



**SECOND REPORT**  
**OF**  
**THE LEGISLATION COMMITTEE**  
**UPON THE**  
**DRAFT LOCAL GOVERNMENT BILL**  
**AND COGNATE BILLS:**  
**THE COGNATE BILLS**

- \* THE ROADS BILL 1992
- \* THE TRAFFIC (PARKING REGULATION) AMENDMENT BILL 1992
- \* STATE ENVIRONMENTAL PLANNING POLICY NO. 11 - TRAFFIC GENERATING DEVELOPMENTS (AMENDMENT NO. 1)
- \* THE LOCAL GOVERNMENT (CONSEQUENTIAL PROVISIONS) BILL 1992
- \* STATE ENVIRONMENTAL PLANNING POLICY NO.- SUBDIVISION
- \* THE IMPOUNDING BILL

## MEMBERS OF THE COMMITTEE

Mr John Harcourt Turner, Dip. La. M.P. (Chairman)  
Member for Myall Lakes (N.P.)

Mr Peter Terrence Blackmore M.P. \*\*  
Member for Maitland (Lib.)

Mr Christopher John Downy, B.A. (Hons), Dip. Ed., M.P. \*  
Member for Sutherland (Lib.)

Mr Robert Joseph Wilson Harrison M.P.  
Member for Kiama (A.L.P.)

Dr Peter Alexander Cameron Macdonald,  
M.B., B.S., M.R.C.G.P., D.A., D.R.C.O.G., M.P.  
Member for Manly (Ind.)

Mr Ernest Thomas Page, B.E., B.Comm., M.P.  
Member for Coogee (A.L.P.)

Mr Barry William Rixon, M.P.  
Member for Lismore (N.P.)

\* Discharged 1 September 1992

\*\* Appointed 1 September 1992

### Clerk to the Committee

Mr Mark Swinson, Deputy Clerk

### Project Officer

Mr Robert Lawrie, Manager, Parliamentary Archives

### Departmental Advisors

Mr Ian McKendry, Co-ordinator Legislative Review

Ms Margaret Newton, Legal Consultant

Ms Jill Pattison, Senior Policy and Research Officer

## CHAIRMAN'S FOREWORD

This report on the cognate Bills to the Draft Local Government Bill is the second by the Legislation Committee and thus completes the Committee's consideration of these important matters.

It has been a unique experience for the Committee - the only Legislation Committee to date which has considered draft legislation instead of actual legislation. As such the Committee feels it has played an important role in shaping the final legislation that will come before the House.

There is no doubt that the Local Government Bill and Cognate Bills will probably affect people directly in their day-to-day activities more than any other piece of State legislation. It was therefore necessary to ensure that a cross-section of the community had input into the legislation. I therefore thank all those persons and organisations who made submissions either to the Committee or to the Department of Local Government and Co-operatives, which subsequently made the information available to the Committee.

There was obviously a vital interest from the general public. This process could only have occurred from the desire of the Minister for Local Government and Co-operatives, the Hon. Gerry Peacocke MP, to have intensive public discussion on the legislation.

As this will be the last Report by this Committee (subject to a substantial re-write of any of the Bills) I would like to thank my fellow Committee members, the Project Officer, Robert Lawrie, the officers of the Parliamentary Reporting Staff, and the Parliamentary staff who all worked with the Committee. I would also like to thank Ian McKendry, Margaret Newton, Beverley Forner, Jan Clark, Jill Pattison and Norman Smith and all the officers of the Department of Local Government and Co-operatives who were of great assistance to the Committee



John Turner  
(Chairman)

## INTRODUCTION

The Draft Local Government and Cognate Bills were referred to a Legislation Committee on 11 December 1991 which met for the first time on 19 February 1992. The Committee divided its deliberations between the main Bill and the cognate Bills and reported on the main Bill on 6 May 1992. Since that date the Committee has held Hearings and has deliberated on the cognate Bills and now presents its Report on them.

It must be noted here that the Department of Local Government and Co-operatives intends to rewrite the cognate Bills (the Exposure Drafts of the Roads Bill 1992, the Traffic (Parking Regulation) Amendment Bill 1992 and the State Environment Planning Policy No. 11 - Traffic Generating Developments (Amendment No. 1); the Impounding Bill 1992; the Local Government (Consequential Provisions) Bill 1992, and the State Environmental Planning Policy No.-Subdivision). However the Committee could only determine matters that were in the original exposure draft bills, as referred to the Committee. The Committee understands that the rewrite will be to express the Bills in plainer English in accordance with the Exposure Draft of the Local Government Bill, to cut out repetitiousness within the Bill and to incorporate certain agreed changes following submissions received.

Section 81 of the Roads Bill is an example of where redrafting and the use of plain English would be desirable given the repetitiousness of the words "Minister" and "the Minister's role" in sub-sections (5), (6), (7), (8), and (9). This is an example whereby a redraft would encompass most matters in simple language and thus enhance the legislation.

It was also observed by many people making submissions and appearing before the Committee that the Roads Bill in particular was hard to read and interpret.

It should also be observed that this Committee is the only Legislation Committee considering draft legislation: all other Legislation Committees are looking at legislation which is before the House in final Bill form.

Although the Committee issued a Report on the Draft Local Government Bill (tabled 6 May

1992), some of the people who made submissions and gave evidence in relation to the Cognate Bills also wished to raise or emphasise matters previously covered by the First Report.

Representatives from the Local Government and Shires Associations raised matters emanating from the first report and re-emphasised that they believe that there should be a universal voting system throughout New South Wales rather than an optional system as recommended in the first report. The expressed preference by the Local Government and Shires Associations for a voting system was that of proportional representation where more than two persons are to be elected and the preferential system in those areas where there were to be fewer than that number.

The Local Government and Shire Association were also of the very firm view that fixed term performance based contracts should apply to General Managers on their appointment, reviewable each year, to a maximum of five years.

Other matters raised by the Local Government and Shires Associations included the role of the appropriate Remuneration Tribunal in considering submissions in connection with the making of fees and remuneration to elected representatives including Mayors and Presidents. There was also a view that the relationship between the roles of the General Manager on the one hand, and the Mayor and President of Councils on the other, would have to be further clarified and delineated.

The Institute of Municipal Management raised the fact that Councils that have already made the transition primarily into the general thrust of the draft Local Government Bill should be able to seek accreditation from the Department of Local Government rather than to go through the formula in the Local Government Bill. The Institute of Municipal Management were concerned at the lack of guidelines presently available for Councils for the transition to the new Bill, particularly in the managerial area.

The Institute of Municipal Management also raised the fact that in their view contracts of employment as to General Managers should be at will.

Concern was also expressed by the Institute of Municipal Management and the Local Government Engineers Association concerning redundancies arising out of the reorganisation of Councils. The

Local Government Engineers Association also wanted clarification of what is meant by advertising staff conditions.

The Committee has seen that there has been a great deal of preparation and time taken by the Minister and Department of Local Government in preparing these Bills for public debate and such debate should also incorporate the public sector.

It was obvious to the Committee during the hearings that there was some inter-departmental rivalry in relation to preparing and giving submissions in respect to the Local Government Bill. It appears that a number of Government Departments have not been willing to accept the proposed changes and have not actively sought to place themselves in a working relationship with the Department of Local Government for the purposes of streamlining this legislation. The Committee believes that the new legislation to be brought before Parliament needs to encompass the widest range of views from throughout the public sector for the benefit of the New South Wales public and the Local Government systems generally.

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## REPORT AND RECOMMENDATIONS

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- CHAPTER ONE: \* THE ROADS BILL 1992  
\* THE TRAFFIC (PARKING REGULATION) AMENDMENT BILL 1992  
\* STATE ENVIRONMENTAL PLANNING POLICY NO. 11 - TRAFFIC GENERATING DEVELOPMENTS (AMENDMENT NO. 1)

The Committee has noted that there is concern about the drafting of this Bill, particularly in relation to it being cognate with the Local Government Bill which has been written in plain English. The Committee is also concerned that rewriting this Bill could significantly change the views presently held by this Committee. It should thus be noted that this Report is only on the Bill as presented to us. It must also be noted that if the Committee has not commented upon a clause, it does not therefore mean that the Committee necessarily approves of it.

### ROADS BILL

#### CHAPTER 1 - INTRODUCTORY

#### PART 2 - CLASSIFICATION OF PUBLIC ROADS AND WORKS

#### **Clause 6: Who can classify roads and works for the purposes of this Act?**

The Committee was concerned by the whole method by which roads are classified. It is understood from the representatives of the Local Government Department who assisted the Committee that this is being re-assessed as part of the re-writing of the Bill and it is urged that a simplified classification system be considered.

It is suggested that there be a universal specification at which level a road is classified to be once it reaches that specification. However this itself could be fraught with many interpretations and connotations depending perhaps on the Council, the location and the type of road where one road may well in one area reach a specification but a similar road in another area even though it is



to the same specification may not. The Committee believes that there is no easy answer to road classification because of the very physical nature of roads and the localities in which they exist, but a clearer and more simplified version of classification is urged.

## CHAPTER 2 - PROVISIONS APPLICABLE TO ALL ROADS

### PART 3 - HOW LAND MAY BECOME A ROAD

#### DIVISION 1 - PREREQUISITES TO OPENING A ROAD

##### **Clause 17: Who can open a road ?**

Subclause (3) states that:

"Nothing in this Part: (a) prevents a Minister of the Crown, a public authority, a council or any other authority authorised by law to acquire land by compulsory process from making use of any other law to acquire land for the purposes of a road; or (b) affects the operation of any other law that provides for the opening of roads. However, the only way in which a person other than a roads authority may have a road opened is by means of an application under this Part."

The Committee believes that this subclause needs clarification and amplification.

## CHAPTER 2, PART 4 - HOW DOES LAND CEASE TO BE A ROAD

### DIVISION 1 - CLOSURE OF PERMANENT ROADS

##### **Clause 42: What happens when a council road is closed ?**

Clause 42 was raised in almost every submission heard by the Legislation Committee and caused a great deal of debate.

The initial philosophy of the Committee was that Clause 42 (2) should be deleted and that Councils be entitled to any funds remaining after deducting the cost of the sale of any public road which may be sold under this provision.

This however then led to further debate as to the intent of the Clause. There is no doubt that historically there may have been a variety of persons or organisations involved in the dedication.

maintenance, establishment and construction of such a road through the life of the road.

Compounded with this aspect is the fee simple arguments that roads are vested in Councils in any event and this may be an erosion of the fee simple principal under the other Acts.

It has been suggested that the proceeds of the closure and sale of local roads or local streets anticipated under this Clause should, no matter what, be paid in total to Councils on condition that those funds be utilised solely for other roadworks.

For other roads, four options were considered by the Committee. These were:

1. That there be no change to the present system;
2. That a pre-arranged formula be determined to divide any proceeds of sale;
3. That arbitration or mediation action be considered to determine those entitled to proceeds of any sale;
4. That the Minister set up an inquiry involving all possible interested parties in the sale of roads to inquire into the matter more fully.

In relation to Point 2, it was thought that to reach a speedy resolution that a formula be adopted as a way for time and money to be saved by all parties involved. That is, in the first instance an offer would be made by the relevant authority believing to have the proprietorial interest in the road to the other claimant to settle the matter on an agreed basis. The proponents would then have a time limit for acceptance and payment if this offer was to proceed and the process would be in lieu of the mediation or arbitration proceedings.

The formula concept was developed in an effort to give a mechanism whereby costs, both administrative and legal, could be kept at a minimum for all parties involved and perhaps those savings in themselves could offset the imbalance in any equity.

If arbitration or mediation raised under Point 3 was anticipated, then two possible scenarios were advanced. The first that the Land and Environment Court, through its mediation proceedings, be a final determiner of the respective share between Council and the other authority that may

be competing for a share, or alternatively a person or organisation be specified as the mediator in such instances.

It was further observed that should mediation or arbitration be utilised the procedure for ascertaining a division of the funds on the same of a road should be made easier as AAS 27 comes into place, whereby Councils have to value their assets as anticipated under the Local Government Bill. The Committee acknowledges that this will be some way downstream before it can become a useful tool for such determinations.

Some members of the Committee did not agree with either Points 2 or 3 and believed that the Minister should set up a Working Party to thoroughly canvass the matter and report back to the Minister with recommendations on the proceeds of the sale of roads.

## CHAPTER 2, PART 6 - CONTROL AND MANAGEMENT OF ROADS

### **Clause 61: In what circumstances can a roads authority stop traffic ?**

In relation to Clause 61, the Committee is of the view that that Clause should be enhanced to have a provision for road authorities to stop traffic in an emergency. The Committee particularly draws attention to Clause 61 (1) where it requires any measures anticipated on that Clause to be done by order in writing. This in the view of the Committee is impractical where an emergency arises and action is required immediately. There therefore should be a redrafting of this Clause to include emergency provisions.

### **Clause 65: Can a roads authority charge for fences, lights and other equipment placed around dangerous premises ?**

It was submitted by the Local Government and Shires Associations that Clause 65 did not allow Councils to recover expenses as a debt for work carried out under such a clause. The Department of Local Government believes that this is covered in Clause 150. However it should be clearly shown that Councils do have the right to recover expenses as a debt should the occasions as anticipated in Clause 65 occur.

## CHAPTER 2, PART 7 - OBSTRUCTIONS, ENCROACHMENTS AND DAMAGE

**Clause 68: What can a roads authority do when sand causes an obstruction on a road ?**

Clause 68 should be re-drafted so that there may be provision for immediate action to take place. The Clause should also be broadened to include materials other than sand.

**Clause 70: What action can a roads authority take when a person damages a road ?**

and

**Clause 71: Can a roads authority require a person to reinstate a damaged road ?**

Clauses 70 and 71 talk in general terms about damage to Council property arising from excavation of roads by public authorities and the public in general. A provision should be added to these clauses that Councils may be able to carry out any work to rectify such excavation work including any poor or substandard repairs to the excavated section of road and that Councils have the power to recoup any costs incurred by them in rectifying such damage from the person or organisation who caused the damage.

## CHAPTER 2, PART 9 - FUNCTIONS OF ROADS AUTHORITIES RELATING TO LAND

**Clause 77: What leasing powers does a roads authority have with respect to roads under its control ?**

This clause, particularly sub-clause (2), caused considerable concern. It was indicated by the Department of Local Government and the Roads and Traffic Authority that the whole Clause is the subject of a total review and may in fact be totally rewritten. It therefore may be that the Clause considered here by the Committee will not be the Clause that will ultimately form part of the Bill.

**Clause 81: What powers does a roads authority have to take road-making materials ?**

The Committee believes that this clause is unnecessarily wide and does not adequately protect

the rights of the private landholder. The Committee believes that this clause requires redrafting, particularly on reflection of sub-clause (2)(b), when read with the other sub-clauses associated with this clause.

### CHAPTER 3 - FUNCTIONS OF THE RTA WITH RESPECT TO ROADS

#### PART 1 - GENERAL FUNCTIONS

#### DIVISION 1 - THE RTA'S RELATIONSHIPS WITH COUNCILS AND PUBLIC AUTHORITIES

**Clause 95: What obligations does a public authority have towards the RTA when it proposes to carry out new road works ?**

This clause should be amended so that the figure of \$2 million is inserted in lieu of \$200,000.00 as being the figure on which the RTA must be advised of Council roadworks. It is believed that the amount of \$200,000.00 is unrealistic.

### CHAPTER 4 - SPECIAL COUNCIL FUNCTIONS WITH RESPECT TO PUBLIC ROADS

#### PART 3 - MISCELLANEOUS MATTERS

**Clause 127: What information can the RTA require a council to provide ?**

The Committee feels that sub-clause (4) should be deleted as being onerous. It is noted that even with the deletion of that clause there would be sufficient remedy at law should it be necessary for the RTA to recover as anticipated under this section.

There was also some discussion that this clause is somewhat one-sided as there is no corresponding clause or sub-clause that requires the RTA to provide councils with pertinent information that may assist councils in relation to road matters. Whilst the Committee does not desire to at this stage seek to include this as a provision of the Bill, it is a matter that should be monitored and if real difficulty does occur then a provision might have to be included. The Committee would be pleased however if there was a spirit of co-operation and participation between Government agencies rather than a legislative compulsion to provide information, as in this instance.

**Clause 128: What interest can a council be required to pay on an overdue account ?**

The Committee believes that this clause should be deleted and that if recovery is needed on monies owed to the RTA then recovery of debt procedures arising out of contractual aspects may be more appropriate.

**CHAPTER TWO: \* THE LOCAL GOVERNMENT (CONSEQUENTIAL PROVISIONS)  
BILL 1992  
\* ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:  
STATE ENVIRONMENTAL PLANNING POLICY NO.-  
SUBDIVISION**

The main concern in this legislation is the definition of "subdivision" and the requirements under subdivisions.

The Department of Conservation and Land Management raised the fact that under this amendment they would be required to seek development consent to merely raise a title from Crown land, whereas prior to that they did not.

The matter of the "SEPP No.- Subdivision", was raised by the Department of Conservation and Land Management as being undesirable because State Environmental Plans can be changed without legislation. Clauses 7, 8 and 9 (which outline subdivisions generally) were pointed out in particular. The Committee accepts this argument but maintains that State Environmental Plans are an expression of Government policy and that the flexibility to enhance Government policy should be maintained in its present form. The Committee does not believe that it is necessary to codify any legislation that would see legislation being necessary to change State Environmental Plans.

It is submitted however that under Section 109C of the Local Government (Consequential Provisions) Bill that any agency of the Crown that did not have to have development consent prior to this Bill being enacted would not have to have development consent after the Bill had been enacted.

The Committee is satisfied that the Crown, such as in the case of the Department of the Conservation and Land Management, will be able to continue to take title to land without the necessity of a development consent as they have anticipated. It was also raised by the Department of Conservation and Land Management that their arguments would also capture Aboriginal Land Claim Grants in that it would need a development consent to have a title issued

for that purpose. The Committee is satisfied however that Section 109C of the Local Government (Consequential Provisions) Bill also overrides that concern.



## CHAPTER THREE: \* THE IMPOUNDING BILL

The Impounding Bill is intended to replace the Impounding Act 1898 and those provisions of the Local Government Act 1919 by which Councils are empowered to impound and dispose of animals and articles in specified circumstances. The new Bill will standardise procedures including the appeal rights of owners and allow greater flexibility for Councils in carrying out their functions of impounding, subject to various accountability mechanisms. The original Impounding Act is somewhat narrow in that it mainly concerned itself with abandoned motor vehicles, cattle wandering on public land and shopping trolleys. This impounding legislation is designed to widen the aspects of the words "animal", "abandoned" and "article". The definition of these words is given in the 'Dictionary of Terms Used in the Act' and follows:

**"abandoned"** includes left unattended;

**"animal"** means any of the following:

- \* cattle, horses, donkeys, mules, asses, camels, dromedaries, sheep, goats, pigs and deer;
- \* any dog that is in a national park, historic site, state recreation area, nature reserve, state game reserve, or Aboriginal area (as defined in the National Parks and Wildlife Act 1974);
- \* an animal (including a bird, reptile or fish) of any species declared by the Governor by order published in the Gazette to be a species of animal that can be impounded under this Act;

**"article"** means anything capable of ownership except a living creature;

Under the present legislation relating to motor vehicles one of the tests to determine whether a motor vehicle is abandoned or can be treated as rubbish, is a monetary threshold which presently is set that if the vehicle is worth more than \$250.00 it has to go the process of being treated as an abandoned vehicle with the inherent inquiries that follow. The Impounding Bill 1992 suggests that rather than a monetary figure be established for a threshold that a discretion be given to the relevant officer to determine whether an item has been abandoned. The Committee has mixed feelings in relation to this matter, but does acknowledge that a monetary figure is merely a threshold from which new action would be required should the vehicle in the present discretion of the officer exceed that amount. As there is a discretion to even determine whether a vehicle

is worth the \$250.00 or below then the Committee by and large would believe that discretion to determine whether the motor vehicle is abandoned without a monetary threshold may be the most effective way to proceed. A simple, but what may prove to be a litigiously difficult test was put forward that the item was abandoned if it does not appear to have an owner.

The Committee would be concerned of possible legal costs to Councils with this test and believes the discretion of the impounding officer is perhaps the best way of proceeding.

In the Committee's opinion, it is desirable to bring all Government Departments that may be affected by the Impounding Legislation under the one piece of Legislation. However the Department of Agriculture has stood their ground and has indicated that they will not participate in the impounding legislation and wish to retain their autonomy in the impounding area under the Rural Lands Protection Act 1989.

The Committee was somewhat concerned at this stance initially but having delved into the matter further, are satisfied that the proposed Impounding Bill and the Rural Lands Protection Act can run parallel to each other although it would be desirable for a cross authorisation between the two Acts to enable common officers to operate under both Acts.

This would have the effect of creating a uniformity in impounding and also assist in areas where for instance the Rural Lands Protection Board may not have sufficient people on the ground or where Council Officers have to act quickly in areas that as may come under the Rural Lands Protection Act such as impounding diseased animals where a Rural Lands Protection Board Authorised Inspector might not readily be available. The Committee understands that there is some mechanism for authorisation of a delegation between the two authorities under the respective impounding legislation but that should be regularised.

As the Rural Lands Protection Board legislation appears that it will remain in place as its own Legislation rather than being amalgamated with the proposed Impounding Bill, it is believed that there should be universally applicable penalties between the Impounding Bill and the Rural Lands Protection Act where there are common impounding items.

It was also agreed that under Schedule 1, under the classification "animal", that the second dot point therein, namely:

- \* "any dog that is in a National Park, historic site, State Recreation Area, Nature Reserve, State Game Reserve or Aboriginal area (as defined in the National Parks and Wildlife Act 1974)"

should have added to it:

"and land reserved or dedicated for the preservation or conservation or native flora or fauna or public recreation".

The Committee was also concerned in relation to animals in determining the definition between abandoned and straying. It is believed that those definitions should be more clearly classified with a emphasis upon relaxing the definition of abandoning more to that of straying animal for the purposes of the Bill.

It was also agreed and it is understood that the Bill does not imply that every Council should have a pound. It was confirmed by the Committee that this should be so and that in fact a pound should be created by the Act of impounding. It is impractical often to bring an impounded item to a central pound. An example was given of a boat washed up or deserted on a beach. It was believed that once that boat had been impounded then the legislation should deem the boat and a reasonable area around it to be a pound up until such time as the item is disposed of in accordance with the Act.

The Committee also suggests that consideration ought to be given to giving Council officers a right to confiscate and impound any objects or items, for example jet-skis, skateboards and bicycles where such objects or items are being used in a manner likely to diminish public safety.

In relation to Section 24 it was agreed that this should be amended to delete the word "six years" and replace it with "one year".

Thursday, 13 August, 1992

At 10.00 a.m Parliament House, Sydney

MEMBERS PRESENT

Mr Turner (Chairman)

Mr Harrison

Mr Page

Mr Rixon

Apologies were received from Mr Downy and Dr Macdonald

The public were admitted.

TERRENCE STANLEY BARNES, President, Institute of Municipal Management;

JOHN ANTHONY RAYNER, past President, Institute of Municipal Management;

GRAHAM ROY TOWLE, Chief Executive Officer, Institute of Municipal Management, all sworn and examined.

Evidence concluded, the witnesses withdrew.

DAVID THOMAS STEWART, General Manager, Network Strategy, Roads and Traffic Authority;

ANN THERESE TURNER, General Manager, Programming Strategy, Roads and Traffic Authority;

TERRENCE JOHN HAGAN, Manager, Advisory and Legislative Services, Roads and Traffic Authority, all sworn and examined.

Evidence concluded, the witnesses withdrew.

DEREK ALEXANDER SINCLAIR, Assistant Director, Department of Conservation and Land Management;

CHRISTOPHER OWEN SEARLE, Deputy Manager, Legal Services, Department of Conservation and Land Management, both sworn and examined.

Evidence concluded, the witnesses withdrew.

DONALD HERBERT SHEFFIELD, Executive Director, Institute of Municipal Engineering;

CHRISTOPHER ALAN WATSON, Vice-President, Institute of Municipal Engineering and Secretary, Local Government Engineers Association of New South Wales;

GARRY JAMES DE COURCEY, Industrial Relations Officer, Local Government Engineers Association of New South Wales, all sworn and examined.

Evidence concluded, the witnesses withdrew.

PETER ROBERT WOODS, President, Local Government Association of New South Wales, affirmed;

STEPHEN ROBERT WARD, President, New South Wales Shires Association, sworn;

MURRAY KIDNIE, Secretary, Local Government and Shires Associations of New South Wales, affirmed;

DOUGLAS JOHN MCSULLEA, Deputy Secretary, Local Government and Shires Associations

of New South Wales, sworn and all examined:

Evidence concluded, the witnesses withdrew.

CLYDE GEORGE ALCHIN, Rural Lands Protection Officer, Department of Agriculture, sworn and examined.

Evidence concluded, the witness withdrew.

There being no further business, the Committee adjourned at 4 p.m. until Friday 14 August 1992, at 10.00 a.m.

No. 12

Friday, 14 August, 1992

At 10.00 a.m Parliament House, Sydney

MEMBERS PRESENT

Mr Turner (Chairman)

Mr Harrison

Mr Page

Mr Rixon

Apologies were received from Mr Downy and Dr Macdonald

Officers of the Department of Local Government and Co-operatives were in attendance.

The Committee deliberated.

The Committee adjourned at 12.30 p.m., sine die.

Thursday, 3 September, 1992  
At 10.30 a.m Parliament House, Sydney

MEMBERS PRESENT

Mr Turner (Chairman)

Mr Harrison

Mr Page

Mr Rixon

Mr Blackmore

The Committee deliberated on the draft report on the Cognate Bills.

Resolved on the motion of Mr Turner, seconded by Mr Rixon:

That the Report be taken as read, and dealt with chapter by chapter.

Chairman's foreword read and agreed to

Introduction read and agreed to

Chapter 1 (The Roads Bill, the Traffic (Parking Regulation) Amendment Bill, and the SEPP No. 11 - Traffic Generating Developments (Amendment No 1)), read and amended.

Chapter 1 as amended, agreed to.

Chapter 2 (The Local Government (Consequential Provisions) Bill, and the SEPP No.-  
Subdivision), read and amended.

Chapter 2 as amended, agreed to.



Chapter 3 (The Impounding Bill) read and amended.

Chapter 3 as amended, agreed to.

Resolved on the motion of Mr Turner, seconded by Mr Rixon:

- 1 That the draft Report be the report of the Committee and that it be signed by the Chairman and presented to the House, together with the Minutes of Evidence.
- 2 That the Chairman, Project Officer and Committee Clerk be authorised to correct stylistic, grammatical and typographical errors.

The Committee adjourned at 12 p.m. until 5.30 p.m.

The Committee re-convened at 5.30 p.m.

The Committee deliberated.

Chapter 1 (The Roads Bill, the Traffic (Parking Regulation) Amendment Bill, and the SEPP No. 11 - Traffic Generating Developments (Amendment No 1)), as amended, read and amended.

Chapter 1 as amended, agreed to.

Chapter 2 (The Local Government (Consequential Provisions) Bill, and the SEPP No.- Subdivision), as amended, read and amended.

Chapter 2 as amended, agreed to.

The Committee adjourned at 5.45 p.m., sine die.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

Legislative Assembly, Votes and Proceedings No. 28, Thursday 7 May 1992. (50th Parliament, 2nd Session)

LEGISLATION COMMITTEE ON THE LOCAL GOVERNMENT AND COGNATE BILLS

Ordered, on motion of Mr Moore (by leave) that the reporting time of the Committee upon Local Government Bill and Cognate Bills be extended until 5 September 1992 for the purpose of reporting on the Cognate Bills.

Question put and passed.

Legislative Assembly, Votes and Proceedings No. 33, Tuesday 1 September 1992. (50th Parliament, 2nd Session)

LEGISLATION COMMITTEE ON THE LOCAL GOVERNMENT AND COGNATE BILLS

Ordered, on motion of Mr West (by leave), That Christopher John Downy be discharged from attendance upon the Legislation Committee upon the Local Government Bill and Cognate Bills and that Peter Terrence Blackmore be appointed to serve on such Committee.

Question put and passed.

## LIST OF WITNESSES

13 August 1992

BARNES, Terrence Stanley, President, Institute of Municipal Management

RAYNER, John Wilfred, past President, Institute of Municipal Management

TOWLE, Graham Roy, Chief Executive Officer, Institute of Municipal Management

STEWART, David Thomas, General Manager, Network Strategy, Roads and Traffic Authority

TURNER, Ann Therese, General Manager, Programming Strategy, Roads and Traffic Authority

HAGAN, Terrence John, Manager, Advisory and Legislative Services, Roads and Traffic Authority

SINCLAIR, Derek Alexander, Assistant Director, Crown Lands, Department of Conservation and Land Management

SEARLE, Christopher Owen, Deputy Manager, Legal Branch, Department of Conservation and Land Management

SHEFFIELD, Donald Herbert, Executive Director, Institute of Municipal Engineers

WATSON, Christopher Alan, Vice President, Institute of Municipal Engineers

DE COURCEY, Garry James, Secretary, Local Government Engineers Association

WOODS, Peter Robert, President, Local Government Association of New South Wales

WARD, Stephen Robert, President, Shires Association of New South Wales

KIDNIE, Murray, Secretary, Local Government and Shires Associations of New South Wales

MCSULLEA, Douglas John, Deputy Secretary, Local Government and Shires Associations of  
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ALCHIN, Clyde George, Rural Lands Protection Officer, Department of Agriculture