

Attachment A

GENERAL PURPOSE STANDING COMMITTEE No 3

Portfolio Area: Local Government

Tuesday 14 September 2010

Responses to Questions on Notice

Question from the Hon MARIE FICARRA:
(page 2)

The Hon MARIE FICARRA: The Division of Local Government already exercises an oversight role with respect to the correct application of council's code of conduct. On how many occasions has the Minister or the Division of Local Government intervened in code of conduct investigations into councillors?

Mrs BARBARA PERRY: Initially we need to make a couple of things very clear as to the roles. My role in relation to the code of conduct is to review and make sure that the code continues to assist councillors, council staff and council delegates in acting honestly, ethically, responsibly and with accountability. I do not have a role in the prosecution or the investigation of the alleged breaches of the code. As you would be aware, councils themselves are primarily responsible for managing complaints made under the code. If a complaint is about a councillor, including the mayor, it should be directed clearly to the general manager. If the complaint is about the general manager, it should be sent to the mayor. In circumstances where a complaint is about pecuniary interest or a political donation, it is required to go directly to the chief executive of the division. Sometimes councils do misunderstand the role of the chief executive in particular, whereas the role of the chief executive really is to look if the process has been followed properly.

The Hon MARIE FICARRA: Would you come back to the Committee with instances where you have intervened? I do not expect the Minister to know that off the top of her head.

Mr WOODWARD: Yes, I can certainly take it on notice. I need to clarify what you mean by "intervene" because we review process on a fairly regular basis but we do not intervene if a council is going through the process correctly. The reason for that is if the council decides to take action, say, against a councillor over time, it could be referred to me under the misbehaviour provisions. If I have, in fact, intervened along the way, I have already prejudged the case and therefore I cannot make the decision at the end of the day. So that is one of the reasons why I must stand back from the merits of the case. But we certainly do review the process, and I am happy to come back with how many times we have done that.

Mrs BARBARA PERRY: Over what period?

The Hon MARIE FICARRA: Since it has been in operation, if that is not too onerous.

ANSWER:

I am advised:

The Division of Local Government does not keep data on complaints received that specifically identifies whether a complaint relates to a code of conduct investigation or process. The categorisation of complaints about code of conduct matters does not distinguish between complaints about individual conduct and those about the application of a council's code of conduct.

However, to the best of the Division's knowledge, there have been 10 instances since the introduction of the revised Model Code in June 2008 in which the Division has identified concerns about the way a council dealt with a complaint under its code of conduct and has taken action in relation to those concerns. It should be noted that complaints are not the only means by which the Division becomes aware of such issues.

**Question from the Hon MARIE FICARRA:
(page 3)**

The Hon MARIE FICARRA: I believe Ms Brown is not a lawyer. What qualifications do your investigative officers need to have? What is the prerequisite?

Mr WOODWARD: They have a variety of prerequisites but they are certainly not lawyers. Most of them are not lawyers; not intended to be lawyers. In fact, the code of conduct was never intended to be about lawyers; it is about conduct of councillors in a framework of behaviour. So most of my investigators are not lawyers. Some do have legal degrees but it is certainly not a prerequisite. It is about their investigation skills.

The Hon MARIE FICARRA: Will you supply the committee on notice the qualification requirements?

Mr WOODWARD: Yes, certainly.

ANSWER:

I am advised:

Among a number of skills, experience, knowledge and training, Senior Investigations Officers are required to have formal qualifications in one of a range of areas including law, audit, public administration, town planning, environmental management or general management. Sound experience in a related field of administration is also desirable.

**Question from the Hon MARIE FICARRA:
(pages 4 and 5)**

The Hon MARIE FICARRA: Where do people go—the number is now into the thousands—with complaints that your division is not willing to investigate, and clearly the New South Wales Ombudsman does not have the resources to do so?

The Hon MARIE FICARRA: We could resubmit a lot that we have on hand, but the Ombudsman has already stated that he has rejected investigation of many of them. Where do they go? Do they just go into the cosmos or into limbo?

The Hon MARIE FICARRA: Where do people go if they are not happy? If the Ombudsman is not prepared to investigate—or he can't—where do they go?

ANSWER:

I am advised:

According to the NSW Ombudsman's 2008/09 annual report, it received 702 formal complaints in total about councils in that year. Of the complaints received about councils, only 44 related to what is termed "misconduct". This is a broad category and includes issues other than councillor code of conduct matters.

The Division of Local Government has the primary oversight role with respect to the implementation by councils of the code of conduct. While there is a certain degree of overlap between the regulatory purview of the Division and the jurisdiction of the NSW Ombudsman, under the Memorandum of Understanding between the two agencies, the Division of Local Government is given primary responsibility for dealing with complaints about code of conduct matters.

The Division does not investigate every complaint it receives. It will only intervene in a matter where, on the Division's assessment, such intervention is warranted.

If, as occasionally occurs, a complainant is dissatisfied with the outcome of the Division's consideration of a matter, in line with good complaint handling practice, the Division will advise them to raise any concerns they have about the Division's consideration of their concerns with the NSW Ombudsman. The Ombudsman is the relevant external complaint handling agency with respect to NSW Government departments and authorities, such as the Division of Local Government. In examining such matters, the NSW Ombudsman will review the Division's consideration of the code of conduct matter, not the code of conduct matter itself.

To date, the NSW Ombudsman has not identified any concerns in relation to the Division's consideration of such matters.

**Question from Mr DAVID SHOEBRIDGE:
(page 6)**

Mr DAVID SHOEBRIDGE: Will you consider amending the code of conduct to make it a breach for a frivolous or vexatious complaint to be made under the code?

Mr WOODWARD: A frivolous or vexatious matter can already be dismissed by the council itself or by the general manager in the first instance. If it goes to an investigator, an independent reviewer, that reviewer can decide if it is vexatious and not proceed.

Mrs BARBARA PERRY: That has happened in a number of instances. Let us remember that the code at first instance is about the council itself determining these matters. I think you will find that the guidelines outline the issue of vexatious complaints, if I remember correctly, or it is in the code itself.

Mr WOODWARD: We will have to check. I think it is in the guidelines. If we need to strengthen that as part of the review we are doing, we certainly will.

ANSWER:

I am advised:

Under the current provisions of the Model Code of Conduct, complaints may already be declined on the grounds that they are trivial, frivolous, vexatious or not made in good faith.

In certain circumstances, the making of such complaints may constitute a breach of existing provisions of the Model Code, including clause 6.2 (which requires councillors to act "lawfully, honestly and exercise a reasonable degree of care and diligence"), or may constitute harassment for the purposes of clause 6.7 of the Model Code.

**Question from the Hon ROBERT BORSAK:
(page 10)**

The Hon ROBERT BORSAK: Is the Minister aware that, in a matter at Warringah, David Clarke, chair of the code of conduct committee, stated that significant delays had been caused due to him renovating his house. Most recently he stated that the delay in the Councillor Laugesen matter that has been ongoing since October is because his computer is broken.

Mrs BARBARA PERRY: As I said earlier, I have asked the chief executive to make some inquiries about that.

The Hon LYNDA VOLTZ: The Minister has taken your question on notice and she will get back to you with an answer.

Mrs BARBARA PERRY: I am looking into the matter.

ANSWER:

I am advised:

The Division is currently making enquiries into this matter

BUDGET ESTIMATES 2009–2010
QUESTIONS ON NOTICE
General Purpose Standing Committee No 3
Questions relating to the portfolio of Local Government
14 September 2010, 9.15am

Questions from Ms Ficarra

In relation to Wollongong Council:

- 1. What reasons did Gabrielle Kibble give for resigning as Council Administrator?**

This is a matter for Mrs Kibble.

- 2. How often are Council Administrators in Wollongong?**

I am advised:

Under section 365 of the *Local Government Act 1993*, councils are required to meet at least ten times a year, each time in a different month.

This provision applies equally to councils under the control of elected representatives and those under administration.

- 3. Has the Department or Minister received complaints from Wollongong residents about the need to travel to Sydney to meet with Wollongong Council administrators?**

I am advised:

The Division of Local Government is not aware of such complaints.

- 4. Has the Department or Minister received any correspondence from local residents or community organisations seeking early elections for Wollongong Council?**

Yes.

- 5. What criteria has the NSW Government set to assess and monitor the performance of Council administrators in Wollongong, Shellharbour and Port Macquarie-Hastings? Will reports be made public as to whether those criteria are being met?**

Both the Division and I receive regular updates from all Administrators. Progress is monitored through these updates. The criteria are governance requirements under the *Local Government Act 1993*

together with any specific recommendations from the ICAC or Public Inquiries under section 740 of the Act.

6. Why have elections in Wollongong and Shellharbour Local Government Areas not yet been held?

I am advised:

The period of administration was established in order to balance the public interest in having elected representatives with the time required for the Administrators to put in place the necessary cultural and administrative changes to enable the Councils to function adequately and responsibly, and to restore public confidence.

7. What criteria and/or key performance indicators need to be satisfied before elections will be held in Wollongong and Shellharbour Local Government Areas?

I am advised:

The period of administration must be sufficient to allow the Administrators to fully address the deficiencies in their operations, including the time required for important cultural and administrative changes to be put in place and to take effect. In addition, sufficient time should be allowed for Administrators to address recommendations stemming from the public inquiry process and, in the case of Wollongong City Council, the ICAC investigation.

8. When will elections in Wollongong and Shellharbour Local Government Areas be held?

I am advised:

In accordance with the Governor's respective Proclamations dismissing the Councils, the fresh elections for Wollongong and Shellharbour local government areas are scheduled to be held in conjunction with the ordinary council elections in September 2012.

9. In relation to the 'ward system' in Wollongong and Shellharbour Local Government Areas:

a) Will the Minister consider the abolition of the 'Ward System' in both Wollongong and Shellharbour Councils?

The *Local Government Act 1993* provides that a council may divide its area into wards or abolish all wards in its area following a decision made by a constitutional referendum. The Act applies to all councils in NSW.

- b) Has the Government requested comment from the respective administrators on the system for elections in Wollongong and Shellharbour?**

I am advised:

The Administrators provide regular updates on progress in preparation for the elections in 2012.

2010-11 Special Rate Variations

- 10. Of the 20 special rate variation applications for 2010-2011, which were approved and the 6 applications, which were declined, how many were Section 508 A and how many were Section 508 (2) applications?**

I am advised:

The following special rate variations were determined for 2010/11:

Under section 508(2) of the Local Government Act:

- 18 applications were received
- 12 were approved
- 4 were declined
- 2 were withdrawn

Under section 508A of the Local Government Act:

- 10 applications were received
- 8 were approved
- 2 were declined

- 11. As a matter of protocol, why did the Division of Local Government advise the media of the results of the special rate variation applications before all the councils, whose applications were rejected, had received advice regarding the reason for the rejection of their applications to enable them to answer questions from the media about the rejection of their applications?**

I am advised:

All affected councils were advised of the special variation decision and the reasons for that decision before the media was notified.

The General Managers of all affected councils were contacted by the Division of Local Government and advised, in confidence, of the special variation decisions and the reasons for the decisions the day prior to the media release being issued.

In addition, all affected councils were issued with a letter from the Chief Executive, Division of Local Government, setting out the basis of the decision. These letters were emailed and/or faxed to councils in the hours before the press release was issued to the media.

12. What level of support in the community in favour of approval of the special Section 508A variation does the minister regard as being acceptable?

I am advised:

The Division of Local Government's *Guidelines for the preparation of an application for a special variation to general income 2010/2011* set out in detail the requirements of councils in relation to community consultation and community engagement for both section 508(2) and section 508A special variations.

I am advised that the Division's assessment in relation to community consultation was based on how the council had sought to inform and gain feedback from its community and what the feedback from the community was.

13. In the case of Cootamundra Shire Council, why were the opinions of the community members, who attended meetings and answered surveys asking for various infrastructure projects prior to 2010 not considered relevant?

I am advised:

Cootamundra Council's Integrated Planning and Reporting (IP&R) process and documentation contained a number of critical weaknesses. These IP&R deficiencies were also reflected in Council's community engagement which was key requirement for the Special Variation application.

14. Why did the minister substantially reduce Blue Mountains City Council's special rate variation request when the council had detailed asset management plans covering all functions providing services?

Following an analysis of Council's Integrated Planning and Reporting (IP&R), it was found that the IP&R process and documentation contained a number of weaknesses.

In addition, a number of other areas of concern were identified, including:

- a need for Council to improve its community engagement strategy
- a significant level of community opposition from Council's submission process
- the income generated through the special variation would only partially satisfy the funding shortfall of infrastructure maintenance and renewal and it was not clear how Council intended to fund the remaining shortfall
- deficiencies existed in Council's long term financial plans and asset management plans. In particular, Council's asset management plans

only covered a three year period, whereas the special variation was for ongoing asset renewal works.

As a result of these deficiencies, I agreed to partially approve Council's application only. This partial approval will provide Council with additional funds to meet immediate priorities, while also allowing Council a further opportunity to work with its community to better define its longer term direction.

15. Why wasn't Blue Mountains City Council initially given a complete explanation for the reduction in its requested special rate variation?

I am advised:

The Chief Executive of the Division of Local Government wrote to Council on 30 June 2010 setting out the nature of the partial rate increase approval, together with the reasons for the determination.

I am further advised that the Chief Executive and other officers from the Division of Local Government subsequently met with the Council's Acting General Manager and senior staff to discuss in detail the reasons for the determination and to clarify any questions or concerns from Council.

16. Why were the special rate variation applications rejected for Byron Shire Council, Eurobodalla Shire Council, Port Stephens Council and Woollahra Municipal Council?

Byron Shire Council's application was rejected for the following reasons:

- The Division identified a number of concerns regarding Council's long term financial plan and asset management plan.
- Council had received seven special variations in the past eight years for similar purposes.
- While Council's asset renewal ratio requires attention, little funding from the proposed special variation would have been used to address this shortfall. Rather, Council indicated that funds would be used to increase its asset stock, which would add to Council's asset maintenance and renewal requirements. This would add a further negative impact on the asset renewal ratio in the longer term.

Eurobodalla Shire Council's application was rejected for the following reasons:

- Council did not present a strong business case.
- An on-going special variation requires a works program for at least five years; however, Council provided a works plan for only three years.
- Council did not adequately address the Savings and Efficiencies criterion of the application.
- The majority of feedback from the community consultation objected to the special variation and there was widespread opposition, as illustrated in the local media, to the proposal.

Port Stephens Council's application was rejected for the following reasons:

- Council's application did not present a sound business case to support its request. The proposal was unclear on how it fits in with the long term financial plan, asset management plan and overall strategic direction.
- Following an analysis of Council's Integrated Planning and Reporting (IP&R), it was found that its IP&R process and documentation contained a number of critical weaknesses.
- There was little detail provided in terms of the projects to be funded and the outcomes to be achieved from the special variation.

Woollahra Council's application was rejected for the following reasons:

- Council's application was based on the need to fill an operational funding gap due to increased expenses.
- A review of Council's budget and finances indicated that Council has some capacity to absorb increases in operating expenses.
- Accordingly, it was determined that Council should pursue its program within its current financial resources, reviewing expenditure priorities and initiating necessary savings and productivity measures where necessary.

- 17. As asked at last year's Estimates, will the minister ensure that future special rates variation application determinations are provided to councils before they commence their rate notice preparation cycle?**

I am advised:

IPART will be determining special variation applications for 2011/12 onwards. It will be a matter for IPART to advise the councils of its determinations.

- 18. When will councils need to be ready to submit their special rate variation applications for 2011-2012 to IPART?**

I am advised:

The special variation guidelines are being prepared, in consultation with IPART and the Department of Planning, to reflect the new arrangements for 2011/12 onwards. IPART is the appropriate body to respond with regard to the timeframe for applications.

IPART is proposing that councils submit applications to IPART in March/April 2011. This timeframe accords with that established for 2010/11 applications.

19. In the interests of “absolutely cracking down on councils that continue to waste money”, why did the minister, in rejecting Hornsby Shire Council’s special rate variation application to inter alia, redevelop the Hornsby Aquatic Centre, indicate that council should proceed to spend \$1.5 million to commence planning, designing and tender approval processes for this \$20 million facility, rather than waiting for certainty regarding funding?

I am advised:

In declining Hornsby Shire Council’s application, no indication was given to Council by me or the Chief Executive, Division of Local Government that it should proceed to spend \$1.5 million to commence planning, designing and tender approval processes.

20. Why did the government take from December, 2009 to September, 2010 to release the details of the final IPART Review of the Revenue Framework for Local Government?

I am advised:

The Government announced in June 2010 that IPART would become responsible for setting the rate peg and determining special variation applications from 2011/12 onwards.

21. How many new staff members have been added to IPART to handle its new local government responsibilities?

This question should be directed to IPART.

22. Why didn’t the minister proceed with the complete rate setting Option A or any part of Option B in the IPART final report?

I am advised:

The Government announced in June 2010 that IPART will be responsible for determining the rate peg from 2011/12 onwards.

- a) Who made this decision?

Cabinet.

- b) Why doesn’t the Local Government Cost Index take cost shifting into consideration?

I am advised:

IPART will develop, maintain and publish a Local Government Cost Index.

Forced Amalgamation of New England Councils

- 23. When the government has a stated policy of voluntary local government amalgamations, why did the minister's proposal to the Local Boundaries Commission recommend the forced amalgamation of the Armidale-Dumaresq, Guyra and Uralla councils?**

Refer to my answers on this matter at the Budget Estimates Hearing.

- 24. Why was Walcha excluded from the amalgamation, when the reasons for its exclusion are also applicable to Uralla?**

I am advised:

Refer to the Budget Estimates Hearing about the status of this issue. Discussion of Walcha is contained in Mrs Kibble's report of the "Review of Local Government Service Delivery in the New England Area", which is available on the Division of Local Government website.

Pecuniary Interest and Disciplinary Tribunal

- 25. Why did the Division of Local Government post the determination by the Local Government Pecuniary Interest and Disciplinary Tribunal, regarding Cr Martin Ticehurst from Lithgow City Council, on its website on 18 August, 2010 in direct contravention of the orders in this matter, which stated that the tribunal's determination and order would be made publicly available at the expiry of 28 days from 12 August, 2010?**

I am advised:

The Division of Local Government did not contravene any Orders made by the Local Government Pecuniary Interest and Disciplinary Tribunal.

Order 4 of the Tribunal, as handed down on 12 August 2010, is the relevant Order, which states:

The Tribunal's Determination and Order will be made publicly available pursuant to s.484(3) at the expiry of 28 days from the date of this Order.

The Tribunal made no Order preventing publication of the Determination and Orders regarding Clr Ticehurst prior to the expiry of 28 days. This means that the Tribunal did not prevent or preclude any other party from doing so.

26. What was the cost to bring this matter before the tribunal and how much of this will be payable by Lithgow City Council and by the Division of Local Government?

I am advised:

The cost to bring this matter before the Local Government Pecuniary Interest and Disciplinary Tribunal was \$19,607.50.

The Division paid a total of \$8,184 (including GST) to Counsel prosecuting the matter before the Tribunal on behalf of the Division.

The Division paid a further \$11,423.50 (including GST) to the Tribunal member, Mr Adrian Galasso SC.

Questions regarding any costs incurred by Lithgow City Council in relation to this matter should be addressed to Council.

Improved Governance Measures in Local Government

27. What amendments is the minister planning to the Model Code of Conduct in the light of recent research by the Independent Commission against Corruption, which revealed that local councils face a wider range of corruption risks than state agencies, but appear less likely to use the management controls important to sound corporate governance, making them more vulnerable to corruption?

I am advised:

The 2007 survey undertaken by the ICAC looked at management controls such as internal audit, risk management, fraud control and designated staff with responsibility for corruption prevention.

The report also discussed operational controls which focussed on codes of conduct, gifts and benefits, information technology, records management, recruitment, procurement and reporting corruption.

Councils rated extremely well in relation to the awareness, distribution and training in codes of conduct. 100% of staff surveyed reported having received a code of conduct and there was a high percentage of training on the code of conduct. This is a pleasing result and reflective of the guidance provided to councils by the Division of Local Government in relation to code of conduct matters, including the distribution of the Guidelines and education package on the Model Code.

A high percentage of local councils also indicated that they had a gifts register and in many cases this was publicly available. The Model Code of Conduct contains standards for the receipt and recording of gifts and benefits.

The research does not indicate that amendments are required to the Model Code. However, the Division is continually reviewing any feedback on the implementation of the Model Code and will take this into account when it undertakes a comprehensive review of the Model Code of Conduct next year.

- 28. As highlighted in Liverpool City Council episode with its mayor using profanities in telephone conversations regarding the Holsworthy/Wattle Grove Aquatic Centre, why hasn't the Division of Local Government Model Code of Conduct been amended to incorporate the prohibition on binding caucus votes regarding development applications as a "General Conduct Obligation" in the Model Code of Conduct itself rather than only included as a "Good Practice Suggestion" in the guidelines to the Model Code of Conduct, released in October 2008?**

I am advised:

The premise of this question is not correct. The Guidelines already state that participation in binding caucus votes is not consistent with the obligation of each councillor under the Model Code of Conduct to consider the merits of the matter before them. These obligations are currently prescribed under clauses 6.2, 6.5, and (with respect to development decisions), clause 6.8 of the Model Code of Conduct.

- 29. Given that last year Cr. Nick Lalich MP, Mayor of Fairfield City Council, was found by the Division of Local Government not to have breached the Code of Conduct, when he decided not to declare an interest in a development application relating to Fred's Fruit Market, which came before Fairfield Council after he had received a political donation from the proprietor of the business for his campaign for the state seat of Cabramatta, why hasn't the minister amended clause 7.23 of the Model Code of Conduct to ensure that it applies to state and federal election campaigns and not only local government election campaigns?**

I am advised:

The Division issued a discussion paper on the Model Code of Conduct in April this year outlining potential amendments. This issue will be addressed as part of its comprehensive review of the Model Code of Conduct next year.

- 30. Why didn't the minister initiate a further Promoting Better Practice Review of the City of Canada Bay Council to review its planning function including its approval of a development in Marmion Lane, Abbotsford?**

I am advised:

The Promoting Better Practice Review program aims to improve the viability and sustainability of councils. Individual development applications, whether contentious or otherwise, do not form a basis for conducting a review.

- 31. Will the minister initiate a further Promoting Better Practice Review of the City of Canada Bay Council to review its planning function now?**

See answer to question 30.

- 32. What action does the minister plan to take regarding the plight of a disabled Walton Crescent resident, who has been discriminated against by council's decision regarding Marmion Lane?**

While I am concerned that a member of the community living with a disability may be disadvantaged, as Minister for Local Government, I do not have a role in the planning decisions of councils. Nor do I have the power to direct a council on such decisions or to overrule or to set aside any such decisions.

This is a matter more appropriately addressed to the Anti Discrimination Board.

- 33. What action will the minister take in relation to the City of Canada Bay Council's plan to purchase 4 lots in the Strathfield Triangle for community parkland after 2 parks were sold to the developer?**

This is a matter for the Council and its community. As Minister for Local Government, I do not have power to intervene or to direct the Council regarding its proposal to purchase land

- 34. When will the minister strengthen the Code of Conduct to prevent a repetition of the problems caused by the relationship between the former Labor Mayor of Cessnock City Council and the rogue construction group, Hightrade, which was also involved in the forced resignation of the former Labor MLC, Henry Tsang?**

I am advised:

The Model Code of Conduct already makes provision for the management of pecuniary and non-pecuniary conflict of interests that may arise

- 35. Given that allegations that members of the staff of Burwood Council helped with renovations to a block of flats, owned by Befaro Pty. Limited, whose partners are Burwood Council's former general manager, Pat Romano, the council's principal architect, Albert Becerra, and a Canada Bay councillor, Tony Fasanella have been the subject of an ICAC investigation, why wasn't Cr Tony Fasanella of Canada Bay Council forced to step down pending the outcome of an ICAC investigation when Burwood Council took this action in relation to its General Manager, Pat Romano?**

I am advised:

I am not aware of whether Cr Fasanella is the subject of the ICAC investigation.

Code of Conduct Investigations

- 36. The minister advised the Parliament on 24 June 2010 that the relevant standard of proof to be applied in the investigation of matters under a Council's Code of Conduct is the civil standard (ie, on the balance of probabilities), how many cases in New South Wales have occurred where the wrong standard of evidence has been applied and what is the minister and the Division of Local Government doing to redress any injustices in these cases?**

I am advised:

To the best of the Division's knowledge, the Division is not aware of incorrect standards of proof having been applied to code of conduct investigations.

- 37. How many complaints to date have the minister and/or the Division of Local Government received in relation to Code of Conduct investigations and processes of Code of Conduct Committees and which Councils did these complaints relate to?**

I am advised:

The Division's data on complaints received about code of conduct matters is not able to distinguish between complaints about individual conduct and those about the application of a council's code.

- 38. Given that there was a recent case at Hurstville City Council where the Ombudsman had to intervene and found wrongdoing on the part of the Investigator and the Council, does the minister agree that the Code of Conduct system is being used as a political tool by some councillors against councillors in a minority situation on Councils and what does the minister intend to do to stop this?**

I am advised:

The Division is not in a position to identify the motivation of each councillor who makes a complaint under a council's code of conduct. However, to the Division's knowledge, there have been only three instances where complaints have been made and sustained against a minority councillor in circumstances where, on the Division's assessment, grounds did not exist to support the finding that the conduct in question represented a breach of the code of conduct. The Division intervened in all of these cases.

- 39. Why have the minister and the Division of Local Government failed to issue comprehensive guidelines, similar to Premier and Cabinet's Personnel Handbook , Chapter 9 – Management of Conduct and Performance regarding the disciplinary investigation process for public servants, to ensure procedural fairness, consistency and natural justice for councillors?**

I am advised:

The premise of this question is not correct.

Part 12 of the Model Code of Conduct prescribes the procedures to be followed in dealing with complaints under the code. Part 14 prescribes comprehensive guidelines for the operation of independent conduct reviewers and conduct review committees. In terms of procedural fairness, the content of the procedural fairness requirements that apply to investigations under the code of conduct by conduct reviewers and conduct review committees is prescribed under clause 14.7.

To assist in the interpretation of the procedural requirements prescribed under the code, the Division has issued Guidelines for the Model Code of Conduct.

Local Government Elections

40. Given that in the Minister's answer to a Question on Notice regarding the potential for a less expensive alternative to local government by- elections on 15 April, 2010, the Minister indicated that:-

“Local government elections are currently the subject of an Inquiry by the NSW Parliament's Joint Standing Committee on Electoral Matters. It would be premature to consider any changes to current election practices until this Inquiry is finalised.”,

when will the Minister amend the Local Government Act to allow for a less expensive alternative to a by-election whenever a vacancy occurs on council before the first day in October last preceding the end of the term of a council, after the report of the Inquiry by the NSW Parliament's Joint Standing Committee on Electoral Matters was released in June this year?

I have considered the report by the Joint Standing Committee on Electoral Matters released in June 2010. The Division of Local Government has commenced a local government elections review which will be informed by the Standing Committee's and the NSW Electoral Commission's reports. As part of that review, the Division will consider the matters related to by-elections and all other relevant matters.

41. **When will the Minister amend the Local Government Act to allow for universal postal voting as per Recommendation 11 of the NSW Parliament's Joint Standing Committee on Electoral Matters?**

I am advised:

Refer to response to question 40.

Councils' Financial Positions

42. **What will be the long term impact of the sale of WSN Environmental Solutions to the private sector on councils' waste collection and treatment costs?**

This question should be directed to the Minister for Climate Change and the Environment as Minister responsible for WSN Environmental Solutions.

- 43. What was the reason for each of the qualified financial statements received by 41 councils in 2008-09 and what investigations did the Division of Local Government undertake in relation to those councils, whose financial statements revealed that they were experiencing financial difficulties?**

I am advised:

The financial statements of 39 councils were qualified due to some financial securities not having market values that were independently quoted and were not widely traded. Under these circumstances, this resulted in the auditors' inability to obtain sufficient appropriate audit evidence to satisfy themselves as to the value and recoverability of a council's investment portfolio.

The Division of Local Government reviews the financial situation of all councils in NSW. Where concerns are identified, the Division contacts councils to ensure that appropriate action is taken.

- 44. How did the Division of Local Government investigate those councils whose financial statements were qualified because of the valuation of their investments in Collateralised Debt Obligations?**

I am advised:

When the Division of Local Government reviews the finances of all councils, it takes into consideration several financial indicators, including the qualification of financial statements. Other indicators reviewed include operating surpluses or deficiencies, liquidity, levels of debt, outstanding rates and annual charges and the condition of assets. A qualified audit report is not always an indication of financial difficulty. The Division of Local Government takes appropriate action depending upon the circumstances for each council.

- 45. Given that the latest annual report included on the City of Botany Bay Council's website relates to 2007 and provides minimal financial information and this question was asked during last year's Estimates Hearing when the minister stated that the annual report process comes out about October or November of each year, could the minister now advise what action she took to ensure that the City of Botany Bay Council provides its full statutory financial reports on its website and that they are up to date?**

I am advised:

It is not mandatory for a council to include its financial statements on its website, however, the council is required to make a copy available, if requested.

- 46. With its reported 2008/09 action to assist councils become and remain sustainable, why has the volume of the Division of Local Government's Promoting Better Practice Reviews diminished in recent years, during a period when councils are facing financial difficulty?**

I am advised:

The Division's guarantee of service requires that 12 reviews are completed each financial year. The Division met its guarantee of service target in 2009/10.

- 47. In its Promoting Better Practice Review Report on the City of Canada Bay Council, the Division of Local Government highlighted concerns that council had failed to maintain records of its land holdings and whether land sold in the Strathfield Triangle was held as "operational" or "community" land, why didn't council maintain the correct records regarding its land holdings?**

This question should be directed to Council.

- 48. What action did the minister take to assist those 41 councils, which were impacted by the Australian Energy Regulator's decision to allow Energy Australia to increase its local government street lighting pricing by an average of 50% from 1 July, 2010?**

I am advised:

The way councils manage their budgets is a matter for them. They are able to apply for a special variation under the Local Government Act 1993 if they are unable to meet increasing costs within existing budgets. The NSW Government announced in June 2010 that the Independent Pricing and Regulatory Tribunal (IPART) will become responsible for setting the rate peg from 2011/12 based on a local government cost index.

- 49. What action did the Division of Local Government take to ensure that councils submitted their Annual reports, State of the Environment reports and Financial reports by the due date to the Division of Local Government?**

I am advised:

The Division of Local Government issues a circular to all councils in July/August every year reminding councils of their statutory obligations in regard to Annual Reports, State of the Environment Reports and Finance Reports. The Division also issues a "Strategic Tasks" circular to all councils annually, which is a timetable listing Divisional requirements and the respective due dates.

Divisional staff also contact councils that are slow in submitting reports.

50. How many councils still haven't submitted their Annual reports, State of the Environment reports and Financial reports for the year ended June, 2009 to the Division of Local Government?

I am advised:

Five councils have not yet submitted their annual reports. One council has not yet provided its financial statements.

The Division of Local Government follows up on outstanding reports/statements from councils via telephone, email and, if necessary, by writing to the relevant councils.

51. Which councils have not submitted their 2008-09 reports yet?

I am advised:

Deniliquin, Harden, Kempsey, Palerang and Uralla Shire Councils have not yet submitted their annual reports. Carrathool Shire Council has not submitted its financial statements for 2008/09.

52. What assistance did the division provide to those 15 councils, whose ability to meet their short term obligations, as indicated by their 2009 Unrestricted Current Ratio, was unsatisfactory?

I am advised:

The Division of Local Government reviews the finances of all councils. The Division takes into consideration several financial indicators, including Unrestricted Current Ratios. Other indicators reviewed include operating surpluses or deficiencies, liquidity, levels of debt, outstanding rates and annual charges, qualified accounts and the condition of assets.

One poor performing indicator does not necessarily mean that the council is in a poor financial condition. The Division of Local Government takes appropriate action depending upon the circumstances for each council.

Once those councils at risk have been determined, they are required to provide details of proposed strategies for improvement and may be required to provide regular updates of their financial position. The Division may also examine budgets, quarterly budget reviews, rating income, capital expenditure, loans and grants related information to ensure councils are achieving a satisfactory level of financial compliance and performance.

- 53. Why does the Unrestricted Current Ratio Summary detail councils within the less than 1 and the 1-2 current ratio ranges and not highlight those councils, which fall under the 1.5 satisfactory level?**

I am advised:

The information provided is considered sufficient as an indication of those councils which fall within the satisfactory range.

- 54. Even though it is a coastal council, what assistance did the division provide to the council, whose 2009 debt service ratio exceeded 35%?**

I am advised:

The Division of Local Government is aware of the council's circumstances. The debt ratio relates mainly to the council's water and sewerage operations and does not adversely impact on general operations.

- 55. Why doesn't the Debt Service Ratio Summary highlight the number of councils in the over 20% category, which are of concern to the division?**

I am advised:

There is only one council which has a debt service ratio above 20%, and therefore a separate category is not warranted.

Cost Shifting

- 56. Given that at last year's Estimates Hearing, the minister stated that "the parties that are part of that agreement (the National Intergovernmental Agreement Establishing Principles Guiding Inter-Governmental Relations on Local Government Matters - IGA) are the Australian Local Government Association, which represents all associations in each jurisdiction, the State and Federal Governments across all jurisdictions. New South Wales has signed the national IGA. In relation to that, it clearly stipulates that where functions are given to local government they will go with appropriate resourcing.", what action has the NSW Government taken to provide appropriate funding when functions have been transferred or given to local government?**

I am not aware of any reported instances of 'cost shifting' that fall within the definition contained in the national IGA.

Local Government Investments

In a keynote address to the Local Government Investment Conference, the author of the 2008 inquiry into council investments, Michael Cole, said although CDO investments were consistent with NSW legislation, councils should have exercised due diligence. He also said that rating agencies and financial advisors also share the blame for the local government CDO crisis.

At the same conference, the now Chief Executive, Local Government, Mr. Ross Woodward indicated that the new guidelines on council investments would clear up areas of financial management that have previously been “a bit blurred”. He stated that part of the guidelines will clarify where accountability lies.

57. In view of these two somewhat contradictory statements, what responsibility does the NSW government accept for the investment losses incurred by NSW councils?

I am advised:

I do not consider the statements to be contradictory. While the State Government is responsible for the overall legal framework in which councils operate, it is not responsible for the decisions councils make within that framework. Mr Woodward’s comments related to accountability within councils, specifically between the role of the governing body and the administrative body.

58. Considering that the role of the Division of Local Government includes the collection and evaluation of financial data, helping local councils strengthen their financial performance and monitoring local councils’ financial reporting practices, what records does it maintain in relation to the realised and unrealised losses on structured investments, which have been made by individual councils?

I am advised:

It is not possible to differentiate in the audited annual financial statements between unrealised and realised gains or losses on structured investments and other investment types. This is due to their treatment under the Australian Accounting Standards.

Councils Under Administration

- 59. What is a reasonable time for council meetings when the council is under administration and should the meetings take place in the evening to enable working ratepayers to attend?**

I am advised:

The Act and the Regulation are silent on the issue of meeting times. It is a matter for each council to set the time of their meetings in their Meeting Code.

Under section 258 of Act, an Administrator has all of the functions of the council.

Ultimately, it is a matter for each council (or the Administrator/s of a council under administration) to determine the time for council meetings.

- 60. One of the recommendations from the Public Inquiry into Shellharbour City Council required the administrator to review council's performance, plans and forecasts in relation to Shell Cove and to ensure the adequacy of the ongoing supervisory and reporting arrangements.**

This statement is accurate (recommendation 5 of the Shellharbour City Council Public Inquiry Report, 4 July 2008).

- 61. When is the construction of the Shell Cove marina going to commence and how much will it cost?**

This question should be directed to Shellharbour City Council.

- 62. Why hasn't council invoked the penalty clause contained in the management agreement in relation to the delays in the construction of the marina?**

This question should be directed to Shellharbour City Council.

- 63. What is the current balance of funds in the Trust Account of the Shell Cove project?**

This question should be directed to Shellharbour City Council.

- 64. How many stages are still to be subdivided and how many lots are there in each of these stages?**

This question should be directed to Shellharbour City Council.

- 65. How many lots remain to be sold in the project and what is the net value of these lots?**

This question should be directed to Shellharbour City Council.

66. When is the latest Australand feasibility handed to council in March, 2009 going to be made public?

This question should be directed to Shellharbour City Council.

67. Why is The Links - Shell Cove Golf Course, which is a key element of Shell Cove, funded by council and ratepayers?

This question should be directed to Shellharbour City Council.

68. Is council's General Manager receiving income to oversee the project despite the fact that a director, together with support staff, operate the project for council?

I am advised:

The Division understands that the former General Manager received a Shell Cove allowance with respect to the project.

69. If this is happening, does it represent a conflict of interest regarding the development applications submitted for the project to council?

I am advised:

The risks associated with Council's dual role as a developer and a consent and regulatory authority were addressed by the former Department of Local Government's Promoting Better Practice Review of Shellharbour City Council. The Review recommended that Council consider the establishment of an independent hearing and assessment panel for the assessment of contentious development applications, including those where Council was an applicant or had an interest in the development.

This recommendation has since been overtaken by changes to planning law.

Council has taken the following steps to address this recommendation:

- A Joint Regional Planning Panel has been established as required under the *Environmental Planning and Assessment Act 1979*
- In addition to this, Council has established an Independent Development Assessment Panel
- Council continues to use external planning consultants to report on Council's compliance with the development assessment process where Council is the applicant or landowner.

Questions from Mr Shoebridge

- 70. Is the Minister aware of the NSW Liberal Party's practice of funnelling all donations to local government campaigns through the Liberal Party of Australia, NSW Division head office?**

I am advised:

The Model Code of Conduct prescribes how conflicts of interest in relation to political donations are to be dealt with by councillors.

- a) If so, does this allow elected Liberal councillors to debate and vote on matters submitted to councils by significant donors to their campaigns, and if so, under what regulation of Act of Parliament is this allowed?**

See response to Question 70.

- 71. In a recent complaint about a Liberal councillor voting on two development applications submitted by a major donor to his 2008 campaign, the Department of Local Government ruled that the councillor did not breach the council's code of conduct since the money went to his Liberal Party Local Government Conference. How is this so?**

I am advised:

It would not be appropriate to comment publicly on individual cases that the Division has dealt with under the political donations provisions.

- 72. The Sydney City councillor provided a bank statement to the Department of Local Government indicating that the deposit of \$10,000 (the amount of a donation on that date by the applicant who submitted the developments applications to the Liberal Party of Australia, NSW Division) was made into an account in the name of 'Liberal Party of Australia NSW Division City of Sydney Local Govt Conf. Therefore, the councillor did not directly receive the funds and did not breach Sydney Council's Code of Conduct. What actions, if any, are being prepared to prevent the Liberal Party continuing with this practice?**

I am advised:

The election funding regime does not fall within the local government portfolio.

- a) **If no actions are being planned will it ever be possible to stop Liberal councillors voting on matters submitted to their councils by significant donors to their campaigns?**

I am advised:

The current requirements prescribed under the Model Code of Conduct for the disclosure and management of non-pecuniary conflicts of interests satisfactorily addresses this question.

73. What were the top five most complained about councils in NSW over the last 12 months?

I am advised:

The Division of Local Government's complaint data for the 2009/10 financial year shows that the Division received the most complaints about the following councils:

1. Strathfield Municipal Council
2. Tweed Shire Council
3. Shoalhaven City Council
4. City of Sydney Council
5. Wollongong City Council

- a) **What were the top five type of complaints about these councils?**

I am advised:

The top five types of complaints related to a range of functions performed by local councils, such as: land use planning and development matters; allegations of misconduct by councillors/council staff; council governance; allegations of pecuniary/conflicts of interests; and enforcement and regulatory powers.

74. What was the most complained about Council in the Hunter region in the last year?

I am advised:

Newcastle City Council

- a) **What was the most complained about Council in the previous year?**

I am advised:

Port Stephens Council

b) What was the most complained about Council in the Hunter in the year before that?

I am advised:

Port Stephens Council

75. How has Cessnock Council improved its performance since 2008?

I am advised:

The Division of Local Government is currently finalising the report on the follow-up review of Cessnock City Council following the section 430 investigation and initial Promoting Better Practice Review in 2006. The report will become a public document once it is tabled by Council. It is premature to comment on the Council's progress until the report is finalised.

The removal of Cessnock Council's planning powers and the need for the Minister for Local Government to give concurrence to this action.

In the week of 3rd to 7th May DLG Officers conducted interviews at Cessnock Council to assess its progress for the past 12 months since the DLG's s.430 Report. The s.430 Report was critical of the previous (prior to 2008) Council's lack of governance standards. In the same week the Planning Minister wrote to Cessnock Council asking it to show cause why it shouldn't have its planning powers removed. DLG officers were in communication with Department of Planning officials on Monday 3 May and it was agreed (Gary Freeland email 3/5/10) that the approach of both Departments be 'consistent'.

76. What was meant by the word consistent as it related to the way in which DLG and DoP related with Cessnock Council?

I am advised:

When undertaking reviews of councils, the Division of Local Government consults with a number of agencies involved with the local government sector. Divisional officers met with officers from the Newcastle regional office of the Department of Planning on 3 May 2010 to discuss information relating to the performance of Council's planning and development functions. The Division's officers agreed to continue to consult with the planning officers throughout the process.

- 77. Council Staff have been told by DLG staff to expect the DLG report by the end of August. The Planning Minister removed Councils Planning powers on 16th August. Has the draft DLG report been written?**

I am advised:

The draft report was forwarded to Council's General Manager on 17 September 2010.

- a) If so, why has it yet to be forwarded to Council?**

See response to question 77.

- 78. Has the Minister ordered the draft DLG report to be delayed to avoid embarrassment or altered to support the view of the Planning Minister?**

No.

- 79. If not why won't the Minister for Local Government release the draft report on Cessnock Council now?**

See response to question 77.

- 80. Did you refer to the Draft report before giving concurrence to the Minister for Planning? If not why not?**

No, because it was still being prepared.

- a) If so what conclusions did it draw?**

See response to question 80.

Questions from Mr Khan

Cessnock

- 81. How many complaints against Cessnock City Council have been received by:**

- a) The Department of Planning**

This question should be directed to the Minister for Planning.

- b) The Department of Local Government**

I am advised:

In 2009/10 the Division received a total of 18 complaints.

c) in relation to planning decisions in 2009-10?

I am advised:

Of the complaints received by the Division of Local Government in 2009/10, thirteen (13) of these complaints related to aspects of planning such as zoning issues, development matters and the exercise of Council's regulatory enforcement powers.

82. Please provide a list of all Local Governments Councils, ranked in order, with the amount of complaints received by:

a) The Department of Planning

This question should be directed to the Minister for Planning.

b) The Department of Local Government

Refer to Table 1, attached.

c) in relation to planning decisions in 2009-10.

Refer to Table 2, attached.

83. What was the average elapsed time between lodgement and a planning outcome for Development Applications lodged with Cessnock City Council?

This question should be directed to the Minister for Planning.

84. Please provide a list of all Local Governments, ranked in order, with the average elapsed time between lodgement and a planning outcome for Development Applications lodged with the respective Local Government Councils.

This question should be directed to the Minister for Planning.

85. How much has been budgeted for the operation of the Independent Expert Panel of three members to undertake Cessnock City Council's planning functions over the forward estimates?

This question should be directed to the Minister for Planning.

86. Please rank in order the amount of staff employed in all Local Government Councils as at August 2010.

I am advised:

The Division of Local Government collects data from councils each year on full-time equivalent staff numbers as at 30 June. The most recently available data, which is contained in the *Snapshot of NSW Councils - Comparative Information on NSW Local Government Councils 2008/09*

publication, relates to 30 June 2009. Data from that publication is provided in the table below.

Council	Number of equivalent full time staff
Urana Shire Council	32.00
Conargo Shire Council	35.00
Murrumbidgee Shire Council	37.00
Jerilderie Shire Council	43.00
Lockhart Shire Council	46.00
Balranald Shire Council	49.00
Bombala Council	49.00
Harden Shire Council	49.00
Boorowa Council	50.00
Gundagai Shire Council	50.00
Guyra Shire Council	51.00
Hay Shire Council	51.00
Hunters Hill, The Council of the Municipality of	56.80
Bogan Shire Council	58.00
Central Darling Shire Council	58.00
Brewarrina Shire Council	59.00
Wakool, The Council of the Shire of	62.00
Coolamon Shire Council	64.00
Walcha Council	64.00
Blayney Shire Council	65.00
Dungog Shire Council	65.00
Weddin Shire Council	65.00
Junee Shire Council	67.00
Warren Shire Council	67.00
Temora Shire Council	74.00
Deniliquin Council	75.00
Murray Shire Council	78.00
Tumbarumba Shire Council	79.00
Cootamundra Shire Council	79.30
Oberon Council	81.00
Narromine Shire Council	82.00
Berrigan Shire Council	83.00
Bourke Shire Council	86.00
Gloucester Shire Council	86.00
Young Shire Council	93.00
Kyogle Council	94.00
Tenterfield Shire Council	94.00
Coonamble Shire Council	96.00
Corowa Shire Council	97.00
Forbes Shire Council	98.00
Wentworth Shire Council	99.00
Walgett Shire Council	101.00
Narrandera Shire Council	103.00
Leeton Shire Council	110.00
Uralla Shire Council	115.00
Palerang Council	115.60
Nambucca Shire Council	119.94
Snowy River Shire Council	127.70
Bellingen Shire Council	128.00
Glen Innes Severn Shire Council	129.00

Narrabri Shire Council	129.00
Upper Lachlan Shire Council	132.00
Yass Valley Council	132.00
Liverpool Plains Shire Council	135.00
Wellington Council	135.00
Parkes Shire Council	136.00
Tumut Shire Council	141.00
Cooma-Monaro Shire Council	143.00
Greater Hume Shire Council	143.70
Strathfield Municipal Council	144.00
Gwydir Shire Council	159.00
Cowra Shire Council	161.00
Mosman Municipal Council	164.00
Gunnedah Shire Council	167.00
Muswellbrook Shire Council	168.00
Bland Shire Council	170.00
Ashfield, The Council of the Municipality of	172.00
Warrumbungle Shire Council	173.00
Lane Cove Municipal Council	174.00
Cabonne Shire Council	179.00
Cobar Shire Council	181.00
Lachlan Shire Council	182.00
Lithgow Council, City of	182.00
Singleton Shire Council	190.00
Inverell Shire Council	197.78
Wollondilly Shire Council	199.40
Upper Hunter Shire Council	200.00
Moree Plains Shire Council	212.00
Gilgandra Shire Council	214.00
Burwood Council	223.00
Richmond Valley Council	229.00
Broken Hill City Council	241.00
Hawkesbury City Council	248.00
Kogarah Municipal Council	253.00
Mid-Western Regional Council	253.59
Byron Shire Council	255.44
Armidale Dumaresq Council	262.00
Ballina Shire Council	263.00
Cessnock City Council	265.00
Goulburn Mulwaree Council	266.00
Greater Taree City Council	268.00
Pittwater Council	270.00
Camden Council	270.20
Kempsey Shire Council	276.00
Bega Valley Shire Council	276.20
Auburn Council	290.00
Kiama, The Council of the Municipality of	293.00
Canada Bay City Council	298.00
Great Lakes Council	298.00
Hurstville City Council	299.05
Lismore City Council	301.00
Queanbeyan City Council	304.00
Dubbo City Council	310.00
Griffith City Council	315.00
Wingecarribee Shire Council	324.00
Maitland City Council	327.00
Orange City Council	328.59

North Sydney Council	340.00
Rockdale City Council	344.76
Shellharbour City Council	345.00
Bathurst Regional Council	357.00
Woollahra Municipal Council	361.00
Botany Bay, The Council of the City of	363.00
Willoughby City Council	396.00
Manly Council	398.00
Holroyd City Council	433.00
Albury City Council	443.00
Eurobodalla Shire Council	445.00
Wagga Wagga City Council	449.00
Port Macquarie-Hastings Council	455.00
Leichhardt Municipal Council	456.00
Ku-ring-gai Council	468.00
Randwick City Council	480.00
Ryde City Council	486.00
Blue Mountains City Council	498.00
Clarence Valley Council	498.00
Tamworth Regional Council	503.00
Coffs Harbour City Council	512.00
Marrickville Council	513.00
Waverley Council	554.00
Canterbury City Council	571.00
Warringah Council	580.00
Hornsby, The Council of the Shire of	603.00
Hills Shire Council, The	605.00
Liverpool City Council	605.00
Campbelltown City Council	613.00
Tweed Shire Council	698.00
Bankstown City Council	723.25
Parramatta City Council	736.00
Shoalhaven City Council	763.00
Fairfield City Council	790.00
Lake Macquarie City Council	895.00
Newcastle City Council	925.00
Penrith City Council	959.00
Wollongong City Council	992.00
Wyong Shire Council	1,039.00
Gosford City Council	1,107.00
Sutherland Shire Council	1,117.00
Blacktown City Council	1,318.00
Sydney, Council of the City of	1,595.44
Carrathool Shire Council	No Data
Port Stephens Council	No Data

TABLE 1**Number of Complaints by Council ordered by Number of complaints 2009/10**

Council	Total	Council	Total	Council	Total
Strathfield Council	57	Bega Valley Shire Council	8	Manly Council	3
Tweed Shire Council	45	Canada Bay Council, City of	8	Cooma-Monaro Shire Council	3
Shoalhaven City Council	39	Woollahra Municipal Council	8	Armidale Dumaresq Council	3
Sydney, City of	30	Waverley Council	8	Inverell Shire Council	3
Wollongong City Council	28	Pittwater Council	8	Holroyd City Council	3
Hornsby Shire Council	27	Parramatta City Council	8	Nambucca Shire Council	2
Ku-ring-gai Council	26	Maitland City Council	8	Wagga Wagga City Council	2
Newcastle City Council	21	Hills Shire Council, The	7	North Sydney Council	2
Liverpool City Council	21	Campbelltown City Council	7	Narrandera Shire Council	2
Eurobodalla Shire Council	20	Ballina Shire Council	7	Parkes Shire Council	2
Greater Taree City Council	19	Auburn Council	7	Walcha Council	2
Byron Shire Council	19	Murray Shire Council	7	Greater Hume Shire Council	2
Cessnock City Council	18	Leichhardt Municipal Council	6	Dungog Shire Council	2
Port Stephens Council	15	Hunters Hill Council	6	Singleton Council	2
Fairfield City Council	15	Hurstville City Council	6	Moree Plains Shire Council	2
Dubbo City Council	15	Canterbury City Council	6	Narromine Shire Council	2
Mid-Western Regional Council	15	Willoughby City Council	6	Kogarah Municipal Council	2
Wyong Shire Council	14	Upper Lachlan Shire Council	6	Upper Hunter Shire Council	2
Wollondilly Shire Council	14	Queanbeyan City Council	6	Young Shire Council	2
Shellharbour City Council	14	Forbes Shire Council	6	Cootamundra Shire Council	2
Albury City Council	13	Blacktown City Council	6	Tumut Shire Council	2
Tenterfield Shire Council	13	Snowy River Shire Council	5	Camden Council	2
Port Macquarie-Hastings Council	13	Griffith City Council	5	Leeton Shire Council	2
Lithgow City Council	13	Hawkesbury City Council	5	Walgett Shire Council	1
Blue Mountains City Council	13	Great Lakes Council	5	Hay Shire Council	1
Mosman Municipal Council	12	Central Darling Shire Council	5	Kiama Municipal Council	1
Lake Macquarie City Council	12	Orange City Council	5	Ryde, City of	1
Kempsey Shire Council	12	Palerang Council	5	Weddin Shire Council	1
Gosford City Council	12	Kyogle Council	5	Lachlan Shire Council	1
Randwick City Council	11	Rous County Council	4	Berrigan Shire Council	1
Penrith City Council	11	Gloucester Shire Council	4	Broken Hill City Council	1

Warringah Council	10	Clarence Valley Council	4	Bourke Shire Council	1
Coffs Harbour City Council	10	Yass Valley Council	4	Lane Cove Council	1
Sutherland Shire Council	10	Gunnedah Shire Council	4	Cabonne Shire Council	1
Richmond Valley Council	10	Muswellbrook Shire Council	4	Glen Innes Severn Shire Council	1
Lismore City Council	10	Gwydir Shire Council	4	Blayney Shire Council	1
Bankstown City Council	9	Bellingen Shire Council	4	Wentworth Shire Council	1
Wingecarribee Shire Council	9	Rockdale City Council	4	Wellington Council	1
Goulburn Mulwaree Council	9	Uralla Shire Council	4	Gundagai Shire Council	1
Botany Bay, The Council of the City of	9	Ashfield, The Council of the Municipality of	4	Narrabri Shire Council	1
Marrickville Council	9	Tamworth Regional Council	4	Council not specified	26
				Grand Total	1029

TABLE 2

COMPLAINTS BY LAND USE PLANNING AND DEVELOPMENT MATTERS KEYWORD BY COUNCIL BY NUMBER					
Shoalhaven City Council	17	Blue Mountains City Council	4	Walcha Council	2
Wollongong City Council	14	Willoughby City Council	3	Snowy River Shire Council	2
Ku-ring-gai Council	14	Waverley Council	3	Liverpool City Council	1
Cessnock City Council	14	Bega Valley Shire Council	3	Kempsey Shire Council	1
Byron Shire Council	12	Tamworth Regional Council	3	Richmond Valley Council	1
Eurobodalla Shire Council	11	Bankstown City Council	3	Rockdale City Council	1
Tweed Shire Council	10	Singleton Council	3	Shellharbour City Council	1
Hornsby Shire Council	9	Canterbury City Council	3	Albury City Council	1
Greater Taree City Council	9	Inverell Shire Council	3	Greater Hume Shire Council	1
Wollondilly Shire Council	8	Marrickville Council	3	Queanbeyan City Council	1
Newcastle City Council	8	Young Shire Council	2	Cooma-Monaro Shire Council	1
Sydney, City of	7	Lake Macquarie City Council	2	Gloucester Shire Council	1
Fairfield City Council	7	Leichhardt Municipal Council	2	Berrigan Shire Council	1
Auburn Council	7	Lismore City Council	2	Hills Shire Council, The	1
Randwick City Council	6	Yass Valley Council	2	Tenterfield Shire Council	1
Port Stephens Council	6	Maitland City Council	2	Bellingen Shire Council	1
Wyong Shire Council	5	Manly Council	2	Hay Shire Council	1
Canada Bay Council, City of	5	Ashfield, The Council of the Municipality of	2	Dungog Shire Council	1
Gosford City Council	5	Woollahra Municipal Council	2	Wagga Wagga City Council	1
Botany Bay, The Council of the City of	4	Mosman Municipal Council	2	Coffs Harbour City Council	1

Uralla Shire Council	4	Muswellbrook Shire Council	2	Port Macquarie-Hastings Council	1
Upper Lachlan Shire Council	4	Ballina Shire Council	2	Parramatta City Council	1
Sutherland Shire Council	4	Narrandera Shire Council	2	Wellington Council	1
Campbelltown City Council	4	Wingecarribee Shire Council	2	Gunnedah Shire Council	1
Forbes Shire Council	4	North Sydney Council	2	Orange City Council	1
Strathfield Council	4	Hawkesbury City Council	2	Broken Hill City Council	1
Penrith City Council	4	Palerang Council	2	Armidale Dumaresq Council	1
Hunters Hill Council	4	Warringah Council	2	Nambucca Shire Council	1
Great Lakes Council	4	Goulburn Mulwaree Council	2	Clarence Valley Council	1
		Pittwater Council	2	Mid-Western Regional Council	1
				Council not specified	12
				TOTAL	329