



Attachments

Ordinary Meeting

Notice is hereby given that an Ordinary Meeting of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

Monday 10 March 2014

Commencing at 7.30pm for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

Copies of business papers are available at the Customer Service Counters at Manly Council, Manly Library and Seaforth Library and are available on Council's website:

www.manly.nsw.gov.au

TABLE OF CONTENTS

Item	Page No.
General Managers Division Report No. 3	
Local Government Acts Taskforce review submission	
AT1: Manly Council Submission to the Independent Local Government Review	
Panel and Local Government Acts Taskforce	2

***** END OF ATTACHMENTS *****

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

**Manly Council Submission, Office of Local Government, Department of Premier & Cabinet
re: Independent Local Government Review Panel & Local Government Acts Taskforce**

Introduction

Manly Council welcomes the opportunity to comment on the Final Report of the NSW Independent Local Government Review Panel titled '*Revitalising Local Government*' containing a comprehensive review and the majority of its recommendations to position NSW Local Government for a sustainable future.

Manly Council has also considered the recommendations of the Local Government Acts Taskforce, Final Report - A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988. Council supports the majority of this report and welcomes the introduction of a simpler, less prescriptive Local Government Act that imbeds the integrated planning and reporting framework as its the central plank with enhanced community engagement principles.

The review and the thoroughness of these final reports and their recommendations are (in the majority) considered worthwhile and needed to ensure the long term sustainability of the local government sector. Council's comments on the various recommendations are contained in separate Matrix to this report.

Summary

Manly Council's responses and comments to the principle recommendations are provided in a separate Matrix to this report.

On the whole, Manly Council agrees with the Independent Review Panel and its general recommendations addressing the financial sustainability of local government as a sector, particularly the need to strengthen the existing revenue base, the difficulties in meeting infrastructure needs, and the need for improved accountability and methods to benchmark performance across the local government sector.

However, Manly Council believes that it has proved itself to be in a strong and sustainable financial position in the last ten years and is well situated to respond to the continuing social, economic and environmental needs of the Manly community as documented in its ten year rolling Community Strategic Plan with continuing good, prudent governance and leadership.

It therefore rejects the need to amalgamate with other Northern Beaches councils or Northern Sydney areas now and in the future.

It considers that as an important commercial and visitor centre now and in the future, it should be given special consideration and legislation to protect it and its unique place in Sydney's economy and history, and in the same way as the City of Sydney has its own local government legislation similar consideration should be given to it to maintain its independence.

Manly Council does consider and intend to pursue regional collaboration with its Northern Beaches neighbours and has done so for years through the highly successful SHOROC network. Future endeavours will likely encompass more collaboration and strategic planning on regional issues of concern and in negotiations with state agencies regarding roads and transport, infrastructure and health issues. It is expected that this will be via some new form of regional organisation to be further developed, or via existing structures and will continue to be a key priority for the Northern Beaches and Northern Sydney area in the immediate future. It therefore

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

welcomes further local and regional consideration of these areas of the report with the NSW government.

To this end, Council will work closely and collaborate with its neighbouring areas to ensure that high priority concerns regarding health, transport and infrastructure planning are carefully considered planned and accommodated in the future. Future collaboration and agreements with state agencies regarding these priorities on a regional and local level is considered important, and further progress with reducing cost-shifting from state agencies to local councils should be a priority action.

Manly Council has also considered the recommendations of the Local Government Acts Taskforce that proposes a new Local Government Act for NSW and reviews the City of Sydney Act 1988. Council supports this report and welcomes the introduction of a simpler, less prescriptive Local Government Act that imbeds the integrated planning and reporting framework as its the central plank with enhanced community engagement principles.

Manly's Position

It was the unanimous opinion of all Councillors that Manly Council provide very positive feedback to the Minister on all the proposals contained in the Independent Panel report which will elevate the standing of local government, make it more efficient and allow it to improve its governance and performance.

The major concern that Council has is in relation to the proposal contained in the Panel Report that Manly should merge with Pittwater and Warringah Councils. The position adopted by Manly was as follows:

- Manly has proved it has the capacity to enjoy a long term financial sustainability and on that basis it should be left to govern its own area.
- The proof of this long term financial sustainability has already been provided to the DLG as part of TCorp's reviews and assessments undertaken to date of Council's finances, and its previous submissions and responses to the Independent Panel.
- Manly has earned the right to maintain its autonomy and has long term evidence provided by its community of satisfaction with the quality of services offered across the quadruple bottom line spanning social, economic, environmental and leadership to its community.
- That in response to the Independent Panel's alternative case of merger (with other Northern Sydney Councils such as Pittwater and Warringah) the cost of harmonizing services across the 3 local government areas do not justify the merger.
- In relation to the alternative approach offered by the Review Panel, that of a Joint Organisation, it be submitted that the loss of control on service levels across three areas including will not be acceptable to Manly. However, Council is willing to consider alternative arrangements and improvements to regional collaboration.
- Manly seeks special legislation to be retained as a local government entity having regard for its special place in Sydney and its international reputation.

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

Fiscal Responsibility

No.	Recommendation	Manly Council Comments
1	Establish an integrated Fiscal Responsibility Program, coordinated by DLG and also involving TCorp, IPART and LGNSW to address the key findings and recommendations of TCorp's financial sustainability review and DLG's infrastructure audit (5.1 and 5.3)	Council supports the recommendation regarding the establishment of an integrated Fiscal Responsibility Program. Council valued TCorp's financial sustainability review and results of DLG's infrastructure audit as they help Council comparability in financial and asset performance.
2	As part of the program: <ul style="list-style-type: none"> • Adopt an agreed set of sustainability benchmarks (5.1) • Introduce more rigorous guidelines for Delivery Programs as proposed in Box 9 (5.2) • Commission TCorp to undertake regular follow-up sustainability assessments (5.3) • Provide additional training programs for councillors and staff (5.3) • Require all councils to employ an appropriately qualified Chief Financial Officer (5.3) 	<p>Agree with recommendations on the whole. Council would value the development of agreed set of sustainability benchmarks, and regular TCorp assessments.</p> <p>Council already undertakes training for Councillors and staff (but agrees more could occur with state funding), and considers that appropriately qualified CFOs is important for public authorities.</p> <p>The proposed more rigorous guidelines for Delivery Programs as listed in Box 9 of the report still need further development and consideration with local government sector and representative groups. This includes consideration of the difficulty and consistency required in implementing many of these recommendations—especially regarding service level discussions with the community, having 4-8 year revenue paths for all categories of rates (especially given extensive difficulties experienced to date getting changes with rates through IPART and extent of community consultation required).</p>
3	Place local government audits under the aegis of the Auditor General (5.4)	Council supports the recommendation that local government audits occur under the control of the Auditor General, as this is similar to Queensland and Victorian states, and might be appropriate from a benchmarking perspective in future. However, concerns are raised about possible costs of audits for all in the sector, and this should be addressed by the State government.
4	Ensure that the provisions of the State-Local Government Agreement are used effectively to address cost-shifting (5.5)	While Council supports the Panel that the State-Local Government agreement should be used to address cost-shifting, the reality is that local government exists at the behest of the state government and has little power to resist state imposed costs and services that historically has occurred and is likely to continue in the future. Local government also remains unable to raise revenue sufficiently on its own to counter the cost shifting imposed often and regularly by the state government. While recommendations proposed in the report appear sound, Council remains sceptical that the partnerships envisaged in chapter 17 of the report are possible, likely and

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

No.	Recommendation	Manly Council Comments
		realistic. Council questions the level of achievements (beyond reports) to date for local government with the involvement of the Department of Premier's 'more collaborative approach' in regional coordination – especially for the Northern Beaches region of Sydney. However, the development of specific Memorandums of Understanding (with funding guarantees and deadlines) linked to individual council or regional community strategic plans (where outcomes are predominately state responsibilities) might have some beneficial long-term strategic outcomes for local and regional communities.

Strengthening Revenues

No.	Recommendation	Manly Council Comments
5	Require councils to prepare and publish more rigorous Revenue Policies (6.1)	Council supports further guidance on the composition of Revenue Policies as proposed in Chapter 6.1 of the report. Revenue policies should be simply written, easy to understand and devoid of convoluted legal and accounting terminology and available on Council's website. Council recommends that it may be more appropriate for Revenue Policies to be included as a Council Policy, and available on its website, or as a State policy to be undertaken, and reviewed at the start of each Council term (in line with other policies). The annual and one year Operational Plan sets fees and charges for the next financial year; as consistent with Council's Four Year Delivery Program and Community Strategic Plan, and should not include Council policies.
6	Commission IPART to undertake a further review of the rating system focused on: • Options to reduce or remove excessive exemptions and concessions that are contrary to sound fiscal policy and jeopardise councils' long term sustainability (6.2) • More equitable rating of apartments and other multi-unit dwellings, including giving councils the option of rating residential properties on Capital Improved Values, with a view to raising additional revenues where affordable (6.3)	Council supports a proper review of the rating system in conjunction with the Local Government sector. It considers that a review of pensioner rate concession against the objectives of sustainability and equity is overdue. Council also considers that a more equitable rating of apartments and multi-unit dwellings compared to single dwelling is considered and undertaken as soon as possible and notes the inequities in the present unimproved value of the land.
7	Either replace rate-pegging with a new system of 'rate benchmarking' or streamline current arrangements to remove unwarranted complexity, costs,	Council supports investigation of new alternatives to rate pegging that has historically been a major obstacle to local government revenue raising and a financial

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

No.	Recommendation	Manly Council Comments
	and constraints to sound financial management (6.5)	management constraint at present. Council's pegged rates (at 2.3%) for the next financial year) are below expected increases in costs of goods & services (CPI expectations of greater than 2.7%) and wage increases (greater than 3.25%), adequately.
8	Subject to any legal constraints, seek to redistribute federal Financial Assistance Grants and some State grants in order to channel additional support to councils and communities with the greatest needs (6.6)	<p>The current Financial Assistance Grants (FAG) received by Council provide an important source of revenue for its infrastructure and roads maintenance that is not provided by any other source. Council receives around \$1.43 million and this is an important source of funds that is not able to be delivered by rate revenue to maintain and renew roads and other important infrastructure.</p> <p>Manly Council is unable to levy users of its infrastructure that are visitors to the area rather than local rate payers, and with an estimated 8 million visitors per annum using the local area, needs this alternative revenue source to support and update its infrastructure. This recommendation is not supported as this Council would lose an important revenue source for its roads and capital improvements, and in the current environment is unable to raise additional funds from residents.</p>
9	<p>Establish a State-borrowing facility to encourage local government to make increased use of debt where appropriate by:</p> <ul style="list-style-type: none"> Reducing the level of interest rates paid by councils Providing low-cost financial and treasury management advisory services (6.7) 	<p>Council supports the recommendation that a separate state borrowing facility should be established to encourage Councils to use increased debt where appropriate, and have available lower rates of interest as a public sector borrower, and not be restricted to borrowing at commercial rates. As well, Councils should be able to benefit from low cost financial and treasury management advisory services that are provided from the State and available to all in the local government sector undertaking long term borrowings.</p> <p>Councils should be able to benefit from borrowing through a more widely available "LIRS" type scheme.</p>
10	Encourage councils to make increased use of fees and charges and remove restrictions on fees for statutory approvals and inspections, subject to monitoring and benchmarking by IPART (6.8)	Council supports this recommendation particularly removal of limits on fees for statutory approvals and inspections for development applications, construction and occupation certificates. There could be periodic review of fees by IPART, but this is not considered mandatory.

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

Meeting Infrastructure Needs

No.	Recommendation	Manly Council Comments
11	Factor the need to address infrastructure backlogs into any future rate-pegging or local government cost index (7.1)	Council supports the recommended need to link rate-pegging and local government cost indices to infrastructure backlogs.
12	Maintain the Local Infrastructure Renewal Scheme (LIRS) for at least 5 years, with a focus on councils facing the most severe infrastructure problems (7.2)	Council supports the recommendation to retain the LIRS scheme for at least 5 years, as this provides an interest rate subsidy for infrastructure funding to councils that is below commercial rates. However, the LIRS subsidy should be available to all councils to improve the cost of funds for project funding, as well as infrastructure backlogs, and as public authorities, Councils should be able to borrow funds at the state government borrowing rates.
13	<p>Pool a proportion of funds from the roads component of federal Financial Assistance Grants and, if possible, the Roads to Recovery program in order to establish a Strategic Projects Fund for roads and bridges that would:</p> <ul style="list-style-type: none"> • Provide supplementary support for councils facing severe infrastructure backlogs that cannot reasonably be funded from other available sources • Fund regional projects of particular economic, social or environmental value (7.2) 	<p>Although Council is not opposed to the creation of a separate Strategic Projects Fund for roads and bridges for severe infrastructure backlogs from a component of the federal Financial Assistance Grants and the Roads to Recovery Program, Council queries the equity in such an approach. It considers that this effectively creates inequities for councils that are considered well-resourced or well-managed to those that are not. This amounts to a form of cross-subsidy from rich to poorer councils, or from well-managed to badly managed councils, or from metropolitan to regional councils, as this is not supported.</p>
14	Require councils applying for supplementary support from the Strategic Projects Fund to undergo independent assessments of their asset and financial management performance (7.2)	As suggested above, it is supported that those councils applying for special supplementary support from a separate, specially created state Strategic Projects Fund undergo independent assessments for assets and financial management.
15	Carefully examine any changes to development (infrastructure) contributions to ensure there are no unwarranted impacts on council finances and ratepayers (7.3)	Council supports that any changes to development infrastructure contributions are carefully considered and that the various reviews to date by both the Independent Panel, and as part of the White Paper planning reforms, and in consideration of the implications on council projects, finances, and rate payers. The suggestions in the report should be made in conjunction with those proposed in the land-use planning regime and legislative tax responsibilities and requirements. However, it is noted that there appears to be some duplication in infrastructure collection systems, and no certainty that regional organisations will have the capacity to ensure local allocations are ensured, or that funds can be accumulated in an appropriate period of time that will have real benefits locally. Local residents & ratepayers also need surety that their infrastructure contributions will be spent locally, and not necessarily accumulating in some future regional development pooled fund for local projects.

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

No.	Recommendation	Manly Council Comments
16	Adopt a similar model to Queensland's Regional Roads and Transport Groups in order to improve strategic network planning and foster ongoing improvement of asset management expertise in councils (7.4)	While suggestion is worthwhile, there are many council's in NSW that have advisory committees that comprise representatives of the RMS and other agencies responsible for transport planning in NSW. Future developments might improve practices and a memorandum of understanding is supported as a recommendation.
17	Establish Regional Water Alliances as part of new regional Joint Organisations proposed in section 11 (7.5)	n/a

Improvement, Productivity and Accountability

No.	Recommendation	Manly Council Comments
18	Adopt a uniform core set of performance indicators for councils, linked to IPR requirements, and ensure ongoing performance monitoring is adequately resourced (8.1)	This recommendation is supported as long as local government professionals are involved and resourced to adequately consider the development of these performance indicators, and linking them to IPR requirements and on-going performance monitoring that is required to compare councils.
19	Commission IPART to undertake a whole-of-government review of the regulatory, compliance and reporting burden on councils (8.2)	This recommendation is supported as IPART should be undertaking a whole of government review of the regulatory, compliance and reporting burden on councils. The increasing red tape burden alluded to in the report should be reviewed independently by a body such as IPART, or equivalent, and review of duplications in state reporting, regulations and compliance alleviated in the short and long term.
20	Establish a new sector-wide program to promote, capture and disseminate innovation and best practice (8.3)	This recommendation is supported as industry associations such as the LG NSW and the LGMA are best positioned to showcase best practices.
21	Amend IPR Guidelines to require councils to incorporate regular service reviews in their Delivery Programs (8.4)	This recommendation is supported as Council notes the need to incorporate regular service reviews in Council Delivery programs. However, Council queries that although many councils regularly survey their members about the effectiveness of council services, many do not, and this recommendation could increase compliance costs if implemented. Manly Council customer and community surveys provide information on best practices, quality of services and satisfaction levels of a community with council services, and has undertaken such surveys over time to benchmark changes in service delivery.
22	Strengthen requirements for internal and performance auditing as proposed in	Council supports that internal auditing and performance auditing recommendations

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

	Box 17 (8.5)	as proposed as set out in Box 17 are strengthened. However, Council also recommends that proposed 'audit, risk and improvement committees' as suggested are represented by appropriately skilled corporate, financial and risk management experts with local government professional experience.
23	Introduce legislative provisions for councils to hold Annual General Meetings (8.6)	This recommendation is supported as it builds on current Annual report requirements in the IPR guidelines, and provides an opportunity for Councils to showcase their achievements.
24	Develop a NSW Local Government Workforce Strategy (8.7)	This recommendation is supported as is the need for professional leadership training.
25	Explore opportunities for the Local Government Award to continue to evolve to address future challenges facing the sector and changing operational needs	This recommendation is supported given difficulties faced by Councils in changing the present Award conditions, and possible future challenges in merged, amalgamated and new local government operations.

Political Leadership and Good Governance

No.	Recommendation	Manly Council Comments
26	Amend the Local Government Act to strengthen political leadership: <ul style="list-style-type: none"> Require councils to undertake regular 'representation reviews' covering matters such as the number of councillors, method of election and use of wards (9.1) Before their nomination is accepted, require all potential candidates for election to local government to attend an information session covering the roles and responsibilities of councillors and mayors (9.1) Amend the legislated role of councillors and mayors as proposed in Boxes 19 and 21, and introduce mandatory professional development programs (9.2 and 9.3) Provide for full-time mayors, and in some cases deputy mayors, in larger councils and major regional centres (9.3) Amend the provisions for election of mayors as proposed in Box 22 (9.3) 	This recommendation is supported as is strengthening political leadership at the local level, particularly greater pre-council training for potential councillor candidates, possibly councillor mentoring, and resourcing for more professional development and accredited courses. However, the extent of these measures undertaken should be determined by the individual councils.
27	Increase remuneration for councillors and mayors who successfully complete recognised professional development programs (9.2-9.4)	This recommendation is supported in terms that there is continued Council support for professional development programs, and increased remuneration for councillors and mayors is dependent on future council resources.

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

28	Amend the legislated role and standard contract provisions of General Managers as proposed in Boxes 23 and 24 (9.5)	<p>The role and responsibilities of General Managers as listed in Box 23 appear definitive and clearly in line with current responsibilities. However, it is queried whether all council Mayors have the resources and skills to 'certify' that all aspects of the Integrated Planning and Reporting requirements have been met in full, and that Council's annual financial statements have been prepared carefully. As well, the appointment of staff and the determination of the organisational structure should remain the domain of the General Manager.</p> <p>The appointment and tenure of General Managers as provided in Box 24 also appear clear and precise and could assist with problems identified in the report, especially before and after the election of a new council and 'caretaker' periods.</p>
29	Amend the provisions for organisation reviews as proposed in section 9.6	This recommendation is supported and sensible for organisational reviews.
30	Develop a Good Governance Guide as a basis for 'performance improvement orders' and to provide additional guidance on building effective working relationships between the governing body, councillors, mayors and General Managers (9.7)	This recommendation is supported.

Advance Structural Reform

No.	Recommendation	Manly Council Comments
31	Introduce additional options for local government structures, including regional Joint Organisations, 'Rural Councils' and Community Boards, to facilitate a better response to the needs and circumstances of different regions (10.1)	Council supports the development of additional options for local government structures including regional joint organisations, rural councils and community boards that might offer an alternative to amalgamations and preserve local community input and democracy. This recommendation appears worthwhile.
32	Legislate a revised process for considering potential amalgamations and boundary changes through a re-constituted and more independent Boundaries Commission (10.3)	The proposed re-constituted and more independent Boundaries Commission recommendation (Box 26) in the report is supported with qualification depending on outcomes and degree of political independence.
33	Encourage voluntary mergers of councils through measures to lower barriers and provide professional and financial support (10.4)	Council supports consideration of further measures and assistance to enable voluntary mergers of councils.
34	Provide and promote a range of options to maintain local identity and representation in local government areas with large populations and/or diverse localities (10.5)	Consideration and further research into a range of options to maintain local identity and representation in local government areas with large populations

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

		and/or diverse populations is supported. These options should not be prescriptive and should be not limited to those suggested in the report but determined by local community preferences.
Regional Joint Organisations		
No.	Recommendation	Manly Council Comments
35	<p>Establish new Joint Organisations for each of the regions shown on Maps 2 by means of individual proclamations negotiated under new provisions of the Local Government Act that replace those for County Councils (11.5)</p> <ul style="list-style-type: none"> • Defer establishment of JOs in the Sydney metropolitan region, except for sub-regional strategic planning, pending further consideration of options for council mergers (11.5) • Enter into discussions with 2-3 regions to establish 'pilot' JOs (11.5) • Re-constitute existing County Councils as subsidiaries of new regional Joint Organisations, as indicated in Table 5 (11.2) • Establish Regional Water Alliances in each JO along the lines proposed in the 2009 Armstrong-Gellatly report (11.3) • Set the core functions of Joint Organisations by means of Ministerial Guidelines (11.6) • Seek federal government agreement to make JOs eligible for general-purpose FAGs (11.6) 	<p>Council supports the deferral of the establishment of Joint Organisations in the Sydney Metropolitan region depending on local regional preferences, with the exception of sub-regional strategic planning matters and boundaries that have yet to be determined by the NSW state government. Manly Council is considering further collaboration regionally by improving on its successful SHOROC network and investigating these measures at present.</p>
36	<p>Identify one or more regional centres within each Joint Organisation and:</p> <ul style="list-style-type: none"> • Create a network of those centres to drive development across regional NSW (11.7) • Consider potential mergers of councils to consolidate regional centres, as indicated in Table 6 (11.7) 	<p>This recommendation applies to regional centres, not metropolitan councils such as Manly Council.</p>
37	<p>Develop close working partnerships between Joint Organisations and State agencies for strategic planning, infrastructure development and regional service delivery (11.8), and</p> <ul style="list-style-type: none"> • Add representatives of Joint Organisations to State agency Regional Leadership Groups (11.8) • Give particular attention to cross-border issues and relationships in the operations of Joint Organisations and in future regional strategies (11.9) 	<p>Council supports the further development of close working partnerships between councils (and in the future joint organisations) and further state-local cooperation at the regional level and supports an amendment in the Integrated Planning and reporting guidelines to require councils to include a section on key regional strategies and proposed joint regional projects in respect to community strategic plans and four year delivery programs. This would require reciprocal state agency commitment to funds or projects to be</p>

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

	Implemented locally and regionally.
--	-------------------------------------

Rural Councils and Community Boards

No.	Recommendation	Manly Council Comments
38	Establish a working party as part of the Ministerial Advisory Group proposed in section 18 to further develop the concept of 'Rural Councils' for inclusion in the re-written Local Government Act (12.1)	n/a
39	Include provisions for <i>optional</i> Community Boards in the re-written Act, based on the New Zealand model, but also enabling the setting of a supplementary 'community rate' with the approval of the 'parent' council (12.2)	This requires further consideration and examination as an optional structure for future council governance structures.

Metropolitan Sydney & Hunter, Central Coast and Illawarra

No.	Recommendation	Comments
40	Strengthen arrangements within State government for coordinated metropolitan planning and governance, and to ensure more effective collaboration with local government (13.1)	As considered above (recommendation 37) council supports strengthened arrangements between the state and local government within metropolitan Sydney.
41	Seek evidence-based responses from metropolitan councils to the Panel's proposals for mergers and major boundary changes, and refer both the proposals and responses to the proposed Ministerial Advisory Group (section 18.1) for review, with the possibility of subsequent referrals to the Boundaries Commission (13.3)	Manly Council rejects any proposal for mergers proposed by the panel report; and queries whether the ministerial advisory group is best positioned to represent its local interests.
42	Prioritise assessments of potential changes to the boundaries of the Cities of Sydney and Parramatta, and • Retain a separate City of Sydney Act to recognise its Capital City role • Establish State-local City Partnership Committees for Sydney and Parramatta along the lines of Adelaide's Capital City Committee (13.4)	Not applicable
43	Pending any future action on mergers, establish Joint organisations of councils for the purposes of strategic sub-regional planning (13.5)	While council is not opposed to joint organisations as proposed in boxes 30 and 31, there are many details and changes to legislation that are required yet to facilitate their establishment. Also council queries whether the joint

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

		regional planning powers proposed are consistent with the state planning reforms given recent political interventions and delays in implementation.
44	Maximise utilisation of the available local government revenue base in order to free-up State resources for support to councils in less advantaged areas (13.6)	Not applicable
45	Continue to monitor the sustainability and appropriateness in their current form of the Hawkesbury, Blue Mountains and Wollondilly local government areas (13.7)	Not applicable
46	Promote the establishment of a Metropolitan Council of Mayors (13.8)	Council has no objection to the establishment of a Metropolitan Council of Mayors; however, believes that such structures could be adapted locally or regionally to suit community needs.
47	Seek evidence-based responses from Hunter and Central Coast councils to the Panel's proposals for mergers and boundary changes, and refer both the proposals and responses to the proposed Ministerial Advisory Group (section 18.1) for review, with the possibility of subsequent referrals to the Boundaries Commission (14.1 and 14.2)	Not applicable
48	Defer negotiations for the establishment of a Central Coast Joint Organisation pending investigation of a possible merger of Gosford and Wyong councils (14.2)	Not applicable
49	Pursue the establishment of Joint Organisations for the Hunter and Illawarra in accordance with Recommendation 35 (14.1 and 14.3)	Not applicable

Rural & Regional Councils

No.	Recommendation	Comments
50	Explore options for non-metropolitan councils in Group A as part of establishing the Western Region Authority proposed in section 16 (15.1)	Not relevant
51	Refer councils in Groups B-F to the Boundaries Commission in accordance with Table 11 and the proposed timeline (15.1)	Not relevant – as this refers to non-metropolitan councils.
52	Complete updated sustainability assessments and revised long term asset and financial plans for the 38 councils identified in Table 11 by no later than mid-2015 (15.2)	Not relevant as this recommendation does not involve Manly Council.

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

Far West

No.	Recommendation	Comments
53	Agree in principle to the establishment of a Far West Regional Authority with the functions proposed in Box 39 and membership as proposed in Figure 9 (16.3)	Not applicable
54	Adopt the preferred new arrangements for local government set out in Box 40 as a basis for further consultation (16.4)	Not applicable
55	Establish a project team and reference group of key stakeholders within the DPC Regional Coordination Program to finalise proposals (16.5)	Not applicable

State-Local Government Relations

No.	Recommendation	Manly Council Comments
56	Use the State-Local Agreement as the basis and framework for a range of actions to build a lasting partnership, and negotiate supplementary agreements as appropriate (17.2)	Manly Council supports the concept of State agencies becoming real partners in the IPR process, in particular the Community Strategic Plan strategies and actions and contributing resources to ensure delivery through Delivery Programs. Effective agreements and/or memorandums of understanding could be part of this process to ensure outcomes in delivery. Council supports the development and introduction of new arrangements for collaborative whole of government strategic planning at a regional level; however, the mechanisms for this delivery throughout the Metropolitan Sydney area require further consideration, funding and discussion at regional and local levels.
57	Introduce new arrangements for collaborative, whole-of-government strategic planning at a regional level (17.2)	Council supports the amendment of the NSW constitution to strengthen recognition of elected local government.
58	Amend the State Constitution to strengthen recognition of elected local government (17.3)	While, it is recognised that the LGNSW currently and in the future plays an important role in representing local government interests, there are other industry associations that represent local government in NSW that should also be recognised by the current state-local agreement. These include the LGMA that represents professional staff working in local government, and provides wide ranging representation, information and professional development. Council also recommends that the LGNSW needs to be resourced to become more fully representative of the local government staff; rather than simply elected representatives as it currently does.
59	Seek advice from LGNSW on the measures it proposes to take to meet its obligations under the State-Local Agreement (17.4)	Council supports the further development and support of the division of
60	Strengthen the focus of DLG on sector development and seek to reduce its workload in	

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

	regulation and compliance (17.6)	Local government in reducing its workload in regulation and compliance, and towards that of assistance, mentoring and co-ordination with state agencies.
--	----------------------------------	--

Driving and Monitoring Reform

No.	Recommendation	Manly Council Comments
61	Establish a Ministerial Advisory Group and Project Management Office (18.1 and 18.2)	While, Council supports the establishment of a temporary Ministerial Advisory Group to work alongside the Division (Office) of Local government, and other key agencies; it also suggested that the LGNSW should also be joined by the LGMA and local government professionals as part of this advisory group.
62	Refer outstanding elements of the Destination 2036 Action Plan to the Ministerial Advisory Group (18.1)	Council supports that the outstanding elements of the Destination 2036 are referred to the Ministerial Advisory Group to progress outstanding elements.
63	Adopt in principle the proposed priority initial implementation package set out in Box 42, as a basis for discussions with LGNSW under the State-Local Government Agreement (18.3)	Council supports the proposed priority implementation package that are set out in Box 42. Council queries whether this should form the basis of discussions with LGNSW; and reiterates that the current state-local agreement only includes LGNSW, and not other industry associations such as the LGMA, and that this is a concern and not considered representative of the sector.
64	Further develop the proposals for legislative changes detailed in Boxes 43 and 44, and seek to introduce the amendments listed in Box 43 in early 2014 (18.5)	Council supports the need and proposed legislative changes to the Local Government Act, regulations and guidelines as suggested in Boxes 43 and 44.
65	Adopt in principle the proposed implementation timeline (18.6)	Council supports in principle the proposed implementation timeline as indicated in Table 12 (p.131) of the report.

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

Summary of Local Government Act Taskforce Recommendations

Approach and Principles for the Development of the New Act

No.	Recommendation	Comments
1	<p>1. IP&R form the central framework for the new Act providing local government with a robust strategic planning mechanism that is based on community engagement, expectations and aspirations, and financial responsibilities</p> <p>2. A flexible, principles-based legislative framework, avoiding excessive prescription and unnecessary red tape, written in plain language and presented in a logical format. The new Act should be confined to setting out the principles of how councils are established and operate. When further detail or explanation is required as to how these principles are to be achieved, regulations, codes and guidelines should be used</p> <p>3. A more consistent approach be adopted to the definition, naming and use of regulatory and other instruments, noting that currently there is inconsistent use of mandatory and discretionary codes, guidelines, practice notes, discretionary guidelines and the like.</p>	<p>Supportive of recommendations 1-3 regarding the Approach and Principles for the Development of the New Act as per previous Manly Council submission.</p> <p>These include the elevation of IPR into central framework for the new LGA, and that the framework is principles based that avoids excessive prescription and red tape that is written in plain language and presented in a logical & consistent orderly manner.</p> <p>However, the references to removing red tape and prescriptiveness are familiar; the 1993 Act was intended to do all those things. Indeed, that Act strengthened the powers of State Government vis-a-vis local councils.</p> <p>Although the idea of putting the detail in regulations and codes is good, there are inherent problems. Regulations are generally fairly tightly drafted such that interpretative difficulties rarely arise, but codes (cf 'Recommendation 1, 'Other Matters', No. 26) are often loosely and vaguely expressed, and unlike Acts of Parliament, they present ongoing difficulties of interpretation and meaning.</p> <p>There is also an accountability and democratic concern in that Acts of Parliament are made by a democratically elected legislature, regulations (although made by the Governor-in-Council) must be presented to Parliament and can be disallowed by Parliament. However, codes and the like are made by public servants. The idea of putting more 'detail' in codes results in government by administrative decree, that is, by State Government bureaucrats. The result for councils is often a loss of local autonomy in the face of an increasingly powerful Director General and DLG.</p>

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

Purposes of the Local Government Act

No. Recommendation	Comments
<p>3</p> <p>The Purposes of the Local Government Act be drafted as follows:</p> <ul style="list-style-type: none"> a legal framework for the NSW system of local government in accordance with section 51 of the <i>Constitution Act 1902 (NSW)</i> the nature and extent of the responsibilities and powers of local government a system of local government that is democratically elected, interactive with and accountable to the community, and is sustainable, flexible, effective and maximises value. 	<p>Supports recommendations 3.1.1 re: structure of the New Local Government Act as per previous Manly Council submission.</p>

Structure of the New Local Government Act

No. Recommendation	Comments
<p>2</p> <p>The new Act is structured with the following elements:</p> <p>Part I - Structural Framework of Local Government in NSW</p> <ul style="list-style-type: none"> Purpose of Local Government Act – 3.1.1 Role of Local Government – 3.1.2 Guiding Principles – 3.1.2 Legal status of councils (Includes establishment) – 3.1.3 Roles and Responsibilities of Council Officials – 3.1.4 <p>Part II - Strategic Framework for Local Government in NSW</p> <ul style="list-style-type: none"> Integrated Planning and Reporting – 3.2.1 Community Engagement – 3.2.2 Performance of Local Government – 3.2.3 <p>Part III - Council Operations</p> <ul style="list-style-type: none"> Governance Framework – 3.3.1 – 3.3.8 Financial practices – 3.3.9 – 3.3.11 Public Private Partnerships – 3.3.12 Public Land – 3.3.13 – 3.3.14 Regulatory Functions – 3.3.15 – 3.3.16 Other functions <p>Part IV - Tribunals and Commissions - 3.3.17</p>	<p>Supports recommendations 3.1.0 re: structure of the New Local Government Act as suggested for its structural frameworks; strategic framework and council operations.</p>

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

Role and Guiding Principles of Local Government

No.	Recommendation	Comments
4	<p>The inclusion of a new Role of local government and a set of Guiding Principles for local government as follows:</p> <p>The Role of local government is to provide local democracy, strategic civic leadership, stewardship and sound governance to achieve sustainable social, economic, environmental, health and wellbeing and civic engagement through:</p> <ol style="list-style-type: none"> (1) utilising integrated planning and reporting (2) working in cooperative arrangements with the community, other councils, State and Commonwealth Governments to achieve and report outcomes based on community priority as established through integrated planning and reporting (3) providing or procuring effective, efficient and financially affordable economic assets, services and regulation (4) exercising democratic local leadership and inclusive decision-making (5) having regard to the long term and cumulative effects of its decisions (6) valuing local difference and system diversity (7) committing to the application of the Guiding Principles of local government 	Supports recommendations 3.1.2 re: new role and guiding principles for the New Local Government Act

Role and Guiding Principles of Local Government

No.	Recommendation	Comments
4 Cont	<p>Guiding Principles to be observed by local government are to:</p> <ol style="list-style-type: none"> (1) provide elected community-based representative and participatory local democracy, and open and accountable government (2) foster and balance the needs, interests, social and economic wellbeing of individuals, diverse groups and community (3) adhere to the social justice principles of equity, rights, access and participation (4) encourage stewardship and facilitate sustainable, responsible management of resources, infrastructure and development (5) consider future generations by protecting, restoring and enhancing the quality of the environment to maintain ecologically sustainable development, reduce risks 	Supports recommendations 3.1.2 re: new role and guiding principles for the New Local Government Act

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

No.	Recommendation	Comments
	<p>to human health and prevent environmental degradation</p> <p>(6) ensure sustainable management and that all decisions incorporate considerations of risk management and long-term sustainability</p> <p>(7) recognise the responsibility of other levels of government in the provision of local services while accepting that local choices should be made at the local level wherever possible under the principle of subsidiarity</p> <p>(8) achieve and maintain accepted best practice public governance and administration, and act fairly, responsibly, ethically, transparently and in the public interest optimise technology, and foster innovation and continuous improvement.</p>	

Constitution of Councils

No.	Recommendation	Comments
5	The legal status of councils remains as a "body politic".	Supports recommendations 3.1.3 re: constitution of councils under the New Local Government Act.

Roles and Responsibilities of Council Officials

No.	Recommendation	Comments
6	The Taskforce recommends following consideration of the final report of the Independent Panel, the roles and responsibilities of mayors, councillors and general managers are reviewed to ensure they align with the requirements of the strengthened IPR framework (see section 3.2.1 below) and any recommendations of the Independent Panel that may be adopted by the State Government.	Support is given for the recommendations 3.1.4 that are contained in the Independent Panel report regarding the roles and responsibilities of mayors, councillors and general managers are reviewed to ensure they align with the requirements of the strengthened IPR framework.

Meetings

No.	Recommendation	Comments
12	<p>The provisions relating to council meetings be:</p> <p>(1) consolidated into a generic mandatory Code of Meeting Practice that may if necessary be supplemented to meet local requirements, provided the amendments are not inconsistent with the provisions of the Act and standard Code of Meeting Practice</p> <p>(2) modernised and unnecessary prescription and red tape removed</p> <p>(3) designed to facilitate councils utilising current and emerging technologies in the</p>	Supports recommendations 3.3.2 regarding council meetings and procedures being available in a generic mandatory code of meeting practice for the sector providing that they are modernised, and that unnecessary prescription, red tape is removed and can facilitate emerging technologies.

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

	conduct of meetings and facilitating public access (4) flexible to enable remote attendance through technology at council meetings in emergencies such as natural disasters.
--	---

Integrated Planning and Reporting (IPR)

No.	Recommendation	Comments
7	<p>(1) Elevating IPR to form the central framework of the new Act and the primary strategic tool that enables councils to fulfil their civic leadership role and deliver infrastructure, services and regulation based on community priorities identified by working in partnership with the community, other councils and the State Government</p> <p>(2) strengthening and embedding the principles of IPR in the Act more broadly, setting minimum standards in the Act and defining process through regulation, codes and/or guidelines</p> <p>(3) removing duplication from other parts of the Act, where the principle or practice is already captured in the IPR legislation or guidelines</p> <p>(4) ensuring the legislation facilitates a strategic leadership role for councils in their local communities</p> <p>(5) moving sections of the Act to other legislation, in order to create an Act that better reflects the strategic role of councils and the framework that ensures and enables that role. The Taskforce proposes the outline displayed in Table 6 as the chapter structure of the new Act</p> <p>(6) simplifying the provisions of IPR to increase flexibility for councils to deliver IPR in a locally appropriate manner.</p>	Supports recommendations 3.2.1 (1-6) regarding IPR and ensuring that it becomes the central framework of the new LG Act along with strengthened principles, removed duplication, and simplification of IPR provisions to suit local conditions.

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

Community Engagement

No.	Recommendation	Comments
8	<p>Councils to prepare the most locally appropriate and flexible community engagement strategy guidelines. This will provide communities the opportunity to engage, through the following and other locally appropriate principles, and allow a flexible framework for continuing community engagement. The principles for such strategy will:</p> <ul style="list-style-type: none"> a. include commitment to the community being at the centre of local government using ongoing engagement which ensures fairness in the distribution of resources; rights are recognised and promoted; people have fairer access to economic resources and services essential to meet basic needs and improve quality of life; and people have better opportunities to become informed and involved especially through use of technology b. consider and understand that persons who may be affected by, or have an interest in, a decision or matter should be provided with access to relevant information concerning the purpose of the engagement and the scope of the decision(s) to be taken c. consider and understand that interested persons should have adequate time and reasonable opportunity to present their views to the council in an appropriate manner and format d. ensure that views presented to council will be given due consideration e. consider and understand that councils, in exercising their discretion as to how engagement will proceed in any particular circumstance, will have regard to the reasonable expectations of the community, the nature and significance of the decision or matter, the costs and benefits of the consultation process, and to intergenerational equity f. arrange flexible special engagement procedures in particular instances g. consider all groups; even though it may be difficult to reach every diverse community group, and some groups will choose not to engage. 	<p>While, Council supports the recommendations 3.2.2 regarding community engagement as listed in this section.</p> <p>However, there is increasing confusion between the requirements of community consultation and engagement between the Planning Reforms (White Paper and Planning Bills) and the current or future integrated planning and reporting framework in the LGA.</p> <p>There should be consistency and alignment between the different requirements and nature of consultation suggested in all areas affecting council's strategic planning functions whether it be land use planning, strategic planning undertaken as part of the preparation of community strategic plans.</p>

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

Performance of Local Government

No.	Recommendation	Comments
9	<p>A performance system is developed that is linked to IPR and includes the following elements:</p> <ul style="list-style-type: none"> (1) a standard series of measures that can compare the performance of councils across the State (2) an analysis of the performance measures results so that councils can identify the actions required to elevate performance (3) a self-assessment of the performance of the governing body on an annual basis (4) in lieu of an end of term report, councils provide a mid-term report as to progress with the Community Strategic Plan. 	<p>Supports recommendations 3.2.3 and current initiatives in this are to ensure effective performance monitoring amongst councils.</p> <p>Would like self assessment of performance of governing body to be undertaken on a standardised basis, so that performance can be compared across different councils and regionally.</p> <p>Would recommend that end of term report requirements are retained in preference to a mid-term report on the community strategic plan.</p>

Technology

No.	Recommendation	Comments
10	<ul style="list-style-type: none"> (1) as a general principle the Act should enable optimal, flexible and innovative use of technology by councils to promote efficiency and enhance accessibility and engagement for the benefit of constituents (2) the Act should allow each council to determine the most appropriate use of technology taking into account the Guiding Principles of local government and community engagement through the IPR framework. 	<p>Supports recommendations 3.2.4 regarding use of technology in councils.</p>

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

Elections

No.	Recommendation	Comments
11	<p>(1) councils to have the option of using universal postal voting or alternative means of voting such as technology assisted voting where feasible as a means of increasing efficiency and voter participation and reducing council costs</p> <p>(2) the Act be drafted so as to enable the adoption of new technologies such as technology assisted voting when feasible to do so</p> <p>(3) include mechanisms for removing the need for by-elections, when a vacancy occurs either in the first year following an ordinary council election or up to 18 months prior to an ordinary election as a means of avoiding the holding of costly by-elections</p> <p>(4) a counting system should be adopted as an appropriate mechanism for filling vacancies that occur within the first year following an ordinary election whereby the unelected candidate who had the next highest number of votes be appointed to fill the vacant position</p> <p>(5) councils to be required to fill vacancies occurring after the first year following an ordinary election and up to 18 months prior to the next ordinary election by the postal voting method</p> <p>(6) where universal postal voting is used for any election, a candidate information booklet is to be included in ballot packs as a way of increasing voter knowledge of the candidates</p> <p>(7) the transfer of local government elections law to a single new Elections Act to consolidate all State and local government election provisions along with the regulation of campaign finance and expenditure</p> <p>(8) the term of mayors elected by the councillors to be extended from 1 year to 2 years</p>	Supports recommendations 3.3.1 regarding elections.

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

Appointment & Management of Staff

No.	Recommendation	Comments
13	<p>1) the strategic responsibilities of the council be clearly separated from operational responsibilities and be aligned with IPR by:</p> <ul style="list-style-type: none"> the council being responsible: for determining those services and priorities required by the community, and for providing the necessary resources to achieve the council's Delivery Program; and on the advice of the general manager, the council determine the organisation structure to the level that directly reports to the general manager the general manager being responsible: for determining the balance of the organisation structure; and for recruiting all staff with appropriate qualifications to fulfill each role within the structure. The general manager will consult with council regarding the appointment and dismissal of senior staff <p>2) positions meeting the criteria as senior staff be appointed under the prescribed standard contract for senior staff, identified as senior staff positions within the organisation structure, and remuneration be reported in the council's annual report</p> <p>3) each council to determine arrangements for regulatory responsibilities other than under the Act</p> <p>4) the current prescription relating to advertising of staff positions and staff appointments be transferred to regulation or to relevant industrial award</p> <p>5) that the maximum term allowable for temporary staff appointments be extended from 1 year to 2 years</p>	<p>Supports recommendations 3.3.3 regarding the appointment and management of staff, particularly that the strategic responsibilities of councils be separated from the operational ones, and this should be reflected and aligned in the IPR framework.</p>

Regional Strategic Organisations of Councils and Formation and Involvement in Corporations and Other Entities

No.	Recommendation	Comments
14	<p>1) the Act include a mechanism enabling councils to form statutory entities to undertake regional strategic collaboration activities. The Taskforce is of the view that, in place of Regional Organisations of Councils, a model similar to that developed by the Hunter Councils – Council of Mayors provides a suitable mechanism for achieving regional strategic collaboration, with the exception of Western NSW. ROCs could transition to a Council of Mayors to broaden joint collaboration between councils</p> <p>2) the provisions of the Act relating to the formation of corporations and other entities should continue</p>	<p>Supports recommendation 3.3.4 and need for mechanism to enable councils to undertaken regional strategic collaboration activities via statutory entities.</p>

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

Pecuniary Interest

No.	Recommendation	Comments
15	1) the pecuniary interest provisions be reviewed to ensure they are written in plain language, easily understood and with unnecessary red tape removed 2) consideration be given to utilising technology to assist with the submission and maintenance of pecuniary interest disclosures and to facilitate appropriate access to this information, while ensuring that privacy rights are protected.	Supports recommendations 3.3.7 and need for review of pecuniary interest provisions, and consideration of the use of technology for submission of disclosures.

Delegations

No.	Recommendation	Comments
16	1) that the provisions of the Act relating to delegations be reviewed to ensure that they are streamlined, written in plain language and are reflective of the roles and responsibilities of the council and the general manager to facilitate the efficient, effective and accountable operation of local government. 2) that the exceptions to delegations of an operational nature not be carried forward to the new Act, ensuring the council focuses on strategic decisions, consistent with IPR. These would include for example: <ul style="list-style-type: none"> • acceptance of tenders • provision of minor financial assistance to community groups • delegation of regulatory functions to another council or shared services body. 	Supports recommendations 3.3.8 and need for delegations to be reviewed and written in plain language that are reflective of roles and responsibilities.

Financial Governance

No.	Recommendation	Comments
17	1) there be greater focus on principles and definition of financial systems and minimum standards in the new legislative framework and for assimilation of financial governance with the IPR requirements 2) there be a realignment of the regulatory focus under the legislative framework towards systems and risk management rather than process prescription 3) complementing the Guiding Principles of local government, the new Act should articulate a set of financial (or corporate) governance principles that align more effectively with the principles and objectives of IPR, especially in relation to	Supports recommendations 3.3.9 regarding financial governance.

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

	<p>stewardship of resources and accountability. For example:</p> <ul style="list-style-type: none"> a. safeguarding integrity in financial reporting b. making timely and balanced disclosures c. recognising and managing risk <p>4) minimum expectations be prescribed by legislation or sub-regulatory instrument. A potential framework is:</p> <ul style="list-style-type: none"> a. financial management governance and oversight b. financial management structure, systems, policies and procedures c. financial management reporting <p>5) financial statement requirements be included under IPR annual reporting requirements</p> <p>6) a further review of rating and finance matters be undertaken as required after the Independent Panel recommendations are determined by the State Government.</p>
--	---

Procurement

No.	Recommendation	Comments
18	<p>1) the adoption of central principles of procurement combined with a medium level of regulation to ensure support of the following principles:</p> <ul style="list-style-type: none"> a. accountability b. value for money c. probity, equity, fairness and risk management d. efficient and effective competition e. market assessment <p>2) main considerations for each principle be contained in the Act or regulations, with further considerations contained in guidelines or a mandatory code</p> <p>3) a council's procurement framework be consistent with its IPR framework</p> <p>4) rather than the legislation setting a monetary threshold, a more flexible principles-based approach be established to enable councils to determine their threshold based on risk assessment of the proposed procurement and the procurement principles</p> <p>5) regulation of procurement support councils entering into collaborative procurement arrangements and utilising technologies to assist with efficient, effective and economic procurement processes that are accessible to all relevant stakeholders and are fair, open and transparent</p> <p>6) a regulation or code to express councils' default procurement framework</p>	Supports recommendations 3.3.10 regarding procurement.

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

Procurement - continued

No.	Recommendation	Comments
18 cont	<p>7) councils be qualified to adopt a more strategic approach through "earned autonomy" whereby:</p> <ul style="list-style-type: none"> a. the Division of Local Government may exempt a council from compliance with a requirement under the regulation or code where it is satisfied that a council's procurement framework is consistent with the procurement principles; and b. qualification for a council's earned autonomy may be through an accreditation process or by council's development and diligent maintenance of policies and practices that are consistent with requirements issued by the Division of Local Government or other oversight entity. Qualification by accreditation is preferred as this should increase the accountability of councils to the community. <p>councils continue to be able to take advantage of purchasing from Commonwealth and State Government procurement panels and the State Government policies which afford exemption from tendering obligations such as when purchasing from registered Australian Disability Enterprises</p>	Supports recommendations 3.3.10 regarding procurement.

Capital Expenditure Framework

No.	Recommendation	Comments
19	A capital expenditure and monitoring guideline, be developed that integrates with the IPR framework and enables the appropriate management of risk by councils. This guideline should be tailored to risk levels, including significance of the project, materiality and whole of life costs, and not based on arbitrary monetary thresholds or procurement vehicles	Supports recommendations 3.3.11 regarding the development of a new capital expenditure and monitoring guideline that integrates with the IPR framework and appropriate risk management in councils.

Public Private Partnerships (PPPs)

No.	Recommendation	Comments
20	<ul style="list-style-type: none"> 1) that PPP projects continue to be subject to regulation due to the significance of the risks involved 2) aspects that could be streamlined or simplified be identified and mechanisms for ensuring PPPs be considered for inclusion in the IPR framework. 	Supports recommendations 3.3.12 regarding public private partnerships.

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

Acquisition of Land

No.	Recommendation	Comments
21	Council plans for the compulsory acquisition of land be linked with the IPR processes, and in particular the expressed opinion of the community in the Community Strategic Plan on the need for additional public land or the sale of public land be included in Delivery Program provisions	Supports recommendations 3.3.13 regarding the acquisition of land and linking it within the IPR processes.

Public Land

No.	Recommendation	Comments
22	<ol style="list-style-type: none"> 1) councils be required to strategically manage council-owned public land as assets through the IPR framework 2) balancing reasonable protections for public land use and disposal by retaining the classification regime of public land as either community or operational land and require a council resolution at time of acquiring or purchasing land to specify the classification, category and proposed uses 3) a proposed change in the use or disposal of community land be addressed through the council's Asset Management Planning and Delivery Program 	Supports recommendations 3.3.14 regarding public land. In particular, the recommendation that council owned public land and assets are assessed through the IPR framework, particularly the Asset Management planning processes. However, Manly Council questions why the LGA should continue to contain additional provisions to classify or protect public land as these conflict with those measures that are contained in the Environmental Planning and Protection Act, and disagrees with recommendation 22 (2). This legislation contains specific provisions role should be undertaken through the Local Environmental Plan and EP&A processes governing land rezoning.

Public Land – continued

No.	Recommendation	Comments
22 Cont	<ol style="list-style-type: none"> 4) a public hearing be held by an independent person where it is proposed to change the existing dominant use or to dispose of community land, with the results of the public hearing to be reported to and considered by the council before a decision is made 5) any use of a public hearing or other consultation process under the Act be specified in the council's Community Engagement Strategy 6) recognising the LEP zoning processes and restrictions applying to council owned public land 7) simplifying and reducing the categories and sub-categories of use to which community land may be applied through the Asset Management Planning process so as to identify and accommodate other ancillary or compatible uses appropriate to the current and future needs of the community 8) ceasing the need for separate plans of management for community land to be prepared and maintained, and in lieu, utilise the Asset Management Planning and Delivery Program of the IPR process 9) ceasing the need for a separate report to be obtained from the Department of 	Council supports recommendations 3.3.14 as above; and therefore queries the need (and additional resources required) for a public hearing under the Local Government Act if changes of land uses are considered and dealt with under the Environmental Planning and Assessment legislation.

ATTACHMENT 1

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

	10) Planning and the need for ministerial approval where council proposes to grant a lease, licence or other estate over community land in excess of the current 5 years, where an objection has been received by the council proposed leases and licences be addressed as part of the council's Asset Management Plan and adopted Community Engagement Strategy with the 30 year maximum term to remain unchanged.	
--	--	--

28

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

Approvals, Orders & Enforcement

No.	Recommendation	Comments
23	<p>regulatory provisions be reviewed to ensure that the Act provides guidance on regulatory principles but contains flexibility and less prescription in regulation implementation, provision of statutory minimum standards or thresholds, and councils having discretionary "on-the-ground" functions</p> <p>2) consideration be given to the notion of a risk based approval process where persons or corporations are given general approval to conduct certain work rather than dealing with applications on a piecemeal basis</p> <p>3) within this framework, the prescriptive processes of approvals and orders be streamlined and, subject to risk assessment, be placed into regulations</p> <p>4) removal of as many approvals and orders as possible and placing in specialist legislation if they cannot be repealed</p> <p>5) the principles for dealing with approvals and orders be incorporated into a council's IPR framework through the Delivery and Operational Plans, including adoption of an Enforcement Policy and any LAPs and LOPs</p> <p>6) penalties for offences in the Act and regulations be increased to ensure they are proportionate to the nature of the offence, and that the ability to serve a penalty notice should be made an option for additional offences</p> <p>7) councils be required to adopt an Enforcement Policy stating what factors will be considered in determining whether or not to take action, including the level of risk. The factors should be consistent across all councils</p> <p>8) improving councils' ability to recover costs for conducting work on private land</p> <p>9) aligning council powers of entry with contemporary legislative standards</p> <p>10) increasing the time limit for commencing summary proceedings from 6 to 12 months.</p>	Supports recommendations 3.3.15 and the streamlining and reduced prescription in regulation implementation.

Water Management

No.	Recommendation	Comments
24	The Taskforce supports changes proposed to water recycling provisions which will consolidate and simplify the legislative framework. Otherwise the Taskforce makes no recommendations regarding the structures for the delivery of water and sewerage in non-urban areas, noting that the Taskforce gave the issue consideration but is aware this area is being dealt with by other reviews.	Supports recommendations & provides no comment on this.

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

Tribunals & Commissions

No.	Recommendation	Comments
25	<p>The Taskforce notes</p> <ol style="list-style-type: none"> 1) It is expected the Local Government Pecuniary Interest and Disciplinary Tribunal will be consolidated into the newly constituted NSW Civil and Administrative Tribunal 2) the Independent Panel is examining the issue of structures and boundaries, how boundary changes might be facilitated, and possible change of method of operation of the Local Government Boundaries Commission and accordingly makes no comment pending the outcome of this review 3) consideration be given whether to merge the Local Government Remuneration Tribunal with the Statutory and Other Officers Remuneration Tribunal. 	Supports recommendations 3.3.17

General Managers Division Report No. 3.DOC - Local Government Acts Taskforce review submission

Manly Council Submission to the Independent Local Government Review Panel and Local Government Acts Taskforce

Manly Council Submission, Office of Local Government, Department of Premier & Cabinet re: Independent Local Government Review Panel & Local Government Acts Taskforce

Other Matters

No.	Recommendation	Comments
26	<p>(1) in place of sections 23A and 10B(5) that the Act empowers the Director General to issue mandatory codes on operational and governance matters relevant to local government</p> <p>(2) a formal Oath of Office for councillors introduced as a mechanism for inducting councillors into their role and reinforcing the serious nature of the role and the chief responsibilities and duties the role entails</p> <p>(3) the provisions of the Act governing councils' expenses and facilities policy reviewed to ensure its streamlined and unnecessary red tape eliminated</p> <p>(4) a review be undertaken of circumstances that do not invalidate council decisions and including consideration of the appropriateness of adding the following to those circumstances that do not invalidate council decisions – "a failure to comply with the consultation and engagement principles"</p> <p>(5) conferring authority on councils to allocate, maintain and enforce property numbering</p> <p>(6) councils be provided with an effective means to regulate camping in vehicles on road and road related areas</p> <p>(7) the following matters be reviewed depending on the outcomes of other reviews currently incomplete:</p> <ol style="list-style-type: none"> how councils are financed, particularly rating. The Taskforce consistently received feedback detailing issues with the provisions of the Act relating to how councils are financed community engagement to ensure consistency with the planning community participation proposals under new Planning Act if adopted Tribunals and Commissions, particularly role and functions of Boundaries Commission to ensure Act supports recommendations of the Independent Panel adopted by State Government roles and responsibilities of council officials. It is essential that the Act clearly defines the roles and responsibilities of the mayor, councillors and the general manager. The Taskforce recommends that these definitions are reviewed to ensure they reflect recommendations of the Independent Panel adopted by the State Government. 	Supports recommendations 3.3.18.