

Addendum Report

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

a7 [GM-CM] Local Government NSW Annual Conference - Motions

SUBMITTED BY: General Manager

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.2 Improve decision making by engaging stakeholders and taking into account community input
 - 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
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SUMMARY OF REPORT:

Council considered a report at the 16 July 2015 Council Meeting in relation to this matter and resolved the following:

- "1. Nominates Cr W Polglase, Cr B Longland, Cr K Milne and Cr G Bagnall as delegates to the 2015 Local Government NSW Annual Conference.*
- 2. Schedules a workshop to discuss potential motions for the 2015 Local Government NSW Annual Conference.*
- 3. Submits a further report to 20 August 2015 Council Meeting, to gain formal endorsement of the motions to be submitted to Local Government NSW by the closing date of 24 August 2015."*

A Councillor Workshop was held on 13 August 2015 and the following motions are tabled for consideration.

RECOMMENDATION:

That Council submits the following motions for consideration at the Local Government NSW 2015 Annual Conference:

- 1. Data/Policy Sharing
Council proposes that there be a shared facility established by Local Government NSW to enable member Councils to access like Policies.**
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2. **Landscaping – Roads and Maritime Services**

Council requests the Association liaise with the Roads and Maritime Services to request a review of the adequacy of landscaping along the freeways and highways within New South Wales, with a view to improving the landscaping to Best Practice Principles.

3. **Non Voter Fines**

That LGNSW Executive, make representation to the NSW Minister for Local Government, requesting the return of non-voter fines, collected by the State Government from electors who do not vote in Local Government elections. The return of these fines to the Local Council where the non-voter is enrolled, would contribute towards the Election Management Fees paid by councils for the elections to be conducted.

4. **NSW State Government Homelessness and Housing**

Tweed Shire Council calls on the NSW State Government to take the lead to provide targeted support services in tackling the increasing homelessness issue and the lack of crisis accommodation and social housing, to provide targeted support services for people who find themselves homeless.

5. **Classification of Major Urban Centres – Arterial Road Funding**

That the Association request the NSW roads and Maritime Services to review its classification threshold of 100,000 persons for Major Urban Centres which limits the RMS responsibility for major arterial roads to Sydney, Newcastle, Wollongong and the Central Coast (Gosford and Wyong LGAs) in light of the population pressures which many local authorities are experiencing, the cost to construct this infrastructure and the high corresponding development charges.

6. **Developer Charges Guidelines for Water Supply, Sewerage and Stormwater, 2012 – Consultation Draft**

That the Association request the NSW Government expedite the completion of the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater, 2012 which have yet to be approved by the Minister and have therefore cast an enormous amount of uncertainty for Local Water Utilities and the framework for charging Developer Contributions.

7. **Exempt and Complying Development Approvals Process**

That the State Government be called upon to advance more streamlined exempt and complying development approvals processes, particularly for new single dwellings and house renovations, through either a simplification of the Codes SEPP, or a further review of the Environmental Planning and Assessment Act, to create just one application for smaller, less impacting residential developments, and replace the existing dual development application/construction certificate requirement.

8. **Environmental Zones (E Zones)**

That the Association requests the State Government to take the following immediate action in terms of environmental zones (E Zones) for Far North Coast Councils to:

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- 1) Permit the use of E Zones for situations that can be justified by the evidence, agreed by the landholder, and do not affect agriculture;**
- 2) Finalise the E Zone review as soon as possible, so councils can review and update their LEPs**
- 3) Provide affected councils with a timeline on the finalisation of the E Zone review and a clear timeline for implementation.**

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REPORT:

Council considered a report at the 16 July 2015 Council Meeting in relation to this matter and resolved the following:

1. *Nominates Cr W Polglase, Cr B Longland, Cr K Milne and Cr G Bagnall as delegates to the 2015 Local Government NSW Annual Conference.*
2. *Schedules a workshop to discuss potential motions for the 2015 Local Government NSW Annual Conference.*
3. *Submits a further report to 20 August 2015 Council Meeting, to gain formal endorsement of the motions to be submitted to Local Government NSW by the closing date of 24 August 2015."*

Motions

Council is invited to submit motions for consideration that adhere to the following criteria:

1. are consistent with the objects of the Association (see Rule 4 of the Association's rules);
2. relate to Local Government in NSW and/or across Australia;
3. concern or are likely to concern Local Government as a sector;
4. seek to advance the Local Government policy agenda of the association and/or improve governance of the association;
5. have a lawful purpose - a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature; and
7. do not express preference for one or several members over one or several other members.

Any motions submitted by council are due by 24 August 2015 and are to be accompanied by a resolution of council supporting the submission of the motion.

A workshop was conducted on 13 August 2015 and the following motions and supporting information is provided for Council consideration:

1. **Data/Policy Sharing** (Council meeting 16 July 2015)
Council proposes that there be a shared facility established by Local Government NSW to enable member Councils to access like Policies.

The implementation of this shared facility would aid in a better understanding between councils and an improved information gathering process. Member councils would be able to access cutting edge information for use within their councils.

2. **Landscaping – Roads and Maritime Services** (Council meeting 16 July 2015)
Council requests the Association liaise with the Roads and Maritime Services to request a review of the adequacy of landscaping along the freeways and highways within New South Wales, with a view to improving the landscaping to Best Practice Principles.

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Most councils' have a robust Planting Guide and it would be beneficial if the Roads and Maritime Services were to accord with these policies when undertaking plantings along the freeways and highways with New South Wales.

3. Non Voter Fines

That LGNSW Executive, make representation to the NSW Minister for Local Government, requesting the return of non-voter fines, collected by the State Government from electors who do not vote in Local Government elections. The return of these fines to the Local Council where the non-voter is enrolled, would contribute towards the Election Management Fees paid by councils for the elections to be conducted.

Under the NSW Government's Local Government Reform Process "Fit for the Future", NSW Local Councils have been directed to demonstrate their scale and capacity to be financially sustainable in the long term. The electoral management fees associated with engaging organisations such as the NSW Electoral Commission, to undertake Local Government Elections are a significant cost to councils. Whilst councils pay the full costs for these elections to be conducted, the State Government then receive the entire revenue from fines retrieved from non-voters from these elections. The redistribution of the fines collected from non-voters to Local Councils would contribute to councils achieving greater efficiencies.

4. NSW State Government Homelessness and Housing

Tweed Shire Council calls on the NSW State Government to take the lead to provide targeted support services in tackling the increasing homelessness issue and the lack of crisis accommodation and social housing, to provide targeted support services for people who find themselves homeless.

Homelessness is exacerbated by domestic violence, social welfare cuts, social housing waiting lists (15+ yrs), affordability, and unavailability of crisis, short-term and affordable, appropriate housing. These issues need addressing and homelessness support services need to be expanded and targeted to the most vulnerable and at risk groups.

5. Classification of Major Urban Centres – Arterial Road Funding

That the Association request the NSW roads and Maritime Services to review its classification threshold of 100,000 persons for Major Urban Centres which limits the RMS responsibility for major arterial roads to Sydney, Newcastle, Wollongong and the Central Coast (Gosford and Wyong LGAs) in light of the population pressures which many local authorities are experiencing, the cost to construct this infrastructure and the high corresponding development charges.

NSW Roads and Maritime Services are responsible for Arterial Roads in Major Urban Areas which have a population of a least 100,000. Many growth Councils in the State below this threshold are responsible for the construction of Arterial Roads and in particular their interconnection with the Pacific Highway. Councils can generate limited funds for the purpose of constructing these roads through Section 94 Contribution Plans however these are capped and the shortfall is significant. In the Tweeds' case

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this shortfall is in the order of \$300million over the life of the Tweed Road Development Strategy. A review of the classification system is necessary to ensure that arterial road construction is not an inhibitor of development.

6. Developer Charges Guidelines for Water Supply, Sewerage and Stormwater, 2012 – Consultation Draft

That the Association request the NSW Government expedite the completion of the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater, 2012 which have yet to be approved by the Minister and have therefore cast an enormous amount of uncertainty for Local Water Utilities and the framework for charging Developer Contributions.

The draft guidelines have been prepared and are awaiting the Minister for Water approval since 2012. These guidelines provide the framework for determining development servicing plans (DSP) and therefore developer contributions for local water utilities. With the requirement to undertake a review of each DSP every 5 to 6 years many utilities have outdated plans. Since 2012 utilities have been caught in limbo as the approved guidelines (2002) are outdated and are likely to be replaced and the new guidelines are yet to be approved. A resolution of this matter is of the utmost importance.

7. Exempt and Complying Development Approvals Process

That the State Government be called upon to advance more streamlined exempt and complying development approvals processes, particularly for new single dwellings and house renovations, through either a simplification of the Codes SEPP, or a further review of the Environmental Planning and Assessment Act, to create just one application for smaller, less impacting residential developments, and replace the existing dual development application/construction certificate requirement.

The current complexities of the Codes SEPP has resulted in a poor take up of complying development by NSW councils for smaller scale residential developments, with many proponents opting to lodge the more conventional path of lodging a development application. The complexities of these requirements are adding substantial costs and delays for home owners, and contributing to a broader economic impact on the housing construction industry. It is vital for housing affordability that these processes be simplified.

8. Environmental Zones (E Zones)

That the Association requests the State Government to take the following immediate action in terms of environmental zones (E Zones) for Far North Coast Councils to:

- 1) Permit the use of E Zones for situations that can be justified by the evidence, agreed by the landholder, and do not affect agriculture;
- 2) Finalise the E Zone review as soon as possible, so councils can review and update their LEPs
- 3) Provide affected councils with a timeline on the finalisation of the E Zone review and a clear timeline for implementation.

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In September 2012, the then Minister for Planning announced a review of the application of environmental zones and overlays in council Local Environmental Plans (LEPs) on the Far North Coast as a result of concerns that:

- *environmental zones (E zones) were being applied to rural and agricultural land without evidence of environmental significance; and*
- *these zones were unfairly limiting existing agriculture and rural activities.*

As a consequence the Department has deferred all E Zones and environmental overlays from council Standard Instrument LEPs pending a comprehensive review, which was completed by Parsons Brinkerhoff in September 2013 and released for comment in May 2014. It is now nearly three years since the initial announcement and the issue has still not been resolved.

LEPs are primary planning instruments for councils to direct development and environmental provisions are an integral part of these plans. Constituent councils are reporting that the delays in resolving this issue are adversely affecting the planning process causing excessive and unnecessary complications and delays for developers and creating uncertainty in the community regarding expected planning outcomes.

In some cases this is leading to unsatisfactory planning outcomes that appear to be outside of the scope of the original concerns. For example, councils are reporting that the Department is refusing to allow the use of E Zones in cases where there is strong evidence of environmental values (e.g. Endangered Ecological Communities, estuarine habitats, SEPP 14 Coastal Wetlands), agreement by the landholder and no impact on agriculture or rural activities.

Confirmation of the number of voting delegates on both the motions and the Board elections is yet to be received from Local Government NSW.

OPTIONS:

Council needs to consider what motions will be presented to the Local Government NSW Annual Conference.

CONCLUSION:

Council needs to consider suitable motions for submission to the Local Government NSW Annual Conference.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

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b. Budget/Long Term Financial Plan:

Allowance is made within the Annual budget for attendance at the Annual Conference.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

A Councillor Workshop was conducted on Thursday 13 August 2015.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
