully fund the Australian Standard Vaccination schedule for all children through the National Immunisation Program.

Letter sent to Hon. Tony Abbott, Minister for Health and Ageing outlining resolution and background on 6 January 2004. Hon. Tony Abbott, Minister for Health and Ageing noting that the Government is still actively considering the recommendations made by the Australian Technical Advisory Group on Immunisation for new vaccine programs to be funded under the National Immunisation Program. Information is available on the web site [www.immunise.health.gov.au](http://www.immunise.health.gov.au)

#### **44.6 - Holroyd LATE**

That the Local Government Association of NSW bring to the attention of NSW Councils concerns being expressed internationally at health implications associated with the use of the chemical copper chrome arsenate (CCA) to treat children's playground equipment installed in child care centres, parks and other council facilities.

Item prepared for Local Government Weekly in January 2004.

#### **45 - The Executive**

Due to the deferral of the local government elections from September 2003 to March 2004 that Clause 11(a) of the Constitution be amended only changing the existing clause from:

"The Annual Conference shall be held no earlier than 1 September and no later than 30 November in each year on a date to be determined by the Executive Committee provided that in years where a local government election is held the Annual Conference will be held within 3 months following that election"

TO BE AMENDED TO READ

"The Annual Conference shall be held no earlier than 1 September and no later than 30 November in each year on a date to be determined by the Executive Committee."

Amendment to the Constitution has been formally ratified by the Industrial Registrar and the Constitution updated accordingly. See Clause 11(a) of the LGA Constitution.

#### **46 - Wiradjuri Regional Aboriginal Land Council**

That the Local Government Association of NSW support the distribution of conference resolutions to Local Government Authority Administration (specifically Local Government Authority General Managers).

Booklet outlining conference resolutions issued shortly after conference and item placed in Weekly asking councils to read details on the Association's website. Progress details also placed on web for public viewing.

#### **47 - Far North Coast Aboriginal LC**

That all motions from NSWALC Regions adopted at the last two conferences be distributed to all members of the Local Government Association.

A special page on the Associations' web site has been dedicated to Aboriginal Land Council Regional motions adopted by Annual Conferences for 2001, 2002, and 2003. Councils were informed of this by an item in the Local Government Circular on 9 July 2004 and action taken endorsed by the Aboriginal Issues Working Party.

#### **48 - Grafton**

Lost

##### **48.1 - Leichhardt LATE**

1. That this Association declares its support for friendship arrangements with East Timor communities. Conference notes that many NSW councils have such arrangements as well as many councils in Victoria. A need has been identified by the Timor Leste government for a position to be created within the Timor Leste government bureaucracy with responsibility for liaison with the Friendship Program local government in Australia and the Districts in Timor Leste. It is proposed that a Timorese person fills this position which is treated as a donated asset.
2. Conference supports the funding of a Timor Leste position, jointly with Victorian councils. The position is to be based in the Department of Local Government in Dili and supported by an Australian Volunteer International (AVI) volunteer.
3. That the Executive consider supporting on-going involvement through participation in the program.

Meeting held with Mayor of Leichhardt Council and report subsequently prepared for February 2004 Executive meeting. A public forum was held on 23 September 2004 to further explore this resolution.

##### **48.2 - Conference**

That this Conference congratulates the President for her chairing of the Conference and congratulates the Mayor of Albury and those in Albury involved in organisation of the Conference.

The President wrote to the Mayor of Albury by letter dated 24 November 2003 conveying this resolution.

#### 48.3 - Conference

That the Conference expresses its thanks to the Immediate Past President of the Association Cr Peter Woods OAM for his role as President of the Association and chair of the Annual Conference for 12 years.

The President wrote to Cr Woods by letter dated 24 November 2003 conveying this resolution.

#### 48.4 - Eurobodalla LATE

All councils in NSW be requested to ascertain their opinion regarding the amalgamation of the Local Government Association of NSW and the Shires Association of NSW, and further that the Joint Executive of the LGSA be requested to collate the result of these discussions in each individual Council and each individual Regional Aboriginal Land Council and such be reported to a joint conference of the Associations represented by two representatives of each council and such action occur before March 2004.

Considered at December 2003 Executive meeting where it was noted the LGA Conference in 2001 had resolved to support a proposal to merge the Local Government Association and Shires Association into one organisation, but that the Shires Association had not taken a similar action. The Executive resolved to inform councils that in order for the matter to progress it would need to be considered by the Shires Association Annual Conference. Councils advised 16/1/04. President of the Shires Association also advised of the response 16/1/04.

#### 48.5 - Mosman LATE

That the LGA Executive investigate the establishment of an association to represent and provide advice to councillors in the event of disputes or difficulty in carrying out their role as a councillor; to provide professional development opportunities.

Explanatory note: currently the LGA represents councils not councillors. Whereas council staff have separate organisation such as the LGMA, councillors have no specific organisation to assist them when they are experiencing difficulties with their council. That the LGA Executive investigate the establishment of an association to represent and advise councillors.

The LGA is investigating the establishment of such an association as part of the survey to all member councils which has been recently issued. The results of the survey will be collated and further advice provided as to the outcome of this question. The question was as follows:

The Associations represent the interests of councils through their Mayors and General Managers. They do not represent the interests of individual councillors. A motion at the 2003 LGA Conference proposed the establishment of an association to represent and advise councillors. Do you support the establishment of such an association?

01..... Yes

02..... No - why is that?

03..... Don't know/not sure

#### 49 - Ku-ring-gai

That the LGA establish a working party to review the relevant accounting standards and make recommendations to the Australian Accounting Standards Board, so that the annual accounts for local government provide:

- (a) A realistic measure of how well a council's assets have been managed, and
- (b) A true and fair view of each major asset class.

An appropriate working party already exists to advance this resolution. The Local Government Accounting Advisory Group (LGAAG) is a forum convened by the Department of Local Government for providing input to proposals on accounting matters affecting local government. The group has been functioning for several years and meets on a regular basis. The group comprises representatives of the:

- Audit Office of NSW
- NSW Local Government Finance Professionals (LGMA)
- Local Government Auditors' Association

- Local Government Association of NSW and Shires Association of NSW
- Ministry of Energy and Utilities
- Department of Local Government
- PricewaterhouseCoopers.

The issue of asset management and reporting has been a major focus of the LGAAG for some time and is presently involved in making representations to the Accounting Standards Board. Council has been advised by letter on 23/12/03.

#### **50 - Pittwater**

That the Local Government Association lobby the State Government to amend legislation to remove impediments to the progressing of electronic local government transactions in line with the Federal and State Governments' push to accelerate the adoption of e-business solutions.

Refer resolution 51.

#### **51 - Blacktown**

That the N.S.W. Government be asked to amend tendering regulations to give local government the option of tendering electronically (E-tendering).

The tendering regulations have recently been amended facilitate electronic tendering. The Local Government (Tendering) Amendment Regulation 2003 (the Regulation) commenced operation on 26 September 2003 and has amended the Local Government (Tendering) Regulation 1999. The primary aim of the Regulation is to give councils the option of using electronic or online tendering systems. The Department of Local Government (DLG) advised of the changes in Circular 03/31 dated 22 October 2003. Council have been advised by letter 23 December 2003.

#### **52 - Ballina**

That the policy statement on Finance & Economic Development be strengthened by the addition of: "local government calls for a commitment from State and Federal Governments to ensuring that residents of regional and rural areas have access to public transport infrastructure commensurate with the residents of the metropolitan areas in NSW.

Policy Statement updated.

#### **53 - Pittwater**

That the Association lobby the State Government to provide adequate financial support to local government and sewerage providers such as Sydney Water to assist with the development of grey water irrigation projects on local parks and playing fields.

The Minister for Energy, Utilities and Sustainability recognises local government's interest in the use of grey water irrigation projects. In his response he identifies the need to ensure that there is an adequate demand for grey water use when a scheme is initiated, and suggests that Sydney Water maybe more interested in these types of initiatives if under a pricing review they may have to pay more for water it draws from dams.

#### **54 - Pittwater**

That the Association lobby the State Government to change the conditions applying to grants for capital improvements to allow a further component of grant funding to cover a reasonable commissioning period.

Letter to Minister Kelly. The Minister's response indicates that the terms and conditions for grants are determined by the individual agencies which administer the grants. He advises that within his own portfolio, the NSW Local Government Grants Commission does not preclude the use of funds for a commissioning period. Council informed.

#### **55 - Penrith**

That the maximum mandatory rebate provided to pensioners be increased in line with the percentage rate increase as determined each year by Minister for Local Government and that the State or Federal Government fully subsidise the increase.

Reclassify as category 2.

#### **56 - Shoalhaven**

Covered

#### **57 - North Sydney**

That the Local Government Association investigate the extent to which exemptions from council rates for infrastructure facilities and government businesses remain relevant for the 21st century and whether limits should be placed on such exemptions.

The issue of rates exemptions for government businesses has been dealt with by the Reciprocal Charging Committee (chaired by NSW Treasury) and a report has been submitted to Cabinet (2001). It is now broadly accepted that government businesses should pay rates. Other exemptions need to be further investigated.

#### **58 - Broken Hill**

That the Association requests the State Government to consider structural change to the rating system that permits more flexibility to individual councils to vary the base charges to raise up to 70% of the total amount of rates from the base amount and that the matter be referred to the Executive for consideration through the Rate Pegging Task Force.

The RPTF agreed to consider broadening its scope to consider base rates and other rating issues. Initial Representations made to the Minister and the Department of Local Government on this issue have met with a negative response. The Association is continuing to research the issue to develop the case for greater flexibility in the system.

#### **59 - Shoalhaven**

That the Local Government Association make representations to the Minister for Local Government to amend Section 500 of the Local Government Act 1993, to allow councils to raise up to 70% of the total amount of rates from the base amount.

Covered by Motion 58.

#### **60 - Sydney Newcastle RALC**

The Local Government Association of NSW, after supporting rates exemptions for Aboriginal Reserves at their last two annual meetings, express concern that rates exemption granted by the Minister for Aboriginal Affairs on 25th October 2002 was negated on 1 July 2003 without consultation with NSWALC or the Local Government Association. Further, the Local Government Association of NSW supports the issue of rates exemption for Aboriginal Reserves to be referred to a ministerial committee comprising the LGA President, the President of the Shires Association, the Chairman of the Aboriginal Issues Standing Committee and the NSW Aboriginal Land Council chairperson.

The Association took part in an urgent meetings with stakeholders in this issue convened by the Department of Aboriginal Affairs. The Association was critical of the handling of this matter and in particular, the lack of consultation with local government and the NSWALC.

#### **61 - Kempsey**

That the State Government be requested to compensate with no impact on the budgets of Aboriginal Land Councils those councils which were financially disadvantaged by the amendment to the Aboriginal Land Rights Act 1983 which came into force on 25th October 2002.

Also refer 60. The Association made representations to the government requesting compensation to Aboriginal Land Councils on the basis that the government had badly handled the issue.

#### **62 - Maclean**

That the issue of farmland rating be referred to the Executive for consideration by the Rate Pegging Task Force.

Motion referred to Rate Pegging Task Force for consideration at next meeting (February 2004). The RPTF agreed to consider broadening its scope to consider base rates and other rating issues. Initial Representations made to the Minister and the Department of Local Government on this issue have met with a negative response. The Association is continuing to research the issue to develop the case for greater flexibility in the system.

#### **63 - Coffs Harbour**

That the Local Government Association petition the Minister for Local Government to have Section 550 amended to include provision to allow the inclusion of other costs actually incurred (but not awarded by the Court) in the process of recovering the rate or charge as charges on the land.

Letter sent to Minister for Local Government 24 December 2003. The Minister for Local Government, the Hon. Tony Kelly MLC, replied on 5 March 2004. The Minister noted our concerns but advises that it is important that councils remain subject to constraints and limitations where their powers to raise revenues are balanced against property rights of individuals. For this reason, it is the costs that are awarded by a court that form a charge on the land together with interest accruing on the rate or charge, rather than all the costs a council incurs. The Minister further advised that under the Local Court (Civil Claims) Rules 1988, a successful party is generally entitled to assessed costs on a party and party basis. He goes on to say that this means that a council can obtain fair and reasonable costs for the work concerned. The extent to which councils may be recovered in such proceedings may therefore depend on the efficiency with which councils or their legal representatives conduct their case. Finally the Minister advises that amendment of s555 of the Local Government Act is not presently on his agenda. A copy of the response has been forwarded to council.

#### **64 - Penrith**

Withdrawn

#### **65 - Coffs Harbour**

That the Local Government Association's Policy on Sharing Taxation Revenue be:

Local government authorities are democratically elected bodies that play a critical role within the Australian federation. Local government supports a co-ordinated, robust and integrated taxation system that would overcome the problems of a disjointed system prone to avoidance and revenue leakage. Because of the imbalance in revenue raising capacities and service provision obligation in the Australian federation, tax sharing agreements must be secured for local government that are both fair and transparent.

There is an urgent need to reform the current tax sharing arrangements between the Commonwealth and local government. The next stage of intergovernmental financial reform must address the relationship between the Commonwealth and local government as a matter of urgency.

A stable, robust tax sharing agreement linked to a growth tax would enable local government to strengthen itself as an institution, and improve service delivery to communities.

Any new funding methodology must be based around the notion of an entitlement to tax sharing rather than Commonwealth grant provision. This would see untied funding linked to the growth in taxation that is enjoyed by the other two spheres of government. Any proposed methodology must be:

1. Linked to a taxation base that grows in a robust and consistent manner;
2. Simple to administer and explain; and
3. Independent of payments to other spheres of government or programs.

LGA believes that a tax sharing agreement between local government and the Commonwealth must:

1. Be assigned to an appropriate head of taxation;
2. Specify a fixed percentage of tax; and
3. Be legislated."

The resolution is consistent with policies currently advocated by the Associations. Policy statement is to be amended. Many aspects of the resolution will be included in representations to the Commonwealth in relation the Cost Shifting Report.

#### **66 - Wagga Wagga**

That the Local Government Association hold discussions with Telstra to determine the status of the project to commission Telstra exchanges to support ADSL broadband capability, seeking an assurance that the upgrade timetable is fast tracked in regional centres.

Letter to Telstra 17 February 2004. The issue was also raised at the meeting of the Telstra Regional Advisory Group on 29 July 2004. Telstra advised that it was to spend \$28 million to upgrade broadband ADSL access. This would make the service available to an additional 250,000 customer lines. Telstra advised that broadband ADSL was now available to 81% (up from 75% in January 2004) of Australian households and this would increase to 90% within two years. Another 99 towns, mainly in rural areas, are set to gain broadband ADSL access following Telstra's approval as a provider of ADSL services under the Australian Governments Higher Bandwidth Incentive (HIBIS) Scheme.

#### **67 - Blacktown**

That the NSW Government be asked to amend tendering regulations to immediately increase the \$100,000 tender limit to \$150,000, with automatic CPI increments every year.

The Director General is not prepared to introduce piecemeal legislation to support any change. The five yearly review of the Regulation will occur during 2004 and on line tendering guidelines are being developed in collaboration with the Department of Commerce, so there remains some potential for similar amendments to be achieved by other methods.

#### **68 - Kiama**

That the Local Government Association express its concern about the impact of a Free Trade Agreement with the United States on the lives, aspirations and quality of life of Australians.

In particular the Local Government Association is concerned about:

1. the impact that such an agreement would have on the functions of local government - the agreement will apply to all spheres of government and local government is not being consulted
2. the lack of transparency and democracy in the processes surrounding the negotiations of the Treaty - the Treaty will be ratified by Cabinet without any reference to Parliament for debate
3. the linking of the Free Trade Agreement with the "post-September 11 security alliance" - The Australian Government's recent White Paper on Trade and Foreign Affairs (DFAT) said it would "put our economic relationship on a parallel footing with our political relationship".

The Local Government Association therefore requests that:

1. no trade negotiations take place which could endanger important social and environment protection policies;
2. comprehensive independent research into the social environmental and economic impact of all proposed trade agreements should be published for public debate before negotiations begin;
3. essential public services like health, education and water, and health and social policies like access to medicines, food labelling, genetically modified food and quarantine should be excluded from trade negotiations;
4. cultural and audio-visual services should be excluded from trade negotiations; and
5. all trade agreements be subject to an inquiry process by the Joint Committee on Treaties and be decided by Parliament.

A letter was sent to the Minister for Trade, the Hon. Mark Vaile MP, on 17 December, 2003. The Minister responded on 20 January 2003. The Minister assured that the government would not conclude a Free Trade Agreement (FTA) that was contrary to the national interest, nor one that fails to offer substantial benefits to Australian exporters or the nation as a whole. He advised that the government is committed to ensuring outcomes from the FTA do not undermine Australia's ability to meet important policy objectives in such areas as health care, education, consumer protection, cultural policy, quarantine and environmental policy. A set of answers to frequently asked questions was also included with the letter. The letter was copied to council. A report has also been provided to the Association's Executive.

#### **69 - Albury**

Covered

#### **70 - Great Lakes**

Covered

#### **71 - Goulburn**

That the Local Government Association investigate the establishment of an ongoing "Local Government Career Promotion Scheme" primarily targeted at NSW High School students and that the LGA consider setting up a working group or task force with representatives of relevant professional bodies (PIA, RAIA, AILA, Institute of Engineers, etc) and relevant TAFE and university faculties to develop strategies for encouraging students to undertake careers in local government.

Correspondence to professional bodies and academic institutions December 2003. Working party set up and is currently meeting.

#### **72 - Holroyd**

That the Local Government Association of NSW encourage member councils to consider entering into a memorandum of understanding with the Labor Council of New South Wales for the procurement of goods and services.

Correspondence forwarded to Labor Council 18 December 2003. Discussions between Labor Council and LGA are ongoing.

#### **73 - Holroyd**

Lost

#### **73.1 - The Executive**

That the revised policy statement on Industrial Relations and Employment as printed below be adopted.

#### **INDUSTRIAL RELATIONS & EMPLOYMENT**

Industrial relations and employment

##### **Change**

Local government remains committed to securing the benefits of competition and reform for councils, their employees and the communities they serve at the industry and workplace levels. Local Government recognises that such change is best implemented through consultation and cooperation.

Local Government supports the development of human resource management initiatives and practices to introduce and manage change. Councils are encouraged to develop and formalise employment arrangements specific to their needs through enterprise bargaining and workplace reform, reward for performance and skill and the adoption of best practice.

##### **Training**

Local government will continue to participate in national training reform initiatives to ensure that development training and education has relevance to the needs of the industry.

Councils are encouraged to develop training plans that demonstrate their commitment to education, training and skill development and that provide employees with reasonable and equitable access to training.

Local government supports the integration of language, literacy and numeracy (LLN) in training programs.

#### Labour market programs

Local government supports the maintenance and development of job creation initiatives that suit the needs of the industry and that training and skills development are integral to such initiatives.

#### The Good Employer

Local government supports and promotes equal opportunity for all employees.

Councils are encouraged to develop policies and strategies that recognise their obligations and address employees' needs with respect to workplace safety and rehabilitation, redeployment and redundancy, family responsibilities needs and harassment.

Councils are encouraged to develop, in consultation with their employees, a systematic approach to managing occupational health and safety, reduction in the risk of workplace injuries and the promotion of injury management and occupational rehabilitation.

#### **74 - Newcastle**

That Local Government Association request the State Government to release the Model Adaptable Housing DCP.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

#### **75 - Newcastle**

That the State Government be requested to release the long awaited SEPP on Affordable Housing as a high priority and further develop programs to assist potential home buyers to access the market.

That Local Government Association request the State Government to provide on-going support for the work already being done through the Department of Housing in providing rent assistance and social housing, planning strategies and delivering programs.

That the State Government be encouraged to engage in discussions with the federal government to identify and deliver financial incentives and packages that will enable the provision of affordable housing, particularly in regional areas.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

#### **76 - Wagga Wagga**

That the Local Government Association Conference call upon the State Government to continue to support the planning approval role of local government in relation to brothels.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

#### **77 - Sutherland Shire**

That the Local Government Association of NSW request that the assessors and Judges in the Land and Environment Court be provided with training with a view to enhancing knowledge in relation to the interaction of the Disability Discrimination Act with environmental planning instruments and Australian Standards such as:

- AS1428 series, Design for Access & Mobility;

- AS4299 Adaptable Housing;
- AS1735 series, Lifts, Escalators & Moving Walks;
- AS2890.1 Car Parking Facilities; and
- AS4586 and AS2663 Slip Resistance.

Letter to Attorney General, the Hon. Bob Debus, 19 December 2003. The Attorney General responded on 13 August 2004 advised that the Judicial Commission of NSW offers an extensive conference and seminar program for judicial officers in each court, including the Judges and Commissioners of the Land and Environment Court. This training ranges from induction courses through to specialist conferences and the Commission provides special seminars on topics of importance to judicial officers, including social context issues such dealing with disability issues.

#### **78 - Sutherland Shire**

That the Local Government Association of NSW liaise with the Building Codes Board of Australia in ensuring the Building Code of Australia (BCA) more closely reflects the legislation requirements of the Disability Discrimination Act 1992 (DDA) and that the BCA mirrors the provisions outlined in the Australian Standards.

Letter to Acting Executive Director Australian Building Codes Board 6 January 2004. Mike Balch, Deputy Executive Director Australian Building Codes Board, responded in March 2004 noting the ABCB recently released for public comment a proposal to amend the Building Code Australia (BCA) to ensure that it meets the intent and objectives of the DDA, and suggesting councils and the Associations make a submission in response. The Associations subsequently made a submission.

#### **79 - Manly**

That the LGA and member councils lobby State and Federal governments to halt the import and sale of companion animal fur and or skin being cats and or dogs albeit that such product may enter Australia under other descriptive names.

- a) That appropriate Federal legislation be enacted with penalty provisions based on the current United States model.
- b) That appropriate legislation be enacted for an ethical industry in the trade of feral animal skins.

Hon. Warren Truss MP, Federal Minister for Agriculture, Fisheries and Forestry, has indicated that the issues are complex, with issues such as identification of such furs by law enforcement officers without sophisticated laboratory testing needing to be resolved. The Government in the UK is currently carrying out a similar investigation which is expected to take 6 months. Because of this range of factors the Federal Government does not expect to finalise its policy position until early 2005.

#### **80 - Pittwater**

That this conference condemn the Federal Government for not ratifying the Kyoto Protocol, and that the Local Government Association lobby Federal and State agencies to recognise and quantify the benefits associated with conservation of vegetation and revegetation programs in reducing greenhouse gases and incorporate these values into funding for the Cities for Climate Protection Program.

Letter to Minister Kemp. In his reply, Minister states that Australia will not sign Kyoto Protocol while US doesn't sign and while it does not contain clear commitments for developing nations. Minister suggests that best way for local government to act on concerns about Greenhouse gases is to promote Cities for Climate Protection Program, which is funded mainly by Federal Government. Minister Debus in his reply confirms that NSW Government is supportive of signing of Kyoto Protocol. Council has been informed. DEC has also outlined its vegetation conservation / revegetation programs which contribute to net greenhouse gas reduction.

#### **81 - Armidale Dumaresq**

That the following matter be referred to the Executive for detailed consideration by the Rate Pegging Task Force: the State Government be requested to add a Part (3) to Section 8 of the Local Government (rates and charges) Regulation 1999, to allow an environmental charge to be levied for the remediation of

contaminated land where such sites (a) pose significant risk of harm (b) and/or are orphaned © and/or are public land, where no other funding mechanisms are available.

This has been listed for consideration by the Rate Pegging Task Force, but Environment Officer will continue to provide input to ensure that any actions arising do not jeopardise State Government funding avenues for remediation of contaminated land. DEC has provided response, outlining the hierarchy of responsible parties for remediation, and making specific reference to Armidale situation. Response awaited from Rate Pegging Task Force.

#### **82 - Pittwater**

That the Local Government Association lobby the State Government to amend the Conveyancing Act requirements as they relate to the transfer of property in New South Wales to require, as part of the conveyancing process, that any Development Consents relating to the property and issued after a date to be determined be required to be made available to the purchaser as for 149 Certificates.

The Minister is not prepared to amend requirements, as the information about development consents is available upon request at conveyancing time, and putting a costly obligation on every conveyancing transaction for the data to be included in Sec 149 Certificates is not justified. This has also been sent to the Department of Infrastructure, Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

#### **83 - Auburn**

That the LGA opposes imposition of the 15% levy on the system of levies and licences on Crown reserves when councils are using those levies and licenses to cover maintenance and upkeep of those crown reserves and that the levy be abolished in those circumstances.

A letter was sent to the Minister of Lands, the Hon. Tony Kelly MP, on 17 December 2003. The Minister replied on 30 January 2004. He advised that The contribution supports the Public Reserves Management Fund (PRMF). The Fund relies upon levies and the repayment of loan principal and interest to finance current grants and loan programs. The Minister further advises that the fund is critical to the management and development of the Crown reserve system. The Minister advises that councils may seek to have the levy raised in cases of demonstrated hardship. In addition, when a trust believes there has been inadequate notice, the levy may be waived until a new lease/licence is negotiated or until the next rent determination (usually 5 years).

#### **84 - Woollahra**

That the Association resolve to make representations to the NSW Government seeking review of the methodology in calculation and setting of development application fees under the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 given the ever increasing complexities of assessing development applications against multi-layered State Environmental Plans, Regional Environmental Plans, Local Environmental Plans, the increasing complexity of ensuring that developments meet environmental sustainability criteria and the fact that current development application fees do not remotely represent the true cost of undertaking such rigorous assessments.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

#### **85 - Camden**

That legislation relating to State Significant Development be amended to allow a minimum of 50% of the development application fee to be paid to the local council to allow partial recovery of their costs associated in assessment of the application and that the LGA review the updated memorandum of understanding on state significant development

Letter to Department Infrastructure, Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

**86 - Kiama**

That the State Government be requested to require the Director-General of the Department of Infrastructure, Planning and Natural Resources to provide reasons for her granting or not granting concurrence to development applications that are required to be submitted to the Department.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

**87 - Newcastle**

That the Local Government Association call on the State Government to appropriately fund councils for work done by council officers in preparing reports and developing consent conditions for developments which are subject to approval by the Minister.

Letter to Department of Infrastructure, Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

**88 - Shoalhaven**

That the Local Government Association request the Minister for Infrastructure, Planning and Natural Resources, the Hon. Craig Knowles, to amend SEPP 71 so that subdivisions of more than 25 lots cannot frustrate the intention of the policy by being submitted in incremental stages of less than 25 lots.

Letter to Minister for Infrastructure, Planning and Natural Resources, the Hon. Craig Knowles, 19 December 2003. Further representations have been made and to date no response has been received.

**89 - Coffs Harbour**

That the State Government be requested to recognise the responsibility of developers to meet current environmental standards and practices (as enshrined in SEPP 71) when acting on development consents granted prior to such legislation becoming law.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

**90 - Coffs Harbour**

That the Local Government Association adopt as policy the need for development consents to recognise covenant requirements where such covenants were originally imposed by the council (rather than the developer) and are in accordance with local planning controls.

This has been inserted into the LGA policy statement.

**91 - Coffs Harbour**

That the State Government be requested to:

1. Develop appropriate administrative policies and procedures for the implementation and operation of the Environmental Assessment Legislation Amendments Act 2002 as a high priority.
2. Review the objectives and provisions of the Environmental Assessment Legislation Amendment Act 2002 to ensure consistency between other state policies including Plan First and Coastal Policy.

Clarification was sought from CHCC, who advised that this actually relates to NRM reforms which were being foreshadowed at time of drafting of motion. The Association has strongly pursued an appropriate role for local government in the NRM reforms which were announced late in 2003, a discussion paper was prepared, and productive meetings held with Minister and Director General of DIPNR. The Associations have also appointed a NRM Facilitator who is developing an MOU with DIPNR regarding the way in which newly formed Catchment Management Authorities (CMAs) will relate to their councils. The need for a consideration of coastal matters is also being pursued as opportunities arise. A letter was sent to CHCC on 29 March outlining the actions taken by the LGA in pursuing local government involvement in the NRM reform process.

**92 - Fairfield**

That the NSW Environment Protection Authority be made to consult more widely with local councils and Local Aboriginal Land Councils, as to their needs and wants in regards to advertising and promotion of environmental education and awareness campaigns.

DEC has responded "The DEC is committed to continuing its liaison with councils and Local Aboriginal Land Councils. It is facilitating this through, for instance, the establishment of reference groups of council officers for the Local Government Operations Capacity Building Project (aimed at improving the implementation of stormwater management by local council) and the Environmental Assessment education and training project. All Local Aboriginal Land Councils (LALCs) have been informed of the Environmental Trust Protecting our Places grants, with the grants coordinator undertaking follow up visits to LALCs when requested." Council informed. Council requested further information and was advised of forthcoming environmental education program which will address some of the issues in their original motion to conference.

**93 - Maclean**

That the Local Government Association make representations to State Government in regard to councils resorting to need to seek environmental levies to carry out essential works within local government environment areas.

Letter to Minister Kelly. This matter was also raised at the DEC /LGSA Liaison Committee, where the DEC responded: "It is recognised that the level to which essential works in the environmental area are funded by councils will vary depending on environmental pressures and, to some extent, community attitudes.

It is also recognised that funding streams such as environmental levies have become a critical component in determining whether a council can address medium to long-term environmental issues or not. Environmental levies appear to be particularly beneficial for long-term rehabilitation projects and collaborative projects with other partners or on a catchment basis. The DEC is aware that councils which have made environmental gains have committed part of the council's budget to environmental works and used an environmental levy to build onto that for greater gain." Clarence Valley Council Administrator informed

**94 - Blacktown**

That the NSW Government be requested to simplify the prosecution process required under the Environmental Planning and Assessment Act.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

**95 - Gosford**

That the Ministers responsible for the Environmental Planning and Assessment Act and the Land and Environment Court Act introduce legislation to amend the Acts as they relate to the conduct on appeal for integrated development so that those agencies responsible for an application being refused are responsible for the costs of defending that appeal.

Letter to Minister for Infrastructure, Planning and Natural Resources, the Hon. Craig Knowles on 19 December 2003. Letter to Attorney General, the Hon. Bob Debus, on 19 December 2003. Response from Attorney General dated 13 August 2004 advising that recent changes to the Land and Environment Court Rules 1996 established a new text for determining whether costs should be awarded on appeal. Under the amended rule, the court considers whether an order for costs is "fair and reasonable" in the circumstances of the particular case rather than being limited to awarding costs in "exceptional circumstances". Further representations have been made to representatives of the Department of Infrastructure, Planning and Natural Resources and to date no response has been received.

**96 - Fairfield**

That the provision of s.153 of the Environmental Planning and Assessment Act 1979 be amended to allow for service of Notice of Proposed Orders and Orders in the same way as service of Notices of Proposed Orders and Orders can be achieved under s.710 of the Local Government Act 1993.

That the Environmental Planning and Assessment Act 1979 be amended to give rise to a conclusive presumption of service provided one to the methods of service are adopted by Council.

That the Environmental Planning and Assessment Act 1979 be amended to allow Council Officers to prepare an Affidavit of Service of Notices or Order even though no proceedings have been commenced and that this Affidavit be evidence of service at any hearing.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

**97 - Blacktown**

The NSW Government be requested to amend the Environmental Planning and Assessment Act and associated legislation to enable ancillary orders be made to remedy breaches of those Acts.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

**98 - Fairfield**

That the matter of independent hearing and assessment panels be referred to the Executive for consideration, on the understanding that elected members must have a continuing role.

This was referred to the LGA Executive meeting of 2 April 2004 for consideration. It was resolved to make further representations to Department of Infrastructure, Planning and Natural Resources which has been carried out by letter dated 27 April 2004. It was also acknowledged that there have been representations on this area made to the recent report of the Local Development Taskforce and the Minority Report to the Report of the Land and Environment Court Working Party in September 2001. Fairfield City Council informed of these actions by letter dated 27 April 2004. To date no response has been received from the Department.

**99 - Fairfield**

withdrawn

**100 - Fairfield**

That the NSW Environment Protection Authority develop a service charter with local councils addressing specific key performance indicators, as to how they will service local councils in regards to regulation and promotional activities.

This matter was taken to the DEC/LGSA Liaison Committee. The DG of DEC provided the following response: "A service charter is not considered to be appropriate at the current time. The DEC ensures that its resources are used strategically to secure the best environmental outcomes for NSW". The Association is however aware of significant work by EPA/DEC to enhance relationships and interactions with local government. This matter can also be pursued through a memorandum of understanding being developed between DEC and LGSA about the way in which DEC deals with Local Government. Council informed.

**101 - Mudgee**

That the 'trial' areas of 5000ha for genetically modified crops be deleted from the conditions of the NSW three year moratorium.

Letter to NSW Agriculture Minister. The Associations also attended a meeting of the Agricultural Advisory Committee on Genetically Modified Crops in Sydney on 16 March 2004. The Committee was considering a proposal for the release of several trial areas for GM Canola across NSW, including large trial areas of 3,500ha. The Associations were represented by Cr Allan Smith from Dubbo City Council and Robert Verhey, made a presentation to the Committee. While the Committee recommended to the Minister that the trials should proceed, the Minister subsequently took a more precautionary approach, more consistent with the Association's policy. The Minister's media release of 2 April 2004 stated "NSW Minister for Agriculture and

Fisheries Ian Macdonald has announced he proposes to allow three small research trials for genetically modified canola. However, Mr Macdonald said, he would holdback on a 3,000 hectare co-existence trial until the true benefits of the technology are known. The three trials will cover no more than 420 hectares and will test different varieties of GM canola plants against traditional canola. The trials mark the first objective and independently evaluated on farm research comparisons of GM and non-GM in Australia. Mr Macdonald said his office consulted with numerous stakeholders prior to him announcing this decision."

#### **102 - Baulkham Hills**

That the Local Government Association lobby the State Government to amend the Heritage Act and Environmental Planning and Assessment Act and regulations under those Acts, to enable enforceable provisions to be incorporated into councils' local environmental plans and development control plans to ensure owners of heritage properties carry out maintenance and repairs, to a satisfactory standard that prevents any loss of heritage value, and protection and preservation of significant Aboriginal sites and that funding should be available to owners in appropriate cases.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department. Letter to Heritage Office 6 January 2004. Follow up letter to Heritage Office 6 May 2004. No response has been received from the Heritage Office to date.

#### **103 - Blacktown**

That the Association lobby the NSW Government to properly use the powers of the NSW Land and Environment Court to determine appeals in the public interest.

Letter to Attorney General Bob Debus 19 December 2003. Response from Attorney General dated 13 August 2004 advising that there have recently been a number of changes to the procedures of the Land and Environment Court that seek to increase the efficiency of the merit review process and minimise cost. One of the key changes has been the use of court-appointed experts. The Court's new pre-hearing Practice Direction requires parties to consider whether there are any issues in their case that could be dealt with by a court-appointed expert. Some of the other significant changes to procedure include: increased case-management of complex Class 1 proceedings ensuring issues in dispute are refined and costs and length of hearings are reduced and, commencing class 1 matters on site on the first day of the hearing as a matter of course.

##### **103.1 - Waverley and Executive**

That the Local Government Association communicate with the Chief Judge of the Land and Environment Court and the Attorney-General in order to explore the potential for increasing community consultation with the Court and in particular to establish a formal and ongoing process which may include:

1. Implementing user surveys which "ask, listen and involve" the public and court personnel in the development and implementation of concrete, innovative projects which improve the courts' accessibility and outcomes to the public. This should create a more accessible, user-friendly and responsive institution.
2. Establishing citizens panels focus groups or inviting citizens and broader users groups to seek feedback on their perceptions of the court
3. Calling two meetings a year with the Chief Judge, a Senior Commissioner, interested councils and their legal officers in an open forum to discuss problems and perceptions of the Court; and
4. Establishing an annual conference at which councils, members of the public and community groups can participate and have their say on the operations of the court in a structured fashion.

If these representations are unsuccessful the Association should take on this essential liaison role by:

5. implementing our own user surveys which would be distributed to all parties involved in the Court process
6. Forming a community liaison committee to collate and assess the survey and focus group data and make recommendations for reform
7. establishing an annual conference at which councils, members of the public, and community groups can have their say on the operations of the Court in a structured fashion for so long as may be required.

Letter to Attorney General, the Hon. Bob Debus, 19 December 2003. Response from Attorney General dated 13 August 2004 advising that the Court has recently extended its community consultation program. The Chief Judge and the Court are also conducting a number of programs aimed at ongoing consultation and education within the community.

#### 104 - Leichhardt

That the Local Government Association:

- a) Write to the Federal Minister for the Environment, the Hon. Dr David Kemp MP and the State Minister for the Environment, the Hon. Bob Debus MP recommending that the plastic bag levy be introduced accompanied by a national promotional/educational campaign.
- b) Write to the State Chamber of Commerce and retail chains' head offices encouraging them to follow the initiative of the Planet Ark campaign or instigate a similar initiative to ban the use of plastic bags.
- c) Councils consider imposing a condition on any new retail developments to prohibit the supply of plastic bags and provide an acceptable alternative.
- d) That the executive discuss the issue of bag security with the Australian Retailers' Association and the State Government.

- a. Letter to Ministers Kemp and Debus: These letters have been sent and Minister's replies indicate that the agreement struck between industry and State / Commonwealth Governments will be closely monitored for achievement of targets, with consideration of bans / levies if these targets not met.
- b. Letter to State Chamber of Commerce.
- c. Letter to councils: Advice from Associations' Legal and Planning Division suggests that while such a development condition may be technically possible, it would almost certainly be challenged on the basis that other existing stores can continue to use plastic bags, and there would be significant resourcing issues for councils to ensure compliance.
- d. Letter to ARA, Report to next P&E/ Execs.  
Meeting has been held with Planet Ark and joint actions are being proposed to value add to both LGSA's and Planet Ark's plastic bag reduction campaigns. The matter is also being pursued through the Associations' DEC Liaison Committee. Leichhardt Council advised by letter of Associations' actions regarding plastic bags.

#### 105 - Mudgee

That the Association's support for container deposit legislation be reaffirmed and specifically include single use plastic shopping bags.

This was included in letters to Minister's Kemp and Debus (resolution 104). The matter was also raised at the DEC/LGSA Liaison Committee, and the following response was received: "Since the release of the independent report by Dr Stuart White on container deposit legislation the Government has taken direct steps to have container deposit legislation considered at a national level. Any proposed national action will be taken in light of the results of the current review of the National Packaging Covenant.

There has been no discussion on how an instrument like container deposit legislation might be applied to plastic bags. However, the DEC is aware that similar instruments such as plastic bag levies are being introduced voluntarily by some leading NSW retailers with considerable success.

The Department intends to closely monitor the implementation of the Retailer's Code of Practice for Plastic Bags over the next 12 months and should progress be inadequate, will consider reviving regulatory options for plastic bags in the future." Council informed.

#### 106 - The Executive

That the draft Environment Policy statement, set out in Appendix 1 on pages 127-137 be endorsed subject to the section headed "ecologically sustainable development" incorporating reference to the principles of the Boomanulla Statement.

Policy amended.

**107 - Penrith**

That the State Government be requested to initiate a review of the effectiveness of the current system of regulation of development to ensure compliance with consents and the performance of the accrediting bodies in regulating and disciplining the private certifiers that they cover.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from this Department.

**108 - Fairfield**

That the State Government increase penalties to ensure that private certifiers are adequately penalised for breaches of their duties. Such penalties to include removal of their certification powers should they be repeat offenders.

Letter to Department of Infrastructure Planning and Natural Resources on 19 December 2003. Further representations have been made and to date no response has been received from the Department.

**109 - Holroyd**

That the Local Government Conference support a request for the State Government to legislate that private certification at each critical stage of demolition and construction has to be endorsed by the Consent Authority to ensure that all conditions of the Development Consent are complied with.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

**110 - Greater Taree**

That the NSW Local Government Association make representations to the State Government concerning the difficulties faced by councils in regulating private certifiers under the Environmental Planning & Assessment Act and either (a) legislate to return building regulation to councils, or (b) provide adequate resources to effectively monitor the activities of private certifiers.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

**111 - South Sydney**

That the 'Private Certification' provision option introduced into EP&A Act be withdrawn when a subdivisional/urban domain Development Application will result in the developed road or asset being transferred to the Local Government Authority as owner with care & control.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

**112 - Wollongong**

That the Local Government Association of NSW request that the State Government review the performance, monitoring and outcomes of the role of private certifier in the building certification process.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

**113 - Newcastle**

That the Local Government Association calls on the State Government to review the system of private certification.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. A submission recently finalised on the Government's latest proposals.

**114 - Mudgee**

That the issue of private certification of developments be reviewed, and power of redress for councils where non complying developments are certified be clarified and enhanced.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003 and included in Association's latest submission.

**115 - Blacktown**

Withdrawn

**116 - Holroyd**

That the following motion be referred to the Executive for consideration: Local Government Conference support the use of the newly adopted sarking membranes ("reflective foil laminates") shortly to come on the market, such as endorsed by the Aluminium Foil Insulation Manufacturers Association, by seeking inclusion of their use in WorkCover's Code of Practice for Building Construction, as a means of increasing worker safety, improving weather protection, enhancing energy efficiency, in addition to assisting emergency services and reducing insurance claims.

Executive resolved to support reflective foil laminates without specifying any particular brand. Councils informed through weekly circular and advised where further information can be found. Holroyd City informed of this outcome.

**117 - Fairfield**

That the Association:

1. seek a change to the existing requirements of the Protection of the Environment Operations Act providing an exemption for all local authorities from paying the Section 88 levy on domestic waste where that authority has entered into alternate best practice waste treatment technology and the level of diversion from landfill exceeds 60%.
2. seek a NSW government commitment to urgently introduce a legislative amendment to provide for 55% of the section 88 levy to be hypothecated to the waste fund for waste avoidance program purposes.
3. seek NSW government confirmation that prior to the legislative amendment coming into effect, that the 55% of the section 88 funds will be directed to the waste fund as previously with immediate effect.

Letter to Minister Debus. In his response, the Minister makes the point that the levy, as a tonnage-based instrument, is by definition a tool which financially advantages the reduction of waste. This matter has also been discussed with the Director General of the Environment Protection Authority, who responded in similar terms, and gave a verbal commitment that local government would be consulted on any plans to reallocate waste levy funds for broader sustainability programs. The Association is continuing to pursue the hypothecation of the waste levy. Council informed.

**118 - Hornsby**

That

1. The LGA advise the NSW government section 94 inquiry, of local governments' firm view of the necessity to maintain at a minimum, existing rights under section 94
2. The LGA also request the inquiry to
  - (a) consider the levy of contributions for maintenance repair replacement and upgrade of public infrastructure
  - (b) consider the issue of ongoing costs to section 94 infrastructure
  - (c) consider the issue of cross boundary levies and infrastructure.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Discussions continuing on outcomes of the Department's revised proposals for reform.

### **119 - Woollahra**

That the Association resolve to make representation to the NSW Government seeking amendments to section 94 of the Environmental Planning & Assessment Act 1979 to permit the levying of contributions for the maintenance, repair, replacement and upgrade of public infrastructure subject to stress and deterioration from age, as a result of increase demands through redevelopment and particular increased densities in urban environments.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

### **120 - Pittwater**

That the Local Government Association request the National Parks and Wildlife Service fulfil their legislative obligations regarding consultation particularly involving local Aboriginal Land Councils to identify and map all areas of Critical Habitat in accordance with the requirements of the Threatened Species Conservation Act as a matter of urgency. Further that adequate resourcing be provided by the NSW government to National Parks and Wildlife Service to undertake this additional mapping work.

Letter sent to the Hon. Bob Debus MP and issue discussed at the DEC/LGSA Liaison Committee in March 2004. The DEC tabled a response at this meeting which was forwarded to Pittwater Council on 28 March 2004, see Out-10439. DEC's response clarified Under Part 3 of the TSC Act, the Director General is responsible for identifying (where this is possible) Critical Habitat of endangered species, populations and ecological communities. The Director General must publish the Critical Habitat recommendation for public comment prior to consideration by the Minister for the Environment. Critical Habitat is declared by the Minister.

There is no formal statutory requirement to consult local Aboriginal Land Councils in the process of declaring Critical Habitat. However, the process does require any landholders and public authorities that exercise relevant functions to be given notice of any recommendation to declare Critical Habitat. Aboriginal Land Councils would also have an opportunity to comment on each of the Director General's recommendations to identify Critical Habitat when they are publicly exhibited. The DEC continues to work with local councils and other stakeholders to map the distribution of threatened species, populations and ecological communities eg recent expenditure of \$530,000 on mapping of the extent of the native vegetation in western Sydney, including the Cumberland Plain Woodland and 11 other listed Endangered Ecological Communities.

### **121 - South Coast Aboriginal Land Council**

That the following motion be referred to the Association's Aboriginal Issues Standing Committee to develop guidelines for consultation: councils review their consultation mechanisms in relation to development applications by engaging the skills and training of local Aboriginal Land Councils sites officers. Further, that recognition is given to the New South Wales Aboriginal Land Council as being the body to identify which local Aboriginal Land council is appropriate for the particular local government area.

A report has been sent to the 7 July Aboriginal Issues Standing Committee at which a resolution was made to prepare Guidelines for use by councils on this matter. These Guidelines to be presented to Committee meeting in September for adoption and subsequent distribution to councils.

### **122 - The Executive**

1. That the conference endorse the Urban Forests Policy as considered by the Executives in October 2003.
2. That the LGA policy be amended to reflect support in principle for the Urban Forests Policy.
3. That the Association continue to provide assistance to the Urban Forest Policy Working Group, consistent with the Executive's October 2003 resolution.

Planning and Environment Policy has been updated. Newcastle Council have been informed of this decision.

### **122..1- Holroyd and Sutherland Shire**

That the Local Government Conference express its total opposition to the Commonwealth Government's proposal to transport nuclear waste from the Lucas Heights reactor through the highly populated Sydney metropolitan and regional centres of New South Wales.

That this Conference adopts the following proclamation:

Given the failure of the Commonwealth to satisfy the issues of safety of transportation of nuclear waste including wastes from the Lucas Heights reactor, the Group of Mayors oppose the transport of nuclear waste on NSW roads on any route through NSW local government areas

Conference notes :

failure of the Commonwealth to satisfy the issues of safety of transportation of nuclear waste

failure of the Commonwealth to comprehensively consult local government and communities along the route

failure of the Commonwealth to thoroughly investigate waste production and waste management issues

failure of Commonwealth to achieve minimisation of nuclear waste production at source, at the Commonwealth Government nuclear reactor at Lucas Heights.

Recognising that there are alternatives for nuclear medicine to a nuclear reactor, the Mayors call upon Commonwealth and State Governments and Oppositions to reflect the deep community concern over these issues and the existing positions of the NSW Local Government Association & Shires Association and the Australian Local Government Association and oppose any increase in nuclear waste production in Australia until a satisfactory resolution occurs to the waste repository question.

Letter to Minister McGauran. Minister's response has been provided to Committee and Executives. Cr Rankin from Sutherland Shire Council made a presentation for Association at Adelaide Inquiry into Woomera Repository, and restated the matters raised in the Association's submission. NSW Inquiry at which Association presented in October 2003 has produced findings largely consistent with Association's position. This matter was also raised in the DEC/LGSA Liaison Committee, where DEC tabled this response: "The NSW Government is keen to ensure that the Commonwealth Government address the real health and safety concerns of the NSW community about the transport of nuclear waste from the Lucas Heights reactor to a national repository.

In its submission to the NSW Inquiry the DEC recommended that the Commonwealth Government request that an independent expert from the International Atomic Energy Agency assess their methods in the transport of radioactive wastes. The DEC has also recommended that the Commonwealth Government should negotiate formal agreements with the States and Territories to cover information, security, emergency responses, roles and responsibilities and provision of resources." Council advised by letter.

#### **122..1 - Western Metro Region**

That the Local Government Association encourages all its members to conduct internal reviews with the objective of addressing the unacceptable manner in which lands transferred to LALC's under the provisions of the NSW Aboriginal Land Right's Act as freehold title are still being identified by some as Crown Land.

Department of Lands has acknowledged that sometimes there are delays in finalising transfers because of the need to generate a formal survey of the land in question before it can provide a "first title" which will be subsequently transferred to the ALC in question. To assist councils identify lands affected in this way, the Dept of Lands has offered to provide a print out of land in that councils area that has been so granted since the legislation came out on 10 June 1983. An item in the LG Weekly on 26 March 2004 provided the information, so that councils could then consult an ALC about adjacent rezoning or other environmental issues.

#### **122..2 - Waverley**

That the Association calls on the Chief Judge of the Land and Environment Court to establish a formal system of guideline judgments by its Judges to guide Land and Environment Commissioners in the use of their discretions - in particular, in their interpretation and weighting of DCPs and local policies as well as in the use of SEPP1.

Letter to Attorney General, the Hon. Bob Debus, 19 December 2003. Response from Attorney General dated 13 August advising that to assist in the development of an identified set of principles, the Court has begun to publish the decisions of Commissioners on the internet. These decisions will allow councils and other decision makers to have a better understanding of the approach of the Court. As a result, the Attorney General expects that the number of appeals are likely to drop and the quality of decision making will be enhanced at every stage of the process.

### **122.3 - Mosman, Hurstville, Great Lakes, Randwick, Botany Bay, Canada Bay. LATE**

That the LGA Conference calls on the LGA Executive to liaise with the Government to ensure:

1. That the past progress in Coastal Zone Management in NSW is built upon through the reform process.
2. That a stewardship role for the Coastal Zone is embodied within the new management structure to achieve integrated management of the Coastal Zone and its interaction with the areas managed by the new Catchment Management Authorities.

Discussed further at the NRM Workshop attended by Jennifer Westacott, DG DIPNR, on 2 December 2003. Letter sent to DIPNR on 22 December 2003 enclosing recommendations from the Forum. Follow up letter sent on 20 April 2004. Response from DIPNR received 12 July 2004, detailing the inclusion of coastal issues in the NRM reforms. The Department also commits to the continuation of the Coastline Management Plans which councils have been undertaking and will continue to provide direction and technical assistance to councils completing these plans. DIPNR is also undertaking regional coastal strategies which are being guided by the Comprehensive Coastal Assessment and the 1997 NSW Coastal Policy is currently under review.

### **122.4 - Canada Bay LATE**

That the Executive review the Land and Environment Courts relevant legislation that requires that the court of appeal to apply all planning instruments and council policy, strictly when considering an appeal, unless such instruments and policies become manifestly unfair to an applicant. It is conference view that the Land and Environment Court should give effect to the objective of instruments and policies and not apply discretionary provisions to defeat these objectives.

This was referred to the LGA Executive meeting of 2 April 2004. Resolved to send further representations to Chief Judge of Land and Environment Court Judge which was carried out by letter dated 23 April 2004. It was also acknowledged that the Association has carried out previous work related to this matter including representations through the Land and Environment Court Minority Report carried out in September 2001. Canada Bay City Council notified of these actions by letter dated 23 April 2004. Letter received from Chief Judge of Land and Environment Court and forwarded to Canada Bay Council by letter dated 18 May 2004.

### **122.5 - Conference matter arising**

That Conference express its concern at the Government undertaking a review of private certification without the full involvement of local government particularly at elected level.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Discussions are continuing on recent proposals by the Department.

### **122.6 - Motion arising from debate**

That the government be called on to give councils interim powers to recover costs for overseeing management of deficiencies in the system of private certification.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Discussions are continuing.

### **122.7 - Leichhardt LATE**

That this conference:

1. Urge the Minister for the Environment and Conservation to expand the current Waste Wise program of the Sustainability Programs Divisions in the Department of Environment and Conservation to work with and provide resources for event Associations, venue Managers, and relevant training agencies across NSW to ensure that waste avoidance, reuse of materials and resource recovery is incorporated into event training programs and practised at all major events.
2. Endorse the development of a model development control Plan for use by councils to ensure that waste avoidance, reuse of materials and resource recovery is incorporated into conditions of approval for events.

Letter to Minister Debus. Minister's reply has described Government's current and past efforts to reduce waste at events and has expressed support for development of Waste-Wise Development Control Plan, and discussions have commenced with DEC regarding options for progressing this initiative.

#### **122.8 - Western Metro Region LATE**

That the Local Government Association express its serious concerns to the State Government regarding its disrespectful lack of consultation with the Aboriginal People of NSW in relation to the transfer of Aboriginal Cultural and Heritage management matters from the National Parks and Wildlife Services to the Environmental Planning Authority.

This matter was referred to the NSW DEC/LGSA Liaison Committee. The DG of DEC tabled this response: The responsibilities of the National Parks and Wildlife Service for Aboriginal heritage management have not been transferred to the Environment Protection Authority.

A new DEC has been formed through the amalgamation of the National Parks and Wildlife Service, the Environment Protection Authority, Resource NSW and Royal Botanic Gardens. All of the services and responsibilities of each of the former agencies have been retained but will now be delivered in a more coordinated and effective manner.

"The former NPWS Cultural Heritage Division has been retained as the Cultural Heritage Branch and there have been no changes to staffing levels associated with Aboriginal heritage protection and management. To ensure Aboriginal culture and heritage remains prominent within the Department, the former position of Director, Cultural Heritage continues as Executive Director, Cultural Heritage.

The Department will continue to apply former NPWS Aboriginal heritage policies and guidelines, including its consultation policies, which have been developed and improved over many years. The new structure will, in fact, provide for better protection of Aboriginal culture and heritage in NSW through, for example, improved integration of Aboriginal heritage impact regulation with other environmental protection processes, a greater focus on conservation programs such as the repatriation program, and the expansion of responsibility for Aboriginal heritage management across the whole agency." NSWALC informed.

#### **122.9 - Western Metro Region LATE**

That the Local Government Association make representation to and urge the NSW State Government to liaise with the Aboriginal people of NSW through the NSWALC regarding the implementation, and ramifications of Aboriginal Cultural Heritage Management in NSW under the new structures within the EP&A Act.

Letter to Department of Infrastructure Planning and Natural Resources (DIPNR) 6 January 2004. Letter from Director General of DIPNR received in response to resolution. This letter advises that the Government's commitment to Aboriginal people is primarily expressed through the "NSW Service Delivery Partnership Agreement" made between the Government, the NSW Aboriginal Land Council and the Aboriginal and Torres Strait Islander Commission, and the "Partnerships: A New Way of Doing Business with Aboriginal People" policy. Both of these policies commit the Government and agencies to close working relationships with the NSW Aboriginal Land Council in dealing with issues affecting Aboriginal peoples. The letter also advises that officers of DIPNR regularly liaise with the NSW Aboriginal Land Council and its member Regional and Local Aboriginal Land Councils on matters within this agency's jurisdiction which has in recent times included discussions regarding the implementation of the Government's reform agenda for the natural resource management and planning systems. Copy of this letter forwarded to NSW Aboriginal Land Council.

#### **123 - Wollongong**

1. That the Local Government Association of New South Wales oppose the proliferation of advertising signs on bridges across major roads which may provide significant distractions to motorists and could result in safety hazards as well as visual pollution.
2. That the Association request the Roads & Traffic Authority to amend its policies to reflect this position.

Motion referred to RTA for action. Response received from RTA Jan 2004. RTA advise that the safety of road users is of paramount importance to them. The display of commercial advertising and community banners on a

limited number of bridges over major roads comply with current road safety requirements. Each site is individually assessed to ensure that the display will not have an adverse affect on the safety of the community. The RTA is conscious of the visual impact of some forms of advertising and endeavours to reduce its impact on the surrounding environment. To this end, recent installations of commercial advertising have been restricted in size and contained within the envelope of bridge structures they are attached to. Further commercial advertising is subject to council development consent and the RTA seeks the approval of the relevant council prior to installing commercial advertising. Private sector partnerships have delivered important public infrastructure in return for limited advertising on some structures.

#### **124 - Leichhardt**

1. That the following motion be referred to the executive for consideration: that this Conference opposes the flawed master plan process, and emphasises that the airport has already exceeded its environmental capacity and that if it cannot comply with NSW and Australian standards, it should be moved.
2. That the Local Government Association write to the Prime Minister, Deputy Prime Minister & Minister for Transport & Regional Services and the Shadow Minister for Transport, stating that the LGA in order to protect the living amenity and safety of residents, businesses and visitors affected by the airport operations recommends that:
  - a) The master plan be put on hold until the Brisbane Airport Senate Inquiry amendments to the master plan process have been made. The master plan process has not been modified since the Brisbane Airport master plan was the subject of a Senate Inquiry. The inquiry recommended 8 major changes to the master plan process in its report of June 2000, but the changes have not been implemented by the Federal Government.
  - b) The Long Term Operating Plan (LTOP) should become part of the Airports Act, with binding targets."

Motion referred to Federal Government - no reply received to further representations.

#### **125 - Lithgow**

That the proposal for Newnes Plateau as a feasible alternate site for a second Sydney Airport be put on the agenda at the Local Government Conference.

covered

#### **126 - Fairfield**

withdrawn

#### **127 - Campbelltown**

That the LGA Conference seek a campaign to effectively prohibit B-Double vehicles from areas other than designated B double routes.

Motion referred to RTA for action. Response received from RTA Jan 2004: The assessment and approval of designated B-Double routes on local roads is an existing local government responsibility exercised through normal council traffic committee processes. Access by B-Double vehicles is assessed for suitability under the "Route Assessment Guidelines for Restricted Access Vehicles" and, for local roads, approved by individual councils for their own local road network.

#### **128 - Newcastle**

That the LGA support the incorporation of bike racks on buses and the provision of bike racks in future bus design and that in planning for all public transport including rail ferry and light rail the NSW government be asked to include provision for bicycle storage space and for secure storage at stations and terminals.

Motion referred to Minister for Transport for action. Passed on to Minister for Infrastructure Planning and Natural Resources for comment. The Association has approached the Department of Infrastructure, Planning and Natural Resources regarding responses to various planning-related motions, but no reply has been received.

**129 - Pittwater**

lost

**130 - Campbelltown**

That the LGA protest to the Federal Government in the strongest possible terms at the decision not to proceed any further with investigations into a High Speed Rail System.

Motion conveyed to the Federal Government. Response received from the office of the Minister for Transport and Regional Services:

- Cost of an east coast high speed rail system would far outweigh the economic benefits
- 80% of the cost would be borne by public funds
- Australian Government's focus remains on freight transport with passenger transport primarily a state responsibility.

**131 - Kempsey**

That the Local Government Association make representations to both the Commonwealth and State Governments to ensure the continuance of funding for the upgrade of the Pacific Highway beyond 2006 along with increased funding for other highways in accordance with Association policy.

Motion conveyed to Minister for Roads (NSW) and Minister for Transport and Regional Services (Federal). Reply received from NSW Parliamentary Secretary for Roads:

- NSW Government is committed to developing the whole Pacific Highway as a dual carriageway route
- Under the current 10 year program the Government will spend \$160m per year improving the Pacific Highway
- The State Government has previously announced that it will continue its commitment to the upgrading program beyond 2006, and is looking to the Federal Government to at least match the NSW commitment

Reply received from the Federal Minister for Roads:

- Pacific Highway is a State road and funding is therefore a State Government responsibility
- However the Federal Government recognises the importance of upgrading the road and has committed \$600m over 10 years as a Road of National Importance
- While acknowledging that there is still considerable work to be done, the question of further Australian Government funding for the Pacific Highway will be considered closer to the completion of the current program in 2006.

**132 - Ballina**

covered

**133 - Mudgee**

withdrawn

**134 - Mudgee**

That any considered closures of rail lines in NSW be deferred until the full implementation of AUSLINK.

Motion was conveyed to the Minister for Transport Services at the same time as motions relating to the Conference Rail Forum. No response has been received from the Minister. Refer also Motion No. 141.1.

**135 - Newcastle**

That the LGA call on the State Government to review its position on maze crossings at rail crossings.

Motion was conveyed to the Minister for Transport Services. Response received from the Parliamentary Secretary for Transport:

- Level Crossings Strategy Council oversees the assessment and improvement of level crossings in NSW. This is a multi-agency task force that included representation of RailCorp, the RTA Police and local government
- Over the last three years more than \$15m has been allocated to the upgrade of 213 level crossings and the closure of 20 others – the Government will spend an estimated \$18m over the next three years on further crossing upgrades
- Councils and local stakeholders are consulted about proposed actions
- Maze crossings are one option for pedestrian access across the rail corridor. The configuration for a particular site is determined in conjunction with the appropriate stakeholders.

#### **136 - Pittwater**

lost

#### **137 - Liverpool**

That the LGA lobby the Attorney General to effect a change to the Roads and Local Government Acts to make property owners responsible for vehicle cross overs or driveways installed across public footpaths.

Motion conveyed to the Attorney General. Forwarded to Minister for Roads. Reply received from Parliamentary Secretary for Roads:

- Councils are able to repair and recover costs associated with rectification of driveways from adjacent owners under Section 218 of the Roads Act.
- This section provides that “the owner of land adjoining a public road to be liable to pay to the appropriate roads authority the cost incurred by the roads authority in constructing or repairing any special crossing over a footway in the public road for the traffic of vehicles across the footway to or from the land”. In practice a ‘special crossing’ is taken to be a vehicular crossing over a footpath.

#### **138 - Blacktown**

covered

#### **139 - Parramatta**

covered

#### **140 - Canterbury**

That the State Transit Authority (STA) be requested to reverse its policy of removing and not replacing damaged or vandalised seats at bus stops.

Motion conveyed to Minister for Transport Services. Reply received from the Parliamentary Secretary for Transport:

- State Transit ceased to maintain or provide bus seats at bus shelters some 10 years ago. State Transit is not required to provide infrastructure at bus stops nor are private operators
- Local councils are the appropriate provider of local infrastructure in council areas, and council approval is required for the provision of local infrastructure, and replacing bus seating and shelters is considered part of this function
- State Transit has advised that it will retain its current policy and recommends Councils consider entering into commercial arrangements similar to those adopted by the Sydney City Council and others.

#### **141 - Holroyd**

That the Local Government Conference support the proposal that the Department of Infrastructure, Planning and Natural Resources, in approving major industrial/warehouse use which are State Significant Development, require the provision of on-site truck parking and driver facilities, and further, that the State Government provide dedicated truck parking areas with driver facilities along arterial roads that service metropolitan industrial areas.

Motion conveyed to the Minister for Infrastructure, Planning and Natural Resources. Reply received from the Deputy Director-General, Office of Sustainable Development Assessments and Approvals:

- When assessing all major industrial and warehouse proposals, the Department ensures adequate parking facilities are available on-site for all types of vehicles likely to use the facility
- When required, conditions are imposed to ensure these facilities are made available
- In addition the Departments assessments are guided by State Environmental Planning Policy No. 11 – Traffic Generating Developments and No. 66 – Integration of Land Use and Transport
- The Department is also incorporating truck parking and driver facility considerations into the Metropolitan Intermodal Strategy, which is currently being prepared.

#### **141.1 - From Conference Rail Forum**

That this conference affirms its support for rail as a solution to ecologically sustainable development in both country and metropolitan NSW and for that reason:

- rejects the narrow focus of the Parry Report ("Ministerial Inquiry into Sustainable Transport in NSW"), which concentrates on economic aspects instead of looking also at social and environmental considerations as part of a broader sustainability agenda
- rejects any proposals by the NSW State Government to close or reduce countrylink services
- calls on the State Government to embark on a visionary strategy of investment in the rail infrastructure of NSW instead of the piecemeal investment pattern which has been part of the downturn of regional and rural rail in particular for many years
- as an immediate step, seeks urgent agreement that the government will establish a working group made up of at least two representatives of the Associations; of the Minister for Transport Services; of the Minister for Planning, Infrastructure and Natural Resources; and of the community, to review the Parry proposals and agree on solutions acceptable to country communities in NSW
- requests the Executive to set up a state wide task force with the aim of exploring the broader social environmental and economic aspects of rail services building to a case supporting a real increase in rail infrastructure funding. Carried unanimously.

Motion was conveyed to the Minister for Transport Services. In addition a Local Government Rail Task Force was set up by the Association in early 2004, chaired by the President. The Task Force conveyed a similar range of issues to the Minister, along with additional questions regarding reductions to services on the Southern Highlands.

Despite several requests from the Association, the Minister has not replied to either communication, except in relation to services on the Southern Highlands. In this case, the Director General provided advice that:

- The reductions are part of overall CityRail timetable changes aimed at improving reliability across the whole CityRail network
- They supports the Rail Clearways principle by freeing up capacity for larger trains Campbelltown – City
- They allow for an additional peak shuttle service Picton – Campbelltown
- There will be no changes to weekend services
- They have consulted with Southern Highlands Representative groups.

In addition to the above, the Rail Task Force has recommended the commissioning of a research project aimed at exploring the broader social, environmental and economic aspects of rail services building to a case supporting a real increase in rail infrastructure funding. At the time of writing, the Association had commissioned Professor Ian Gray from Charles Sturt University to undertake this research.

#### **141.2 - Sutherland Shire**

That this Conference express concern about possible effects of the expansion of Port Botany such as gridlock on traffic in South Western Sydney and devastation of the struggling ecology of Botany Bay. Conference further calls upon the state Government not proceed with plans for such an expansion without an independent Public Inquiry with all options to meet the need for the proposed increase in container traffic into NSW and the effect of these options on local communities and their environment.

Motion was conveyed to the Minister for Transport Services. A reply was received from the Minister:

- In October 2003 the Government announced the Ports Growth Plan which sets the future direction for NSW's major ports
- The Plan included the establishment of a Commission of Inquiry to examine Sydney Ports Corporation's Development Application and Environmental Impact Statement. This Commission included provision for community submissions

#### **142 - Penrith**

That successful candidates elected to local government office, be entitled to undertake accredited courses on matters related to the operation of government, including ethics, planning legislation and the like, such courses being undertaken within three months of a person being elected to council.

While the Minister gives strong encouragement to councils and the Association to facilitate training for councillors on relevant issues, he believes it is not the role of the State Government to impose universal education and training requirements upon council representatives.

#### **143 - Parramatta**

That the Local Government Association resolve to lobby State Parliament to make appropriate legislative amendments to the New South Wales (NSW) Impounding Act, 1993 to include the following:

1. Where a Council conducts registration enquiries and commences processing of abandoned vehicles it should be deemed that the vehicle was abandoned on the first day of processing regardless whether the vehicle was removed for a period of time from a public place and then replaced back onto a public place.
2. That provisions be written into the current impounding legislation, which covers high environmental risk situations, such as leaking oil or an accumulation of other dumped or waste material emanating from the dumping of the vehicle.

Letters to Ministers Kelly and Debus Minister Kelly considers that there are already sufficient powers under the Impounding Act 1993 and the Protection of the Environment Act 1997 to empower councils to deal with abandoned vehicles and the situations referred to by the resolution. Council informed.

#### **144 - Holroyd**

That the Local Government Association of NSW endorse a proposal to adopt a "Low Kill" Policy for impounded animals by NSW Councils to reduce the number of healthy animals being euthanasia, and to request the Department of Local Government to incorporate this Policy in the Companion Animals Act.

The Department of Local Government included a "low kill" policy in its review of the Companion Animals Act 1998 and it is expected to be part of the Act Review to be tabled in Parliament shortly.

#### **145 - Liverpool**

That the following motion be referred to the Executive for consideration: That the Local Government Association lobby the Attorney General to effect a change to the courts' rules to require plaintiffs' solicitors to swear pleadings for personal injuries, so that all civil liability pleadings have to be verified unless they have leave of the court.

After receiving further information, a submission was recently made to the Attorney General.

#### **146 - Mudgee**

That the State Government provide a referral system to review disputed sanctions against individual councillors under the Code of Conduct.

The Associations are participating in a working group managed by the Department of Local Government to develop a draft Code of Conduct for comments by councils

#### **146.1 - Newcastle from Conference**

That the Executive of the LGA consult with the Minister for Local Government in the development of a draft model code of conduct and that the draft code be circulated to member councils for comment.

Please see Resolution 146

#### **147 - Ku-ring-gai**

That the Local Government Association establish a working party to develop, where feasible, appropriate productivity measures for councils' core activities and reporting standards for these.

The Department of Local Government constantly reviews the appropriateness of its publication "Comparative Information on NSW Local Government Councils" and the Association has commenced a project to further review the indicators to ensure they are enhanced, made more relevant, and free of potential bias. The Department has given assurances of providing assistance for the review, consistent with other reform issues it currently has.

#### **148 - Blacktown and Fairfield**

That the following motion be referred to the Executive for consideration: That the NSW Attorney General be requested to effect a change to the Courts' Rules to require a guarantee as to the capacity of any party commencing proceedings to meet any costs or orders for costs that a Court may make and in their default, the legal practitioner who commenced proceedings on their behalf.

Representation made to the Attorney General.

#### **149 - Parramatta**

covered

#### **150 - Coffs Harbour**

That the Local Government Association petition the Parliamentary Committee of the Office of the Ombudsman and the Police Integrity Commission, Mr Tony Kelly MLA, Minister for Local Government and the NSW Government to immediately pass legislation to:

1. where appropriate, terminology and definitions across Fol, PPIPA and LGA be consistent
2. ensure procedures for accessing information be standardised wherever possible
3. as far as possible, exemption provisions be consistent
4. the publication of materials by councils in accordance with s.12 of LGA, be subject to the same protection from any legal action, liability, claim or demand as exists under s.66 of Fol
5. fees and charges be calculated on a uniform scale and limits on the levels of fees set
6. uniform appeal mechanisms apply
7. contracting by public sector agencies and commercial in confidence clauses should not be used to avoid Fol and Fol annual reporting requirements and obligations.
8. Ensure the repository for access for local government be the Local Government Act by substantial amendment to S.12 to ensure consistency to other regimes and councils be written out of Fol and PPIPA to provide certainty for both public and councils as to the regime which applies to local government.

The Ombudsman remains anxious to see appropriate amendments made, but finds resistance from the Department of Local Government.. The Department maintains that extensive exemptions to the Privacy and Personal Protection Act 1998 have already been granted to local and county councils through the Local Government Privacy Code of Practice, so as to allow the normal functioning of council operations. The Code provides examples such as the use of information about property information from the rates records to notify neighbours of a proposed development.. The Department considers that there is minimal conflict remaining between this legislation and the Freedom Of Information and the Local Government Acts and is prepared to examine specific examples where such a conflict can be established.

**151 - Pittwater**

covered

**152 - Manly**

That the LGA and member councils to support longer comment periods for reviews of legislation to allow adequate period for submissions (such as three or four months) on matters relating to the local community.

The Executive supports public consultation for considerable periods of time. However, the Attorney General is opposed to a blanket period of extended public consultation, and leaves it up to the appropriate Minister to adjudicate depending on the urgency of the legislation

**153 - Warringah**

Lapsed

**154 - Canterbury**

That the Local Government Association canvass member councils to gauge interest in conducting an electronic media campaign to coincide with Local Government Week 2004 highlighting local government's role in local communities, within the Australian system of government and promoting the importance of the diverse range of functions it performs.

The LGA is investigating the role of Local Government Week as part of the survey to all member councils which has been recently carried out. Based on responses, the effectiveness of a media campaign and other measures to promote local government will be considered. The Associations also undertook a community perceptions survey during 2004, to ascertain the public's perceptions of local government relative to other spheres of government.

**155 - Dubbo and Parramatta**

That the State Government be requested to address the matter of insurance/public liability for riding of registered motor bikes by licensed riders on designated reserves under the control of local authorities or State Government to enable recreational motor bike riding to be enjoyed as a sport without causing noise pollution, exacerbating soil erosion problems or trespassing. AND

Late Motion 230 from Parramatta:

That the LGA approach the Minister for Transport to legislate to make it a requirement for all trail bikes without compliance plates which preclude them from being registered under the Vehicle Registration Act, to be issued with plates for identification purposes only, at the time of purchase by the motor cycle agent acting as an agent on behalf of the Dept Motor Transport. Such plates to only cost a nominal amount, say, \$25-\$30 to cover the cost of the plate and the processing fee. The plates to contain the prefix of TB followed by a series of numbers eg TB-304. Bikes with such identification plates to be only ridden on approved trail bike routes and private areas such as farms etc., and not on public roads or reserves. Following the introduction of the identification plates for trail bikes without compliance plates, the penalty for them not having an identification plate, being ridden on a public road or reserve or not having plates, to be a substantial fine and/or impoundment of the trail bike; both options to be defined under the Vehicle Registration Act 1997.

The Roads and Transport Authority is sympathetic to the objectives of the resolution, but considers that it is not capable of being effectively enforced by any authority.

**156 - South Sydney**

That the State Government abandon the current 50/50 split of parking infringement income with South Sydney City Council and with North Sydney City council, and agree that 100% of fine income generated by the council go directly to the council, consistent with the approach taken for all other councils with the exception of North Sydney and City of Sydney.

The Treasurer is not prepared to amend existing arrangements, particularly as the impact of revenue on the amalgamation of South Sydney Council with Sydney City Council is not yet determined

**157 - Canterbury**

That the State Government be urged to take immediate steps to protect the value of local communities' investments in community-classified public land, by legislating that when such land is compulsorily acquired, the land's community classification is to be disregarded for the purposes of assessing compensation and that instead fair market value for the land is to be assessed on the basis of the cost to council of reinstating the land so resumed, plus the costs of bringing the replacement land to a standard (in terms of its community-benefit qualities and the facilities it may contain or provide) commensurate with the land compulsorily acquired.

Legislative amendment to override common law on judicial valuations would require extensive research and consultation. In light of this matter having not yet been reported to the Department of Local Government as a problem, the Department seeks industry input in terms of manner and extent of adverse effect experienced by councils.

**158 - North Sydney**

Withdrawn

**159 - Eurobodalla**

That the Local Government Association request the New South Wales State Government to draft an amendment to the existing conveyancing legislation to compel financial institutions to ensure that notices of sale are lodged with the Land and Property Information Service within 30 days from the date of settlement.

Letter to Director General of DITM on 2 January 2004. Follow up action continuing.

**160 - Bathurst**

That the NSW Government create an interdepartmental Committee to oversee allocation of queries/complaints concerning councils to ensure investigation without duplication.

The NSW Ombudsman, the Department of Local Government and ICAC have reviewed arrangements for complaint investigation of local government and consider that existing arrangements do not generate any conflict or duplication. Item placed in L G Weekly on 20 August 2004 indicating that the Minister welcomes any further improvement suggestions.

**161 - Liverpool, Fairfield and Parramatta**

That the LGA lobby the Attorney General to effect a change to the Roads and Local Government Acts to make authorities and persons who install services within road reserves and public land solely responsible for them.

The Attorney General has rejected this proposal as not being a practical solution having regard to the many utility operations that exist in road reserves.

**162 - Leichhardt**

That this Conference:

1. Reaffirms its opposition to forced amalgamations and major boundary changes that effectively amount to amalgamations of councils against the will of affected communities.
2. Support the introduction and passage of amendments to Part 3, Division 2, Section 15 & 16 of the Local Government Act 1993 to specifically allow Councils to conduct a constitutional referendum of electors for the purpose of determining Council boundaries.

The Association has taken consistent action in relation to amendment Bills prepared by the Minister in support of the Resolution. Councils have been kept informed of progress on the amending legislation.

**163 - Maclean**

covered

**164 - Grafton**

Moved as amendment to 162 and lost.

**165 - Maclean**

That the Local Government Association support the submission by the Local Government & Planning Ministers Council of Australia to the Commonwealth Grants Commission requesting that no councils be financially disadvantaged by virtue of amalgamations.

The Association has made representations to the NSW Minister for Local Government supporting the position that there be no net loss of FAGs for a period of at least 4 years. This was agreed by the Minister. This was also the basis of recommendation 13 in the report of the Cost Shifting Inquiry onto Local Government (Hawker Report). The Associations are fully supportive of this recommendation. Support for this position was contained in our response to the report.

**166 - Mudgee**

That the Local Government Association requests that the state include a comprehensive asset maintenance component in its structural reform process including Regional Reviews.

The Director General considers that if a council's area is increased as the result of structural reform, it is assumed that the number of rate assessments will increase sufficiently to fund the maintenance of additional assets obtained from the increased area.

**167 - Maclean**

That the Local Government Association make representations to the State and Federal Governments for the maintenance of Financial Assistance Grants (FAGS) to councils that amalgamate, at pre-amalgamation levels for a period of at least 8 years.

Refer to 165.

**168 - Ku-ring-gai**

That in recognition of the increasing complexity of local government, the LGA supports a more flexible governance structure for councils. In addition to the positions of Mayor and Deputy Mayor, this may include key portfolio positions within the elected body of council and appropriate remuneration and support for these roles.

The concept of portfolio responsibilities have been considered by the Boundaries Commission along with other factors as part of the consideration of proposals. Initiatives such as this are not confined to amalgamations or boundary adjustments, and the initiative rests with individual councils to present packages of reforms to the Minister.

**169 - Blacktown**

That the NSW Attorney General be requested to effect a change to relevant legislation to give local government full regulatory control over infrastructure development on pathways, roads and public land vested in councils or otherwise make utility corporations and their agents solely responsible for their actions.

The Minister for Energy and utilities considers that service providers should remain responsible for policies and standards which need to have maximum consistency across local government areas, yet provide ready access to install and maintain their apparatus. There are a number of forums to achieve consistency without amending relevant legislation.

### **169.1 - Conference - matter arising**

That the Executive consider the advantages and disadvantages of the Queensland and other state systems of remuneration of councillors, and that the review include world best practice.

Report on remuneration of councillors in other states was considered by Joint Committee on 4 March 2004. Resolved to include reference to superannuation. Amended report forwarded to Tribunal 4 March 2004.

### **169.2 - Bankstown LATE**

(original motion adopted) Consider calling upon the State Government to amend the Local Government Act and Regulations to permit reasonable temporary access over community land for private purposes.

Under cl. 24(3) of the Local Government (General) regulation 1999, councils may issue a licence for temporary access to private land over a road or fire trail in existence on community land at 1 January 2001. Alternatively, it is open for a council to reclassify affected community land, or parts of it, to operational land by preparing a Local Environmental Plan under the EPA Act 1979. Given these provisions, the Department is not willing to support any further amendments.

### **169.3 - Bathurst LATE**

That the Local Government Executive seek, as a matter of urgency:

1. confirmation that the State Electoral Office costs will be limited to a maximum of the previously advised 10%
2. registration and notification procedures for scrutineers at the Sydney based counting facility
3. anticipated period for finalisation of the count and declaration of the poll
4. details of community and candidate education programs to be conducted.

Letter sent to Electoral Commissioner on 2 January 2004. State Treasurer has replied that the State will not subsidise costs of political democracy in council elections.

### **170 - Penrith**

The State Government be requested to review planning legislation to remove the current barriers to the approval of projects involving the use of recycled water.

Letter to Department of Infrastructure Planning and Natural Resources 19 December 2003. Further representations have been made and to date no response has been received from the Department.

### **171 - Penrith**

The State Government take urgent steps to control aquatic weeds in the Hawkesbury Nepean River.

Letter to Minister for Agriculture and Fisheries. Minister in his reply has pointed out that NSW Government provides part funding for control of weeds in Hawkesbury-Nepean, and has established the Hawkesbury-Nepean Aquatic Weeds Taskforce to oversee this program. Minister also stresses that NSW Agriculture is liaising with Hawkesbury River County Council and other agencies to coordinate weeds management and cost sharing arrangements. Council has been informed.

### **172 - The Executive**

That the draft water policy statement, set out in Appendix 2 on pages 138-141 be endorsed.

Policy statement updated.

### **173 - Penrith**

The State Government be requested to implement the recommendations of the Legislative Assembly Select Committee on Salinity as a matter of urgency.

The response from Minister for Infrastructure, Planning and Natural Resources to the need for the implementation of the recommendations on salinity states that the Government has responded to the 51 recommendations made by the select committee. In relation to local government's role in addressing salinity the Minister indicated that he felt it was too early to provide councils with good faith indemnity for liability of advice on salinity management. The Government has funded the Urban Salt Action team to assist councils build their skills and capacity to manage salinity. He however, did indicate that this decision could be reviewed after the work of the Action team is complete.

#### **174 - Wagga Wagga**

That the Local Government Association welcomes recent amendments to the Local Government Act 1993 that enable councils to seek a dividend from their water supply and sewerage businesses if they so desire.

However the Association is concerned that the guidelines being developed by the Minister for Energy and Utilities and with which a council must comply if it seeks a dividend, should be directly related to the ability to pay a dividend rather than other criteria.

Letter to the Minister for Energy, Utilities and Sustainability advocating that dividend payments should be based on business and financial performance criteria only. The Associations strongly advocated this position throughout the negotiations on the guidelines. The Association's position was not accepted by the State Government . The guidelines have been finalised and retain non business related criteria.

#### **174..1 - Penrith**

That the Association request the Minister for Energy and Utilities to conduct an urgent review of the full impacts of the Local Government Act, in particular the effect of councils' ability to include effluent services in the domestic waste management charge.

The Local Government Amendment Act (National Competition Policy) removed council ability to include effluent services from the domestic waste management charge. Representations were made on behalf of the small number of councils affected by the change.

#### **175 - Penrith**

Withdrawn

#### **176 - Eurobodalla**

That the Executive consider the following motion in the light of recent changes introduced by the Minister for Utilities and Energy: That the NSW Local Government Association requests the NSW State Government to amend the Local Government (Approvals) Amendment (Sewerage Management) Regulations 1998 to ensure that on-site sewerage management inspection fees become a charge on the land in a similar approach as that used for kerb and gutter charges and hazard reduction charges.

Letter sent to Department of Local Government 6 January 2004. To date there has been no response received from the Department, and representations are still continuing.

#### **177 - Kempsey**

That representations be made to the Minister for Local Government to have approvals for Onsite Sewerage Management Systems (OSMS) issued to a property rather than a person and that 149(5) Certificates be compulsory in property purchases along with section 88b instruments on title

Letter sent to Department of Local Government 6 January 2004. To date there has been no response received from the Department and representations are still continuing.

#### **178 - Maclean**

That LGA make representations to State Government that there is a urgent need to continue funding for carrying out of stormwater management plans and the position of stormwater extension officers be continued.

Letter to Min. Debus. Minister has replied (10 Feb 2004) that the Government will be considering future funding options and opportunities for urban stormwater during 2004 and proposals will be discussed with LGA. No advice provided to Maclean due to structural reform and cessation of Maclean as autonomous council.

#### **179 - Coffs Harbour**

That the Local Government Association standardise the definition of the levels of water restrictions across the State, citing Coffs Harbour Water policy on water restrictions as an example.

Letter to Minister for Energy Utilities and Sustainability endorsing the concept of standardised definition, sent 18 December 2003. However, to date no response has been received from the Department.

#### **180 - Broken Hill**

That the Association writes to the Federal Government asking that it prepare guidelines for a co-ordinated approach to implementing water restrictions in times of nation wide drought conditions, on an Australia wide basis.

A Letter was written to Senator Campbell, Minister for Local Government, Territories and Roads in December 2003, outlining need for a nationally co-ordinated approach to water restrictions. Senator Campbell responded in February 2004, having referred the matter onto the Hon. Dr Kemp MP to be considered as part of the National Water Initiative and the responsibilities of the Natural Resource Management Ministerial Council.

#### **181 - Blacktown**

That the Association carry out the necessary research and develop clear guidelines in determining the responsibility of various authorities in regard to the public use of waterways.

The Waterways Authority has supplied a table which indicates the nature and extent of responsibilities of various authorities, and the legislation under which the Authority operates. This has been provided to councils.

#### **181.1 - Holroyd**

That the Local Government Conference support the mandatory installation of rain water tanks into all new residential development and major renovations, further that the State Government introduce a rebate scheme for rainwater tanks, similar to the SEDA (Sustainable Energy Development Authority) Energy Smart Homes Hot Water Program to minimise the cost of installation.

Ministers Sartor and Kelly replied that rebates should be provided by water authorities as they reap the benefits in terms of deferred infrastructure needs. Further approach on behalf results in same response: State Government is adamant that rebates are a matter for individual water authorities.