Report by Neale Redman, Director Corporate Services

RECOMMENDATION

That the motions as set out in the report be submitted to the 2009 Local Government Association Annual Conference.

PURPOSE OF REPORT

To report to Council on motions to be submitted to the 2009 Local Government Association Annual Conference.

REPORT

The Local Government Association Annual Conference will be held at Tamworth Regional Council from 24 to 28 October 2009.

The following motions are proposed to be submitted to the annual conference.

LITTERING PREVENTION INITIATIVES
(Ordinary Council Meeting 3 February 2009, Minute No. 42/09)

Motion

That consideration be given to promote law reform and to strengthen state laws to provide council compliance and enforcement officers with greater powers to address the problem of littering and to undertake preventative measures to reduce and eliminate littering in the Strathfield local government area.

Supporting Information

Although Council has the power to issue fines for littering under the Protection of the Environment Operations Act 1997, some offenders provide false identification or refuse to provide any identification to Council officers. In circumstances where offenders refuse to provide any identification, Council officers must call the police but offenders often leave before the police arrive.

UNIT OCCUPANCY OF RESIDENTIAL FLAT BUILDINGS
(Planning Committee Meeting 10 March 2009, Minute No. P12/09)

Motion

That urgent action be taken on the unit occupancy of residential flat buildings, including, but not limited to, law reform based on the Housing Act 2003 (Qld).
Supporting Information

Although the Building Code of Australia (BCA) provides building regulations for all States and Territories in Australia, it does not place restrictions on the number of residents that may occupy a residential flat building. Further, there are no provisions in NSW planning and health legislation to limit the occupancy of residential flat buildings.

Existing case law also suggests that attempts by councils to impose conditions to limit the occupancy of residential flats or require the registration of a covenant to the same effect may be invalid on the basis that they are unreasonable, incapable of enforcement or unjustified.

FIRE SAFETY
(Planning Committee Meeting 10 March 2009, Minute No. P13/09)

Motion

That urgent action be taken on fire safety, including, but not limited to, residential flat buildings.

Supporting Information

Specifically, the following amendments are proposed to the Environmental Planning and Assessment Regulations 2000:

- Insert a new provision into Division 7 (Miscellaneous Fire Safety Offences) to allow Council to impose penalties where a property owner fails to maintain essential services that have been required to be installed. Division 7 only provides that penalties can be imposed where fire safety notices are not displayed (Clause 183), where fire exits are obstructed (Clause 184), when doors relating to fire exits are obstructed (Clause 185) and where paths of travel to fire exits are impeded (Clause 183).

- Insert new provisions to deal with vacant buildings containing essential services. Council is concerned that a building may have been vacated and electricity and water services disconnected, however, these essential services are required to be maintained in working condition.

- Insert a definition of “properly qualified person” for the purposes of assessing fire safety statements (such as annual and supplementary fire safety statements and interim and final fire safety certificates). Council is concerned that fire safety statements may be issued by unqualified or inexperienced persons.

HIGH FRONT GUTTERING
(Planning Committee Meeting 10 March 2009, Minute No. P15/09)

Motion

To call on the New South Wales Government to immediately take urgent action on the dangers of high fronted guttering, and the spring clip system, that does not comply with the Building Code of Australia (BCA), together with other relevant Australian Standards.
Supporting information

Strathfield Municipal Council has resolved to develop an education/information campaign for local residents, ratepayers and other stakeholders, including, but not limited to, bodies corporate, in the Strathfield local government area on high fronted gutters, including, but not limited to, information about the dangers of guttering that does not comply with the Building Code of Australia (BCA) together with other relevant Australian Standards.

INTERGOVERNMENTAL COST SHIFTING
(Ordinary Council Meeting 7 April 2009, Minute No. 139/09)

Motion

That Strathfield Municipal Council call on the New South Wales State Government to end intergovernmental cost shifting for local councils, and, further, to call on the State Government to enter into an intergovernmental agreement with local councils in New South Wales to clarify the roles and responsibilities of both spheres of government.

Supporting Information

In 2006, the Independent Inquiry into the Financial Sustainability of New South Wales Local Government confirmed that Australian governments, and, in particular, the New South Wales State Government, often transfer responsibilities onto local councils like Strathfield without adequate funding. This is known as ‘cost shifting’.

The inquiry recognised that more ‘hard data’ about cost shifting was needed to support any argument for it to end and, for that purpose, commissioned a cost shifting survey with a representative sample of nineteen local councils in New South Wales. This survey indicated that the total burden of cost shifting may amount to approximately $430 million per annum – based on the financial year 2004/05.

Cost shifting is a significant burden on local councils like Strathfield. Further surveys carried out by the Local Government and Shires Associations of New South Wales, in 2005/06 and 2006/07, received more than 90 responses and indicated that cost shifting amounts to around six per cent of local councils’ total income before capital amounts – that is, about $380 million in the financial year 2005/06 and $412 million in 2006/07 for all local councils in New South Wales.

ARTS FUNDING PROGRAM
(Ordinary Council Meeting 2 June 2009, Minute No. 210/09)

Motion

That consideration be given to immediately amend the current government policy which falls short of providing a strategic approach to culture in the Inner West and to amend the policy to provide a more equitable approach to funding for the people of Strathfield.
Supporting Information

The NSW Government offers financial assistance for arts and cultural activities in NSW through Arts NSW. However, there is concern that the Inner West is in a funding shadow between the CBD and Western Sydney, that there has been some difficulty in attracting funding given the demographic and the access to metropolitan facilities and that current government policy falls short of providing a strategic approach to culture in the Inner West.

WASTE MANAGEMENT S88 LEVY
(Ordinary Council Meeting 2 June 2009, Minute No. 220/09)

Motion

To freeze the Section 88 levy charges under the Waste and Resource Recovery Act 2001 (NSW), and make no further increases to the charges.

Supporting Information

Council believes increases in the Section 88 Levy results in adding to unwarranted financial pressure on residents and businesses in all LGAs, especially in the current global financial crisis.

FINANCIAL ASSISTANCE GRANTS ALLOCATIONS
(Ordinary Council Meeting 2 June 2009, Minute No. 218/09)

Motion

That representations be made to the Federal and State Governments and Oppositions and Local Government and Shires Associations of New South Wales and the New South Wales Local Government Grants Commission to support a review of the methodology and distribution of funds under the Australian Commonwealth Government Financial Assistance Grants:

Supporting Information

It is considered that the minimum allocation to councils is inadequate and that determination of the grants should take into account the needs of councils including its relative efficiencies and underlying financial strength.

It is suggested that the minimum funding based on population be increased from 30% to 50% of the State’s total allocation. The new per capita amount would be allocated to all councils categorised by the Local Government Remuneration Tribunal as Level 2 or higher as such councils are typically disadvantaged with ageing infrastructure. The resulting reductions in grants would be redistributed to the Level 3 or 4 councils to assist with meeting infrastructure spending requirements.

It is considered that the proposed change to the methodology will result in a more equitable distribution of funds across NSW councils.
PRIVATE CERTIFIERS – BINDING ADVICE FROM COUNCIL
(Planning Committee Meeting 9 June 2009, Minute No. P41/09)

Motion

To call on the New South Wales Government to address the matter of the commencement, or otherwise, of Section 109PA of the *Environmental Planning and Assessment Act 1979 (NSW)*, including, but not limited to, raising concerns with respect to the resourcing implications for Councils, as well as the impractical response time frame.

Supporting information

Strathfield Municipal Council has resolved to raise concerns with respect to the resourcing implications for Councils, as well as the impractical response time frame, and seeking the support of other Association member Councils on this matter, and calling on the New South Wales State Government to address this matter.

PLACING OF ADVERTISING POSTERS ON POLES TO BECOME A FINEABLE OFFENCE

Motion

That consideration be given to lobbying the appropriate agencies to have the placing of advertising posters and/or similar material, on electricity poles, made a fineable offence.

Supporting information

Currently advertising posters are a blight on the suburban landscape. Councils at present spend thousands of dollars removing the posters, only to have more placed in the exact place a few days later. Presently, fines can only be issued to a person who is caught in the act of placing the material on the pole. As this is usually done in the dead of night, it is virtually impossible to catch persons in the act. Consideration needs to be given to who would be the most appropriate to receive the infringement - the promoter, the venue operator, the performer, the advertising agency, etc.

THE DEPARTMENT OF PLANNING TO CONSULT COUNCILLORS

Motion

That the Department of Planning provide a greater role for the community and Councillors in the planning reform process to ensure their views are adequately represented.

Supporting information

The role of the community and Councillors, as they represent the interests of the community, is being continually eroded by the Department of Planning’s reforms e.g. Heritage Amendment Act 2009 no 34, new housing code, Infrastructure SEPP, major Projects etc.
SPITTING PREVENTION INITIATIVES

Motion

That consideration be given to lobbying the appropriate agencies to have the offence of “Spitting in Public” become a stand-alone offence, for which an on-the-spot fine can be issued.

Supporting Information

Currently Council Officers and Police have to rely on signs which state “No Spitting” in order to alert persons in regard to this offensive and unhealthy practice. Fines can only be issued for disobeying a sign - not for the act of spitting. If “spitting in public” becomes a stand-alone offence, it is more likely perpetrators will think twice before expectorating in public.

REFERRAL FROM OTHER DEPARTMENT

No referral was required.

FINANCIAL IMPLICATIONS

The potential financial implications for Council are detailed in this report.