

## LGNSW 2015 State Election Priorities Responses

In December 2014 LGNSW launched its *State Election Priorities 2015*, calling on all parties contesting the NSW election to support councils under seven key themes.

Set out below is a summary of the responses to those priorities that have either been provided directly to LGNSW as requested or that have been found through LGNSW's monitoring of election announcements.

### (1) Greater Autonomy in Governance

**Government:** Formal written response received:

*Strengthen recognition of Local Government in NSW Constitution*

After highlighting the NSW Constitution s51 and the framework in the *Local Government Act*, the major points are: 'The Baird Government response to the Independent Panel's final report recognises the importance of democratic Local Government, commits to embedding this principle in a new Local Government Act and considers strengthening recognition of Local Government through an amendment to the State Constitution.'

*Cost-shifting and impact on rural councils*

After stressing that the Independent Panel found that "cost shifting had been overstated relative to other factors", but agreeing there may be legitimate concern about rate exemptions and fixed price services, the response is 'There are a number of methods for councils to address issues of service delivery including:

- 1) The mechanisms of the Inter-Governmental Agreement;
- 2) Through Integrated Planning and Reporting (IP&R); and
- 3) Engaging with both Commonwealth and State agencies regarding community priorities for service delivery identified in Community Strategic Plans.'

*State agencies to incorporate local Community Strategic Plans*

After explaining the purpose of Community Strategic Plans (CSP) under IP&R the response is 'The new regional Joint Organisations... will provide a more direct means of connecting the priorities in community plans with regional outcomes. Each Joint Organisation (JO) will prepare a Statement of Regional Priorities as a basis for engagement with State Agencies and Regional Co-coordinators.'

*Integrated and holistic approach to economic and environmental sustainability and community wellbeing*

After explaining the IP&R framework the response is 'The new JO structure will encourage greater integration between regional and local plans, promoting better outcomes in economic development, regional infrastructure planning, growth planning and integrated water cycle management.'

*Fund women's development program to improve councillor diversity*

After highlighting the Candidate Diversity Strategy the response is that the Strategy has been implemented 'with a view to partnering with LGNSW'.

**Labor:** Formal written response received outlining announcements on Local Government including:

- Introduction of popularly elected mayors for 41 Sydney councils;
- Congress of Mayors under the Greater Sydney Commission;
- Request the Electoral Commissioner to undertake regular reviews of council boundaries and to recommend any minor adjustments which may be required.

**Greens:** Formal written response received; this response notes:

- The Greens believe in grass roots democracy and that local communities, through their elected representatives, are best placed to decide their own future. Strategic planning needs to be forward thinking, consistent and democratic so that it delivers for people and this means incorporating local strategic plans into state planning processes.

- They support funding aimed at improving the diversity of councils and believe in the increased representation of Aboriginal Australians, women and all other marginalised people on councils and in Local Government administrations.
- They believe in achieving recognition of Local Government in the Australian and NSW Constitutions

## **(2) Autonomy in council Revenue Raising**

**Government:** Formal written response received; this response notes:

*Abolish rate pegging and the removal of regulations on council fees and charges*

The Panel's report did not recommend the abolition of rate-pegging and public feedback on the Panel's final report (as well as feedback from a small number of councils) supported retention of the rate-peg. Councils who are Fit for the Future will have access to a streamlined process for negotiated rate increases and that as part of the Fit for the Future package the Government has expressed support for removing unwarranted complexity, costs and constraints from the rate peg system.

*Review and remove unfair and inefficient rate exemptions*

The response reiterates that IPART will be commissioned to conduct a rating review noting the Government is committed to protecting ratepayers from unfair rate rises and continuing rate concessions for pensioners.

*Implement a broad based property levy to fund emergency services*

Consideration of any reform will be deferred until the impact of reforms in Victoria are properly assessed by Professor Allan Fels.

*Work with Local Government to develop long term solutions to fund infrastructure in greenfields and infill areas*

Initially it is noted that the Baird Government is committed to ensuring the proper planning frameworks are in place to support growth and looks forward to working with Local Government in planning for further greenfield and infill growth areas and providing associated infrastructure.

After explaining the Housing Acceleration Fund (HAF) of \$475 million, the Local Infrastructure Growth Scheme (\$60 million in 2014/15 Budget) and \$120 million to 2025 to implement its local infrastructure backlog policy, including the Local Infrastructure Renewal Scheme (LIRS), it is noted that 'the Government response to the Panel's recommendations on development (infrastructure) contributions commits to continued consideration of the impacts on councils as part of future planning reforms' and that 'councils are able to apply for special variations to increase rates to assist in funding infrastructure.'

**Labor:** No formal written responses or commitments.

**Greens:** Formal written response received; this response notes:

- Years of cost shifting from State and Federal Governments and decades of rate pegging have left councils struggling to provide basic infrastructure and improved services.
- The Greens believe that local councils must be given financial autonomy and this means putting an end to rate pegging. Ending rate pegging is the first and most essential reform required for Local Government to deliver genuine autonomy and financial independence to Local Government.
- The Greens do not support an inequitable property tax as a funding model for critical Emergency Services. We support the existing funding mechanism through levies on insurance policies. We do not believe that shortfalls should be met by Local Government. If funding shortfalls exist they should be addressed through targeted increases in the existing levy structure. Should a government choose to impose a broad based property tax in place of the existing insurance levy then it should not fall on Local Government to collect the new state tax.

## **(3) Fair funding for shared infrastructure and service responsibilities**

**Government:** Formal written response received; this response notes:

*Improve road funding assistance*

After explaining the Government has provided more than \$1.5 billion in grants to help councils upgrade and maintain their roads, bridges and culverts and noting 'this is the highest level of funding for local and

regional roads in the state's history' the response is 'In the 2014-15 State Budget, an additional \$37.5 million from Restart NSW was reserved for a works program called Fixing Country Roads. Under our Rebuilding NSW plan, Fixing Country Roads will be expanded, with \$500 million reserved for the program.'

It is also noted 'Fit for the Future councils will have access to cheaper finance...and may be prioritised for future grants.'

*Increase funding for public libraries*

After explaining increased public library funding in the 2014/15 Budget the response notes: 'A re-elected Baird Government would provide an additional \$15 million over four years for the new Public Library Infrastructure Grants program. This brings the Public Libraries Grants and Subsidies to a record \$27.5 million in 2014/15.'

*Guarantee continued funding for council-owned and operated local utilities*

The response is that 'the Baird Government will provide the support required to ensure the sustainable delivery of essential utilities to all communities in NSW.' In addition the Government has announced \$117 million funding for the Country Town Water Supply and Sewerage Program, not included in their formal response to LGNSW.

*Increase funding for weed management*

The following are explained: NSW Weeds Action Program (WAP), the NSW Invasive Species Plan, Local Government's compliance function and the funding of \$11.9 million for 2014/15.

*Provide recurrent funding of ageing and disability workers for all councils and Disability Action Plans*

The following are explained: the existing funding for Ageing and Disability officers, the *Disability Inclusion Act 2014* requirement that councils develop Disability Inclusion Action Plans by 2017 and the Government funded LGNSW report on disability planning.

*Provide new funding and resources to help address and mitigate impacts of Climate Change*

The following points are highlighted: That the Baird Government is investing i) \$9.45 million over six years to help Local Government, business and the community build resilience and ii) in rigorous scientific research to better understand the regional impacts of climate change, identify risks, and inform government service planning and responses.

*Create a council arts and cultural development fund*

The following are explained: Arts NSW, the Arts and Cultural Development Program (ACDP), and Arts NSW's substantial history of partnering with Local Government.

*Provide funding to improve Local Government's capacity to undertake long-term financial planning and asset management to support Community Strategic Planning*

The response notes the Baird Government has already committed to developing a Financial Sustainability Program, and explains the Fit for the Future processes.

*Fund mapping of heritage values and management plans under proposed laws*

The following are explained: Councils' role in protecting, managing and conserving heritage items and areas, the role of Local Environment Plans (LEPs) and OEH funding.

*Fund cycleway route extensions*

The response notes the Government is working with local communities to improve bike paths with \$40 million to be invested in cycling infrastructure next financial year.

*Allocate a share of mining royalties to Local Government*

It is noted 'the Baird Government has recently announced the continuation and expansion of the successful Resources of Regions program which has already seen \$217 million flow to mining affected communities'.

**Labor:** Formal written response received which outlines (i) the commitment to not changing the existing role that councils in rural NSW play delivering water and sewerage utilities, and (ii) announcements regarding:

- Investment of \$10.055 billion in infrastructure (including \$3 billion in rural and regional infrastructure) - this includes \$2 billion for urban and regional roads (type of roads not specified );
- Revised and reduced Westconnex commitment;
- Exploration of all water security and management options for Orange before considering or pursuing the construction of a dam on the Belubula River.
- Doubling of Library per capita subsidy from \$1.85 to \$3.70 – equivalent to \$23.8 million over 4 years and creating a new \$50 million Public Library Infrastructure Fund.

**Greens:** Formal written response received; this response notes the Greens support increased funding for council services including access to public libraries, weed management, support development programs, heritage management, bike lanes, arts infrastructure as well as climate change management. They also support the funding of positions for Local Government ageing and disability workers.

#### **(4) Agreed pathways on voluntary structural reform**

**Government:** Formal written response received; this response notes:

The following are explained: the Fit for the Future program support to councils that choose to merge (up to \$22.5 million for Sydney councils and up to \$13.5 million for regional councils), the Fit for the Future process for developing a proposal to address scale and capacity and performance improvement, the Fit for the Future criteria and benchmarks (and the Panel, TCorp and IPART's role in their development), Fit for the Future councils' access to cheaper borrowing and a streamlined rate variation process, community involvement in voluntary mergers, and Regional Joint Organisations pilots.

In responding to LGNSW priorities directly the following points are made:

- In terms of 'recalibrating' the criteria, the Ministerial Advisory Group has agreed to establish a working group to provide advice on the assessment methodology (Note LGNSW initiated this.)
- In relation to the question of enabling county councils full membership of Joint Organisations, this will be addressed as part of the Joint Organisations Pilot process.
- Small rural councils have the option of preparing a Rural Council Proposal as part of the Fit for the Future process.

**Labor:** Formal written response received outlining previous announcements on Local Government:

- No forced council amalgamations;
- Comprehensive tests for voluntary mergers; and
- Commitment to not changing the existing role that councils in rural NSW play delivering water and sewerage utilities.

**Greens:** Formal written response received; this response notes:

- The Greens do not support the Fit for the Future package which seeks to forcibly amalgamate councils across the state through financial blackmail.
- They believe that any proposed council amalgamation must be taken to local residents through a referendum and that any amalgamation must be wholly voluntary.
- They do not support the Fit for the Future pre-requisite that in order to be considered 'fit' a council must have a minimum of 250,000 residents. This pre-requisite is not based on any credible analysis or study.

**Shooters and Fishers Party:** No formal written response received, but their policy document states that the Party opposes any reduction of local employment in the Local Government sector by means such as forced amalgamations, restructuring of Local Government entities, outsourcing outside of the localities or by other devices designed to reduce Council employment.

**Christian Democratic Party:** No formal written response received, but the leader has committed at a media conference to no forced amalgamations.

## (5) Mutual positioning on social policy priorities

**Government:** Formal written response received; this response notes:

*Codify an agreed role for councils under proposed Aboriginal culture and heritage laws*

After explaining that the Baird Government recognises the need to respect and protect Aboriginal cultural heritage, it is noted that 'the Government is progressing generational reform of our Aboriginal Cultural Heritage legislation and is also investing an additional \$28.5 million over the next four years to transform the way heritage is managed in NSW.'

*Develop mutually-agreed guidelines for Disability Action Planning integrated with council IP&R*

After reiterating the requirement for Government departments and councils to develop Disability Action Inclusion Plans (DIAPs) it is noted that the Government is working with relevant stakeholders to develop Disability Action Planning Guidelines to assist in drafting DIAPs and this involves OLG.

*Provide support to Local Government to develop Disability Action Plans*

After noting the Baird Government has been working with Local Government NSW, the response is: 'The NSW Disability Inclusion Plan will include actions directed towards supporting Local Government to increase its capacity for inclusive planning. The Plan will be released in the near future.'

*Ensure Ability Linkers work with councils*

After explaining Ability Links NSW the response notes the Baird Government has been in discussions with LGNSW and OLG about the role that Ability Links can play in working with councils.

Other announcements from the Government not included in the formal response include:

- Major boost to seniors' programs, including increasing grants for local community projects to provide \$4 million to help councils, non-government organisations, and small businesses deliver accessibility, active living and mobility projects for seniors.
- A \$20 million Before and After School Care Fund to deliver up to 45,000 new before and after school care places in government and non-government primary school communities.

**Labor:** No formal written response received, but they have announced a comprehensive disabilities package focused on empowering people with disabilities to work, study and take advantage of the NDIS revolution.

**Greens:** Formal written response received; this response notes the Greens support a fair and accessible agreement between councils and non-profit OOSH services.

## (6) Improved environmental legislation and settings

**Government:** Formal written response received; this response notes:

*Introduce a Container Deposit System and pursue extended producer responsibility for problem wastes*

A re-elected Government will introduce a container deposit scheme by 1 July 2017.

The specific design elements of the scheme will be developed in consultation with an expert working group to ensure that it operates in the most efficient manner. The Baird Government's preferred model is a cost effective scheme in which consumers, or a charity of their choice, receive a small financial reward for depositing a drink container in a reverse vending machine; but the Government is open to better alternatives. A working group is to be comprised of recycling, reverse vending machine, beverage industry, retail, Local Government, environment and community representatives,

The Baird Government looks forward to working closely with Local Government NSW on developing the design elements of the scheme.

On other 'problem wastes', it is noted the Government has provided strong support for the consideration of product stewardship schemes for waste architectural and decorative paints and end-of-life handheld batteries, both of which have strong linkages with the NSW Community Drop-Off Centres under Waste Less, Recycle More.

*Provide sea level rise benchmarks for use in coastal planning*

The following points are explained –

- the Government has introduced a new Planning Circular to ensure councils take a consistent approach when notifying property owners and buyers about present and future coastal hazards that may affect their land;
- the Circular ensures that advice about current or future coastal hazards, contained on these planning certificates, is evidence-based and clear;
- The Office of Environment and Heritage is providing councils with detailed information and help to interpret historical sea levels and future sea level projections.

*Remove the s.88 (waste) levy from asbestos disposal, and require that asbestos information be provided for all house sales*

After explaining the KPMG review of the waste levy and the recommended trial whereby the levy would not be applied to small amounts of asbestos from home renovations, the Government's response outlines the Householders' Asbestos Disposal Scheme.

*Guarantee that the s.88 (waste) levy will not be extended and review councils in the Regional Regulated Area*

Following Local Government consultation and advice from the EPA, the Government decided not to expand the waste levy at this time. The EPA will work with Local Government NSW and regional councils to implement a Landfill Closure and Transfer Station Program. Further information on the Landfill Closure and Transfer Station Program will be available soon.

*Invest in better coordination of data across all NRM managers*

The response explains the following: the cloud-based Biosecurity Information System (BIS), the goal that ultimately all Government agencies will report into this framework and the request under the current round of Weeds Action Program funding that they be BIS compatible.

*Commit to an ongoing role for councils in strategic planning for weed management*

In response to the Natural Resources Commission review, the Government committed to replace 14 regional weed advisory committees with 11 statutory regional weed committees comprising local control authorities, public and private landholders, and community members as subcommittees to LLS, aligned with LLS borders, and to provide a legislative basis for tasking the regional weed committees with developing regional plans and priorities for weeds and surveillance. Transitional arrangements for these committees are described in the latest Guidelines for Weed Action Plan, recently endorsed by the NSW Weeds Advisory Committee and provided to regional stakeholders, including key Local Government stakeholders.

More generally, the Government has also announced a commitment to implement the Independent Biodiversity Review Expert Panel's recommendations as an integrated package of reforms.

**Labor:** No formal written response received, but announcements have been made regarding:

- Reviewing and replacing biodiversity offset rules that allow unjustifiable loss of habitat and wildlife;
- Ensuring that the internationally significant rainforests on the NSW North Coast are inscribed on the World Heritage List.
- Building partnerships between government agencies and external research bodies... and building a data repository
- Setting up a Healthy Rivers Commission and a NSW Coastal Council.
- Establishing a Sydney Marine Park, with the Advisory Committee to include Local Government representatives.
- Establishing an Office of Renewables (within DPC), which will reinvigorate Renewable Energy Precincts and fund \$6M over 4 years to augment proposals put forward by councils and communities, including Community Renewable Energy project grants of up to \$500,000.

**Greens:** Formal written response received; this response notes:

- The Greens support the implementation of a container deposit scheme as one of the most effective litter control and recycling policy tools available to the NSW Government.

- The government must provide sensible, practical and binding minimum directions to local councils on expected sea level rises and work cooperatively with Local Government to ensure that there are detailed coastal planning guidelines in place for local communities and funding to match.
- They support the removal of the s88 waste levy, better coordination of natural resource management as well as a commitment to an ongoing role for Local Government in strategic planning for weed management.

## **(7) Balanced land use planning**

**Government:** Formal written response received; this response notes:

*Ensure refinements to the existing Act or any proposed new Act by:*

- *Enshrining community participation at all planning stages*
- *Including the objects covering ecologically sustainable development and the polluter pays principle*
- *Maximising council status in local and regional planning decisions*
- *Including the objective of a central cadastral database and single document of development controls for each land parcel*
- *Recognising the importance of agriculture and provide protection strategies*

The Government believes the planning laws in NSW should strike the right balance between ensuring responsible, sustainable growth, while giving local communities a say in the future of their respective areas.

The Government has demonstrated its commitment to returning planning powers to local communities by: i) the repeal of Part 3A which handed back all residential, retail, commercial and coastal projects to councils for assessment; ii) the review of regional panel thresholds resulting in increased council power to make decisions on projects of regional significance worth up to \$20 million (previously \$10 million); and iii) the delegation of plan making powers to allow councils to determine rezonings without state Government involvement.

The Government has a suite of online planning with around 100,000 people having used the ePlanning tools since July 2014.

Over 2.8 million hectares of Biophysical Strategic Agricultural Land has been mapped for added protection.

*Abolish the “pre-gateway” provisions to Part 3 of the Environmental Planning and Assessment Act 1979*

It is noted the Minister for Planning requested the Department assess the Pre-Gateway Review to determine whether it is achieving its objectives and once the Minister has considered the Department's findings and recommendations, the Minister will determine what actions to take.

*Tighten regulation and supervision of private certifiers or remove structures that promote them*

It is noted that the Building Professionals Board is implementing reforms to clarify responsibilities of accredited certifiers, as recommended in the 2013 report Building Certification and Regulation, developing a practice guide for certifiers and working with a Local Government reference group to clarify roles, responsibilities and protocols. A statutory review of the Building Professionals Act 2005 is underway for October 2015 completion.

*Consult with LGNSW and Sydney councils on Greater Sydney Commission and Work with councils to establish mechanisms for council involvement in regional planning and decision-making*

It is noted that the establishment of regional Joint Organisations will provide opportunities for councils to connect with regional planning and work collaboratively with Government agencies on regional priorities and that the Greater Sydney Commission will provide opportunities for metropolitan councils to be involved in subregional planning.

LGNSW has also received a response from the Minister for Planning regarding “A Plan for Growing Sydney”/Greater Sydney Commission, indicating:

- support for engagement and partnership with Local Government;
- the need for effective processes for Local Government representation on the GSC;

- placing value in the subregional process; and
- commitment to continued discussion between Department of Planning and LGNSW staff on detail issues.

*Local Government participation in Department of Planning & Environment expert working groups*

After explaining the Department of Planning & Environment works closely with the Office of Local Government it is noted that 'the Baird Government understands the important role Local Government plays in the planning process and the Government will continue to work closely with Local Government to improve the planning system'.

*Consultation on development of materials on (planning) reform*

The response reiterates the point on 'balance' in the comments under made the Act refinement.

*MOU with LGNSW about partnership in the emerging planning system*

The Baird Government has committed to identifying opportunities to negotiate supplementary agreements to the Inter-government Agreement as required.

**Labor:** No formal written response relating to planning, however announcements outlined in (1) above will have implications for planning policy especially in the context of the Greater Sydney Commission. Other relevant announcements include the imposition of a state wide moratorium on Coal Seam Gas (CSG) activity.

**Greens:** Formal written response received; this response notes:

- The Greens NSW believe that the principle of Ecologically Sustainable Development lies at the heart of good planning, this means protecting what is precious, encouraging what is good and working on a precautionary principle when you are unsure of the impact.
- They believe that decision making must be local, integrated and above all impartial. Any planning system that deliberately bypasses community voices will lose its legitimacy. Too often we see state government intervention in the form of the Planning Assessment Commission, Joint Regional Planning Bodies, and Ministerial discretion making the most important decisions. In each case it is local voices, local concerns and, too often, the local environment that loses out.
- They believe that there is a fundamental and inherent conflict of interest in the current private certification scheme and believe that integrity can only be returned to decision making by ending private certification and returning that role to Local Government

Further announcements have been made regarding:

- Abolition of the Planning Assessment Commission and replacing it with a well-resourced and stand-alone State Planning Authority.
- All planning decisions must be based on the principle of ecologically sustainable development.
- Planning powers must be returned to communities, through democratically elected councils who would be obliged to conduct real and meaningful community engagement.
- Abolition of private certification.
- Restoration of community and third party appeal right.
- Objective evidenced-based assessment of all development projects, especially mining and coal seam gas.
- Implementation of a Community Charter for Good Planning in NSW.