



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

**BUDGET ESTIMATES 2019-2020**  
**Supplementary Questions**

**Portfolio Committee No. 7 – Planning and Environment**

**LOCAL GOVERNMENT**

Hearing: Wednesday 4 March 2020

**Answers due by: 5.00 pm Wednesday 8 April 2020**

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## LOCAL GOVERNMENT

### Questions from Mr David Shoebridge MLC

#### **Bushfires**

1. When we visited fire affected towns many of them told us their local council was the most consistent and useful agency for them when things got tough – what additional resources do you believe are necessary to enable councils to support their communities?

#### **Answer:**

**The NSW Government's inquiry into the bushfires can be expected to look at the role of local government in response and recovery and the Government will carefully consider any inquiry recommendations.**

#### **Councillor superannuation**

2. What progress has been made on the process of implementing superannuation for local government councillors?

#### **Answer:**

**On Tuesday 3 March 2020, the Office of Local Government released a discussion paper titled Councillor Superannuation Discussion Paper. Anyone with views on the issue is encouraged to provide a submission through the consultation process.**

#### **Private elections**

3. How many councils in NSW are expected to outsource their elections to private providers?

#### **Answer:**

**On 25 March 2020 I announced that the NSW Government has made the regrettable decision to postpone the September local government elections for 12 months in the face of the COVID-19 pandemic.**

#### **Utilities altering pavements, compliance with disability standards**

4. What funding is available to local councils to repair footpath damage as a result of companies installing utilities ie: NBN.  
In how many councils are you aware of this issue?
5. Are companies installing utilities on footpaths required to restore the footpath to comply with disability standards?
6. If so, what action has been taken to ensure that footpath repair works are complying?

7. Who is responsible for monitoring these works?
8. What mechanisms do local councils have to enforce accessible standards on footpath repairs by utility companies?
9. How long can footpaths be temporarily repaired which do not comply to accessible standards?

**Answer 4-9:**

**These questions are more appropriately directed to the Minister for Transport and Roads.**

**Active transport grants in the last 5 years**

10. How much money has the Government given to local councils in grant money for cycleways in 2019, 2018, 2017, 2016 and 2015?
11. How much money has the Government given to local councils in grant money for other active transport projects such as footpaths in 2019, 2018, 2017, 2016 and 2015?
12. Which Councils have been awarded active transport funding?

**Answer 10-12:**

**These questions are more appropriately directed to the Minister for Transport and Roads.**

**Proposal to "Demerge" Snowy Valleys Council and Referral to Boundaries Commission**

13. What planning has the Minister done to implement a finding by the Boundaries Commission should it recommend Snowy Valleys Council be demerged into the former councils of Tumbarumba and Tumut?
14. Has the Minister considered the arrangements put in place in Queensland for the management of de-amalgamations in that state? - Local Government (De-amalgamation Implementation) Regulation 2013.
15. Will the Minister give an assurance that the government provide funding to ensure there is adequate funding to set a new Tumbarumba Council on a sound footing?
16. What plans does the government have to ensure there is adequate funding to set a new Tumbarumba Council on a sound footing?

**Answer 13-16:**

**These questions pre-empt any outcome of the Commission's process of examination and report under the *Local Government Act 1993*.**

## **Stockton Beach Funding Grants**

17. What is the total amount of grant funding that the city of Newcastle has requested since 29 September 2019, and how much has been funded?

**Answer:**

**All coastal and estuary management funding grants and project summaries can be found on the department's website:**

**<https://www.environment.nsw.gov.au/topics/water/coasts/coastal-and-estuary-grants/grants-awarded>**

18. How many grant applications from the City of Newcastle remain outstanding?

**Answer:**

**None as at 8 April 2020.**

19. Will the Government fund the second stage of beach nourishment works, given that the State agreed to fund the initial works and it was shown to be successful in building resilience?

**Answer:**

**The second stage of beach nourishment works are eligible for funding. The DPIE awaits further advice from Council about whether they wish to continue with the modest phase two nourishment proposed or whether Council wish to submit a new application for funding to nourish the beach with a larger volume of sand following completion of their CMP.**

## **Ministerial Direction to Complete the Coastal Management Program**

20. Prior to your Ministerial Directive, did you enquire with the City of Newcastle that status of those studies?

**Answer:**

**Yes.**

21. Do you know when those studies were scheduled to present their findings?

**Answer:**

**Council was on track to complete a CMP by October 2020.**

22. What measures did you put in place to ensure the revised timeline for the completion of the CMP was consistent with the Stage 2 Studies your own Department had directed the City of Newcastle to do?

**Answer:**

**Council's proposed October 2020 completion date was for the preparation of a CMP for the Newcastle Local Government Area coastline. Council can decide whether to complete a CMP by 30 June 2020 for this same area or only for Stockton.**

**The Department has not issued directives to Council to undertake any studies.**

### **Offshore Sand Dredging for Beach Nourishment**

23. Can the City of Newcastle submit a State Significant Development Application to access offshore sand for beach nourishment, yes or no?

**Answer:**

**This question is a matter for the Minister for Planning and Public Spaces.**

24. Can an SSD DA be undertaken prior to the declaration of a reserved block under the Offshore Minerals Act?

**Answer:**

**This question is a matter for the Deputy Premier, Minister for Regional New South Wales, Industry and Trade.**

25. Can an SSD DA be undertaken without prior land owner consent, in this case the State or Commonwealth Government, depending on the distance from the coast?

**Answer:**

**This question is a matter for the Minister for Planning and Public Spaces.**

### **Office of Local Government**

26. How many complaints did the Office of Local Government receive about Councils in 2019/20?
27. How many of these have not been resolved?
28. What is the average length of time taken to resolve complaints received in the past 3 years?
29. In 2018/19 and 2019/20 what proportion of complaints were resolved within 3 months?
30. How many staff (FTE) are allocated to this work by the OLG?

**Answer 26 to 30:**

**Data for the financial year 2019/20 has not been finalised. The number of complaints for past years is provided on the Office's website under 'Council complaint statistics'.**

<b>Questions from the Hon Mark Buttigieg MLC (on behalf of the NSW Labor Opposition)</b>
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**Emergency Services Levy**

31. In August last year the state government said it would cover the cost of the 2019/20 emergency services levy. However, several councils revealed they had received invoices in September and December, which included the increase. They were told the 'reprieve would be in the form of a rebate in 2020/21.
- (a) Why did councils still receive invoices inclusive of the increase?
  - (b) Why were councils not informed prior to the first invoice that they would have to pay for the increase?
  - (c) When will the rebate be forthcoming to councils?
32. Revenue NSW told councils they would be charged interest on late repayments for the emergency services levy. Some councils opted not to pay the amount covering the increase in the levy believing it was an administrative error.
- (a) Will seek assurances that councils that did not pay the amount for increase on time will not be charged interest?
  - (b) When were you made aware that councils would have to pay the increase in 2019/20 increase and instead receive a rebate in the next financial year?

**Answer 31 to 32:**

**The Government announced that it would fund the increase in the emergency services levy for NSW councils in 2019-20 to meet the cost of new workers' compensation for firefighters. Payments were made to councils on 3 February 2020 which coincided with the third quarterly instalment being due.**

**Bushfires**

33. The bushfires resulted in Natural Disaster Areas being declared in 40 local government areas. What support and resources did the Office of Local Government specifically provide to each of the following LGAs:

*Local Government*

- (a) Armidale
- (b) Ballina
- (c) Bega Valley
- (d) Bellingen
- (e) Blue Mountains
- (f) Byron
- (g) Central Coast
- (h) Cessnock
- (i) Clarence Valley
- (j) Coffs Harbour
- (k) Eurobodalla
- (l) Glen Innes Severn
- (m) Greater Hume
- (n) Gwydir
- (o) Hawkesbury
- (p) Inverell
- (q) Kempsey
- (r) Ku-ring-gai
- (s) Kyogle
- (t) Lake Macquarie
- (u) Lismore
- (v) Lithgow
- (w) MidCoast
- (x) Mid-Western
- (y) Muswellbrook
- (z) Nambucca
- (aa) Narrabri

- (bb) Oberon
- (cc) Penrith
- (dd) Port Macquarie-Hastings
- (ee) Queanbeyan-Palerang
- (ff) Richmond Valley
- (gg) Shoalhaven
- (hh) Singleton
- (ii) Snowy Monaro
- (jj) Snowy Valleys
- (kk) Sutherland
- (ll) Tamworth
- (mm) Tenterfield
- (nn) Tweed
- (oo) Upper Hunter
- (pp) Lachlan
- (qq) Uralla
- (rr) Walcha
- (ss) Wingecarribee
- (tt) Wollondilly

**Answer:**

**The NSW Government is working closely with all bushfire affected local councils, providing a range of programs and support to ensure that communities recover from this disaster.**

34. How many Office of Local Government staff were deployed to those areas?

- (a) Provide specific numbers and what they actually did.

**Answer:**

**OLG did not deploy staff to the front lines during the bushfire crisis.**



## **Drought**

35. In early February this year, there were a host of Local Government Areas that were either fully or partly in intense drought – according to the Department of Primary Industries. Can you explain what support and resources the Office of Local Government has provided specifically to each of the following LGAs that were experiencing intense drought:

- (a) Bega Valley
- (b) Snowy Monaro
- (c) Queabeyan-Palerang
- (d) Yass Valley
- (e) Hilltops
- (f) Upper Lachlan
- (g) Goulburn Mulwaree
- (h) Cootamundra-Gundagai
- (i) Temora
- (j) Bland
- (k) Wentworth
- (l) Broken Hill
- (m) Bogan
- (n) Brewarrina
- (o) Walgett
- (p) Moree Plains
- (q) Gwydir
- (r) Narrabri
- (s) Gunnedah
- (t) Liverpool Plains
- (u) Tamworth
- (v) Coonamble
- (w) Warren

- (x) Bogan
- (y) Lachlan
- (z) Weddin
- (aa) Forbes
- (bb) Parkes
- (cc) Narromine
- (dd) Western Plains
- (ee) Gilgandra
- (ff) Warrumbungle
- (gg) Cabonne
- (hh) Cowra
- (ii) Blayney
- (jj) Orange
- (kk) Bathurst
- (ll) Oberon
- (mm) Lithgow
- (nn) Mid-Western
- (oo) Kyogle
- (pp) Clarence Valley
- (qq) Kempsey
- (rr) Port Macquarie-Hastings
- (ss) Inverell
- (tt) Tenterfield
- (uu) Glen Innes Severn
- (vv) Uralla
- (ww) Armidale
- (xx) Walcha

(yy) MidCoast

(zz) Dungog

(aaa) Upper Hunter

(bbb) Muswellbrook

(ccc) Singleton

36. As of February 25, Department of Primary Industry figures showed 22.3 per cent of the state was in intense drought, 33.6 per cent of the state was in drought and 42.9 per cent of the state was drought affected. Some regions have been hit particularly hard. What has the OLG done to specifically assist the followings regions.

(a) South East

(b) Western

(c) Northern Tablelands

(d) North West

(e) Central Tablelands

(f) Central West

**Answer 35-36:**

**The NSW Government, including the Department of Planning, Industry and Environment is working closely with all drought affected local councils, providing a range of programs to ensure that communities are supported.**

### **Councils in administration**

37. There are two councils currently in administration – Balranald Shire and Central Darling Shire. Are there any other councils that are currently at risk of being placed in administration in the short term?

(a) Do you anticipate placing any councils in administration in the next six months?

(b) Do you anticipate placing any other councils in administration in the next 12 months?

#### **Answer:**

**Sections 255 and 256 of the *Local Government Act 1993* prescribe the process for the Governor, on the recommendation of the Minister for Local Government, dismissing a council and appointing an administrator. Where necessary and appropriate, the Minister will consider these requirements if the need arises.**

38. What consultation has the Office of Local Government has with the community of Balranald Shire since it was placed in administration? Explain when, where and what that consultation involved.

#### **Answer:**

**It is the responsibility of the Administrator to engage and consult with the community of Balranald consistent with the requirements of the *Local Government Act 1993*.**

39. What efforts did the Minister, ministerial staff and the Office of Local Government make with the former Balranald Shire Council staff and councillors to avoid the council being placed in administration?

#### **Answer:**

**The Deputy Secretary, Local Government, Planning and Policy, Mr Tim Hurst, provided an answer to this question in the hearing. Please refer to page 73 of the transcript.**

40. The independent commissioner's report found a number of issues. Can you expand on these and explain exactly what occurred in order for the independent commissioner to draw their conclusions:

(a) The council failed to command the confidence of its community

(b) Councillors failed to appreciate the need for sound and consistent financial principles, with the division among councillors affecting decision making

- (c) An absence of understanding by councillors of the importance of transparency in decision making, including inappropriate closure of council meetings
- (d) Council failed to act as a responsible employer, particularly regarding the interactions between councillors and council staff
- (e) The council failed to comply with its obligations as Reserve Trust Manager under the Crown Lands Act in relation to Balranald Caravan Park

**Answer:**

**The inquiry report provides the independent Commissioner's assessment and conclusions against each of these items that formed parts of the terms of reference.**

41. What justifications were there for the Central Darling Shire administration period being extended for four years, late last year?

**Answer:**

**While progress has been made over the past four years, the council remains under significant financial stress, especially given the ongoing drought.**

**Mergers**

42. What was behind the decision to finally look into the possible demergers of Snowy Valleys Council and Cootamundra-Gundagai Regional Council

- (a) Will a decision regarding the demergers of Cootamundra-Gundagai and Snowy Valleys Councils be made before this year's September local government elections?

**Answer:**

**The *Local Government Act 1993* provides a process for an elector initiated proposal to be referred to the Local Government Boundaries Commission. This is the process that is being followed in the case of the Snowy Valleys and Cootamundra-Gundagai Regional Council proposals. The Minister can only make a decision on a boundary proposal of this type once the report of the independent Boundaries Commission is to hand.**

43. When is the recommendations from the Boundary Commission expected to be handed to the Minister?

**Answer:**

**The *Local Government Act 1993* does not provide a timeframe for the independent Boundaries Commission to provide its report.**

44. There was calls for the submission process to be extended for Snowy Valleys due to the bushfires that ravaged the LGA. Why was that request refused?

**Answer:**

**Both the Council and an overwhelming number of members of the community supported referral to the Boundaries Commission. A decision was made to refer the proposal rather than prolong the process given the nature of submissions received.**

45. Should Snowy Valleys demerge, will the financial status of those two councils prior to the merger be taken into account when splitting up assets and funds?

(a) Should demergers occur, what financial assistance will the government be able to offer Tumut, Tumbarumba, Gundagai and Cootamundra Councils?

**Answer 45-45(a):**

**Refer to response to questions 13-16.**

#### **Election costs**

46. During supplementary budget estimates hearings last September you said the state government's 'response' IPART's final report into local government costs was to 'pick up the core costs' for the upcoming local government elections. Has the government officially accepted or rejected the recommendations in the IPART final report yet?

(a) If not, when will those recommendations officially be rejected or adopted?

47. Will the government guarantee to pick up the core costs for local government elections from 2024 and beyond?

(a) Have you made representations to any government colleagues about picking up those core costs from 2024 and beyond?

i. If so, who were those colleagues and when did those representations occur?

**Answer 46-47:**

**The Government's response to IPART's Review of Local Government Election Costs was published on 18 September 2019 and can be found at <https://www.olg.nsw.gov.au/council-circulars/19-22-government-response-to-iparts-review-of-local-government-election-costs/>**

#### **Bikes and mobility device impounding**

48. How many bikes have been impounded under the Impounding Amendment (Shared Bicycles and Other Devices) Act 2018?

49. How many electric bikes have been impounded under the Impounding Amendment (Shared Bicycles and Other Devices) Act 2018?
50. How many personal electric mobility devices (electric scooters, electric skateboards etc) have been impounded under the *Impounding Amendment (Shared Bicycles and Other Devices) Act 2018*?
51. What has been the total revenue raised for impounding bikes, electric bikes or electric personal mobility devices under the *Act*?
52. Is it correct that there has been zero enforcement of the *Act*?
53. Does the NSW Government still intend to impose a tougher code of practice for dockless share bikes in NSW?
54. What evaluation did Transport for NSW or the Office of Local Government undertake in relation to dockless share bikes?

**Answer 48-54:**

**The Office of Local Government has commenced a review of the *Impounding Act 1993*. Issues and concerns about the operation of the *Impounding Amendment (Shared Bicycles and Other Devices) Act 2018* should be provided as a submission under this process.**

**All Roles Flex**

55. Minister, the Premier announced on International Women's Day that the public service would all have access to flexible working arrangements by 2019.
  - (a) What numbers of staff within your Department currently have access to a flexible role?
  - (b) Do you centrally register staff, who have flexible working arrangements?
  - (c) What measures are currently in place to implement this?

**Answer:**

**All roles in the NSW Government sector can be flexible.**

**However, not every type of flexibility may be available in all roles (or all the time) or people may not wish to access it.**

**Therefore, the Public Service Commission continues to work with the whole of the public sector to improve flexible working arrangements.**

## **Stockton Erosion**

56. Minister on 2 October 2019 you told ABC Radio Newcastle regarding Stockton erosion that “There are a whole lot of options on the table. I want them all looked at and estimated before the end of the year and then a solution found.” What long-term solution did you find before the end of 2019?

**Answer:**

**City of Newcastle Council, in consultation with the Stockton community, is responsible for looking at the broad range of potential options and then subsequently evaluating them in consultation with the community and determining the long-term management strategy for Stockton. The Department continues to provide technical advice and funding support to Council to assist them in doing this.**

57. What did you ask your department to do in order for you to meet this commitment?

**Answer:**

**See response to question 56.**

58. Can you table the advice provided by your department regarding your commitment to find a long-term solution to the erosion at Stockton by the end of 2019?

**Answer:**

**See response to question 56.**

59. Why did you mislead the Stockton community about finding a long-term solution by the end of 2019?

**Answer:**

**This assertion is not true.**

60. Why did you fail to keep your commitment?

**Answer:**

**See response to question 56.**

61. Will you apologise to the Stockton community for failing to find a long-term solution to the erosion at Stockton by the end of 2019?

**Answer:**

**The long-term management of the coastal zone at Stockton is a matter for Council.**



62. Minister you declared Stockton an open coastal location (erosion hotspot) and at the time you said this declaration would allow you to 'fast-track' grants application from Newcastle Council. Why has it taken many months to determine grant applications from Council?

**Answer:**

**The applications received from Newcastle City Council for Stockton Beach for urgent work were prioritised and have all been dealt with promptly by the Department of Planning, Industry and Environment.**

63. Why have you failed to prioritise these grants?

**Answer:**

**See response to question 62.**

64. How many grant applications are outstanding?

**Answer:**

**None.**

(a) If any, when will these grant applications be determined?

**Answer:**

**Refer to response to question 64.**

(b) If any, what has been the delay in determining these grants?

**Answer:**

**Refer to response to question 64.**

65. Why has funding for maintenance of the Mitchell Street Seawall, which is an asset that was 100% funded by the NSW Government, been refused?

**Funding for the maintenance of the Mitchell Street Seawall has not been sought by Council.**

**For your information, I am advised that funding for the construction of the Stockton seawall project was on a 50:50 funding arrangement, with 50 percent from the NSW State Government and the other 50 percent from Newcastle City Council.**

- (a) Will you reconsider this decision considering the asset was built by the NSW Government?

**Answer:**

**Refer to response to question 65.**

66. Is funding available to Council to complete works that are not listed in their current CZMP?

- (a) If so, what is the funding program?

**Answer:**

**Guidelines for the Coastal and Estuary Grants Program can be found at**

**<https://www.environment.nsw.gov.au/topics/water/coasts/coastal-and-estuary-grants>.**

67. Minister, in Question Time on 26 February 2020 you said, "We have also spent something like \$2 million assisting the council with various projects as a result of erosion at Stockton Beach". You advised this committee on 4 March 2020 that in fact only \$835,000 has been spent on addressing erosion on Stockton. Which is correct?

**Answer:**

**Since 2011 the NSW Government has provided the City of Newcastle with more than \$1.8million.**

**Details on these projects can be found at**

**<https://www.environment.nsw.gov.au/topics/water/coasts/coastal-and-estuary-grants/grants-awarded>**

- (a) Why have you failed to provide the Stockton community with correct information?

**Answer:**

**Incorrect information has not been provided to the community.**

68. Can you provide a specific breakdown on what your alleged \$2 million has been spent on?

**Answer:**

**Refer to response to question 67.**

69. What additional resources are available to Newcastle council to enable them to fast-track the completion of their Coastal Management Program (CMP) by 30 June 2020 as per your directive?

**Answer:**

**Council has sought and been awarded an additional \$140,000 variation to their original grant application to expedite the completion of their CMP.**

70. What specific resources are available to council to do the CMP to the required standard by 30 June 2020?

**Answer:**

**Refer to response to question 69.**

71. The community is concerned that the CMP will be compromised to meet the 30 June deadline you have set. What action are you taking to ensure that this does not occur?

**Answer:**

**Refer to response to question 69.**

72. What additional resources have you provided to ensure council can meet your deadline?

**Answer:**

**Refer to response to question 69.**

73. Is Newcastle council's whole CMP due on 30 June 2020 or just the section relating to Stockton?

**Answer:**

**Refer to response to question 22.**

74. What is the expected total cost of Newcastle council completing their CMP by 30 June 2020?

**Answer:**

**Council has been awarded grant funding of \$287,500 specifically for the preparation of their CMP. This funding is matched by Council for a total of \$575,000.**

75. Can offshore sand be progressed without the Stockton CMP being completed?

**Answer:**

**Offshore sand extraction is a matter for the Deputy Premier as Minister for Regional New South Wales, Industry and Trade, in administering the *Offshore Minerals Act*.**

76. Is the Minister aware that offshore sand dredging for beach nourishment purposes at Stockton has been identified as a potential solution to the erosion at Stockton beach?

**Answer:**

**Yes.**

(a) What action has the Minister taken to progress this solution?

**Answer:**

**See response to question 75.**

77. What is the process for gaining approval for offshore sand dredging for beach nourishment purposes in New South Wales?

**Answer:**

**See response to question 75.**

78. Does the Minister support offshore sand dredging for beach nourishment purposes in New South Wales?

**Answer:**

**See response to question 75.**

79. How much funding has been expended from the Coastal and Estuary Grant fund?

**Answer:**

**Government funded projects for coastal erosion can be found on the Government's website:**

**<https://www.environment.nsw.gov.au/topics/water/coasts/coastal-and-estuary-grants/grants-awarded>**

(a) How much is remaining in the fund?

**Answer:**

**Approximately \$47 million.**

80. Are there adequate funds available to all coastal councils to complete and begin implementing their CMP's by the end of 2021?

**Answer:**

**Yes.**

81. Since 2011, how much has the Government spent addressing coastal erosion at Collaroy?

**Answer:**

**Government funded projects for coastal erosion can be found on the Government's website:**

**<https://www.environment.nsw.gov.au/topics/water/coasts/coastal-and-estuary-grants/grants-awarded>**

(a) Please provide a breakdown of all works that have been funded.

**Answer:**

Details on these projects can be found at

<https://www.environment.nsw.gov.au/topics/water/coasts/coastal-and-estuary-grants/grants-awarded>

82. Since 2011 how much has the Government spent addressing coastal erosion at Stockton?

**Answer:**

Government funded projects for coastal erosion can be found on the Government's website <https://www.environment.nsw.gov.au/topics/water/coasts/coastal-and-estuary-grants/grants-awarded>

(a) Please provide a breakdown of all works that have been funded.

**Answer:**

Details on these projects can be found at

<https://www.environment.nsw.gov.au/topics/water/coasts/coastal-and-estuary-grants/grants-awarded>

83. With regard to recent reports that significant dredging would be required as part of the Newcastle Gas Terminal and that this sand could be used at Stockton Beach to address erosion:

(a) Will the Minister ensure this is considered as part of the State Significant Development process?

**Answer:**

**This is a matter for the Minister for Planning and Public Spaces**

(b) Would the sand from this dredging be of a suitable quality to use at Stockton Beach?

**Answer:**

**This is a matter for the Deputy Premier, Minister for Regional New South Wales, Industry and Trade.**