



Hawkesbury City Council

supplementary
ordinary
meeting
business
paper

date of meeting: 29 April 2008
location: council chambers
time: 5:00 p.m.

ORDINARY MEETING - SUPPLEMENTARY

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SECTION 2 - Mayoral Minutes

MM1 - Proposed Changes to Planning Legislation Proposed by NSW Government - (90479, 79353)

REPORT:

In October last year the NSW State Government announced its intention to implement a revised Development (Infrastructure) Contributions Framework, which would reduce the amount of funds councils could collect from developers to help build essential local facilities such as playgrounds, childcare facilities and community centres. The revised framework would also see the State Government:

- Limit the types of infrastructure councils could collect levies for.
- Take control of the developer levies from growth centre councils, and other councils on a case by case basis.

In response to strong objections from the Local Government & Shires Association (LGSA), councils and the community, the State Government has made some concessions in relation to the funding of community infrastructure and has advised that it would only take control of the funds from the six growth centre councils.

Despite this, the amount that can be collected from development levies will still be reduced and the range of facilities to which the funds will be applied will be more restricted. Further, councils will no longer have the option to levy Section 94 contributions in established areas but will have to resort to the more limited contributions under 94A.

Developers have been lobbying for the revised framework for some time, which if implemented will significantly benefit them through the opportunity for increased profit.

Separately to this, in November last year the Government released its *Discussion Paper on the Planning Reform Agenda*, which outlined 90 recommended changes to the NSW Planning system.

The paper was put on exhibition over the Christmas/New Year break, which limited the opportunity for response.

Even though 538 submissions were received, Department of Planning officials were given just a week to consider them before the draft legislation was finalised.

Local Government, in its submission, raised a number of concerns with the changes, including:

- An expanded role for private companies (private certifiers).
- The implementation of various Panels and arbitrators, controlled by the Minister for Planning, to make local planning decisions.
- The expansion of exempt and complying development, which would remove the communities' right to have a say over much of the development in their neighbourhood.

These views were shared by many other industry and community bodies.

The Draft Exposure Bills were released on 3 April 2008, and despite the wide ranging concerns expressed by councils, the community and other stakeholders, were not amended to reflect the concerns of relevant stakeholders. The strongly opposed revised developer levies framework was also included in the Bills.

The laws will:

- add more layers of red tape and cost ratepayer's millions of dollars to implement.
- take decisions away from local communities.
- impact on councils' ability to provide crucial services.

Yet the Government has only exhibited the draft laws for 3 weeks before it intends to pass them. Many of the laws will benefit private companies and developers.

As a result there are questions over the motivation for the Government's changes to the NSW planning system, which are being rushed through and with disregard to the views of communities, councils and other stakeholders - who will have to live with the implications of the changes.

This Mayoral Minute is in the form as suggested by the LGSA for this purpose.

RECOMMENDATION:

That in view of the fact that many of the State Government's proposed changes to planning, outlined in the Draft Exposure Bills released on 3 April, will have far reaching implications for local communities; the views of relevant stakeholders have been ignored; and that private companies and developers stand to significantly benefit from the new laws, that Council call for a:

1. Freeze on the implementation of The State Government's Draft Exposure Bills (Planning Changes).
2. Parliamentary Inquiry into the NSW State Government's Draft Exposure Bills (planning changes).

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

MM2 - Australia 2020 Summit Results - Australian Taxation System and Australian Governance - (90479, 79353)

REPORT:

Council will be aware that the Initial Summit Report from the recent Australia 2020 Summit has now been released and provides details of the many significant issues raised and discussed in the various streams that were addressed.

Whilst there were many issues raised that would effect local government I would suggest that there were two issues of particular relevance that warrant further comment and submissions from Council. These issues were a review of the taxation system (Future of the Australian Economy stream) and a review of "federalism" (Australian Governance stream).

In respect of the taxation system the Initial Summit Report suggests one of the "Top Ideas" from the Future of the Australian Economy stream was:

"In regard to taxation, the Federal Government should undertake a comprehensive review of state and federal taxes, within a 2 year timeframe including interim reporting. This review should consider measures to simplify taxes, reduce inefficient taxes, harmonise, ensure a progressive system, as intended, and address negative interaction with the welfare system."

Whilst there are many complex elements to the taxation system any review that is undertaken should ensure a fairer distribution of the tax dollar to local government than presently exists. Therefore, I would suggest that Council should make representation to the Prime Minister supporting a review of the taxation system and emphasising this particular point.

With regard to "federalism" the Initial Summit Report suggests one of the "Top Ideas" from the Australian Governance stream was:

"Instigate an overhaul of Federalism, including for example:

- *A constitutional convention to define roles, responsibilities and structures of our Federal system.*
- *A National Cooperation Commission to oversee and recommend on intergovernmental agreement."*

This is also an important and complex issue and an "overhaul" should incorporate and address the issues of constitutional recognition of local government and I would suggest that this should also be incorporated into representations to the Prime Minister.

In addition, as both of these issues should be approached on a bi-partisan basis I would also propose that representations on these matters should also be made to the Leader of the Opposition and Shadow Treasurer.

Further, the Australian Local Government Association, in support of the its campaign for constitutional recognition of local government is encouraging councils to complete an on-line feedback form the results of which will assist the development of the business papers for the Local Government Constitutional Summit to be held in Melbourne from 9 to 11 December 2008. The on-line feedback form is seeking responses from councils in respect to the following questions:

"What objectives does your Council believe would most assist your communities and which could be supported/achieved through Constitutional Recognition of Local Government?"

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Please tick high/medium/low or nil for each objective.

1. *Simplified/Streamlined Federal Funding (Direct Commonwealth funding rather than through States)*
2. *Providing a guarantee of funding to some minimum level*
3. *Symbolic recognition of local government*
4. *Protection of the system of Local Government (require the States to maintain a system of Local Government)*
5. *Protection for Councils against arbitrary dismissal/amalgamation (require certain minimum principles or processes to be met)"*

I would suggest that Council respond by indicating a high priority for each of these objectives. There is also opportunity to include comment on other "objectives" and I would recommend that the Council's response refer to the requirement for adequate funding to assist councils in addressing the important issue of the renewal of infrastructure being faced by local government

RECOMMENDATION:

That:

1. Council make representations to the Prime Minister, Leader of the Opposition and Shadow Treasurer in relation to outcomes from the Australia 2020 Summit regarding taxation and "federalism" and respond to the on-line feedback form of the Australian Local Government Association regarding constitutional recognition of local government as suggested within the Mayoral Minute.
2. The Australian Local Government Association and the NSW Local Government & Shires Association be advised of Council's actions in this regard.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo



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end of
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