

**INFORMATION REPORTS**  
**PRESENTED TO THE BLAYNEY SHIRE COUNCIL**  
**MEETING HELD ON MONDAY, 9 JULY 2012**





**CORRESPONDENCE RE BELUBULA WAY, MANDURAMA**

This is A Reprint Of A Scanned Image



**The Hon. Duncan Gay MLC**  
Deputy Leader of Government in the Legislative Council  
Minister for Roads and Ports



The Hon Katrina Hodgkinson MP  
Minister for Primary Industries  
Minister for Small Business  
Member for Burrinjuck  
PO Box 600  
YASS NSW 2582

Dear Minister

Thank you for your letter, on behalf of the Blayney Shire Council, about a road safety project on Belubula Way at Mandurama.

As you are aware, on 1 November 2011 a new organisation called Roads and Maritime Services (RMS) replaced the Roads and Traffic Authority and NSW Maritime. RMS will focus on service delivery, concentrating on delivering the key tasks of building and maintaining road infrastructure and the day-to-day compliance and safety for roads and waterways.

I am pleased to advise that this project has been reassessed for the 2012-13 financial year using updated crash data. The project is now on the approved list for 2012-13.

It should be noted that this is not a carry over project, but a new proposal and approved project for 2012-13.

The council is encouraged to proceed with this project as early as possible in the 2012-13 financial year, as development works have been completed.

I understand the difficulties faced by councils resourcing roadwork following the recent rain and flood events across the State. Unfortunately, the current Treasury funding for the Road Toll Response Package work does not allow projects to be carried over to the following year.

I hope this has been of assistance. If the council requires more information, it can contact Mr Peter Dearden, Regional Manager Western, at RMS on (02) 6861 1444.

Yours sincerely

**Duncan Gay MLC**  
Deputy Leader of Government in the Legislative Council  
Minister for Roads and Ports

Level 35, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000  
Phone: (61 2) 9228 5271 Fax: (61 2) 9228 5499 Email: [office@dgav.minister.nsw.gov.au](mailto:office@dgav.minister.nsw.gov.au)

DataWorks Document Number: 347793

This Is A Reprint Of A Scanned Image

# Katrina Hodgkinson MP

MEMBER OF PARLIAMENT | MINISTER FOR PRIMARY INDUSTRIES | MINISTER FOR SMALL BUSINESS

Ref: 12K003-gb  
(in reply please quote)

Mr Glenn Wilcox  
General Manager  
Blayney Shire Council  
PO Box 62  
BLAYNEY NSW 2799

BLAYNEY SHIRE  
COUNCIL

15 JUN 2012

10 JUN 2012

Doc. No.

Verified:

Disp.  
GA39:

Sent.

Dear Mr Wilcox

I refer to earlier correspondence regarding a road safety project on Belubula Way at Mandurama.

You may recall I wrote informing you I had made representations on your behalf to the Minister for Roads and Ports, the Hon Duncan Gay MLC. I now have to hand a response from the Minister, a copy of which I have included for your information.

Please do not hesitate to contact me if you think I may be of further assistance to you in this matter.

Yours sincerely



**KATRINA HODGKINSON MP**  
Member for Burrinjuck  
Minister for Primary Industries  
Minister for Small Business



burrinjuck@parliament.nsw.gov.au www.burrinjuck.com  
133 Comur Street Yass NSW 2582 PO Box 600 Yass NSW 2582  
+61 2 6226 3311 +61 2 6226 3345 1800 002 580

DataWorks Document Number: 347793

THE NATIONALS for Regional NSW

**DEVELOPMENT APPROVALS – MAY 2012**

Below is a list of Development approvals determined during the month of May 2012 for your information.

DA No.	Applicant	Construction	Address	Determination Date/Method	Type: DA/CC, Mod, s68, s96 etc.
110/2012	Fuad Alkhatib	Erection of a Shed	1 Jarman Crescent, Blayney	Delegated Approval – 2/05/2012	DA/CC
135/2012	Scott Kerr	Erection of a Garage & Carport	3 Peters Place, Blayney	Delegated Approval – 2/05/2012	DA/CC
54/2012/2	Tarrant	Modification of Floor area of patio/enclosure	63 Charles Booth Way	Delegated Approval 9/05/2012	S96(1)
103/2011/1	Eric Smith	Modification to particulars with original Development Application	2305 Four Mile Creek, Panuara	Delegated Approval – 10/05/2012	S96(1)
122/2012	R & E Hogben	Erection of a Dwelling with Attached Garage	55 Gartholme Road, Forest Reefs	Delegated Approval – 9/05/2012	DA/CC
139/2012	G Paine	Erection of a Shed with Carport	20 Tucker Street, Blayney	Delegated Approval – 9/05/2012	DA/CC
137/2012	A Wilson	Erection of a Dwelling	115 Burtons Lane, Forest Reefs	Delegated Approval – 15/05/2012	DA
140/2012	P & D Ryan	Extension to Existing Residence	13 Crouch Street, Neville	Delegated Approval – 15/05/2012	DA
133/2012	G Kostagloul	Erection of Two (2) Attached Townhouses and Strata Subdivision	3 Stabback Street, Millthorpe	Delegated Approval – 21/05/2012	DA
141/2012	J Connolly	Change of Use of Premise to a Beauty Salon	124 Adelaide Street, Blayney	Delegated Approval – 21/05/2012	DA
124/2012	Geolyse	Continued use of the Millamolong Polo Club as Recreation Facility (Outdoor)	274 Boondaroo Road, Mandurama	Delegated Approval – 22/05/2012	DA
CDC153/2012	R Howard & C Partridge	Erection of a Garage	11 Blayney Street, Newbridge	Delegated Approval – 21/05/2012	CDC
CDC152/2012	K & P Schmarr	Erection of a Dwelling	1 Peters Place, Blayney	Delegated Approval – 21/05/2012	CDC
CDC150/2012	S & K Toshack	Erection of a Deck	425 Forest Reefs Road,	Delegated Approval	CDC



DA149/2012	Dave Cowan Constructions	Section 68 Approval – Connection to the Sewer	Millthorpe	- 22/05/2012	DA
DA136/2012	S & K Toshack Building Pty Ltd	Erection of a Dwelling and Shed	54 Park Street, Millthorpe	Delegated Approval – 22/05/2012	DA
DA147/2012	W Eldridge	Erection of a Garage/Storage Shed	159 Wattersons Lane, Forest Reefs	Delegated Approval – 25/05/2012	DA/CC
DA144/2012	Kenwood Homes Pty Ltd	Erection of a Dwelling and Shed	3 Toomey Street, Newbridge	Delegated Approval – 25/05/2012	DA/CC
DA55/2007/1	GA & LA Mortimer	Modify Internal Boundary Fence to a Colourbond Finish	15a Lane Street, Blayney	Delegated Approval – 29/05/2012	S96(1)
DA66/94/1	Colemans Earthmoving/ DQT Holdings Pty Ltd	Modify Existing Operational Activities of the Existing Quarry	5 Elliott Street, Millthorpe	Delegated Approval – 29/05/2012	S96(1)
DA143/2012	GJ Gardner Homes	Erection of a Dwelling with Attached Garage	55 Dog Trap Lane, Forest Reefs	Delegated Approval – 29/05/2012	DA/CC
DA132/2012	Matthew Todd	Erection of a Covered Outdoor Alfresco Area	2 Oliver Street, Blayney	Delegated Approval – 29/05/2012	DA/CC
DA157/2012	BW Gittins	Erection of a Carport & Dwelling Alterations	26 Trunkey Street, Newbridge	Delegated Approval – 30/05/2012	DA/CC
			3 Lindsay Street, Blayney	Delegated Approval – 31/05/2012	DA/CC

**DA's Approved in May 2012:**

**DA's Lodged in May 2012:**

**Total Value of Works approved in May 2012: \$ 2,146,061**

**23**

**11**

**DA's Approved in May 2011:**

**DA's Lodged in May 2011:**

**Total Value of Works approved in May 2011: \$ 9,688,555**

**13**

**10**





**DEVELOPMENT APPROVALS – JUNE 2012**

Below is a list of Development approvals determined during the month of June 2012 for your information.

DA No.	Applicant	Construction	Address	Determination Date/Method	Type: DA/CC, Mod, s68, s96 etc.
DA126/2012	Rawson Homes	Erection of a Dwelling	22 Unwin Street, Millthorpe	Delegated Approval – 5/06/2012	DA
DA158/2012	Hi Tech Home Improvements	Extension to Existing Carport	15 Polona Street, Blayney	Delegated Approval – 6/06/2012	DA/CC
DA159/2012	RP & BP Barnett	Erection of a Carport & Verandah & Installation of a Watertank	28 Silver Street, Mandurama	Delegated Approval – 7/06/2012	DA/CC
DA138/2012	MPF Surveying	Two (2) Lot Subdivision	66 Kings Plains Road, Kings Plains	Delegated Approval – 13/06/2012	DA
DA156/2012	Watermark Homes	Erection of a Dwelling	4 Unwin Street, Blayney	Delegated Approval – 13/06/2012	DA
CDC162/2012	S & K Toshack Building	Extension to Existing Dwelling	4 Ewin Street, Blayney	Delegated Approval – 12/06/2012	CDC
DA142/2012	GJ Gardner Homes	Erection of a Dwelling	25 Staback Street, Millthorpe	Delegated Approval – 14/06/2012	DA/CC
DA160/2012	M & M Iffland	Erection of a Dwelling with Attached Garage	20 Johnston Crescent, Blayney	Delegated Approval – 14/06/2012	DA/CC
DA130/2012	Jann Harries	Erection of a Training Facility	67 Old Errowanbang Road, Errowanbang	Delegated Approval – 19/06/2012	DA
DA113/2012	Blayney Superannuation Fund Pty Ltd	Two (2) Lot Subdivision	4429 Mid Western Highway, Blayney	Delegated Approval – 19/06/2012	DA
DA111/2012	Blayney Community	Erection of a Church,	9 Radburn Street,	Delegated	DA



	Baptist Church	Ministry Centre & Carpark	Blayney	Approval – 22/06/2012	
DA25/2012	Peter Basha Planning & Development	Eleven (11) Lot Subdivision	444 Forest Reefs Road, Millthorpe	Council Approved (June Meeting) 22/06/2012	DA

**DA's Approved in June 2012:**

**DA's Lodged in June 2012:**

**Total Value of Works approved in June 2012:**

**DA's Approved in June 2011:**

**DA's Lodged in June 2011:**

**Total Value of Works approved in June 2011:**

**12**

**8**

**\$ 2,294,560**

**8**

**14**

**\$ 4,526,585**



## Central NSW Tourism – Press Release



Media Release - for immediate distribution - 13 June 2012

### **Regional Tourism Organizations secure for 12 months following announcement of continuation of financial support**

'Yesterday's New South Wales Budget is excellent news for Central NSW and indeed for regional tourism' said Carissa Bywater, Chair Central NSW Tourism following the NSW Government's commitment of \$125 million worth of investment in tourism and events as part of the budget.

The announcement confirmed the government's commitment to regional tourism, with news of the continuation of \$5.1 million funding of the Regional Partnership Program until June 2013.

'As part of its state strategy, there is a target to double overnight visitor expenditure by 2020 and the announcement of the continuation of the Regional Partnership Programme gives Regional Tourism Organizations (RTOs) like Central the opportunity to consolidate much of the work done in the last 12 months' Carissa said.

Through the introduction of Regional Tourism Product Development Funding Program, Central NSW Region also received \$275,000 for specific projects designed to drive visitation to regional NSW.

'The financial commitment to RTOs means we can ensure we stay focused on managing those projects and overseeing the promotion of our region, and as we have some 30 projects currently being rolled out, this announcement ensures their viability. The board of Central NSW commends this decision and the commitment by the government to deliver on its election promise' she said.

Despite global conditions, visitation to NSW is still strong and according to figures released recently, NSW expects to attract more than \$2224 million in business travel, conventions and events. In 2011, NSW received 26.8 million overnight visitors, generating \$19.3 billion into the state economy. The tourism industry employs more than 150,000 people in Sydney and regional NSW.

In regional NSW, tourism is worth \$8.7 billion to State's economy and jobs in tourism account for for one in every 23 jobs in the state.

**For more information** contact Lucy White, Executive Officer, Central NSW Tourism **E:** [info@centralnswtourism.com.au](mailto:info@centralnswtourism.com.au) **M:** 0447 322 999

-Ends -

#### **Notes for editors**

- \*National Visitor Survey (Tourism Research Australia) quarterly results Dec 2011. During the year ended 31 December 2011 domestic overnight visitors spent \$632 million in Central NSW - up by 4.8% on YE Dec 10.
  - Central NSW received over 1.7 million domestic overnight visitors - up by 8.0% on YE Dec 10
  - On average, visitors spent \$129 per night in the region

- Central NSW is composed of Bathurst; Blayney; Cabonne; Coonamble; Cowra; Dubbo; Forbes; Gilgandra; Lachlan; Mid-Western Regional; Narromine; Orange; Parkes; Warren; Warrumbungle Shire; Weddin; Wellington.

**General Manager's Notes  
LGMA Forum – Monday 4 June 2012**

**HON DON PAGE MP - Minister For Local Government**

- \* State Government has a commitment to make Local Government a strong sector and has decentralised issues to allow local government to take a greater role.
- \* Action plan developed to set Local Government direction for next twenty five years.
- \* Local Government enquiry developed 3 people heading independent panel and terms of reference to determine structure and determine established criteria (financial, governance and community interests) to report to Minister by July 2013.
- \* A formal review of NSW Local Government Act to commence soon. Following review of Planning Acts and legislation and wanted action plan to be finalised and independent panel to commence.
- \* Government has offered loans for infrastructure projects which half the councils in state have applied for.
- \* Regional action plans being finalised by Premiers Dept and councils need to have input into regional action plans to ensure that local needs are identified and included into the state plan where Local Government is identified in its own right.
- \* Review is occurring to companion animals act to reduce the number of dogs and cats being euthanised. A public consultation paper is available for public review.
- \* A review is occurring to swimming pool act and public submissions as to improved regulations to tighten up compliance.
- \* New IGA (inter Government Agreement) being reviewed by Government to improve communication and to reduce cost shifting to Local Government.
- \* Review of model code of conduct being finalised. A simple code needs to be developed with a summary for most councillors and a sensible solution to amend greater issues.
- \* Supports ROCs development to work in partnership to look at economies of scale, greater buying and service delivery. ROCs used to support all councils as small councils struggling and minister will not



support two levels of funding where some can meet commitments whilst other smaller councils can not.

### **DR WARREN MUNDY - Productivity Commission Report**

- Raised concern about efficiency of Local Government across NSW and difficulty in meeting regulatory costs and governance roles.
- business surveys identified that Local Government is operating generally efficiently but business raised some concerns:
- that Local Government does not appreciate the variety of business to reflect the type of business being regulated as a one size fits all may not work at all levels;
- Local Government may not appreciate all costs and delays for smaller business however small business council sees council as reasonable in its dealings; Local Government in NSW is over regulated by State Government and is not adequately resourced by states to meet regulatory commitments.

The report indicates that:

- the role of Local government has been expanding without commensurate support many cases where Local Government has conflicting roles as a regulatory and provider of service e.g. waste and water services and public land, unaligned costs and benefits so Local Government do not take a wider impacts;
- fees and charges are highly variable and appears often do not collect the full cost of administration of regulations - though not always;
- Local Government are given little guidance on how to regulate nor on state priorities.

Local Government needs to:

- publish local laws on the web sites or central register;
- consult early in regulatory change, review resource sharing;

- have multiple recognition of industries such as food handlers who work across council areas;
- develop joint entities such as ROCs or Alliances.

At a regulatory level:

- the states could develop a regulatory office to assist Local Government to better regulate laws;
- account for all costs and benefits in decision making, states should provide more support to local government to improve regulatory capacity and provide additional skills, support, administration; and
- states should identify all laws and monitor outcomes, reduce red tape programs, provide assistance in writing local laws and identify the laws impact.

### **ROSS WOODWARD Division of Local Government - Presentation**

2036 was about tapping into the wisdom of the collective not what one person thinks and drawing on the expertise of all to get it right.

immediate priorities

- Getting the Principles Right (forum follows function)
- IP&R
- Code of conduct
- Infrastructure Audit/Local Government Infrastructure Renewal Scheme
- Sustainability Review
- new Intergovernmental Agreement
- Local Government Act review
- ensure successful elections
- support Councillors

LGMA support for Division as lead agency:

- Develop a staff sharing program
- Explore flexible arrangements to support different models of Local Government
- Review Contractual Models
- Create diversity and skill
- Develop alternative delivery Models for Services.

### **GRAHAM SAMSON, Chair of Independent Local Government Review**

#### **Panel**

### Independent

- \* Panel made up of 3 people - Graham Sansom, Jude Munro and Glenn Inglis and two staff Vaughan MacDonald and Sue Anderson.

### Terms of reference

- \* Improve strength and effectiveness of Local government
- \* Options for governance models, structural arrangements and boundary changes.

### Need to identify :

- differing needs of communities
- efficient and effective service and infrastructure
- financial sustainability ( revenue and expenditure areas)
- local representation and decision making
- barriers and incentives for voluntary boundary changes.

Consultation will occur from July 2012 to May 2013. A regional discussion will be held in regions with councils and public. Are aiming to build on previous reviews to identify how Local Government will be over next twenty to thirty years and want to address old issues but look at what changes can be made to develop Local Government in NSW for the future. The review will include interstate experience and international experience eg New Zealand.

A background paper will be written in June/July 2013.

Changes proposed do not include a status quo option. the review will need to look at far reaching changes. It is not about boundaries or more dollars from government. the panel is to look at inter-governmental relations, look at long term changes to Local government, changes to legislation and identifying that one size does not fit all solutions and reviews of governance ( the ways councils work) the council internal structures and quality of management and a need to undertake high level education at senior management level.

**General Manager's Notes**  
**2012 Shires Association Conference – Tuesday 5 June 2012**

**MR RAY DONALD, President Local Government Shires Association**

- removal of rate pegging and cost shifting by state government
- need to review return of royalties to councils for local impacts
- changes to electoral rules and a freedom required to encourage people to stand with out a need for extensive regulation. That Local Government can return to run their own elections with the assistance of the electoral commission rather than over regulate the running of the elections.
- appreciated the review of the code of conduct by Division Local Government to lessen the regulation
- appreciation of independent review of local government as he believes the review has long been needed to grow a strong and viable sector for NSW.
- appreciation of individual division tours of regional NSW to consult and understand Local Government issues.
- raised issue of referendum on the federal constitution to recognise Local Government and that Local Government would fund over 1/3rd of costs to allow this to happen.
- raised contributions to Local Government including FAGS grants and R2R roads funding. Constitutional recognition will allow these programs to continue and provide service delivery to rural areas the same as city residents.
- Recognition of Janet Hayes and support of Local Government and memorial development at Kempsey.
- launch of new LGSA's Website released at conference.

**BARRY O'FARRELL, Premier NSW**

- Flooding in NSW earlier in year - recognition of Local Government role in assisting SES and other emergency services in floods earlier this year,

that additional funding has been provided to further develop emergency services.

- recognition of Don Page as Minister for Local Government and the need to repair issues within local government. The development of the 2036 conference to bring about change to Local Government and build a stronger relationship between government and work in partnership with Local Government.
- 2036 conference allowed Local Government to recognise and build Local Government towards a new future and develop an action plan to progress local government.
- The independent Local Government Review Panel has been established to look forward and make changes to how Local Government looks, is regulated and key strategic directions. Councils and communities will have plenty of ability to have input into change.
- Reference was made to the review of the planning legislation by Ron Dwyer and Tim Moore and its ongoing outcomes and that the current planning system is too complex and changes in focus from DA stage to plan making phase for community consultation. Regional planning is a focus for the government, to promote economic growth, rail services to rural areas (Bathurst) and review of strategic lands policy to identify land that should be protected from mining and other activity.
- Regional infrastructure funding - general statement on cost savings from areas of major infrastructure and return 1/3rd of money back to regional areas. Savings are being made from contracts and leasing of desalination plant and sale of electricity generation and infrastructure areas. That rural areas receive a share of government funding for infrastructure projects to rebuild NSW.

#### Questions from Floor

- \* *Katrina Thompson Tumut Shire - sale of electricity and deal to allow shooting in National Parks?*

Shooting has existed in National Parks for years to control feral animals and changes will allow controlled shooting to continue. The

deal made with Shooters Party has allowed the sale of electricity generators to develop other infrastructure. 79 parks and reserves only included as regional pest management and managed in a supervised and controlled way

- \* *Margaret Thompson Wentworth Shire - Standard Planning Instrument does not suit development at Wentworth and DPI living in past and can not see changes to land use as they will not return to past.*  
A review of planning undertaken, NSW should not be agreeing to further water loss from river systems and dont support federal government.
- \* *Katherine Smith Gloucester - 70% state has exploration licences how will land use strategy work*  
Government undertaking transparent review to determine land use requirements and will apply across the state.
- \* *Bob Manning Narrandera Shire - return control to local government for emergency services at a local level?*  
Local Police and council staff appear to work together now.
- \* *Wagga Wagga Council - waste of equipment and resources by RFS across the state?*  
Denied money wasted but talk to RFS Commissioner.
- \* *John Clements Narrabri Council - Royalties to Regions would like to see clear direction to form a two tiered structure to return funding.*  
Not easy for government to fund due to budget restrictions and advised that central government is providing services to the whole state.

- \* *Sharon Campollian Ballina Shire - funding for Pacific Highway upgrade?*

Government put additional 1/2 billion dollars towards pacific highway upgrade. the current formula is 80% federal 20% state and funding has been reduced by federal government. Reference made to NBN cost and federal government needs to support current funding

- \* *Andrew Clinton Junee Shire What can you do about aircraft slots for regional aircraft?*

Slots protected by legislation and can not be changed without state agreement. Current argument is based around a second Sydney airport by Federal Government.

#### **DON PAGE – Minister for Local Government**

- The NSW Government is keen to decentralise decision making and to ensure that local councils have a bigger role in decisions at a local level. That local councils are sustainable enough to meet the future needs and have the ability to make more decisions.
- Concern exists that a large number of councils in the state are struggling financially and needed assistance. The 2036 meeting was to commence discussions on decentralised government. The meeting outcomes come up with five outcomes for government to review. It was also recognised that one size does not fit all in reviewing councils.
- Minister announced the release of the Action Plan which is on the DLG Website, that deals with the five issues from 2036. The action plan will be considered by the Independent review Panel as part of its consultation with local government and community.
- general information provided on the review panel and panel members
- advice that the government is reviewing the planning legislation

- loan subsidy scheme was well accepted and a greater level of funding is required to meet local government requests for funding for infrastructure renewal across the state.
- the new state plan will include local government as a partner, and that the government is developing regional regional plans to determine services and budget allocations. The regional action plans will be discussed with ROCs.
- 15 councils across NSW are conducting their own elections rather than using the electoral commission and the government will watch how this progresses.
- a new Inter Government Agreement is being developed and hopefully a simplified version results.
- The government is reviewing the Companion Animals legislation, The Swimming Pool Act, the Model Code of Conduct for Council Operations (two sections being general advice and detailed advice for poor behaviour).
- Rate pegging will continue until the review panel outcomes are determined. A review of revenue raising and financial viability of an area forms part of the review by the panel.
- In principle the government supports constitutional recognition but this is limited support dependant on the question asked by Federal Government and that Local Government does not become entrenched in the constitution and allowed to determine own finances and destiny. Supports direct funding from FAGS and R2R grants but not independence.
- wants to make Local Government as strong as possible and that councils make more decisions at a local level. The Review panel will take this in their determination of outcomes.

Questions:

- *Bourke Council: Don't make it any harder to euthanise dogs?*



Government is looking at code of practice to register breeders to reduce number of dogs born

**\*\*** *Constitutional recognition needs to be recognised by state government?*

State does not write question federal government does but state will recognise a simple recognition. Advised that Victoria and South Australia will not support.

- *Gunnedah Shire: Boundary Alterations media release advised by DLG cause confusion?*

The review panel is reviewing all local government and boundary changes at this stage would not be recommended to governor until review undertaken.

- *Narromine Shire: will review panel look at funding of local government services eg libraries and will subsidise be indexed?*  
Funding will be considered by review panel, to look at infrastructure backlog and delivery of core services including libraries, rate pegging etc.

## **WEDNESDAY 6 JUNE**

### **JOHN ROBERTSON Leader of Opposition**

- supports recognition of Local Government in constitution
- State and Local Government need to be partners in regional investment.
- comments made on state debt being low public sector debt and growth of 2.2% under Labor and current Government running up debt without building any state infrastructure, is not building skills or jobs. The sale of electricity generators will not balance state budget or build on infrastructure.

- GST revenues are increasing not reducing as government is advising.
- that the return of planning powers to Local Government is not changing even though it was a Liberal policy.
- admitted that Labor proceeded to quickly in allowing exploration of coal seam gas, but liberals can reverse process if committed.
- the rural relocation program of \$7000 is failing and jobs need to be built in regional areas before people will move.
- Resources for region program policy has not come to reality and only lists two councils being Singleton and Muswellbrook and other areas are left out of program.
- Contestability of road maintenance funding for RMS roads is under review and will impact on small councils who rely on RMS funding.
- Electricity privatisation will impact on Councils due to future price increases. Over the last two years electricity has impacted at 30% with a future 30% increase.
- Current government policy is city based with little to come to regions.
- Opposition is currently building new direction and policy for future.

#### **ROSS WOODWARD, Chief Executive, Division of Local Government**

- Provided up date of destination 2036, refer to previous comments Monday 4th June.
- Update provided on Review Panel as noted previously.

#### **HON MICHAEL GALLAGHER MP Minister For Police And Emergency Services**

- Present planning and operation of emergency services
- Withdraw of councils from emergency services, a review is underway as to creating greater transparency and will include comprehensive consultation with councils. The review will look at funding models and

service delivery and will allow councils to advise on there experiences and changes required.

- Generally addressed flooding across NSW and important role councils made to recovery. discussed the support of welfare disaster organisations and the opening of disaster evacuation centres and how emergency services worked with communities and volunteers to support communities and individuals.
- State Natural Disaster Risk Assessment and review of agencies, being lead by the Minister for police and emergency services and strategically pulls all agencies together to provide advice to state emergency services to manage identified risks including community awareness, resource management, knowledge management and governance. A draft public document is being prepared to seek community input.
- Emergency Services Levy , Government is going to review levy and discuss with councils. Funding covers RFS, NSW Fire Brigade and SES services. Budgetary funding by Councils, the Insurance Council and State Government is determined annually in the NSW State budget. The review is proposed to look at strategic funding of services and level of services provided although the Government is committed to maintaining existing services.
- The SES will receive greater funding to improve current operational areas in new budget.

#### Questions

- \* *What is the potential for the integration of emergency services into one for smaller regional communities?*

Due to detailed operational areas professionalism needs to operate as police know there job but SES personnel know there job and

one person can not do it all. Minister impressed with expertise by each agency. Will look at harmonisation processes for who is responsible at each scene and guidelines developed to build and identify responsibility.

- \* *Need for a review of locational need for emergency services and which agencies respond and a need for common sense and a need for local people input?*

Minister agreed that local decision making is important and will be included as part of the review of emergency management.

- \* *Request to consider remuneration to SES volunteers and to support local SES controllers?*

Funding will need to be made based on budgetary constraints and will be considered in the future as part of the review and is identified. Need to review management of volunteers to ensure volunteers are supported and continue to provide a valuable service.

### **HON GLADYS BEREJIKLIAN MP - Minister for Transport**

- State Government has engaged on a transport master plan and received around 1000 submissions.
- Government has reduced transport agencies down to 4 and has on co ordination body called Transport NSW to look at road and freight needs for both long term and short term needs.
- Funding increases have been doubled to community transport over next two years.

- NSW Trains is a new organisation provides customer needs for rural services and make improvements for customers. Trials have been undertaken on quiet areas on trains.
- Encourages Councils refer issues through ROCs to form a regional perspective rather than local approach on transport issues.

### **HON DUNCAN GAY MP, MINISTER FOR ROADS AND PORTS:**

- Port Botany is being refunded on a 99 year lease. (note this port is critical for the reopening of the Blayney to Demondrille rail line for access to port)
- Discussed the reductions to road funding for major highways and regional roads, due to reduced GST form the Federal Government and reductions in direct road funding.
- A 20 year road and rail master plan is being developed and includes inland inter-modal or inland ports in NSW. It is designed to reduce the amount of container freight from road and put it on rail.
- Rail upgrade work is occurring in regional areas and mostly grain and coal handling lines.
- Review is being conducted into the opening of grain lines and need.
- Announced MOU for Blayney Demondrille rail line for Councils. (this advice was provided to Mayors and GMs on Tuesday 5th June at an organised meeting).
- Funding maybe available to assess infrastructure needs on local roads and to determine last mile requirements for transport and freight costs.
- Reviewing livestock freight efficiency to cap the weight of livestock trucks which will carry more head of cattle. Restrictions will occur to B double routes only by sign posting roads based on local Councils agreement. Government will help Councils with sign posting and accessibility.

- Reviews are being undertaken as to road contestability of RMS roads. Support is for rural councils to be able to compete and support local jobs.
- A number of reforms for B Doubles, freight stock transport and road building equipment movement.
- better meant funding pool supports establishment to ensure that flooding issues and road repairs are provided to reduce long term impacts and future damage.

### Business Enterprise Centre – Confirmation of Funding

This Is A Reprint Of A Scanned Image

6 June 2012

Mr Glenn Wilcox  
General Manager  
Blayney Shire Council  
PO Box 62  
Blayney NSW 2799

Dear Glenn

On behalf of the Central NSW Business Enterprise Centre I would like to thank you and Council for your letter of support for our tender for the Small Biz Connect program, which will replace the current free Business Advisory Service contract due to conclude on June 30<sup>th</sup> 2012.

The BEC has been informed today that we were successful in our tender and that a contract will be forwarded to us to engage this Centre to provide this contract on behalf of the NSW Government.

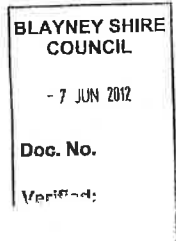
Whilst we are still waiting for the contract, to be forwarded and signed off, I did want to let Council know that the services of the BEC would continue post June 30<sup>th</sup> and take the opportunity to write and thank you for your support of the BEC through this tender process.

As soon as the outcomes are known we will be in contact with Council through your Economic Development Officers letting them know the range of services the BEC can provide to your region under the Small Biz Connect contract.

If you have any questions or seek further information please do not hesitate to contact me.

Kind Regards

Bruce Buchanan  
Executive Officer  
Central NSW Business Enterprise Centre  
[www.becbiz.com.au](http://www.becbiz.com.au)



ABN 32 509 822 549

Head Office  
124-128 Summer St  
ORANGE NSW 2800

Ph: (02) 6362 0448  
Fx: (02) 6362 1676  
[becbiz.com.au](http://becbiz.com.au)

Branch Offices  
Bathurst Business Centre  
Suite 5 - 123 Horwick Street  
BATHURST NSW 2795  
Ph: (02) 63321077

Shop 4 47-55 Market Street  
MUDGEEE NSW 2850  
Ph: (02) 63722568

Central West  
Business Advisory Service



Sponsors 2012  
Blayney Shire Council  
Cabrero Council  
Cullia Valley Operations  
Central Western Daily  
Essential Energy  
Department of Trade & Investment  
Morse Group  
Orange City Council  
Prime Television  
Radio 2GZ & Star FM  
Telstra Country Wide  
Westpac  
Whitley Ironside & Shillington Solicitors

Supporters 2012  
Auto Style Signs  
Commonwealth Bank  
Country Energy  
DCTEC Incorporated  
Orange Chiropractic Centre  
Orange City Centre  
Orange Chamber of Commerce  
Qualified Office Furniture  
Westoil Petroleum

The Central NSW BEC are  
NEIS MANAGING AGENTS



The Small Business Services  
provided by this Centre are  
partially funded by the  
Australian Government.



DataWorks Document Number: 347680

**General Manager's Notes**  
**Australian Local Government Association Conference –**  
**Canberra, 18 – 20 June 2012**  
**Points of Interest**

*Simon Crean MP*  
*Minister for Regional Australia, Regional Development*  
*and Local Government and Minister for the Arts*

- Conference debating important issues for the Nation include infrastructure, climate change and state of nation.
- State of Nation - the performance of the economy is allowing Australia to build worldwide confidence whilst other nations are shrinking or not growing. Australia has high jobs growth overall and regional economies are diversifying its jobs base. Jobs growth is continuing and unemployment is at 5% and Australia has had ten years of growth and low inflation with room to move on interest rates. Australia is a patch work economy and has different speeds of growth due to mining and other sectors.
- A number of challenges exist with growth, carbon pricing, water security and we need to look at advantages of the challenges and how we can do it better. The economy is at strength and challenges need to be looked at regionally and how regions can develop in food security, economic diversity and work in areas such as trading with Asia and pacific regions.
- Need to build stronger regions and diversify economic base and to identify how others are supporting their regions to grow, reduce unemployment and to develop partnerships with government and private sector to grow. Advised of federal government support of regions and general process on spending and research of issues to grow regions.
- A general overview of approaches of RDA funding was provided and where investment has been made from the funds in infrastructure, water and work with the private sector.
- On Infrastructure, that it is important but government looking at partnerships with government and private sectors and how to achieve financial sustainability and long term delivery. The minister had released a report on infrastructure that sets out how local government can assist in the process and act as a partner.
- Financial relationship - a review of the FAGS program is to be reviewed and terms of reference are being developed and have asked commonwealth grants commission to run the review.
- The referendum for financial recognition require a decision on the Williams High Court case and everyone needs to wait for the outcome to ensure it does not go back to the court. The case for recognition needs to be made by local government. Labour Government supports recognition but need support from states and local communities to support a case for change. Support for recognition will go to next election if local government can get the support of states etc and based on the outcome of Williams case.
- Cleaner energy future- local government has worked well to lower emissions and did not need federal government to control. The carbon debate has lost view in that



it is to reduce climate change effects and local government can benefit where they can change practices and buy into markets such as recovery of methane from tips. Other benefits are that the fuel rebate to councils will reduce fuel costs by 13 cents/litre and other flow on benefits to assist councils and home owners due to government rebates.

### Constitutional Recognition

General comments made on the need for Councils to promote via their local communities to get behind Constitutional reform to recognise local government to receive financial contributions directly from the federal government. The reform question will allow the Federal Government to do what they have always done until the High Court decided that it couldn't. This will ensure that the Federal government can continue to fund libraries, child care centres, roads and other functions of councils as always occurred without having to provide funding through state government.

The referendum is not a threat to state governments and does not remove their power to create regulate or work with local government. It relates to an ability to provide direct funding as has always occurred.

The Constitutional Referendum will not give power to councils to increase rates or charges; it will not allow councils to make their own rules and will not prevent state governments from the control and legislation that state governments already have.

Councillors need to work at the grass roots and advise and encourage the communities to vote yes.

### ***Infrastructure Financial Review Report Glennis Beauchamp***

- The report Strong Foundations for Sustainable Infrastructure - was released by the Minister Monday 18th June this report identifies where the federal government should release money to allow infrastructure to develop and grow.
- The report identifies a need to build on the capacity of local government to build infrastructure, fund infrastructure and individual methods need to be considered.
- Government need to look at how they fund and finance infrastructure and this includes partnerships with local government.

### ***Darren Grimsey - Ernst and Young author of report advised:***

- 13 recommendations required for reform at all levels of government. Main issues are to establish a sustainable revenue scheme similar to s94 costs but based on additional property owners who benefit from infrastructure improvements.
- Need to change planning structures to better assess infrastructure impacts and costs.
- Need to improve infrastructure procurement education and access to grants.
- Local Government needs to work regionally to better co ordinate infrastructure projects and take a greater ownership of regional projects.

**Maxine McKew**

Maxine McKew MP advised on planning:

- Need to plan for affordable housing and population growth.
- Need to reduce restrictions of zoning requirements to reduce cost of housing and reduce the total costs to purchasers. Need to review multi residential housing, apartments, duplexes etc.
- Young people are not looking at buying housing but renting or buying in apartments. Allows affordable housing ad closer community living.
- Need to look at cluster housing for ageing people to build gated villages which provide support services and may contain people of all age groups. Not retirement villages but cluster housing in a contained area that may be owned or rented.
- People need greater freedom in design rather than have uniformity of design that no one likes, cannot afford and are unhappy to live within. Local government can allow greater freedom and allow communities to grow dynamically rather than by regulation.

**Mark Dreyfus Parliamentary Secretary for Climate Change**International context

- Australia is not leading the world in carbon pricing as 33 national and international schemes exist and existing most OECD economies. There are also schemes within countries such as America and in China.
- The Conservative Government supported carbon pricing up to when Tony Abbott became Opposition Leader and are taking political licence to scare the public.
- Putting a price on carbon gives industries incentive to review production.

Local Issues

- Carbon pricing will increase costs by 0.7% and national employment will increase whilst emissions decrease. The modelling will drive structural change in key sectors whilst all other industries will continue to grow as currently exists.
- 9 out of 10 households will receive compensation to offset prices in carbon pricing.

Impacts on Local Government

- Impacts on landfills that emit 25k tonnes of green house gas per year and this relates to 32 council areas across Australia. No cost to small councils and will not be liable for landfills operated.
- The government does not believe that ratepayers will to pay for legacy waste over decades and municipal waste will rise for new waste collected at \$26.00 per tonne for where no gas capture is undertaken. This will increase the waste cost by about \$26.00 per household per year. Government has included this cost in the government package to households. Rate rises above the \$26.00 cannot be attributed to carbon pricing from 2013.
- Blayney Shire will need to adjust its waste fees annually to meet carbon price changes from 2013 budget.
- Carbon pricing can be reduced by councils by undertaking changes to landfills and carbon farming opportunities exist for councils to use credits or sell credits where landfill gas is captured.
- Carbon price will be determined by the markets after 2015.
- Grants will be available to councils to help reduce energy costs and allow funding of indoor aquatic centres, libraries, admin buildings, etc
- Road building materials will be impacted from carbon pricing does not apply to light vehicles but will apply to road building and trucks but fuel pricing will fall by reducing taxes by around 13 cents / litre
- Council needs to seek further information from the Department.

**IPART Special Rate Variation****Media Release**

Independent Pricing and Regulatory Tribunal

**IPART DETERMINES SPECIAL RATE VARIATION APPLICATION BY  
BLAYNEY SHIRE COUNCIL**

**27 June 2012**

The Independent Pricing and Regulatory Tribunal (IPART) today announced its decision on Blayney Shire Council's application to increase its general income (mainly rates income) in 2012/13 by more than the rate peg amount of 3.6%.

The council applied for an increase of 40.70% - mainly for improvements and maintenance of roads and bridges that service the Cadia Valley mining operations, as well as smaller amounts for community infrastructure and a community contributions program. The increase above the rate peg amount will be applied to the mining rate category only.

IPART Chairman, Dr Peter Boxall said, "After assessing the application against the NSW Government's published criteria, IPART has decided to approve the special variation requested by the council."

"We have allowed a single increase in 2012/13 of 40.70%. This increase will be permanently retained in the council's income base. The increase above the rate peg will be applied to the mining category. Residential ratepayers will, on average, pay an increase less than the rate peg of 3.6%.

"The council demonstrated that it needed the funds for a program of road and bridge works that will service the Cadia Valley mine operations, and that the mine operator supported the application."

The council is required to report in its Annual Report from 2012/13 to 2021/22 on the use of the additional funds and the outcomes achieved.

This year, IPART received fewer applications for special variations than in 2011. Of the 152 councils in NSW, IPART received applications for special variations from 14 councils. Eight applications were approved in full, 6 were approved for a lower amount or for fewer years than the council requested.

Reports on our decisions are available on the IPART website.

See: [http://www.ipart.nsw.gov.au/Home/Industries/Local Govt](http://www.ipart.nsw.gov.au/Home/Industries/Local_Govt)

For media enquiries contact: (02) 9113 7710

**DLG Circular – Councillor Induction & Professional Development****Circular to Councils**

Circular No. 12-18  
Date 20 June 2012  
Doc ID. A281949

Contact Gabe Hart  
02 4428 4171  
gabe.hart@dlg.nsw.gov.au

**COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT - A GUIDE FOR COUNCILS**

The Division of Local Government has just released the updated *Councillor Induction and Professional Development - A Guide for Councils*.

The *Guide for Councils* aims to provide councils with information to assist them develop and implement councillor induction and continuing professional development programs so that councillors have the information, skills and resources to undertake their roles and responsibilities effectively. It:

- provides a framework for the development of induction and professional development
- provides checklists of what could be included to assist councils to develop programs that best suit local needs and circumstances
- includes a sample self-assessment tool for councillors to identify individual areas for knowledge and skills development.
- identifies further opportunities for councillor professional development.

The *Guide for Councils* is available electronically on the Department's website at "Council Elections 2012".

Local induction of councillors is vital to support effective leadership and quality governance – a key aim of Destination 2036. I encourage you to use this guide to develop locally appropriate programs to support those councillors elected at the September 2012 local government elections.

Alongside support for local induction of councillors, the Division of Local Government, in partnership with the Local Government and Shires Associations and the Local Government Managers Australia, is planning a series of induction workshops to be held around the state from October. Details will be made available soon.

A handwritten signature in blue ink that reads 'Ross Woodward'.

**Ross Woodward**  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E dlgl@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195

**Greg Hunt**  
**Shadow Minister for Climate Action, Environment & Heritage**



# Greg Hunt MP

FEDERAL MEMBER FOR FLINDERS

SHADOW MINISTER FOR CLIMATE ACTION, ENVIRONMENT AND HERITAGE



Shop 4, 184 Salmon Street (PO Box 274), Hastings Vic 3915  
 Tel: (03) 5979 3188 Fax: (03) 5979 3034  
 Email: greg.hunt.mp@aph.gov.au  
 Website: www.greghunt.com.au

22<sup>nd</sup> June 2012

Cr Bruce Kingham  
 Mayor  
 Blayney Shire Council  
 PO Box 62  
 Blayney NSW 2799

Dear Cr Kingham,

**Carbon Tax**

As the Carbon Tax starts on 1 July, it is clear that the Federal Government is attempting to misrepresent the cost impact it will have on councils such as yours.

Last week, the Parliamentary Secretary for Climate Change, Mark Dreyfus, wrote to councils around Australia suggesting that their costs may in fact fall.

As you know, having recently gone through your own budget, the opposite is the case.

From 1 July, you will be charged higher electricity and gas prices. This will impact on all of your operations, but particularly the community services you provide such as street lighting and lighting at sporting centres or grounds. Either you will have to increase rates to cover the cost, increase charges to community groups for specific uses or cut other services. These are difficult choices to make and we appreciate the financial challenges the Carbon Tax is presenting for you.

In addition, councils will have to budget for increases in the cost of their general supplies as they also go up under the Carbon Tax. The Australian Local Government Association has estimated that the Carbon Tax will cost councils across Australia \$200 million or \$185 million after taking into account Local Government Financial Assistance Grants.

Thirty-four councils have now been included on the so-called 'big polluters' list by the Clean Energy Regulator, primarily due to their landfill operations. However, those who are not directly on the list may also pay via a privately run operator or through higher charges at a jointly run facility. One of the negative consequences will be the rise in illegal dumping for which councils will then be responsible.

It is also important to be aware that while the Government is suggesting councils will have a 12 month exemption from paying the Carbon Tax on landfill, that is incorrect. All landfill deposited from 1 July at major sites will attract a Carbon Tax in future years. If councils do not collect the levy immediately, they will be facing significant future



liabilities. The Government, in attempting to play down the landfill issue, is putting councils and their ratepayers at financial risk.

We are also very much aware of the confusion which still exists on the landfill calculations and that very few, if any, will actually be eligible under the Carbon Farming Initiative.

In terms of the fuel rebate, councils were about to get a 38 cents a litre rebate as of 1 July. Now they will get only 32 cents a litre for off- road diesel. This alone will cost Australian councils significantly in coming years.

I want to confirm to Council that the Coalition, if elected will repeal the Carbon Tax which will in turn ease the financial pressures on local government.

Yours sincerely



**GREG HUNT MP**

## ALGA – Constitutional Recognition



AUSTRALIAN LOCAL  
GOVERNMENT ASSOCIATION

7 June 2012

Dear Mayor, Councillors and CEO

I am writing to update you on the progress of the Constitutional Recognition of Local Government and to enclose two copies of the final report of the Expert Panel appointed by the Government to examine options for the recognition of local government in the Australian Constitution.

The Australian Labor Party reached an agreement with the Greens and independents when forming Government in August 2010, to proceed towards a referendum on the recognition of local government. The Greens were instrumental in holding the ALP to its earlier election promise to proceed with the constitutional recognition of local government.

As part of this process, an 18 member Expert Panel was appointed in August 2011 to identify options for the constitutional recognition of local government and report on the level of support from stakeholders and the broader community. Chaired by former Chief Justice of the NSW Supreme Court, the Hon James Spigelman AC QC, the Expert Panel undertook a comprehensive process to assist the Government in identifying the best way forward for constitutional recognition. The process included preparing a discussion paper, writing to all councils seeking submissions and seeking submissions from the wider population. It also consulted constitutional experts, held forums in a number of locations around Australia and undertook polling to gauge community views in the issue. Councillor Paul Bell and I represented local government on the Panel.

ALGA, in consultation with its state associations, prepared a substantial submission to the Expert Panel, strongly arguing the case for financial recognition. ALGA's case was informed by the views of councils at the Constitutional Summit in Melbourne in 2008, extensive political consultation, expert strategic and constitutional advice, and independent research. The Expert Panel identified four possible forms of recognition: symbolic recognition, financial recognition, democratic recognition and recognition through federal cooperation, but concluded that financial recognition was the only viable option capable of success at a 2013 referendum and, of all the options, financial recognition had the broadest base of support among the political leadership at both Federal and State levels.

All members of the Expert Panel considered it appropriate that the Commonwealth's right to have a direct funding relationship with local government – when it is acting in the national interest – be acknowledged in the Australian Constitution. However, the Panel identified two pre-conditions for the referendum to succeed: firstly, for the Commonwealth to engage with State governments to achieve their support; and secondly, for a major nationally funded public awareness campaign, as highlighted in ALGA's submission.

The Expert Panel's report reinforced the case for change and its conclusions are an excellent development in outlining the need for constitutional recognition.

8 Gadsdon Street, North ACT 2610      Phone: 02 6222 9600      Email: [alga@alga.asn.au](mailto:alga@alga.asn.au)  
www.alga.asn.au      Fax: 02 6222 9601      Web: [www.alga.asn.au](http://www.alga.asn.au)



When releasing the Expert Panel's report on 22 December 2011, the Minister for Regional Australia, Regional Development and Local Government, the Hon Simon Crean, said the Australian Government's commitment to the recognition of local government was strong, and that it was vital to protect the Commonwealth's ability to directly fund local government thorough programs such as Roads to Recovery. ALGA welcomed the Panel's report.

Minister Crean undertook to consider the community's views and details of the report before responding in early 2012. At this time, however, local government is still waiting for the Commonwealth Government's response to the Report. We are concerned that as time elapses without the Commonwealth taking leadership on the issue and addressing the two steps set out by the Panel for the referendum to proceed, the chances of success at a 2013 referendum will be reduced. The reluctance of the Australian community to agree to amend the Constitution was recognised and identified by the Panel when it suggested the two specific actions by the Commonwealth to ensure the referendum had a chance of success.

We urge every council to take the time to read the Expert Panel's report and promote its findings to your communities. Each council has an essential role in the public awareness process and in reinforcing the important role and services councils provide. Almost 90% of councils have indicated to ALGA that they are behind the campaign and the financial recognition option. At our 2012 National General Assembly, to be held in Canberra from 17-20 June, Expert Panel Member Jim Soorley will talk more about the Panel's work and where we go from here.

I hope to see you there.

Yours sincerely,



Mayor Genia McCaffery  
**President**

Panel. The committee would further develop and refine proposals, and approve the draft of the bills to be submitted between March and June 2012.

- In accordance with recommendations of the Parliamentary Inquiry into the Machinery of Referendums, and based on its research findings, a nationally funded education campaign on the Constitution broadly, ahead of any 'Yes' and 'No' campaign, should precede any proposed amendment to the Constitution.
- ALGA notes that the 'Yes' and 'No' campaigns should be overseen by the Parliament, with panels of members appointed to prepare both the 'Yes' and 'No' cases.
- ALGA supports the recommendation by the inquiry to remove the legislative limit on spending.
- ALGA proposes that the Commonwealth apportion funds for the 'Yes' and 'No' cases for each referendum based on those parliamentarians voting for and against the Bill and that this funding be equivalent to that provided for elections.

The panel notes that changes to the *Referendum (Machinery Provisions) Act 1984* would be required before the Government could take the steps outlined above.

As already noted, the local government community throughout Australia is committed to investing its own resources in such public awareness and education. Since it appears that these resources may not be sufficient, ALGA proposes Commonwealth funding.

The panel has no information as to whether the Commonwealth Government would be prepared to adopt and appropriately fund the awareness campaign advocated above. In the absence of such a campaign, however, the panel is of the view that there is a very real risk that any referendum will fail and that the possibility of local government being recognised in the Constitution would be removed from the political agenda for decades. Moreover, failure may further entrench the public understanding that it is impossible to change the Constitution.

As already indicated, some members of the panel consider that the Government should support a longer-term process, which may lead to a more confident judgment as to the prospects of success at a referendum. Further, some consider that any process towards a referendum—whether at, before or after the next election—should be conducted on a broader and more inclusive basis than that proposed by ALGA. In particular, they consider that the 'Yes' (and any 'No') case should not be overseen only by a panel of federal parliamentarians, but rather by a more broadly based committee, including local government itself, and other community opinion leaders.

## Summary and conclusion

The Expert Panel was asked to identify options for the constitutional recognition of local government and to report on the level of support for such recognition among stakeholders and in the general community. The panel was also asked to have regard to the benefits and risks of the options it identified and outcomes that could be achieved for key stakeholders by such recognition. Among the stakeholders identified in the panel's terms of reference (Appendix A) were local governments and their representative bodies, State and Territory governments and federal parliamentarians.

The panel adopted three criteria to identify relevant options, which were that any proposal should:

- make a practical difference
- have a reasonable chance at a referendum
- resonate with the public.

In its public discussion paper, the panel identified four forms of recognition: symbolic recognition, financial recognition, democratic recognition and recognition through federal cooperation. These ideas were not mutually exclusive. No other options that satisfied the panel's criteria were identified during the course of its consultations.

The panel appreciated from the outset that both symbolic recognition in the form of a preamble and recognition through federal cooperation gave rise to issues that extended well beyond local government and therefore the panel's terms of reference. Neither of these forms of recognition featured prominently during the course of the consultations. However, representatives of local government indicated that, if any preamble were to refer to the democratic nature of our system of governance, local government should be identified in it. In addition, the New South Wales Government gave in-principle support to consideration of symbolic recognition, and the Western Australian Government indicated possible support for a very limited form of symbolic recognition, while the Victorian Government and some of the submissions, including from constitutional lawyers, saw some merit in pursuing the cooperative federalism option.

Democratic recognition received little support and considerable opposition from the political leadership of Government and Opposition at the State level. It was not supported by the Opposition at the federal level. The Commonwealth Government indicated that it would consider the panel's report before deciding which option to support. Democratic recognition also received little support, and some opposition, at the local government level. In the judgment of the panel, notwithstanding a significant level of support from the general community suggested by polling, this option has no reasonable prospect of success at a referendum in the present circumstances.

Financial recognition has the broadest base of support among the political leadership at both federal and State levels, although much of this support is only 'in-principle' and subject to the precise wording of any referendum proposal. In particular, unlike democratic recognition, it has the support of the Coalition at the national level, a matter that is of critical significance when the prospects of success at a referendum are assessed. However, there is important opposition to any such proposal

from the Victorian and Western Australian governments and others who made submissions to the panel. In addition, the New South Wales Government does not support financial recognition in the absence of clear evidence that existing funding arrangements are deficient. No other State expressed a specific opinion. However, in terms of the submissions and consultations with the panel, only the Western Australian Government stated that it would actively campaign against financial recognition.

A majority of panel members concluded that financial recognition is a viable option within the 2013 timeframe indicated by the terms of reference.

Recent Commonwealth programs have shown that the Commonwealth can deal effectively with issues of national importance through a direct funding relationship between the Commonwealth and local government. The decision in the *Pape*<sup>1</sup> case created doubts about the constitutional validity of direct grants to local government and has potentially undermined the ability of the Commonwealth to act in the national interest in this way. All members of the panel consider that it is appropriate that the Commonwealth's right to have a direct funding relationship with local government, when it is acting in the national interest, be acknowledged in the Constitution.

Financial recognition currently has the support of the federal Coalition, the majority of local councils and in-principle support from one State government. The polling undertaken by the Australian Local Government Association (ALGA), and by the panel, also indicates a substantial level of support for financial recognition in the broader community, although this support is no higher than for other forms of recognition; polling also suggests that such support may not carry through to a referendum. There is, however, an indication that the general community may support a form of limited recognition that addresses a perceived problem, such as the current uncertainty arising from the *Pape* case.

The members of the panel who support this conclusion take into account the commitment of the local government community throughout Australia to actively campaign in favour of any referendum, including by allocating substantial resources to such a campaign. They also recognise that the opposition of some State governments and of some political leaders may lead to a diminution in the level of support identified in the polling.

The majority of panel members support a referendum in 2013 subject to two conditions: first, that the Commonwealth negotiate with the States to achieve their support for the financial recognition option; and second, that the Commonwealth adopt steps suggested by ALGA necessary to achieve informed and positive public engagement with the issue, as set out in the section of this report on the concerns about a failed referendum (see page 16). Steps include allocating substantial resources to a major public awareness campaign and making changes to the referendum process.

At the same time, several members of the panel remain concerned that financial recognition per se does not currently enjoy sufficient support either among stakeholders or the general community to give a referendum a high enough prospect of success in this Parliament, even if the two conditions proposed by the majority are satisfied. They share a concern that proceeding to another unsuccessful referendum would damage rather than advance the interests of local government.

<sup>1</sup> *Pape v Commissioner of Taxation* (2009) 238 CLR 1.

<sup>2</sup> *Panel Report*

These members consider that a more substantial effort is needed to build public understanding and establish widely based social and political cross-sectional support before change is attempted. Some members hold that this should also include continued investigation of a modified form of recognition, including but not limited to financial recognition, which may have a greater prospect of success. However, at least one member considers that, based on the historical record and information gathered by the panel, the prospect of success in the future may still be remote.

These members of the panel have a range of reasons for coming to this position. Factors in support of a modified approach include:

- the importance of ensuring that any change is publicly perceived as essential and sufficiently substantive, rather than simply 'mechanical' or easily misconstrued as self-serving on the part of local government
- the proposed negotiations with the States, and hence the need to address present State and other views that constitutional amendment to validate continued direct funding to local government is not necessary at this stage, or that alternatively, programs such as Roads to Recovery can be funded via the States within current provisions of the Constitution
- the need to ensure that the case for the proposed constitutional change is not left solely to politicians and local government representatives, and instead is also championed by other members of the community who can explain to the general public how it will benefit the whole community
- in the view of some members, the scope to build stronger State and public support for financial recognition if it is joined with other reforms for enhancing democratic principles and federal cooperation, as proposed in key State and expert submissions—especially in light of the panel's research finding that financial recognition enjoys no greater public support than other forms.

## Financial recognition

The Commonwealth has created a number of programs under which grants are made directly to local councils. Three programs are of particular significance for local government throughout Australia: the Nation Building Roads to Recovery program, the Regional Development Australia Fund and the Regional and Local Community Infrastructure Program. A fourth program, Low Carbon Communities, will start soon. Many local councils, particularly in rural areas, consider these programs 'crucial if local government is to remain financially sustainable in the long-term'<sup>2</sup> and are concerned that the constitutional validity of the programs is now in doubt.

The Commonwealth has long asserted its ability to make grants directly to local councils, in effect, without restriction as to subject matter. That ability was called into question and, in the view of many constitutional lawyers, substantially undermined by the decision of the High Court in 2009 in *Pape*.

<sup>2</sup> Australian Local Government Association, *Submission No.334*, 15.

The basis for constitutional validity hitherto asserted by the Commonwealth was rejected by the High Court in that case. Some other basis must be identified to support each specific program of grants.

The Commonwealth's legal advisers continue to assert a wide-ranging basis for the Commonwealth's ability to make grants, as acknowledged by the Senate Select Committee on the Reform of the Australian Federation.<sup>3</sup> At the request of the panel, the Commonwealth's legal advisers were asked to set out an argument in favour of the constitutional validity of those programs by which the Commonwealth currently funds local government directly. Understandably, they declined to do so, because doing so would disclose the legal advice that they would give to the Commonwealth. Nevertheless, they drew the panel's attention to the submissions recently made in other litigation in the High Court asserting the broad view of the Commonwealth's powers.<sup>4</sup>

The panel consulted a wider range of constitutional law experts than was available to the Senate Select Committee. It is clear that many constitutional lawyers regard the Commonwealth's position as aspirational and unlikely to meet favour with the High Court.<sup>5</sup> Others assess the risk as small.<sup>6</sup> For present purposes, it is sufficient that the panel express its view that there is a very real doubt about the constitutional validity of direct grant programs that do not fall under a head of Commonwealth legislative power.

It is constitutionally possible for the Commonwealth to replace direct funding by a system of grants to the States under section 96 of the Constitution, subject to the condition that the monies be passed on to local government. This is presently the basis for the majority of Commonwealth funding of local government, particularly through the Financial Assistance Grants program. However, although this alternative route is constitutionally and administratively feasible, four arguments are advanced, principally by local government, as to why this is not a desirable alternative.

First, the indirect route lessens the ability of the Commonwealth to implement, and to be seen to be implementing, its own policies at a local level. Local government is, with some justification, apprehensive that it will be less likely that the Commonwealth will continue existing programs, or implement new programs to support the provision of local services, in the absence of direct Commonwealth involvement, with all the political advantages that entails. Furthermore, in response to those that emphasise the federal–State balance, in this and other contexts, the Commonwealth has sought to implement its own policies and priorities, which often differ from the policies and priorities of State governments. The Commonwealth may prefer to use local government as a means to implement its own priorities, even when those differ from State priorities.

The second reason against the indirect route is the fact that it fails to recognise local government as a legitimate third tier of government in the Australian system. Although this is an issue of status, it is clearly of great significance to local councils throughout Australia.

- <sup>3</sup> Senate Select Committee on the Reform of the Australian Federation, Parliament of Australia, *Australia's Federation: an agenda for reform* (2011), 91.
- <sup>4</sup> Submission of the First to Third Defendants (the Commonwealth of Australia; the Minister for School Education, Early Childhood and Youth; and the Minister for Finance and Deregulation) to the High Court (11 July 2011).
- <sup>5</sup> Associate Professor Anne Twomey, *Submission No 593, B*; Professor George Williams, Ms Nicola McGarrity, Mr Paul Kildea and Dr Andrew Lynch, *Submission No 427, 2*.
- <sup>6</sup> Dr Charles Lawson, *Submission No 360*.

Third, local government and its advocates raised concerns that Commonwealth funding via State governments is inefficient, ineffective, and may result in a reduction of the money flowing to local government by reason of deductions for administrative expenses.<sup>7</sup> Although some local government representatives express this view, investigations by the panel do not suggest that it is a matter of significance.

The panel sought advice from local government associations throughout Australia to identify examples of such practices. The associations in New South Wales, Victoria, Western Australia and Queensland indicated that they were unaware of any such problem. The Municipal Association of Victoria was 'not aware of cases in which the quantum of grant funding has been significantly reduced due to the State distributing grants'.<sup>8</sup> However, it noted that 'most difficulties associated with Australian Government funding through the States are associated with urgent or new programs which lack existing processes and structures to distribute the funds to councils'.<sup>9</sup> The association gave two examples of this, the Natural Disaster Relief and Recovery Arrangements and the Local Government Reform Fund.

The Local Government Association of South Australia referred to an example in the early 1990s in which the State earned interest on Commonwealth funds for several weeks, before passing them on, but the practice stopped and funds are now transferred electronically. The association also noted that there have been more recent delays between approval and receipt of funding but it is not clear whether those delays involved delayed transmission of funds received by the States. The Local Government Association of the Northern Territory referred to the retention by the Territory agency of funds for administrative purposes under the Local Government Reform Fund.

The response from ALGA referred to indications that additional Commonwealth funding has not resulted in benefits to councils when funds are transferred via the States. It referred to the Hawker report which noted that the growth of Commonwealth funding, particularly through Financial Assistance Grants, was associated with a 'relative decline in State support'.<sup>10</sup> That report also indicated that, in some States, payments under National Competition Policy (NCP) agreements were not passed on 'despite local government's key role in achieving NCP goals and requirements'.<sup>11</sup>

Furthermore, at one hearing in a regional centre, local government representatives indicated that one of the additional costs imposed by the indirect route was the need for the State to appoint a consultant to assess possible projects. The local government representatives indicated that this was unnecessary because the information was well known to the local council. The Northern Territory association also referred to deduction of costs for consultants in the Local Government Reform Fund.

Although there may be delays, nothing presented to the panel suggests that these are substantial. Nor was the panel able to conclude that there has been a significant diminution of funds by reason of State deduction of administrative charges.

<sup>7</sup> Professor Dean Jaensch AO, *Submission No 302, 1*.

<sup>8</sup> Letter from Mr Rob Spence, Chief Executive Officer, Municipal Association of Victoria, to The Hon. James Spigelman AC QC, 16 November 2011.

<sup>9</sup> *Ibid.*

<sup>10</sup> Standing Committee on Economics, Finance and Public Administration, House of Representatives, Parliament of Australia, *Rates and Taxes: A Fair Share for Responsible Local Government* (2003), 36.

<sup>11</sup> Letter from Mr Adrian Beresford-Wylie, Chief Executive, Australian Local Government Association, to The Hon. James Spigelman AC QC, 10 November 2011.

Fourth, as the experience of the Nation Building Roads to Recovery program suggests, the ability of the Commonwealth to directly fund local government can create a relationship that supports, facilitates and drives collaboration among all three levels of government. Grants to the States subject to conditions that the money is passed on do not necessarily lead to the same kinds of intergovernmental consultation, decision and timely action. Furthermore, the Commonwealth's ability to fund directly can enable it to require a State to cease the practice of transferring responsibilities to local government without the required resources, sometimes referred to as 'cost shifting'.<sup>12</sup>

## Consequences of financial recognition

Local government sees Commonwealth funding as critical to its ongoing financial sustainability. The aim of financial recognition 'is to formalize and secure what has been occurring for the past ten years to give financial security to communities.'<sup>13</sup> Removing the doubt about constitutional validity of direct grants is advanced as the principal outcome of financial recognition.

The panel's consultations revealed a widely held assumption that ensuring the Commonwealth can directly fund local government would result in increased funding for local government. It is widely believed that a constitutional mandate for direct funding of local government would provide the Commonwealth with a greater opportunity to influence and implement its own policies at the local level. However, while financial recognition of local government may provide a political motivation for additional funds in some circumstances, the level of Commonwealth funding to local government will always depend on Commonwealth political and policy decisions. The panel notes that, until the decision in *Pape* in 2009, the Commonwealth had long acted on the basis that it could make direct grants on any subject matter, and continues to do so.

The ALGA submission, supported by other submissions, notably almost unanimously by the local government community throughout Australia, articulated a case for the removal of the doubts surrounding the validity of direct grants. It emphasised the significant expansion over recent decades in the range of services delivered at the local level and the failure of the financial resources available for local government to increase accordingly. It also emphasised the expansion in the number of programs where local government is called on to assist in the delivery of services determined to be matters of national policy.

<sup>12</sup> Ibid.

<sup>13</sup> Australian Local Government Association, *Submission No 334*, 16.



This expansion was noted by the resolution adopted by the Commonwealth Parliament in 2006 as follows:

*That the House/Senate:*

- a) recognises that local government is part of the governance of Australia, serving communities through locally elected councils;
- b) values the rich diversity of councils around Australia, reflecting the varied communities they serve;
- c) acknowledges the role of local government in governance, advocacy, the provision of infrastructure, service delivery, planning, community development and regulation;
- d) acknowledges the importance of cooperating and consulting with local government on the priorities of their local communities;
- e) acknowledges the significant Australian Government funding that is provided to local government to spend on locally determined priorities, such as roads and other local government services; and
- f) commends local government elected officials who give their time to serve their communities.

Although the Parliament did not support constitutional recognition at that time, ALGA's case turns on the subsequent decision of the High Court in *Pape*. There is a tension between accepting local government as an instrument of national policy in whichever manner the Commonwealth decides, on the one hand, and the traditional subordination of the activities and powers of local government to State decision-making, on the other hand. However, ALGA's case is based, in part, on actual experience over many years of successful partnership among the three levels of government in a number of programs, the constitutional validity of which is now in doubt.

Furthermore, in addition to the effect of financial recognition on the availability of resources for local government, the very insertion of an express reference to local government in Australia's foundational political and legal document, even of this limited character, provides recognition of local government as the third tier of government in Australia.

*David Depson*

## Specific amendments to the Constitution

In its discussion paper the panel identified alternative amendments to section 96. The first added the minimal possible number of words and the second sought to make it clearer that the establishment of a system of local government remains a matter for State and Territory legislation.

The first proposal may be more publicly acceptable because it is a minimalist alteration to the Constitution. Section 96 would be amended to read (proposed new words in italics):

the Parliament may grant financial assistance to any State *or to any local government body* on such terms and conditions as the Parliament sees fit.

The alternative is to expand the language to expressly acknowledge that local government bodies are created by State or Territory legislation.

In the discussion paper, the panel drew on the language of section 51(xx) of the Constitution, the corporations power, which has been interpreted by the High Court in a manner consistent with this objective. In submissions to the panel, a further alternative was suggested.<sup>14</sup>

The panel now accepts that the following would be a preferable formulation to achieve this objective. Section 96 would then, relevantly read (proposed new words in italics):

the Parliament may grant financial assistance to any State *or to any local government body formed by State or Territory Legislation* on such terms and conditions as the Parliament sees fit.

## Democratic recognition

Democratic recognition—changing the Constitution to guarantee that local councils are elected bodies—was opposed by a number of key stakeholders, including the federal Opposition and several State governments and oppositions. It is not broadly supported as a referendum question by local government itself.

The panel notes the conclusion in ALGA's submission that democratic recognition 'would not succeed at a referendum. It would not be acceptable to State and Territory governments, it would not gain bipartisan support and it is questionable whether it would resonate with voters'.<sup>15</sup>

In fact, democratic recognition attracted the strongest support from the general public in the polling commissioned by the panel. The polling analysis indicates that democratic recognition appeals to 'a higher-level concept than the institution of local government itself'<sup>16</sup> and that this is a strong cause of the support. However, the panel recognises that the current state of political opinion may lead to a strong 'No' campaign at referendum that would see lower public support than currently indicated by the polling.

<sup>14</sup> Gilbert + Tobin Centre of Public Law, *Submission No 427*, 2.

<sup>15</sup> Australian Local Government Association, *Submission No 334*, 11.

<sup>16</sup> Newspoll report, Appendix C, 7.

Prior to the 1988 referendum for constitutional recognition of local government—one of four questions put to the people at that time—polling before the campaign suggested that 66 per cent of people supported the proposal, but in fact only 33 per cent did so at the referendum. Newspoll, the polling company commissioned by the panel, noted with respect to all forms of recognition tested:

[U]ltimately the outcome of a referendum will be heavily influenced by arguments expressed in the public domain. What all of those arguments will be, who mounts them, and how effective they will be, is impossible to fully predict.

In isolation, the research obtains initial reactions of support that appear to be quite strong. However it also indicates they are based on somewhat fragile underpinnings.<sup>17</sup>

Most opposition to democratic recognition focused on the supervision of local government systems by the States and the Northern Territory. State governments were concerned that democratic recognition would limit their ability to manage and reform local councils, which are established under State and Territory legislation. A particular concern was that States and Territories retain the power to dismiss a local government and appoint an administration in the limited number of cases where a council is corrupt or dysfunctional.<sup>18</sup>

Under existing State Acts, local governments are elected in each State and Territory and there is no immediate threat to this occurring. In most States this position is affirmed in the State constitution, in some cases in a manner that requires a referendum to alter it (see Appendix G).

The Victorian Constitution has the most robust provisions guaranteeing the democratic status of local government and only allows the dismissal of a council by the Victorian Parliament, not its Executive. The Victorian Government submitted that 'there is nothing to be gained by including similar provisions in the Commonwealth Constitution'.<sup>19</sup> To various degrees, other States could advance a similar view.

Should the Commonwealth proceed with a referendum using this option, the form of the amendment could minimise, but not eliminate, the degree of interference with State and Territory constitutions and statutes, by adopting the following formulation:

Each State shall, and each Territory may, provide for the establishment and continuance of a system of local government bodies elected in accordance with the laws of the State or Territory.

Under this provision, it is probable that State and Territory governments would not be able to exercise their executive powers to dismiss local councils, as they have done in the past. Nor could they pass legislation authorising themselves to do so either by legislation or executive order. To maintain the possibility of dismissing a local council, preferably by Act of Parliament rather than by ministerial directive, this amendment could be qualified by adding the following words:

The Parliament of a State or Territory may by Statute dismiss a local government body, and provide for the appointment of persons to perform its functions and exercise its powers until such time as a new local government is elected.

<sup>17</sup> Ibid, 8.

<sup>18</sup> Western Australian Government, *Submission No 572*, 2; Anne Twomey, *Submission No 593*, 13.

<sup>19</sup> Victorian Government, *Submission No 654*, 2.

## Other ideas for recognition

The two other ideas for constitutional change the panel advanced in the discussion paper were symbolic recognition and recognition through federal cooperation. Both would formally recognise the important role that local government plays in local communities and in the governance of Australia.

### *Symbolic recognition*

Symbolic recognition—including local government in the Constitution in a way that is designed to have no real legal effect—was the second most popular option in submissions in favour of local government recognition. However, support for this option was almost always framed as a call for local government to be included in a preamble 'if one is to be developed'.<sup>20</sup> As a stand-alone option for recognising local government, symbolic recognition received little support from stakeholders or in public consultations.

Symbolic recognition is designed to have limited practical effect and this was seen to be its main weakness. In the words of one submission: 'it would amount to little more than legal prose without any real, palpable impact'.<sup>21</sup> Local government councils and associations made it clear to the panel that symbolic recognition was not their priority and that they were focused on achieving a practical form of constitutional recognition. The majority of individuals who made submissions indicated a reluctance, as one put it, to 'clutter' the Constitution with 'platitudes' such as symbolic recognition of local government.<sup>22</sup> This position is reflected in research undertaken by local government which suggests that voters are far more likely to support a form of recognition with 'demonstrable' benefits.<sup>23</sup> Similarly, the polling indicates that the general public responds positively to the idea until challenged by the lack of practical outcomes that would be achieved.

The New South Wales Government said that, subject to the wording, it 'supports consideration of symbolic recognition as a way of enhancing the status of local government'.<sup>24</sup> The Victorian and Western Australian governments both submitted that symbolic recognition would raise questions of constitutional interpretation. Other State governments did not take a position on this. A limited form of symbolic recognition was put forward as possibly acceptable to, although not advocated by, the Western Australian Government.

Any new preamble to the Constitution would probably cover a wide range of issues. Its consideration would require a broader process than that undertaken by this panel. The recognition of local government on its own does not provide a strong case for pursuing a preamble. The local government community, nevertheless, generally supports the inclusion of local government as part of the democratic Australian system of governance if a preamble were to extend to these matters.

<sup>20</sup> Australian Local Government Association, *Submission No 334*, 4.

<sup>21</sup> Dr Oliver Marc Hartwich, *Submission No 268*, 3.

<sup>22</sup> Leslie Kelety, *Submission No 524*, 1.

<sup>23</sup> Local Government and Shires Association of NSW, *Submission No 613*, 9.

<sup>24</sup> New South Wales Government, *Submission No 694*, 2.

indicated that they would await the wording of a referendum proposal before deciding their position. The Victorian and Western Australian governments did not support any option. No State political figure suggested that they would actively campaign for a 'Yes' vote.

The Queensland Government indicated that it supported financial recognition in-principle. However, it expressed concern that any recognition 'should maintain, not diminish, the State's primary constitutional responsibility for local government'.<sup>31</sup> The submission neither specifically endorsed nor rejected the formulation of financial recognition in the panel's discussion paper.

The South Australian Government's position was that 'it welcomes initiatives to strengthen the relationships between governments, and provide clarity of powers between all three spheres of government'.<sup>32</sup> It did not support or oppose any form of local government recognition but 'remains open to consider, on its merits, any proposal put forward on constitutional recognition of Local Government'.<sup>33</sup>

The New South Wales Government submission differentiated between the options and focused on the potential unintended consequences of constitutional change. It 'supports consideration of symbolic recognition as a way of enhancing the status of local government'<sup>34</sup> but stated that '[d]emocratic recognition is unacceptable ... as the State Governments would not be able to exercise their executive powers to dismiss local councils'.<sup>35</sup> The New South Wales Government did not explicitly oppose financial recognition but raised concerns about it, stating that 'amendments to the Constitution should not be made in the absence of clear evidence that existing funding arrangements are deficient and there may be options for refining funding arrangements between different levels of government that do not require amendments to the Constitution'.<sup>36</sup>

The Tasmanian Government did not provide a formal comment on the constitutional recognition of local government as it 'did not wish to comment on any proposals until such time as a final form of amendment is available for review'.<sup>37</sup> The basis for this position is the potential for unintended consequences since 'even minor changes to the Australian Constitution can have significant consequences for the nature of our Federation or how the Constitution is interpreted'.<sup>38</sup> The Tasmanian Government further commented that a referendum on Indigenous recognition in the Constitution should take priority over local government if there is a risk that the local government question could affect the success of the Indigenous question.

The Victorian and Western Australian governments both stated that they did not support any of the proposed ideas. The Victorian Government was of the view that 'constitutional reform should only be pursued if it offers certainty of improved outcomes'.<sup>39</sup> However, it did express interest in further dialogue around federal cooperation. The Western Australian Government indicated that it might consider a 'purely symbolic' form of recognition 'without the possibility of having any legal effect or being able to be utilized in litigation or judicial interpretation'.<sup>40</sup>

31 Queensland Government, *Submission No 675, 2.*

32 South Australian Government, *Submission No 682, 1.*

33 *Ibid.*

34 New South Wales Government, *Submission No 694, 2.*

35 *Ibid, 3.*

36 *Ibid, 2.*

37 Tasmanian Government, *Submission No 683.*

38 *Ibid.*

39 Victorian Government, *Submission No 654, 1.*

40 Western Australian Government, *Submission No 572, 3.*

### *Recognition through federal cooperation*

Recognition through federal cooperation—changing the Constitution to explicitly encourage cooperation between governments—appeared to be a new idea for most stakeholders involved in the panel's process and only a few offered comment on it.

The panel notes that amending the Constitution to encourage federal cooperation involves complex matters regarding the federal balance of power and technical issues arising from decisions of the High Court on particular cooperative schemes.<sup>25</sup> A number of specific proposals have been put forward to overcome the effects of these decisions.

One idea is to insert in the Constitution an express reference to the desirability of cooperation between the Commonwealth and the States. A reference to cooperation among and between all three levels of government could be included in any such provision. While such a provision would not be of direct operational effect, its inclusion could have significant influence on the High Court's approach to interpreting other provisions of the Constitution in a way that enhances cooperative conduct.

A further step, with more direct effect, would be to insert a provision requiring the Commonwealth and the States to give each other an opportunity to comment on any proposed laws that would affect their status, powers and/or functions. Again, if such a provision were adopted, it would be open to include local government in the provision.

This option was seen, in the few submissions that considered it, to be a positive option that would 'promote a new dynamic to the relationship between the three levels of government in Australia'.<sup>26</sup> The value of partnerships and cooperation was recognised by three State governments in their submissions, and it may be that further consultation among all three levels of government would lead to some progress in this respect. While such an amendment raises issues beyond the scope of the panel's mandate, some key stakeholders expressed interest in 'further dialogue on how to encourage cooperation between all levels of government in Australia'.<sup>27</sup>

There was also some support for this option from those who saw it as a way to lessen the risk that federalism would be undermined by constitutional recognition of local government. One submission suggested that constitutional reform to promote federal cooperation would complement financial recognition and that the two issues 'would provide reforms directed to well-known problems in the Constitution that afflict all three tiers of government'.<sup>28</sup>

These ideas include matters that go beyond the panel's terms of reference. Their consideration would require a more extensive process of consultation than the panel was able, or indeed qualified, to undertake.

<sup>25</sup> *Re Wakim; Ex parte McNally* (1999) 198 CLR 511 and *R v Hughes* (2002) 202 CLR 535.

<sup>26</sup> Gilbert • Tobin Centre of Public Law, *Submission No 427, 3*.

<sup>27</sup> Victorian Government, *Submission No 654, 2*.

<sup>28</sup> Victorian Government, *Submission No 654, 2*.

## Level of support

### *Federal attitudes*

Bipartisan support at the federal level is a key consideration in assessing the likelihood of future support for a referendum among the broader public. History has shown that bipartisan support is critical to the success of constitutional reform. No referendum has ever succeeded without it.<sup>29</sup> As the voting public is generally cautious when voting on a referendum question, a concerted political campaign against constitutional change always has a significant impact on the outcome. Unusually, given the experience with past referendums, most notably with the two referendums in 1974 and 1988 on local government, in the present circumstances there is support for local government recognition across the federal political spectrum.

The Commonwealth Government is committed to support a referendum recognising local government. This commitment was part of the agreements with the independent members of Parliament and the Greens to form government. The panel understands that the Government is awaiting this report before determining which option will be put to referendum. Australian Labor Party policy has long supported recognition of local government in the Constitution.

The Opposition leader, the Hon. Tony Abbott MP, and the Leader of the Nationals, the Hon. Warren Truss, have both publicly declared their in-principle support for constitutional recognition of local government. More specifically, the stated Coalition policy is to support financial recognition. The panel's consultations indicate, however, that there are some members within the Coalition who do not support constitutional recognition.

The Australian Greens have indicated to the panel their strong support for constitutional recognition of local government and endorsed ALGA's proposal to amend section 96 of the Constitution to ensure that local government has the same ability to access funding from the Commonwealth as the States currently have. Furthermore, the Greens have stated that they are committed to 'working hard to win community support for the "Yes" campaign'.<sup>30</sup>

The panel's consultations with federal parliamentarians, other than with the party leadership, was limited and not representative. Some indicated that they would be prepared to actively campaign for a 'Yes' vote. Some would actively campaign for a 'No' vote. Others indicated general support, without any suggestion of active campaigning.

### *State and Territory attitudes*

State and Territory government support for constitutional recognition of local government varied. As outlined below, the Queensland Government submission offered in-principle support for financial recognition option. The submissions from the South Australian and Tasmanian governments

29 Gilbert + Tobin Centre of Public Law, Submission No 427, 4; and George Williams and David Hume, *People Power: The History and Future of the Referendum in Australia* (University of New South Wales Press, 2010), 216.

30 Australian Greens Senator Lee Rhiannon, *Submission No 569*, 2.

Western Australia submitted that financial recognition 'would both constitutionally and practically downgrade and circumvent the States'.<sup>41</sup> Furthermore, any form of recognition would 'weaken or detract from the Federal structure of the Constitution and federalism generally'.<sup>42</sup>

The Victorian Government submitted that financial recognition would exacerbate the blurring of roles and responsibilities in the Australian federation.<sup>43</sup> The Victorian Government also expressed concern about how direct funding would be allocated between States and between individual councils within a State, in view of issues about horizontal financial equalisation between States and the ability of the Commonwealth to change the distribution of funding within a State if it secured an explicit power to make direct grants.

The Victorian Government also highlighted the scope for 'sub-constitutional' recognition, such as further strengthening, by agreement, local government's involvement in COAG and other forums. The panel notes that the inter-governmental agreement on local government matters is currently under review. Discussions might extend, among other things, to whether all States would be willing to adopt the high level of protection of the democratic nature of local government as provided by the Victorian and, to a somewhat lesser extent, Queensland constitutions.

### *Local government attitudes*

Throughout the panel's process, local government bodies across Australia clearly demonstrated their strong support for constitutional recognition. ALGA has been instrumental in leading local government in this respect.

ALGA 'strongly supports the constitutional recognition of local government' and its 'preference is for financial recognition of local government, with inclusion in a preamble if one is to be developed as well'.<sup>44</sup> The panel notes that in coming to this position, ALGA has undertaken a thorough process of research and consultation over several years.

The overwhelming majority of local councils that made submissions echoed ALGA's preference for financial recognition, many of them passed a resolution to this effect. ALGA indicated that 440 of the 560 local councils in Australia expressed such support. The panel received submissions from 259 local councils in support of financial recognition in accordance with ALGA's position. Two local councils made submissions indicating reservations about constitutional recognition. The first suggested that there was not yet a 'compelling case' for constitutional change<sup>45</sup> and the second raised concerns that financial recognition might 'enhance Commonwealth dominance over the States, and future dominance over Local Government'.<sup>46</sup>

41 Ibid, 2.

42 Ibid.

43 Victorian Government, *Submission No 654, 1.*

44 Australian Local Government Association, *Submission No 334, 4.*

45 Shire of Beverley, *Submission No 537, 2.*

46 Shire of Dalwallinu, *Submission No 497, 2.*



However, there is no doubt that financial recognition is strongly supported throughout the local government community. Many councils throughout Australia would actively campaign for a 'Yes' vote, and many councils have pledged substantial resources to such a campaign.

### ***Concerns about federalism***

A number of submissions opposed recognition on the basis that it would disturb the federal balance by centralising power in the Commonwealth. This theme featured in the 'No' cases put forward at the 1974 and 1988 referendums on local government and will clearly be a central argument in any future referendum debate.<sup>47</sup>

The Australian Workers' Union, Queensland Branch, submitted that financial recognition would allow the Commonwealth Government to use its 'financial leverage with respect to local authorities and more importantly with respect to the prerogatives that should otherwise be solely retained by the States'.<sup>48</sup> Another submission referred to a 'gradual expansion of Commonwealth power'.<sup>49</sup> The submission went on to say that if 'the Commonwealth was given the power to make grants directly to local government, such provision would only encourage the Commonwealth to increase its involvement in the coordination and supervision of local government affairs, exacerbating the vertical fiscal imbalance [and] confusion of responsibilities ...'.<sup>50</sup> To similar effect another submission said that 'recognition could significantly weaken one of the integral characteristics of our Federal system by disproportionately shifting the balance of powers between the Commonwealth and the States'.<sup>51</sup>

The potential risks of constitutional change were a consistent theme in the panel's discussions with State governments. Of particular concern was the need to ensure the ongoing ability of State and Territory governments to oversee and regulate local government. Some submissions warned that the Commonwealth Government might attempt to interfere with State functions by directly funding local government to deliver infrastructure and services that are the typically the responsibility of State governments.

In contrast, others argued that it was indeed appropriate for the Commonwealth to have the power to fund local government in pursuit of national policy objectives. For instance, ALGA noted that the 'use of direct funding allows the Commonwealth to not only target specific investment to achieve national objectives but also allows the Commonwealth to establish a direct partnership with councils and to engage directly with local communities rather than operating through the filter of State governments'.<sup>52</sup> This sentiment was echoed by the Local Government Association of South Australia, which suggested that reinforcing the power of the Commonwealth to provide direct funding to local government would in no way disrupt the federal balance, but rather lead to an increase in 'intergovernmental dialogue' and 'greater collaboration in the interests of the nation'.<sup>53</sup> In taking this

47 Australian Electoral Office, *Referendum Pamphlet*, 3 September 1988; Australian Electoral Office, *Referendum Pamphlet*, 18 May 1974.

48 The Queensland Branch of the Australian Workers Union, *Submission No 557*, 2.

49 Professor Nicholas Aroney, Professor Scott Prasser and Mitchell Blrks, *Submission No 641*, 10.

50 *Ibid.*

51 Professor Greg Craven, *Submission No 606*, 1.

52 Australian Local Government Association, *Submission No 334*, 39.

53 Local Government Association of South Australia, *Submission No 636*, 7.

approach, local government refers to a number of successful collaborative projects through which the Commonwealth currently funds local government directly as confirmation that financial recognition would not result in excessive centralisation of power.

### *Concerns about unintended consequences*

A risk that has been mentioned frequently in submissions to the panel is that any amendment to the Constitution may have unexpected and unintended consequences. In the discussion paper, the panel noted the potential consequences of the inclusion of an express reference to local government in a substantive provision of the Constitution. Such recognition could be held by the High Court to prohibit a State from altering the fundamental characteristics of the system of local government and the High Court could determine what those characteristics were. This conclusion was based on the High Court's decisions, which, in a number of contexts, characterised the concepts appearing in the text of the Constitution as 'constitutional expressions'. (See Appendix E)

It does not appear that there is any significant risk with respect to the panel's majority proposal for financial recognition. If, in the future, the system of local government of a particular State were to be changed in such a manner that it no longer answered the constitutional concept of 'local government', the effect would be that the Commonwealth would not be able to make grants to the local councils of that State. Nothing in the existing jurisprudence of the High Court suggests that a State is obliged to create a system that complies with the constitutional expression. This conclusion would be reinforced by the adoption of the panel's proposed text, which expressly states that the bodies to which grants may be made are those 'formed by State or Territory legislation'.

### *Concerns about a failed referendum*

Although the local government community has invested time and effort into constitutional recognition, many panel members accept that a third failed referendum would not be in the interests of local government in Australia.

As the Victorian Government submission notes, local government already enjoys a strong presence in a number of federal forums despite its lack of constitutional recognition, and it of course receives very considerable direct and indirect federal funding. If the electorate were again to reject formal recognition in the Constitution, what conclusions might the Commonwealth and State governments draw regarding local government's place in the federal system?

There is a widely held view in the local government community that a substantial public awareness campaign is required before a referendum is held, and that in its absence there is a very real risk of failure for a third time. ALGA recognised that constitutional recognition is a 'significant challenge' and advocated a need for public awareness or 'education' process. The principal steps advocated include the following:<sup>54</sup>

- A Joint Select Committee of the full Parliament should be formed in early to mid 2012 for a six-month period to consider the recommended options put to the Government by the Expert

<sup>54</sup> Australian Local Government Association, *Submission No 334*, 31–32.

Panel. The committee would further develop and refine proposals, and approve the draft of the bills to be submitted between March and June 2012.

- In accordance with recommendations of the Parliamentary Inquiry into the Machinery of Referendums, and based on its research findings, a nationally funded education campaign on the Constitution broadly, ahead of any 'Yes' and 'No' campaign, should precede any proposed amendment to the Constitution.
- ALGA notes that the 'Yes' and 'No' campaigns should be overseen by the Parliament, with panels of members appointed to prepare both the 'Yes' and 'No' cases.
- ALGA supports the recommendation by the inquiry to remove the legislative limit on spending.
- ALGA proposes that the Commonwealth apportion funds for the 'Yes' and 'No' cases for each referendum based on those parliamentarians voting for and against the Bill and that this funding be equivalent to that provided for elections.

The panel notes that changes to the *Referendum (Machinery Provisions) Act 1984* would be required before the Government could take the steps outlined above.

As already noted, the local government community throughout Australia is committed to investing its own resources in such public awareness and education. Since it appears that these resources may not be sufficient, ALGA proposes Commonwealth funding.

The panel has no information as to whether the Commonwealth Government would be prepared to adopt and appropriately fund the awareness campaign advocated above. In the absence of such a campaign, however, the panel is of the view that there is a very real risk that any referendum will fail and that the possibility of local government being recognised in the Constitution would be removed from the political agenda for decades. Moreover, failure may further entrench the public understanding that it is impossible to change the Constitution.

As already indicated, some members of the panel consider that the Government should support a longer-term process, which may lead to a more confident judgment as to the prospects of success at a referendum. Further, some consider that any process towards a referendum—whether at, before or after the next election—should be conducted on a broader and more inclusive basis than that proposed by ALGA. In particular, they consider that the 'Yes' (and any 'No') case should not be overseen only by a panel of federal parliamentarians, but rather by a more broadly based committee, including local government itself, and other community opinion leaders.

### *Public attitudes*

The panel used several methods to gauge the general community's level of support for constitutional recognition of local government. Through community consultations, online surveys and public submissions it was able to capture the views of interested members of the public. The panel also commissioned Newspoll to undertake a public polling exercise intended to measure the level of support in a way that was representative of the Australian community more broadly.

The panel held community consultations in every State. Attendance at these meetings was dominated by local government representatives. Of the 634 submissions received, 316 were submissions from private citizens (see Appendix B). These totals reflect a general lack of engagement on the issue beyond those for which it is a central concern, such as local and State and Territory governments. This finding, however, should be considered against independent research conducted by ALGA, which found that 'a sizable proportion of the population has not had a positive experience of engagement in constitutional debate or reform'.<sup>55</sup>

The majority of submissions from private citizens did not support recognition of local government. Reasons provided for this position included the perceived ineffectiveness, inefficiencies, abuse of bureaucratic power and 'corruption' of local government.<sup>56</sup>

The responses to the online survey reflected a key trend in the submissions received, with greater participation from those directly involved in local government and those with a negative view of local government. As in the submissions, people with an association with local government who took the online survey were strongly in favour of local government recognition. A majority of the remainder of people who took part were opposed. The online survey and submissions support a finding that there are strong, motivated groups of voters both in favour of and opposed to recognition of local government in the Constitution.

The panel agrees with ALGA that amending the Constitution is a challenge and that Australians need to be prepared and educated for any change. ALGA, and the numerous supporting submissions from the local government community throughout Australia, recognised in their submissions the difficulty of achieving a successful referendum. The panel accepts that the polling results, which suggest that a majority of voters are in favour of recognition, may be fragile, not least because of limited public understanding of the issues involved.

ALGA reiterated a submission made to the House of Representative's Standing Committee on Legal and Constitutional Affairs during its inquiry into the machinery of referendums:

ALGA recommended to the committee that before any proposal to amend the Constitution can be put to the Australian people, there needs to be a nationally funded education campaign on the nature of the Constitution and the process for constitutional change. ALGA's preferred model is for a national program run by the Australian Electoral

<sup>55</sup> Australian Local Government Association, *Submission No 334*, 5.

<sup>56</sup> Phillip Stanley, *Submission No 528*, 1.

Commission which focuses on the role of the Constitution, the mechanism by which it can be changed and the role of individual voters.<sup>57</sup>

ALGA put forward a detailed proposal for such an education campaign. No such mechanism is in place. The panel does not know whether either local government or the Commonwealth is ready to undertake such an exercise on the scale required. In its absence, there is a real doubt whether the polling, which suggests that a majority of voters support recognition, could translate into a majority at referendum.

### ***Prior research***

Constitutional recognition of local government did not succeed in winning the support of a majority of voters in a majority of States when it was proposed in 1974 and 1988. However, as with other referendums in Australian history, those outcomes did not necessarily mean that the idea of national constitutional recognition lacked merit or majority popular support, in-principle. It is well established that party-political polarisation over the issue, likely combined with uncertainty over its relative importance, contributed to both outcomes.

Recent research shows high levels of 'in-principle' support for the idea—but again confirms that, depending on the nature of the proposed reform and the circumstances in which debate proceeds, in-principle support in itself does not necessarily translate into voter support. For example:

- ALGA commissioned research in 2009 and 2011 indicating that up to 68 per cent of adults *might* support financial recognition of local government in the Constitution, but the same research indicated that only 53 per cent or less of adults were inclined to support it when compared with other possible constitutional reform issues.
- Conversely, but similarly, Griffith University's Australian Constitutional Values Surveys in 2008 and 2010 showed that only around 52 per cent of adults were inclined to support recognition as a general proposition; but that 75 per cent or more might support it if they understood it to deliver benefits such as ensuring there was always a system of local government, enhancing local government's accountability, and ensuring a reasonable level of funding for local government.

### ***The panel's research***

Through the secretariat, the panel commissioned Newspoll to conduct qualitative and quantitative research into the level and nature of public support, to gain the most current independent view and fill gaps in the prior research. Newspoll's full report is in Appendix C.

The Newspoll research indicates that, at this time, only limited public support for a constitutional alteration to recognise local government can be relied on.

<sup>57</sup> Australian Local Government Association, *Submission No 334*, 14.

As with previous studies, the research shows high initial support among voters at large for the idea, but support drops significantly as soon as any challenge to the idea is introduced. An even lower proportion both supports the idea and sees a referendum on the question as having any importance. This result applies across all types of recognition investigated by the panel.

As a result, while up to 85 per cent of Australian voters indicated initial, in-principle support for at least one form of recognition on offer, fewer than 30 per cent of voters are supporters of recognition who feel a referendum is very important.

Consequently, fewer than 30 per cent of voters can be said to feel a sufficiently strong commitment at this time to the idea of recognising local government to provide high confidence they would support it at a referendum, all other things being equal. Queensland is the only State in which the number of voters who support recognition and believe a referendum has *any* importance is currently significantly greater than 50 per cent.

The panel considers that the only way support is likely to strengthen is if strong consensus emerges among political leaders, and other key (non-local government) stakeholders, as to the need for and benefits of the reform—along with strong efforts to communicate that consensus to the wider community.

The research also suggests that any general positive shift in the degree of value placed on local government across the community would contribute to this. In this regard, the apparent correlation between efforts to improve community recognition of the value of local government in Queensland, and shifts in support for constitutional recognition, give some cause for optimism.

However, absent these factors, it is very unlikely that any proposal put to the people in the foreseeable future—if presented as a proposal to recognise local government—would command a majority of voters in a majority of States and a national majority.

Of the four ideas about recognition tested by the panel's research, symbolic recognition secured the least support as a referendum proposal.

Overall, democratic recognition secured the most support (85 per cent initial support, 66 per cent support after challenge, 52 per cent support along with a referendum having *any* importance, and 29 per cent support along with a referendum being *very* important). Among the respondents who supported more than one form of recognition, democratic recognition was also ranked the most important form.

Reforms to support better federal cooperation secured the next highest level of initial support (81 per cent), although this dropped to 69 per cent who believed local government should be explicitly included in such a change, 54 per cent who saw a referendum as having *any* importance, and 29 per cent who saw a referendum as *very* important.

Financial recognition secured somewhat lower initial support (75 per cent support, 64 per cent after challenge) and shared the same relatively low level of support in relation to the perceived importance of a referendum (52 per cent support along with a referendum having *any* importance, and 28 per cent support along with a referendum being *very* important).

The panel's research findings are consistent with a broader conclusion that more voters are likely to express support if the form of recognition appeals to 'higher-order' concepts and appears to be of positive benefit to all citizens—whether democratically, or by strengthening local government accountability, or by increasing or improving local services, or by improving the entire federal system. This finding is in contrast to the view that sees reform as focused on supporting local government in isolation, or on recognising local government in the Constitution simply for the sake of it.

**STANDING COMMITTEE OF STATE DEVELOPMENT  
Economic and Social Development in Central Western NSW**

This is A Reprint Of A Scanned Image



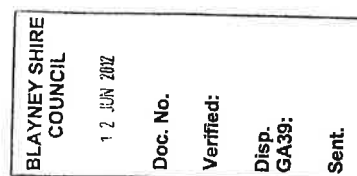
LEGISLATIVE COUNCIL

*Copied to  
Director's*

STANDING COMMITTEE ON STATE DEVELOPMENT

7 June 2012

Mr Aaron Jones  
General Manager  
Blayney Shire Council  
PO Box 62  
Blayney NSW 2799



Dear Mr Jones

**Economic and social development in central western New South Wales**

It is my pleasure to announce the release of the Standing Committee on State Development Report No. 36 entitled *Economic and social development in central western New South Wales*. This report was tabled in the Legislative Council on 31 May 2012.

The report is available on our website, [www.parliament.nsw.gov.au/statedevelopment](http://www.parliament.nsw.gov.au/statedevelopment) along with submissions, transcripts of evidence and other documents associated with the inquiry. The summary of key issues and summary of recommendations are attached for your information.

The report and its 30 recommendations are now with the Government for consideration. The Government is required to respond to the recommendations within six months. You will be advised of the Government response when it has been received.

If you would like a copy of the report, please contact the Committee secretariat on 9230 3311 or at [statedevelopment@parliament.nsw.gov.au](mailto:statedevelopment@parliament.nsw.gov.au).

On behalf of the Committee, I take this opportunity to thank you for your contribution to the inquiry. The Committee has been greatly assisted by these contributions and we appreciate the time and effort taken by all those who have helped us with this important inquiry.

Yours sincerely

Hon Rick Colless MLC  
Committee Chair

Parliament House  
Macquarie Street Sydney  
NSW 2000 Australia

Telephone (02) 9230 2641  
Facsimile (02) 9230 2981  
[statedevelopment@parliament.nsw.gov.au](mailto:statedevelopment@parliament.nsw.gov.au)

DataWorks Document Number: 347987



This Is A Reprint Of A Scanned Image

LEGISLATIVE COUNCIL

---

Standing Committee on State Development

**Economic and social  
development in central  
western New South Wales**

Ordered to be printed on 31 May 2012

---

Report 36 – May 2012 i

DataWorks Document Number: 347987

This is A Reprint Of A Scanned Image

---

STANDING COMMITTEE ON STATE DEVELOPMENT

## Summary of key issues

In July 2011, the Minister for Western NSW, the Hon Kevin Humphries MP, requested that the Standing Committee on State Development inquire into and report on the economic and social development of central western NSW. In undertaking this inquiry, the Committee has examined a range of factors that influence development, including health, education and cultural facilities, population decline or growth in different areas, and the adequacy of transport and road infrastructure.

The Committee has broadly defined 'central western NSW' as the area bordered by the towns of Lithgow, Nyngan, Cobar, Broken Hill, Ivanhoe, West Wyalong and Young. We acknowledge the diverse range of communities that exist within this area, and are acutely aware that the issues and challenges facing these communities will differ. In order to better reflect this diversity, the Committee has referred to the area of inquiry as 'central and western NSW' throughout the report.

The Committee received 62 submissions, and held five public hearings in Sydney, Parkes and Broken Hill. While in Parkes, the Committee held a series of roundtable discussions with representatives from the Central NSW Councils Regional Organisation of Councils (CENTROC). Meetings were also held with the Central Western Queensland Remote Area Planning and Development Board (RAPAD) and Regional Development Victoria.

This summary outlines the key issues raised during the inquiry and discussed in this report.

### Roads and transport infrastructure

One of the central issues raised throughout the inquiry was the critical role that road and transport infrastructure play in facilitating the economic and social development of central and western NSW.

Communities in central and western NSW face a range of challenges in relation to the management and maintenance of the road network, most notably in regard to the prevalence of unsealed roads and the high costs borne by local councils in maintaining the road network.

We consider that the construction of a new, dual lane expressway over the Blue Mountains would greatly assist in unlocking the economic and social development potential of the region. Accordingly, Recommendation 11 urges Transport for NSW to give serious consideration to the construction of such an expressway as part of the NSW Long Term Transport Master Plan, and requests that Transport for NSW provide this Committee with a report on the current status of the preservation of a transport corridor over the Blue Mountains.

We are particularly concerned that large sections of the Cobb and Silver City Highways are unsealed, resulting in frequent road closures due to rain events. This regular disruption to the road network presents significant challenges to the communities and industries that rely on these highways to transport goods and services. In order to address this issue, the Committee has recommended that the Minister for Roads develop a planning schedule to complete the sealing of these highways as soon as practicable (Recommendation 12).

The Committee further considers that the NSW Long Term Transport Master Plan must identify measures to better meet the funding requirements for the maintenance and improvement of the regional road network. While the regional road network is the responsibility of local government, it is

---

Report 36 – May 2012 xiii

This Is A Reprint Of A Scanned Image

---

LEGISLATIVE COUNCIL

Economic and social development in central western New South Wales

---

evident that the significant financial burden of maintaining and improving this network is placing enormous pressure on local governments throughout the region, and impacts on the ability of councils to provide services to local communities. We also consider that the NSW Government should review the post-flood funding mechanisms available to local councils for repairs to road infrastructure to allow for reasonable betterment works to be carried out (Recommendation 13).

In regard to the growing presence of high performance vehicles such as B-Double trucks on the road network, we welcome moves to establish a national heavy vehicle regulator, and consider that a key function of this regulator should be to provide clear and consistent guidelines to regulate road access for heavy vehicles. Pending the establishment of this national regulator, Recommendation 14 states that Transport for NSW and Roads and Maritime Services should collaborate with Regional Organisations of Councils and key stakeholders in the freight industry to develop a consistent methodology for the assessment and approval of permitted routes across the State's road network.

The ability to move freight via rail quickly and economically throughout central and western NSW and to sea port facilities is a vital component of fulfilling the economic potential of the region. A high-quality rail network would also serve to alleviate the pressure placed on the road network by freight vehicles.

The Committee considers that improvements can be made to the way in which freight is transported via rail through central and western NSW, and to sea port facilities. A number of projects have the potential to improve the movement of freight via rail, including the Inland Rail project, the Blayney to Demondhille rail line, and the Maldon to Dombarton rail line. Each of these projects, together with consideration of how to more efficiently transport freight to sea ports, must be closely examined during the preparation of the NSW Long Term Transport Master Plan, especially the Maldon to Dombarton rail line (Recommendation 15).

The Committee acknowledges the important role that regional aviation services play in the economic and social development of central and western NSW. We consider it essential that the 'regional ring fencing' arrangement, which guarantees arrival and departure slots for regional airlines at Sydney Airport, remains in place. Recommendation 16 suggests that new approaches to the delivery of regional aviation services, including the subsidisation of targeted air routes, and the establishment of a 'hub and spoke' model to manage access to Sydney Airport, should be explored during the development of the NSW Long Term Transport Master Plan.

Finally, we note that the Emmdale airstrip, located 100km east of Wilcannia, is unsealed, to the detriment of those communities who rely on the airstrip for essential medical services. In addition, there is a need to upgrade the lighting system to enable safe night arrivals and departures. The Committee will write to the Hon Anthony Albanese MP, Federal Minister for Infrastructure and Transport, requesting that serious consideration be given to providing the necessary funding for this vital work to be undertaken.

#### **Government relations**

The financial sustainability of local councils was another key issue that was discussed throughout the inquiry, particularly as local government is increasingly assuming financial responsibility for the provision of a growing range of services. This includes responsibility for the provision and maintenance of cultural infrastructure, the maintenance of the regional road network and, for many councils, the provision of health care services. This is placing significant pressure on local governments as they seek to prioritise the areas in which they spend their limited funds.

This is A Reprint Of A Scanned Image

---

STANDING COMMITTEE ON STATE DEVELOPMENT

The Committee considers that new methods of funding and resourcing local governments must be explored. The Local Government Review Panel, established as part of Destination 2036, has been tasked with a range of responsibilities, including examining the financial sustainability of each local government area across NSW. This is a formidable task for the Panel to undertake, requiring a balancing act between the need for fiscal responsibility and the need to ensure that local governments are well resourced.

In undertaking this review of local government funding and practices, we have recommended that the Panel examine the approaches to local government funding and resourcing used in other Australian states and territories to determine if there is a more suitable and equitable approach to local government funding (Recommendation 26). This inter-jurisdictional comparison may also identify alternate approaches to the delivery of services and infrastructure to regional communities.

Further, in light of the evidence received to the inquiry regarding the impact of rate pegging on the ability of local councils to provide and maintain services and infrastructure, we have recommended that the Minister for Local Government review rate pegging (Recommendation 25).

We have encouraged local councils to continue to pursue collaborative approaches to local government, which allows for leveraging resources and capabilities to achieve better outcomes for communities. To support the development of these collaborative relationships, the Committee has recommended that the Minister for Local Government, as part of the Destination 2036 initiative, review and remove any impediments that prevent local governments from pursuing a collaborative approach, particularly in relation to joint applications for funding (Recommendation 29).

The Committee considers that the Victorian Regional Growth Fund is an initiative that would benefit regional development in NSW. We acknowledge that 30 per cent of the Restart NSW fund is dedicated to spending on regional infrastructure projects. We believe that, for the purpose of clarity, this funding should be quarantined into a separate fund, to be known as Restart Regional NSW. Accordingly, we have proposed in Recommendation 30 that the Treasurer, as the Minister responsible for the *Restart NSW Fund Act 2011*, seek an amendment to the Act to establish this separate fund, and give close consideration to the regional development model pursued in Victoria.

The Committee notes that while a number of Community Cabinet meetings have been held, none have been held in central and western NSW. The Committee considers it vitally important that communities in central and western NSW, and indeed in all regional areas of NSW, are able to engage with the Premier and Ministers. Recommendations 27 and 28 state that at least four regional Community Cabinet meetings should be held before November 2013, including at least one in central and western NSW, and that in conjunction with these regional Community Cabinets, meetings should also be held with local government representatives.

#### **Economic development**

Strong, diverse industries are critical to encourage the economic and social development of central and western NSW. The Committee acknowledges that there are a range of initiatives being pursued to promote economic growth, demonstrating the NSW Government's commitment to ensuring that central and western NSW is an attractive place for businesses to grow and operate.

The Committee notes that Government led initiatives, including the Jobs Action Plan, the Regional Industries Investment Fund and the Industry Action Plans, have only recently been implemented or are

This Is A Reprint Of A Scanned Image

---

LEGISLATIVE COUNCIL

Economic and social development in central western New South Wales

---

yet to be finalised. It is therefore difficult to determine their effectiveness in encouraging growth in the region. The Committee will monitor the outcomes of these initiatives with interest.

We note the detrimental impact that skills shortages can have on economic development, and consider that better support and cooperation across government, particularly in the areas of education, training and migration programs, will assist to overcome skills shortages in regional areas. We have recommended that a greater emphasis be placed on engaging local firms and people to undertake government contract work, improving employment opportunities in regional areas and assisting to address skills shortages (Recommendation 18). The Committee has also recommended that the NSW Government facilitate locally based purchasing by government businesses to provide a much needed economic stimulus for regional areas (Recommendation 19).

Several locations in central and western NSW have been identified as potential locations for food security precincts. Given the wide range of factors that must be considered, we believe that further exploration is needed to establish the viability of, and potential locations for, food security precincts. Recommendation 20 proposes that the Minister for Primary Industries refer to this Committee an inquiry into the feasibility of establishing food security precincts in NSW.

The Committee also strongly believes that the NSW Parliament has a critical role to play in promoting local industries and regions from across NSW. We recommend that the Regional Produce Showcases which have been previously held at NSW Parliament House should be re-established, and consideration be given to establishing other initiatives, to be held at NSW Parliament House, that promote regional areas and businesses (Recommendation 21).

The Committee acknowledges the efforts of communities to ensure their own economic sustainability, through initiatives such as the Cobar Enterprise Facilitation Program, the 'Big 10 Ideas to Grow the Central West' campaign, and the Team Harden action plan. Similarly, the Foundation for Regional Development, and in particular the Country and Regional Living Expo, provide an excellent opportunity to promote the benefits of regional living. Recommendation 22 suggests that the NSW Government provide financial assistance to such community led initiatives to allow the continuation of their work.

#### **Population growth and decline**

While some local government areas (LGAs) in central and western NSW have experienced population growth, a number of LGAs in the region have been experiencing population decline. Whilst a decade of drought and less-labour intensive agricultural practices have been the reason behind population decline for some areas, other areas have experienced growth following the development of other industries, most notably in mining. As agricultural conditions improve, the simultaneous growth of the mining sector will serve to increase the competitiveness of the jobs market, and further influence the movements of people throughout the region.

The Committee notes the interconnectedness of the factors that influence population growth and decline, and considers it essential that these factors are not looked at in isolation. Further, the complexity and unpredictability of these relationships, such as improvements in weather conditions and fluctuations in commodity prices, increases the difficulty of accurately predicting population growth or decline, which in turn affects decisions regarding the provision of government services.

High quality population forecasts are paramount to underpin decisions relating to the provision of government services, such as the number of hospital beds at local hospitals. However, many inquiry

This Is A Reprint Of A Scanned Image

---

STANDING COMMITTEE ON STATE DEVELOPMENT

participants criticised the accuracy of population forecast undertaken by the Department of Planning and Infrastructure. In order to improve the accuracy of population forecasts, the Committee has recommended that the Department of Planning and Infrastructure directly engage with local councils and other relevant bodies during the next round of regional population forecasting (Recommendation 1). We have also recommended that prior to the next round of regional population forecasting, the Department undertake research into the factors influencing population movements across central and western NSW, and that the results of this research be made publicly available (Recommendation 2).

Initiatives such as the Evocities program and the Regional Relocation Grant program assist to encourage people to relocate from metropolitan to regional areas of the State. Given the success of the Evocities program in encouraging people to relocate to regional centres, the Committee has recommended that the NSW Government should continue to support this initiative, potentially with the view to expanding the number of towns involved in the program to support the development of smaller regional centres (Recommendation 3). In regard to the Regional Relocations Grant program, Recommendation 4 proposes that the Minister for Finance and Services, as the Minister responsible for the *Regional Relocation (Home Buyers Grant) Act 2011*, should review the grant eligibility criteria, with a view to relaxing the eligibility criteria to make the grant more accessible and flexible.

#### **Health, education and cultural facilities**

The Committee considers that access to high quality health services is of critical importance for all residents of central and western NSW. While the development of health hubs at Bathurst, Dubbo and Orange has resulted in reduced availability of some services at smaller hospitals throughout the region, given the increasingly complex range of health services being provided to the community, it is in many ways inevitable that not all health services will be available at all hospitals in the region.

Nevertheless, the Committee believes that a minimum level of services should be available at hospitals in central and western NSW. In this regard, the Committee believes that the planned redevelopment and refurbishment of Parkes and Forbes District Hospitals will be of great benefit to the communities serviced by these hospitals. We encourage the Minister for Health to audit the infrastructure needs of other hospitals in the region, to ensure that health infrastructure is of a high standard.

The Committee acknowledges the challenges facing communities in central and western NSW in accessing aged care and allied health services. The lack of such services can place a significant financial and emotional burden on individuals and families in the region, which can exacerbate the difficulties of what are already stressful situations and discourage people from staying in or relocating to central and western NSW. We believe that the devolution of financial and staffing responsibility to Local Health Districts is a positive initiative that will allow Local Health Districts to be more responsive to local community needs and priorities by allocating resources to areas considered most important for the community (Recommendation 5).

The Royal Flying Doctor Service plays an essential role in delivering health services to residents throughout central and western NSW, and indeed across Australia. In order to assist the Royal Flying Doctor Service to provide the best possible service, we have recommended that the NSW Minister for Health complete negotiations with the Commonwealth Minister for Health as soon as possible to ensure that the Royal Flying Doctor Service – South Eastern Section is granted an exemption from section 19(2) of the *Health Insurance Act 1973 (Cth)*, which would enable the Service to claim Medicare rebates (Recommendation 6).

This Is A Reprint Of A Scanned Image

---

LEGISLATIVE COUNCIL

Economic and social development in central western New South Wales

---

The Committee considers that the provision of varied and accessible education opportunities is a key factor in encouraging the economic and social development of central and western NSW. We believe that the Clontarf Foundation is an excellent initiative to improve the engagement of young indigenous males in education, which will have significant positive flow on effects for the whole community. The Committee has recommended that the NSW Government commit annual funding to the Clontarf Foundation to allow for the continued roll-out of the Foundation's program in NSW (Recommendation 7).

Developing flexibility in delivery models for tertiary education to regional and rural communities will significantly broaden the opportunities to pursue tertiary education at any stage in life. To ensure that clear pathways exist for people in regional and rural areas wishing to pursue further education, the Committee believes that the NSW Department of Education and Training should review the educational opportunities available in regional NSW, including an examination of pathways to and between TAFE, university, or vocational training (Recommendation 8).

Cultural facilities play an essential role in supporting and building strong communities. However, the provision and maintenance of such facilities places a significant financial burden placed on local councils in supporting and maintaining these facilities. We have recommended that the NSW Government should conduct a further inquiry into funding models for sport and cultural facilities in regional NSW (Recommendation 9).

The Committee believes that it is critically important that communities in central and western NSW have access to fast and reliable telecommunications services, including access to metro-comparable internet services. We have recommended that the NSW Government support a high speed national broadband network, and proactively engage in the roll out to maximise the engagement of, and benefit to, regional and rural communities (Recommendation 10).

#### **Water resources**

Access to, and security of, water resources is of critical importance throughout central and western NSW. The Committee considers it crucially important that there be better communication between the State and Federal Governments about the management of water resources, and that the community is closely involved in the development of any water related plans or policies. This will enable a more equitable balance to be achieved between residential, industrial and environmental water needs.

The Country Towns Water Supply and Sewerage Program has greatly benefitted regional communities by allowing for improvements to be made to water and sewage infrastructure. Recommendation 23 proposes that the NSW Office of Water determine the extent of the backlog of projects yet to receive funding under the Program. Once this audit has been completed, additional funding should be allocated to allow the completion of all outstanding projects, and the impacted local councils advised of the timetable for completion of works.

In regard to another environmental issue, inquiry participants expressed concern over the time taken to prepare property vegetation plans under the *Native Vegetation Act 2003*. The Committee notes that the Minister for the Environment is currently undertaking a review of the Act. We have recommended that the Minister complete this review process as quickly as possible, and strongly consider implementing reforms which streamline the process for preparing and implementing a property vegetation plan, such as introducing a code of best practice for simple vegetation plans. Further, the Committee considers that the *Native Vegetation Act 2003* should incorporate within it a requirement that local socio-economic impacts be part of any assessment considerations (Recommendation 24).

This Is A Reprint Of A Scanned Image

STANDING COMMITTEE ON STATE DEVELOPMENT

## Summary of recommendations

- Recommendation 1** **23**  
That the Department of Planning and Infrastructure confirm its commitment to directly engage with local councils and other relevant stakeholders during the next round of regional population forecasting.
- Recommendation 2** **24**  
That the Department of Planning and Infrastructure undertake research, prior to the next round of regional population forecasting, into the factors influencing population movements across central and western NSW, and that the results of this research be made publicly available.
- Recommendation 3** **29**  
That the NSW Government continue to support the Evocities initiative, with a view to expanding the number of Evocities involved in the program and determining ways to establish a tiered approach to the program, whereby the development of smaller regional centres is also encouraged.
- Recommendation 4** **30**  
That the Minister for Finance and Services review the eligibility criteria for the Regional Relocations Grant program, with a view to making the grant more accessible and flexible.
- Recommendation 5** **35**  
That the Minister for Health provide Local Health Districts with financial authority to allow each District to allocate resources according to local priorities.
- Recommendation 6** **44**  
That the NSW Minister for Health endeavour to complete negotiations with the Commonwealth Minister for Health as soon as possible to ensure that the Royal Flying Doctor Service – South Eastern Section is granted an exemption from section 19(2) of the *Health Insurance Act 1973* (Cth), to enable the Royal Flying Doctor Service – South Eastern Section to claim Medicare rebates.
- Recommendation 7** **49**  
That the NSW Government commit annual funding to the Clontarf Foundation to allow for the roll-out of the Foundation's program in NSW.
- Recommendation 8** **52**  
That the NSW Department of Education and Training examine pathways to and between TAFE, university, or vocational training for rural and regional students.
- Recommendation 9** **57**  
That the NSW Government conduct a further inquiry into funding models for sport and cultural facilities in regional NSW.
- Recommendation 10** **61**  
That the NSW Government support a high speed national broadband network, and proactively engage in the roll out to maximise the engagement of, and benefit to, regional and rural communities.

Report 36 – May 2012 xix



This Is A Reprint Of A Scanned Image

---

LEGISLATIVE COUNCIL

Economic and social development in central western New South Wales

---

- Recommendation 11** 67  
That Transport for NSW provide a report to this Committee on the current status of the preservation of a transport corridor over the Blue Mountains, and give serious consideration to the construction of a dual lane expressway over the Blue Mountains as part of the NSW Long Term Transport Master Plan.
- Recommendation 12** 71  
That the Minister for Roads develop a planning schedule to complete the sealing of the Cobb and Silver City Highways as soon as practicable.
- Recommendation 13** 76  
That the NSW Government review the post-flood funding mechanisms for repairs to road infrastructure, with specific regard to allowing reasonable betterment works to be carried out.
- Recommendation 14** 79  
That Transport for NSW and Roads and Maritime Services collaborate with Regional Organisations of Councils and key stakeholders in the freight industry to develop a consistent methodology for the assessment and approval of permitted routes for high performance vehicles.
- Recommendation 15** 87  
That during the preparation of the Long Term Transport Master Plan, Transport for NSW closely consider ways to improve freight rail infrastructure in central and western NSW in order to facilitate freight access to sea ports, especially the Maldon to Dombarton rail line.
- Recommendation 16** 97  
That during the preparation of the NSW Long Term Transport Master Plan, Transport for NSW examine new approaches to the delivery of regional aviation services in NSW, including the subsidisation of targeted air routes, and the establishment of a 'hub and spoke' model to manage access to Sydney Airport.
- Recommendation 17** 104  
That the NSW Government undertake an analysis of the potential impact of the listing of the Menindee Lakes under the Ramsar Convention on Wetlands, by July 2013, and unless this analysis identifies significant detrimental impacts, that the NSW Government support the listing of the Menindee Lakes under the Convention.
- Recommendation 18** 109  
That the NSW Government explore the feasibility of requiring that consideration must be given to the employment of local workers to undertake government contract work in rural and regional areas.
- Recommendation 19** 116  
That the NSW Government facilitate locally based purchasing by government businesses in regional areas.
- Recommendation 20** 116  
That the Minister for Primary Industries refer to the NSW Legislative Council's Standing Committee on State Development an inquiry into the feasibility of establishing food security precincts in NSW.

This Is A Reprint Of A Scanned Image

---

STANDING COMMITTEE ON STATE DEVELOPMENT

- Recommendation 21** **117**  
 That the NSW Government, together with the Presiding Officers of the NSW Parliament, re-establish the Regional Produce Showcases at NSW Parliament House, and give consideration to establishing other initiatives that promote regional areas and businesses at NSW Parliament House.
- Recommendation 22** **119**  
 That the NSW Government provides financial assistance to community led initiatives, such as the Cobar Enterprise Facilitation project, the Foundation for Regional Development and Team Harden, which promote the economic and social development of communities in central and western NSW.
- Recommendation 23** **131**  
 That the NSW Office of Water:
- undertake an audit of projects yet to receive funding under the Country Towns Water Supply and Sewerage Program,
  - if necessary, allocate additional funding to the Program to allow the completion of all outstanding projects, and
  - advise the impacted local councils of the timetable for completion of works.
- Recommendation 24** **136**  
 That, in completing the review of the regulations for the *Native Vegetation Act 2003*, the Office of Environment and Heritage implements reforms which streamline the process for preparing and implementing a property vegetation plan, and that the *Native Vegetation Act 2003* incorporate within it a requirement that local socio-economic impacts be part of any assessment considerations.
- Recommendation 25** **153**  
 That the Minister for Local Government review rate pegging in light of the evidence received during this inquiry.
- Recommendation 26** **154**  
 That the Minister for Local Government request that the Local Government Review Panel undertake an inter-jurisdictional comparison of the approaches to local government funding and resourcing used in other Australian states and territories, including Victoria and Queensland.
- Recommendation 27** **157**  
 That the NSW Government hold at least four regional Community Cabinet meetings before November 2013, including at least one in central and western NSW.
- Recommendation 28** **158**  
 That in conjunction with the regional Community Cabinet meetings, the NSW Government meet separately with representatives of local government.
- Recommendation 29** **160**  
 That the Minister for Local Government, as part of the Destination 2036, initiative, review and remove any impediments that prevent local governments from pursuing a collaborative approach, particularly in relation to joint applications for funding.

This Is A Reprint Of A Scanned Image

LEGISLATIVE COUNCIL

Economic and social development in central western New South Wales

**Recommendation 30**

**166**

That the Treasurer seek an amendment to the *Restart NSW Fund Act 2011* to establish the Restart Regional NSW Fund, and give close consideration to the regional development model pursued in Victoria.

**BELLS LINE EXPRESSWAY GROUP**  
**16 April 2012**



**MINUTES OF THE BELLS LINE EXPRESSWAY GROUP MEETING HELD**  
**AT BATHURST REGIONAL COUNCIL, 16 APRIL 2012, 10 AM**

**PRESENT:** I Armstrong, I Macintosh, Cr G Westman, Cr N Castle, Cr P Thompson, Cr P Toole

**1. APOLOGIES**

Apologies were received from: Cr B West, Mr R Bailey, Cr B Kingham, Cr K Keith, Mr G Rush.

A **MOTION** was **MOVED** Cr G Westman and **SECONDED** Cr Cr N Castle that the apologies be accepted.

**2. PREVIOUS REPORT**

A **MOTION** was **MOVED** Cr P Toole and **SECONDED** Cr G Westman that the minutes of the meeting held 12 February 2012 be accepted.

**3. MATTERS ARISING**

A **MOTION** was **MOVED** I Armstrong **SECONDED** I Macintosh that a meeting with Minister for Transport has been sought by Local Member, Paul Toole.

Ian Armstrong advised that the Transport study into the Bells Line Corridor is now due in October 2012.

Ian Armstrong advised that the Long Term Planning meeting re: Transport Planning Forum is to be held in Orange 26 April 2012, 6pm.

A **MOTION** was **MOVED** I Armstrong **SECONDED** I Macintosh that the Minister for Western NSW Mr Kevin Humphries be invited to attend a meeting with BLEG group.

Ian Macintosh gave a report on the progress of the BLEG group which will be sent to appropriate departments and both State and Federal Politicians.

**4. CORRESPONDENCE**

Nil

**5. INVOICES FOR APPROVAL**

Nil

Chairperson  
Hon. Ian Armstrong OBE MP  
Secretary  
Bob Roach  
All correspondence to  
Bathurst Regional Council  
PMB 17 Bathurst 2795  
T 02 6333 6257  
F 02 6331 7211  
www.bellslineexpressway.com.au

Page 2

---

**6. FINANCIAL REPORT**

A MOTION was **MOVED** Cr G Westman and **SECONDED** Cr N Castle that the financial report as presented be adopted.

**7. GENERAL BUSINESS**

Nil

**8. COMMUNICATION PLAN**

There was no discussion on the Communication Plan.

**9. NEXT MEETING**

The next meeting will be held on 18 June 2012 at 10 am in Bathurst.

The meeting closed at 11:00am.



### **BELLS LINE EXPRESSWAY GROUP**

#### **Correspondence to 18 June 2012 meeting:**

#### **Correspondence In**

- Letter from Lithgow City Council dated 24 April 2012 advising details of Integrated Planning & Reporting Framework document for public exhibition and advise briefing sessions - submission close 25 May 2012.
- Letter from Transport for NSW received 10 May 2012 acknowledging receipt of submission to the NSW Long Term Transport Master Plan & Discussion Paper, & comments will be considered. Further opportunity to comment mid 2012. Final Plan to be released November 2012.

#### **Correspondence Out**

- Letter to Transport for NSW dated 17 April 2012 attaching submission paper to NSW Long Term Master Plan Discussion Paper Meeting held 26 April 2012 in relation to Bells Line Expressway.
- Mail merge to General Managers dated 18 April 2012 advising NSW Long Term Transport Master Plan Discussion Paper was released 24 February 2012 & will be discussed at Meeting 26 April 2012.
- Letter to Transport for NSW dated 27 April 2012 referring to discussion paper & forum for NSW Long Term Transport Master Plan held 26 April 2012. Submission for contribution to development of plan.

#### **Newspaper Articles**

- Bells Line option must replace 'stupid ideas'.
- Its time to get on the Bell road.
- Macintosh holds little hope for Bells funding.

Reference: IPR09-12

24 April 2012

Bells Lines Expressway Group,

C/- Bathurst Regional Council, PMB 17  
BATHURST NSW 2795

Dear Sir or Madam,

**RE: PUBLIC EXHIBITION OF INTEGRATED PLANNING AND REPORTING FRAMEWORK**

At its meeting held on 23 April 2012, Lithgow City Council resolved to adopt its Draft Integrated Planning and Reporting Framework for public exhibition for a period of 28 days concluding on Friday 25 May 2012.

The Integrated Planning and Reporting Framework has been developed following extensive consultation with the community and review of all internal strategic planning documents. The Framework consists of:

- Our Place...Our Future Community Strategic Plan 2025
- Our Place...Our Future Long Term Financial Plan 2012-2022
- Our Place...Our Future Strategic Asset Management Plan
- Our Place...Our Future Workforce Strategy 2012-2016
- Our Place...Our Future Draft Delivery Program 2012-2016 and Operations Plan 2012-2013 (former Management Plan)
- Our Place...Our Future Fees and Charges 2012-2013.

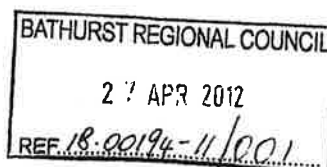
Copies of all of the Draft documents can be read at the Lithgow, Wallerawang and Bells Lines Expressway Group,

C/- Bathurst Regional Council, PMB 17  
BATHURST NSW 2795  
Portland libraries; and are available at the Council's Administration Centre or may be downloaded from Council's web site <http://www.lithgow.nsw.gov.au/integratedPlanning>

A series of briefing and open house sessions will also be held at the following places:

- CAPERTEE:** Thursday 26 April, 6pm Capertee Memorial Hall – IPR Briefing Session  
**HARTLEY:** Wednesday 2 May, 6pm Old Hartley Schoolhouse – IPR Briefing Session  
**PORTLAND:** Thursday 3 May, 2-5pm Portland Library – Open House Session  
**LITHGOW:** Friday 4 May, 10am-4pm – Lithgow Valley Shopping Centre – Open House Session  
**WALLERAWANG:** Tuesday 8 May, 10am-1pm Wallerawang Library – Open House Session  
**LITHGOW:** Friday 11 May 10am-6pm – Lithgow Library – Open House Session

DLSF



(02) 6354 9999  
 (02) 6351 4259  
[www.lithgow.nsw.gov.au](http://www.lithgow.nsw.gov.au)  
[council@lithgow.nsw.gov.au](mailto:council@lithgow.nsw.gov.au)  
 ADDRESS CORRESPONDENCE  
 TO GENERAL MANAGER  
 PO BOX 19, LITHGOW NSW 2790

In addition to the abovementioned sessions a **Youth Forum will be held at the Lithgow Council Chambers on Thursday 10 May 4-6pm** with the Lithgow Youth Council, local youth service providers and youth groups.

Written public submissions close on Friday 25 May at 4.30pm. Submissions may be sent to the General Manager, Lithgow City Council, PO Box 19, Lithgow 2790, or to [council@lithgow.nsw.gov.au](mailto:council@lithgow.nsw.gov.au), quoting reference number IPR09-12.

All feedback from these briefing sessions and written public submissions will be tabled with Council for consideration prior to making its final decision in June.

If you require additional information please do not hesitate to contact the undersigned on 6354 9921 or e-mail [deborah.mcgrath@lithgow.nsw.gov.au](mailto:deborah.mcgrath@lithgow.nsw.gov.au).

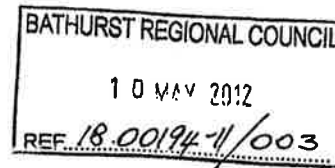
Yours sincerely



**Deborah McGrath**  
Corporate Strategy and Communications Officer



3



Mr Bob Roach  
Secretary  
Bells Line Expressway  
PMB 17  
Bathurst NSW 2795

Dear Mr Roach,

**Letter submission to the NSW Long Term Transport Master Plan and Discussion Paper**

Thank you for your submission responding to the NSW Long Term Transport Master Plan and Discussion Paper.

Your comments will be considered in the development of the draft NSW Long Term Transport Master Plan, to be released in mid 2012. There will be further opportunity to have your say on the draft Plan at that time. The final NSW Long Term Transport Master Plan will be released in November 2012.

We encourage you to continue to provide your feedback and access information about the NSW Long Term Transport Master Plan by visiting [www.transportmasterplan.nsw.gov.au](http://www.transportmasterplan.nsw.gov.au) or by contacting the NSW Long Term Transport Master Plan team on 02 8202 2611.

You can also join the conversation about the Plan by following us on Twitter @NSWMasterPlan.

Kind regards

Andy Taylor  
Project Director  
NSW Long Term Transport Master Plan team

DCSF



Sir/Madam  
Bells Line Expressway  
PMB 17  
Bathurst NSW 2795

Dear Sir/Madam ,

**Letter submission to the NSW Long Term Transport Master Plan and Discussion Paper**

Thank you for your submission responding to the NSW Long Term Transport Master Plan and Discussion Paper.

Your comments will be considered in the development of the draft NSW Long Term Transport Master Plan, to be released in mid 2012. There will be further opportunity to have your say on the draft Plan at that time. The final NSW Long Term Transport Master Plan will be released in November 2012.

We encourage you to continue to provide your feedback and access information about the NSW Long Term Transport Master Plan by visiting [www.transportmasterplan.nsw.gov.au](http://www.transportmasterplan.nsw.gov.au) or by contacting the NSW Long Term Transport Master Plan team on 02 8202 2611.

You can also join the conversation about the Plan by following us on Twitter @NSWMasterPlan.

Kind regards

A handwritten signature in cursive script that reads 'Andy Taylor'.

Andy Taylor  
Project Director  
NSW Long Term Transport Master Plan team

18.00194-10/036

17 April 2012

The NSW Long Term Transport master Plan Team  
Transport for NSW  
PO Box K659  
HAYMARKET NSW 1240

Dear Sir/Madam

**NSW Long Term Transport Master Plan Discussion Paper**

Please find attached a submission paper to the NSW Long Term Master Plan Discussion Paper meeting which will be held 26 April 2012 in Orange. This paper sets out the Bells Line Expressway Groups position in respect to this discussion paper.

If you require any further information please contact the Secretary for the Bells Line Expressway Group on 6333 6557.

Yours faithfully



R Roach  
**SECRETARY**



Chairperson  
Hon. Ian Armstrong OBE MP  
Secretary  
Bob Roach  
All correspondence to  
Bathurst Regional Council  
PMB 17 Bathurst 2795  
T 02 6333 6257  
F 02 6331 7211  
[www.bellslineexpressway.com.au](http://www.bellslineexpressway.com.au)



Submission to Transport for NSW

NSW Long Term  
Transport Master Plan

April 2012

## Background

Whilst the Bells Line Expressway Group (BLEG) was formed 14 years ago to promote the development of the Bells Line of Road (BLOR), it has always been mindful of the need for the development to compliment wider transport infrastructure needs of the State.

In order to maximise the economic return for a transport master plan it must include provisions for both people moving and freight transport. In this regard, in the past and should not be ignored in future planning decisions.

## The Past

Sixty years ago, the Australian Defence Force recognised the need for a second transport route over the Blue Mountains, and the US Army built the BLOR.

In the past forty years, successive State and Federal Governments built expressways north and south of Sydney (mostly) using new corridors and avoiding the Central Coast towns and Southern Highland villages, which in both cases already has access to passenger/commuter rail services to Sydney.

The result has been the significant growth in both these urban areas as well as tourist and business growth in the region, but also in the Hunter Valley and Canberra area.

Why then did the Government decide to develop the Great Western Highway (GWH) and not the BLOR?

There was of course already a commuter rail service and an alternate route capable of development.

This decision has resulted in:

- Severely limiting the economic growth of a potentially very productive area of NSW - the Central West - in both industrial and tourism terms.
- Probably the most expensive regional road building project in Australian history.
- Providing an urban commuter road (already served by rail) incapable of producing the corridor needed for a significant economic development either now or into the future.

The 70km of the GWH from the Nepean River to Lithgow is incapable of carrying B-Double Transports and has 32 traffic lights and 6 school zones. This would equate to 150 traffic lights on the freeway from Sydney to Canberra.

### The Future

Road transport will continue to underpin economic development across the country, in conjunction with rail, but will be particularly important for relatively short haul (up to 250km) and urban areas.

Fuel will become increasingly expensive and trucks and buses will meet this challenge by becoming bigger (B-Triple and Double Deckers) and fuel systems will change (electric/hydrogen etc).

There is also likely to be growth in small and medium sized delivery vans, due in part to "online" sales and home food delivery. Well built freeways, where vehicles can maintain a steady speed will play a role in reducing transport costs and contributing to economic efficiency.

### The Challenge

Recent state elections have shown that a political response based on popular, but poorly thought out projects often promoted by small political pressure groups are recognised as rubbish very quickly by vast majority of voters and no amount of spin and/or enquiries and reports will save stupid ideas.

In the case of BLOR, there is about 13 kilos of studies over the past decade costing many millions of dollars. Studies should now be replaced by thoughtful, practical leadership, and fast.

Finance will always be a problem and the challenge will be to allocate the available dollars, where the greatest long term economic dividend is likely to accrue. For example the BLOR may be a better bet than the North West rail link or the Pacific Highway and if this is the case the punters in the end will accept the decision if they are, on the whole, better off.

Alternative ways of financing infrastructure are well known, what is needed is a review, and understanding of the possible effects of modern technology (e.g. for collecting selective tolls) and long term options.

The other real challenge is to find ways of getting a better 'bang for the buck' when tendering and constructing infrastructure projects. There would appear to be plenty of evidence in other states and other counties are much more cost-efficient in this area than NSW.

### The BLOR

The case for the BLOR has been well made, well researched and very widely supported over the last decade and provided to all the relevant government authorities. In the interest of good time management there should be no need to review the case for the BLOR here.

The need to urgently reserve the complete corridor from the M7 to Marrangaroo with due consideration of the placement, for example, a second Sydney airport and/or other transport initiatives. The BLOR becomes more important given the Premiers efforts to return NSW to Australia's top economic contributor. This of course can only be done by increasing the economic performance of the whole of the state, not just Sydney.

Finally it is important to stress that no further money should be spent on the GWH because it will not improve or reduce the problems already apparent.

Secondly no upgrades should be undertaken on the BLOR, as the only construction money spent should be on the commencement of the freeway. Money on upgrade would in the medium/long term be wasted.

### Summary

BLEG applauds the governments move to establish a long term master plan, and recognises the challenge. We of course are keen to participate in providing productive support for this effort in the future.

18.00194-10/037



18 April 2012

David Sherley  
Bathurst Regional Council  
PMB 17  
Bathurst NSW 2795

Chairperson  
Hon. Ian Armstrong OBE MP  
Secretary  
Bob Roach

All correspondence to  
Bathurst Regional Council  
PMB 17 Bathurst 2795  
T 02 6333 6257  
F 02 6331 7211  
[www.bellslineexpressway.com.au](http://www.bellslineexpressway.com.au)

Dear David

**NSW Long Term Transport master Plan Discussion Paper**

BLEG have received advice that the NSW Long Term Transport master Plan Discussion Paper which was released 24 February 2012 will be discussed at a meeting to be held in Orange on the 26 April 2012, 6pm at Orange Civic Theatre, 135 Byng Street, Orange.

The convenor of BLEG encourages the support of your attendance at this very important meeting.

Please contact Maryann O'Shea on 6333 6257 or [maryann.oshea@bathurst.nsw.gov.au](mailto:maryann.oshea@bathurst.nsw.gov.au) to inform of your attendance or non-attendance.

Yours faithfully

R Roach  
SECRETARY



Council	GM	Address	Email
	David Sherley	PMB 17 Bathurst NSW 2785	<a href="mailto:david.sherley@bathurst.nsw.gov.au">david.sherley@bathurst.nsw.gov.au</a>
	Aaron Jones	PO Box 62 Blayney NSW 2799	<a href="mailto:GM@blayney.nsw.gov.au">GM@blayney.nsw.gov.au</a>
	David Philpott	PO Box 98, Boorowa NSW 2588	<a href="mailto:council@boorowa.nsw.gov.au">council@boorowa.nsw.gov.au</a>
	Graeme Fleming	PO Box 17 Molong NSW 2865	<a href="mailto:graeme.fleming@cabonne.nsw.gov.au">graeme.fleming@cabonne.nsw.gov.au</a>
	Paul Davery	PMB 342 Cowra NSW 2794	<a href="mailto:pdavery@cowra.nsw.gov.au">pdavery@cowra.nsw.gov.au</a>
	Carissa Bywater	PO Box 333 Forbes NSW 2871	<a href="mailto:carissab@forbes.nsw.gov.au">carissab@forbes.nsw.gov.au</a>
	Max Kershaw	PO Box 110 Harden NSW 2587	<a href="mailto:max.kershaw@harden.nsw.gov.au">max.kershaw@harden.nsw.gov.au</a>
	Roger Bailey	PO Box 18 Lithgow NSW 2790	<a href="mailto:roger.bailey@lithgow.nsw.gov.au">roger.bailey@lithgow.nsw.gov.au</a>
	George Cowan	PO Box 216 Condobolin NSW 2877	<a href="mailto:george.cowan@lachlan.nsw.gov.au">george.cowan@lachlan.nsw.gov.au</a>
	Bruce Fitzpatrick	PO Box 84 Oberon NSW 2787	<a href="mailto:fitzpatrickb@oberon.nsw.gov.au">fitzpatrickb@oberon.nsw.gov.au</a>
	Garry Styles	PO Box 35 Orange NSW 2800	<a href="mailto:gstyles@orange.nsw.gov.au">gstyles@orange.nsw.gov.au</a>
	Alan McCormack	PO Box 337 Parkes NSW 2870	<a href="mailto:alan.mccormack@parkes.nsw.gov.au">alan.mccormack@parkes.nsw.gov.au</a>
	John Bell	PO Box 10 Crockwell NSW 2583	<a href="mailto:jbell@crockwell.nsw.gov.au">jbell@crockwell.nsw.gov.au</a>
	Alan Dive	PO Box 62 Wellington NSW 2820	<a href="mailto:mdive@wellington.nsw.gov.au">mdive@wellington.nsw.gov.au</a>
	Trevor Lobb	PO Box 125 Grenfell NSW 2810	<a href="mailto:tlobb@Weddin.nsw.gov.au">tlobb@Weddin.nsw.gov.au</a>
	Peter Viatko	Locked Bag 5 Young NSW 2594	<a href="mailto:peter.viatko@young.nsw.gov.au">peter.viatko@young.nsw.gov.au</a>
	Tony Perry	PO Box 61 Blayney NSW 2799	<a href="mailto:tperry@ctw.nsw.gov.au">tperry@ctw.nsw.gov.au</a>

Records



18.00194-11/002

Civic Centre	Telephone 02 6333 6111
158 Russell Street	Facsimile 02 6331 7211
Private Mail Bag 17	council@bathurst.nsw.gov.au
Bathurst NSW 2795	www.bathurstregion.com.au

27 April 2012

The NSW Long Term Master Plan Team  
 Transport for NSW  
 PO Box K659  
 HAYMARKET NSW 1240

Dear Sir / Madam

**NSW Long Term Transport Master Plan**

I refer to the discussion paper and the forum held in the Central West on Thursday 26 April 2012, and welcome the opportunity to provide a submission for the contribution to the development of the above plan.

**1.0 Background**

The Bathurst Regional Local Government area is consistently one of the fastest growing inland centres in NSW with growth expected to continue at current rates (approximately 1% per annum). Improvements to transport links (e.g. Bells Line Expressway) would yield significantly higher growth rates (estimated up to 5% per annum). The city of Bathurst is well placed to support this growth, in particular it has a secure water supply for a population in excess of 60,000 persons.

Bathurst is the gateway to the central western area of NSW. Transport improvements within and to Bathurst will benefit not only the Bathurst population but also the wider region, particularly with respect to passenger and freight movements to the greater metropolitan area.

For these reasons the transport needs/gaps identified below are considered to be nationally significant in terms of the status of the central west as a population growth area and in terms of improving transport and freight movement from the central western areas of NSW to the ports.

Reference: DP/CB: 18.00194  
 Enquiries: Mr Doug Patterson 02 6333 6221

BATHURST REGION... FULL OF LIFE

Proud to be an **evocity**

2

The NSW Long Term Master Plan Team  
 Transport for NSW  
 27 April 2012

**2.0 Infrastructure Projects**

**a) Within the Bathurst Regional LGA**

Transport Need/Gap	Key Benefits
<p>Duplication of the Great Western Highway within the LGA, in particular from Raglan to Evans Bridge.</p> <p>The traffic modeling undertaken for the Southern Ring Road Study clearly identifies that this section of the highway will be gridlocked in the very near future.</p>	<ul style="list-style-type: none"> <li>• Improve road passenger and freight transport times through the city (to/from Sydney and to/from western NSW).</li> <li>• Required to link into a southern ring road route (see below) if it proceeds.</li> </ul>
<p>Construction of a heavy vehicle relief route (southern ring road) around the City of Bathurst for traffic passing through the city or accessing Bathurst's industrial parks on the Classified Road network.</p> <p>Identified as a transport need by the 1996 Bathurst Structure Plan and the 2007 Bathurst Region Urban Strategy.</p> <p>Council undertook a study to investigate the need for this road (Southern Ring Road Study). This study supports the need for this infrastructure.</p>	<ul style="list-style-type: none"> <li>• Improve road passenger and freight transport times through the city (to/from Sydney and to/from western NSW).</li> <li>• Improve road linkages to the industrial areas of Bathurst.</li> <li>• Support operations of the freight terminal in Kelso.</li> </ul>
<p>Reinstatement and expansion of the Timber Bridge Replacement Program including Local Road bridges.</p>	<ul style="list-style-type: none"> <li>• Address the increasing backlog of bridge replacements throughout the state resulting in safety concerns in the asset degradation.</li> </ul>

Reference: DP:CB: 18.00194  
 Enquiries: Mr Doug Patterson 02 6333 6221

3

The NSW Long Term Master Plan Team  
 Transport for NSW  
 27 April 2012

b) To / From the Bathurst Regional LGA

Transport Need/Gap	Key Benefits
Improvements to highways from Sydney to Dubbo under the Auslink Corridor Strategy and including the provision of the alternate Bells Line Expressway route including: <ul style="list-style-type: none"> <li>• The corridor for the Bells Line Expressway be secured in the immediate term</li> </ul>	<ul style="list-style-type: none"> <li>• See various studies undertaken on Bells Line Expressway.</li> <li>• Expressway will lead to significant population growth of Lithgow / Bathurst areas.</li> </ul>
Extend electric passenger train services to Bathurst.	<ul style="list-style-type: none"> <li>• Increase rail services between Bathurst and Sydney.</li> <li>• Improve rail passenger transport times to and from Sydney.</li> <li>• Reduce vehicle traffic and improve access into Blue Mountains and Sydney.</li> <li>• Increase commuter opportunities between Western Sydney and Bathurst.</li> </ul>
Upgrade of Western rail line including: <ul style="list-style-type: none"> <li>• Replacement of timber bridges</li> <li>• Replacement of rail bridge across the Macquarie River at Bathurst</li> <li>• Safety improvements on rail crossings - i.e. installation of crossing signals.</li> <li>• Improved gradients and straightening of line.</li> <li>• Replacement of rolling stock.</li> <li>• Upgrading of bridges between Bathurst and Parkes to cater for double stack containers</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce freight on highway.</li> <li>• Increase rail freight.</li> <li>• Improve rail freight and passenger transport times.</li> </ul>
Main Road 54 South – Completion of the sealing of the connection of Bathurst to Goulburn.	<ul style="list-style-type: none"> <li>• Improve road access to southern tablelands and Canberra.</li> </ul>
Maintaining the regional slots into Kingsford Smith Airport and support of air services to regional centre such as Bathurst.	<ul style="list-style-type: none"> <li>• Maintains the current essential access for business and tourism to the Central West.</li> </ul>

Reference: DP:CB: 18,00194  
 Enquiries: Mr Doug Patterson 02 6333 6221

4

The NSW Long Term Master Plan Team  
Transport for NSW  
27 April 2012

---

I trust the above is appropriate to the development of the long term plan and any queries can be made through Council's Director Engineering Services, Mr Doug Patterson.

Yours faithfully



David Sherley  
**GENERAL MANAGER**

---

Reference: DP:CB: 18.00194  
Enquiries: Mr Doug Patterson 02 6333 6221

**UPPER MACQUARIE COUNTY COUNCIL  
Minutes – 4 May 2012**

**Upper Macquarie County Council**

Minutes of the **Ordinary Meeting** of the Council held at the  
Council Chambers, Kelso, on  
**Friday 4 May 2012**

The Chairman declared the meeting open at 2.30 p.m.

**Attendance**

The following members were present –  
Councillor H K Fisher, Chairman and in the Chair  
Councillors  
J McMahon  
A Ewin  
C Hunter  
I North  
R Thompson  
N Francis  
G Braddon

The General Manager and Acting Chief Weeds Officer were also in attendance.

**Apologies**

There were no apologies.

**Confirmation of Minutes**

**Moved** Councillor North  
**Seconded** Councillor McMahon  
That the Minutes of the Ordinary Meeting of the Council held on 16 March  
2012, a copy of which had been provided to each Councillor prior to the  
meeting, be adopted.  
**Resolved in the affirmative**

**Matters arising from the Minutes**

There were no matters arising from the Minutes.

**Declaration of Interest**

**Moved** Councillor Braddon  
**Seconded** Councillor Ewin

**Certificate**  
This is page 1 of 3 pages of the Minutes of the March Ordinary Meeting of the Upper  
Macquarie County Council held at the Council Chambers, Kelso on Friday, 4 May  
2012.  
Chairman..... General Manager.....

That the Council note this matter.  
**Resolved in the affirmative**

**County Chairman’s report**

The Chairman reported orally that the Committee constituted to undertake the General Manager’s Performance Review had meet prior to the meeting and that a further report would be made to the next Ordinary meeting of the Council.

**Chief Weeds Officer’s Report**

**Moved** Councillor Braddon  
**Seconded** Councillor Ewin  
**That** the report of the Chief Weeds Officer be adopted.  
**Resolved in the affirmative**

**General Manager’s Report**

**Item A – Meeting dates**

The Councillors agreed that a meeting should be tentatively scheduled for first Friday in October and that no Ordinary meeting should be held in September.

**Item B – Quarterly review of Management Plan**

**Moved** Councillor Thompson.  
**Seconded** Councillor Braddon.  
**That** the Council adopt the General Manager’s review of the Management Plan for the quarter ended 31 March 2012.  
**Resolved in the affirmative**

**Item C – Budget Review Statement**

**Moved** Councillor Thompson.  
**Seconded** Councillor Francis.  
**That** the Council adopt the General Manager’s Budget Review Statement and report for the quarter ended 31 March 2012.  
**Resolved in the affirmative**

**Item D – Integrated Planning and Reporting Framework**

**Moved** Councillor Braddon.  
**Seconded** Councillor North.  
**That** the draft Business Activity Strategic Plan (including the Resourcing Strategy), the Delivery Program, and the Operational Plan be placed on public

**Certificate**

This is page 2 of 3 pages of the Minutes of the March Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 4 May 2012.

Chairman..... General Manager.....

exhibition with a view to being further considered by the Council at its Ordinary Meeting on 15 June 2012.

**Resolved in the affirmative**

**Item E – Notices under Sections 18 and 18A, Noxious Weeds Act 1993**

The General Manager informed the Council that the schedule mentioned in the report was incomplete and that a further report on this matter would be made to the June Ordinary meeting.

**Item F – Noxious weed declarations.**

The General Manager informed the Council that this matter was for information only.

The General Manager also informed the Council that since the report had been prepared an unsigned form letter had been received from the office of The Hon. Katrina Hodgkinson, M.P., Minister for Primary Industries, advising that the Minister had referred the Council’s letter to the Department of Primary Industries for response.

**Item G –Investments and available funds**

The General Manager informed the Council that this item was for information only.

**Item I – Correspondence**

The General Manager informed the Council that this item was for information only.

**Moved** Councillor Braddon.  
**Seconded** Councillor Thompson  
**That** the report of the General Manager be adopted.  
**Resolved in the affirmative**

**General Business**

There was no General Business.

The Chairman declared the meeting closed at 2:43 p.m.

<p><b>Certificate</b>                  This is page 3 of 3 pages of the Minutes of the March Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 4 May 2012.</p> <p>Chairman..... General Manager.....</p>
--



**CANOBOLAS ZONE BUSHFIRE MANAGEMENT COMMITTEE  
Minutes – 24 May 2012**

This is A Reprint Of A Scanned Image

**MINUTES OF THE MEETING OF THE CANOBOLAS ZONE BUSHFIRE  
MANAGEMENT COMMITTEE HELD AT THE CANOBOLAS ZONE FIRE  
CONTROL CENTRE, FOREST ROAD, ORANGE ON 24th May 2012, AT  
1:30PM.**

MEETING OPENED at 1:35pm with a welcome by Chairperson, Peter Wright.

**ATTENDANCE**

Jon Guyver (CL), Gavin Jeffries (Forests NSW), Dan Kirby (Forest NSW), Craig Tribolet (Forests NSW), David Driver (NSWPF), Bruce Noble (NSWRFS), Lachie MacSmith (Cabonne Council), Rob Staples (Cabonne Council), Grant Baker (Blayney Council), Colin Somerset (LHPA), John Sturgeon (NSWRFS), Kim Masters (NSWRFS), Doug Mewburn (NSWRFS), Arthur Sharp (NSWRFS), Brett Bowden (NSWRFS), Kel Gardner (OCC), Christen Henriksen (ARTC), Geoff Selwood (NSWRFS), Peter Wright (Chair), David Jones (Executive Officer), Simon Cury (NSWRFS).

**APOLOGIES**

Apologies for absence were received from:  
Cilla Kinross, Alan Ewin, Tim Long, Peter Myler.

*Resolved* that the apologies be accepted.  
(Doug Mewburn/John Sturgeon)

**CONFIRMATION OF THE MINUTES OF THE MEETING OF THE  
CANOBOLAS ZONE BUSHFIRE MANAGEMENT COMMITTEE HELD ON  
8<sup>th</sup> November 2011.**

*Resolved* That the minutes of the Canobolas Zone Bushfire Management Committee held on 8<sup>th</sup> November 2011 (copies of which were previously circulated to all Members) be confirmed as a true and accurate record of the meeting.  
(Bruce Noble/Gavin Jeffries)

**Business Arising:**

1. Bruce Noble queried progress to date on Roadside Spraying and Chemical Mowing  
David Jones advised sub-committee had not met following extensive discussions with Michael Phelan from NuFarm Chemicals. Would need to use a growth inhibitor similar to that used on golf courses.  
Application needs to be done every month. Cost would be for 1km by 1m \$2000.
2. No reply yet received re Communication Tower Costs.

**Correspondence.**

Items of correspondence received were tabled:

BLAYNEY SHIRE COUNCIL	17 July 2012	Doc. No.	Verified:	Disp. GA39:	Sent.
--------------------------	--------------	----------	-----------	----------------	-------

DataWorks Document Number: 347999

This Is A Reprint Of A Scanned Image

- A. Advice from Sara MacKay, Manager Grants and Coordination Programmes dated 22 May 2012 outlining procedures for Bush Fire Risk mitigation and resilience Grants Programmes for 12-13,
- B. Advice from Brian Goodes ESM of BFCC advising Regional Contacts for Wine Industry dated 9 November 2011

John Guyver asked if there was a correspondence received register. A register will now be set up to include e-mails. Discretion will be exercised as to the level of information recorded and which e-mails are included.

**Resolved** that the correspondence be received.  
(Brett Bowden/Doug Mewburn)

**Bush Fire Danger Period for Canobolas Zone.**

**Resolved** that the BFMC endorse the removal of the Permanent Variation of the Bush Fire Danger Period.  
(Brett Bowden/Gavin Jeffries)

**Hazard Reduction Status for 2011/2012.**

**Resolved** that the summary of hazard reduction activities completed for 2011/2012 by the agencies be noted by the Committee.  
(Grant Baker/John Sturgeon)

**Post Season Briefing and Sec 44 Incident Controllers.**

**Resolved** that the report on the Post Season Briefing held by the NSWRFs in Dubbo 28-29 March 2012 be noted.  
(Craig Tribolet/Kim Masters)

**Hazard Reduction Funding for 2011/2012.**

**Resolved** that the report on Hazard Reduction Funding be noted.  
(Arthur Sharp/John Sturgeon)

**Fire Trail Signage.**

**Resolved** that the report be noted.  
(Arthur Sharp/Craig Tribolet)

**Review of Bush Fire Risk Management Plan.**

**Resolved** that the report presented be noted.  
(Dug Mewburn/Jon Guyver).

**Fire Trail Register.**

**Resolved** that the report be noted.  
(Brett Bowden/Kim Masters).

This Is A Reprint Of A Scanned Image

**General Business.**

1. Bruce Noble raised the ongoing issue of charges by Essential Energy (formerly Country Energy). A letter has been issued by the Emergency Services Minister expressing a need for Essential Energy to support Emergency Services and not charge for use of towers. Essential Energy is ignoring this and refuses to sign any Memorandums of Understanding.
2. Forests NSW tabled their report.
3. Crown Lands tabled their report.
4. NPWS advised by e-mail:
  1. No hazard reduction burns carried out because of the wet conditions.
  2. Carried out mowing/ slashing at Yuranigh's Grave, Mt Canobolas & Borenore on a regular basis.
  3. Ongoing Trail maintenance at Mullion, Girralang and Mt Canobolas.
  4. Conducted APZ preparations at Mt Canobolas and Borenore with temp fire crews.
5. Gavin Jeffries outlined the changes to Forests NSW and their corporatisation.
6. Christen Henriksen formerly of ARTC but know of John Holland advised that John Holland has taken over control of a number of railway lines. She has/will provide maps of lines affected. Hazard Reduction will continue similar to before. Little will change. John Holland is in the process of setting up a Community relations Department and this will be the first point of contact for queries.
7. John Guyver from Crown Lands tabled a report of hazard reduction planned and completed.

**Meeting Closed 3.10pm.**

DataWorks Document Number: 347999

**LACHLAN REGIONAL TRANSPORT COMMITTEE  
Minutes – 24 May 2012**

**Minutes of the LRTC Meeting 26 May 2012 at Dubbo**

The meeting was opened at 10.05am by President Russell Holden.

**Attendance:** 25 people attended; names as per attendance sheet.

**Apologies:** Troy Grant, Brian Williamson, George Schurr, Paul Travaskis, Geoff Braddon, Ian Gray, Noelene Milliken, Kevin Smith, Garnet Jones, Daniel Myles, Glen Sherlock, Peter Francis, Ken Trethewey, Pascale Stendell, Juliette Palmer/Frederick, Bede Ryan, John DeBritt, Wallace Devlin, Chris Piel, John Slobbe, Stuart Freudenstein, Doug Palmer, Judith Hannan, Rex Lewis, David Hyde, Kevin Thrupp, Jan Kenworthy, Mike Sweeney, Marcia Church.

**Minutes of the previous meeting** were moved by D Lawrence and seconded by D Hughes as a true and accurate recording of events. **Carried.**

**Business arising from the minutes:**

**Central West XPT (M Simpson):** The daily Central West XPT is poorly timetabled and does give central western passengers the opportunity to make a day trip to the metropolitan area.

Moved M Simpson seconded by Eleanor Gibbs that the LRTC form a sub-committee to investigate better transport options for rail passengers seeking day return access to Sydney, Dubbo, Orange, Bathurst and Lithgow Councils must be involved. Representatives to be selected by next LRTC meeting. **Carried.**

**Correspondence:** All correspondence was tabled and circulated. Moved H Mansfield seconded Eleanor Gibbs that correspondence be received and acted on as read. **Carried.**

**Treasurer's Report:** Moved H Mansfield seconded D Lawrence that the Treasurer's Report be received and accounts passed for payment. **Carried.**

**Member Councils and Other Reports:**

- 1. Cowra (W West):** Cowra Council supports investigation into the completion of the Maldon-Dombarton rail line and sees it strengthening regional the viability of regional rail routes.

Cowra Council is still pursuing development of the Cowra Airport precinct.

An alternate route over the Blue Mountains should be pursued as a regional issue.

Cowra Council supports the development of the link from Yass, through Cowra to the Newell and Mitchell Highways as a road of regional significance.

Cowra Council continues to investigate an alternate heavy vehicle route at Cowra.

- 2. Waddin (M Simpson):** The revival of the Blayney – Demondrille rail line is a pressing matter that is taking up most of the time of the five Councils on the rail taskforce.

There is concern that the huge concentration of grain truck movements in the Greenethorpe area is leading to the destruction of the once very good local road network.

- 3. Blayney (D Bell):** The Sealink siding just east of Blayney opened on Friday 25 May. The new facility will handle an increased freight task by 2014. Currently two container and three Cadia gold trains service Blayney each week. This will increase to five gold trains by 2014 plus an increased number of intermodal movements.

A new iron ore mine at Trunkey will further increase freight movements but detailed tonnage figures are unknown at present.

<b>BLAYNEY SHIRE COUNCIL</b>
20 JUN 2012
<b>Doc. No.</b>
<b>Verified:</b>
<b>Disp. GA39:</b>
<b>Sent.</b>

This Is A Reprint Of A Scanned Image

4. **Dubbo (J Smith):** Mining development in the Dubbo area is likely to increase. Alkane Exploration is proactive and developing with rare earths to be mined at Toongi and gold at Tomingley. Dubbo has similar concerns to Mudgee with major mining developments competing with traditional farming. There is a need to continue funding development of the Newell Highway. Doubling of the route by 2020 is a challenge as is the need to balance the higher productivity achieved by increasing mass limits of vehicles against road funding and safety issues. A request to run B-triples between Dubbo and Bourke has been received. Dubbo Council is looking at its arterial road network and the challenge of allowing road train movements in an urban area. Dubbo is already seen as a truck friendly community. This is a positive for Dubbo Council. There must be a realistic approach from other levels of government regarding road funding. The Bells Line of Road or an alternative route over the Blue Mountains needs to be on the state and federal agenda. The Newell Highway and linking roads are being neglected at the expense of other routes such as the Pacific Highway. Fletchers Internal Exports intermodal terminal has expanded to carry loaded containers. The proposed Cobbora Coal project located 22 kilometres west of Dunedoo is likely to focus infrastructure pressure on Dubbo rather than Mudgee. Planning requirement in conjunction with development from this project is already under consideration by Dubbo Council.
5. **Young (J Drum):** Re-opening of the Blayney – Demondrille line is a priority. Grain from Koorawatha/Greencethorpe channelling through Young is putting pressure on roads. Continuation of Road to Recovery funding will make a major difference. Significant flood damage to roads in the area occurred in March. Disaster funding is available. Community transport – Good access is required to medical services in Canberra and Sydney. Young and Boorowa are experiencing access problems. Magnesite ore from Thuddungra is transferred to Young for processing. The mine pays road damage compensation to Young Council. Young Council believes the very fast train project should be a priority.
6. **Cabonne (R Staples):** The recent transport forum held in Orange was not helpful. There was no regional integration just proposals for individual projects. Not enough forward thinking.
7. **Parkes Shire (J Magil):** Transport forum gave support for north-south rail line through Parkes. The federal government has already shown support for this project. SCT Logistic operates one 1.8km long train west of Parkes each week. The train uses dedicated locomotives and rolling stock. Distribution is carried out from Parkes. The condition of the Newell Highway is a concern. \$18m spent north of Parkes in recent years is not nearly enough to ensure the good condition of the road.

This is A Reprint Of A Scanned Image

Rail lines – Weed eradication within the rail corridor is a concern.

Paddock to Port – the need for transport uniformity is essential for the efficient movement of freight. There is no uniformity regarding the use of B-doubles in shires west of the Newell Highway. Decision making is piecemeal. There is a need to identify strategic transport corridors and clearly state what should be B-double and B-triple routes. Restricted access vehicles are restricted to certain routes because they have safety issues and cause road damage other vehicles don't. Trucks theoretically pay their way through taxes but not all taxes collected go back to roads.

The debate regarding road access for high productivity vehicles continued for some time. The discussion concluded with the following statement from Chris Sutherland of Cootamundra; "Until the State Transport Master plan is in place there is no point in making recommendations that cannot be implemented". Lobby the state government to implement the Master Plan which outlines the direction future road transport decision makers must follow.

Air service: It is essential that slots are available for regional operators at Mascot. This is a political decision and pressure must be maintained.

North Parkes Mine: Improvements at the mine are likely to produce a fivefold productivity increase. The mine is a good corporate citizen that directly supports road maintenance.

8. **Blue Mountains (E Gibbs):** Submissions are open into the Metropolitan transport study. Linkages of the regions into the metropolitan area are non-existent.

The Blue Mountains Transport Strategy is now in place. This is a community led project.

Blue Mountains is concerned that passenger services are no longer part of the metropolitan rail network. Will there be a drop in service now that they have become part of the country rail network?

Blue Mountains has a 19 tonne limit on road vehicles. Road accidents are an emotive issue. An increase in the size of trucks operating over the Blue Mountains is not likely.

The creation of a dedicated truck stop between Penrith and Lithgow is under consideration.

9. **Mid Western (R Holden):** Aeropelican is now flying three daily return flights Sydney/Mudgee. Council is looking at airport development and the introduction of landing fees. Council's initial \$120,000 incentive to Aeropelican has been well spent. Visiting medical services have returned to Mudgee.

There is great concern with the increase of mine traffic is doing to roads in Mid Western Shire. There are now three operational mines and seven potential new mines in the area. The Golden Highway is now busier than the Newell because of mine traffic. Upkeep of the road is expected to be \$37m over the next 20 years. Why should Council pay for infrastructure that subsidises private companies? This is one road with a problem but is only one of many. The debate is likely to end in the Land and Environment Court.

10. **Port Kembla Port Corporation (D Figliomeni):** The Port Kembla Outer Harbour reclamation is almost complete.

This Is A Reprint Of A Scanned Image

Port Kembla Port Corporation's submission to the NSW Long Term Transport Master Plan submission is complete. The critical concern is the capacity of the metropolitan rail network to cope with the expected increasing freight task and to integrate these movements with passenger priorities and the morning and evening freight curfew.

Strategic use of regional rail lines is essential. Coal transported through Port Kembla is expected to double by 2018. There is a 5-6 year window to solve the transport issues. Major transport problems will arise after this date if nothing is done.

Freight is a strategic priority. The Port Kembla rail master plan has been completed. It identifies the Maldon – Dombarton line as essential infrastructure. Increasing rail freight over the Blue Mountains and through the Sydney metropolitan area just won't happen. There must be a plan in place to use regional rail lines.

Port Kembla Port Corporation is ensuring that grain still has access to the port facilities. There is equal access for coal and grain with ARG, El Zorro and Pacific National all running grain into the port.

A reopened Blayney –Demondrille line is part of a regional solution.

**11. Centroc (M Simpson):** Centroc is now taking into account regional rail as an option when considering strategic traffic solutions for the central west.

**12. LRTC Website (M Simpson):** Mo tabled a hard copy of the first page of the website. Details of subsequent pages are still being developed. A mission statement and brief history of the LRTC is still required as are suitable photographs for inclusion. The web address is: [www.lrtc.com.au](http://www.lrtc.com.au). The site is being developed by Michael Yates of Grenfell. There is a one off development fee of \$1,500 and a service fee of \$55 per month for two years. All changes to the site will be input by Michael Yates from input received through the secretary.

Moved D Lawrence and seconded by H Mansfield that the construction of the LRTC website continue and that the site be funded for a period of two years as outlined. **Carried.**

**General Business:**

**Great Western Highway – Upgrade (Eleanor Gibbs):** Reed Constructions, the company upgrading the Woodford – Hazelgrove section of the Highway is in dispute with the state government and has ceased work. Other sections of work are proceeding well.

There is great concern that Infrastructure NSW is not concentrating on anywhere outside the Sydney metropolitan area.

There is significant local opposition to a Blue Mountains Expressway. The Great Western Highway is both the Blue Mountains main suburban road and an arterial corridor. This is a recognised conflict. There is particularly strong opposition to the movement of B-double trucks and no assurance of the increased safety of these vehicles will offset community concern.

This Is A Reprint Of A Scanned Image

Blue Mountains Council strongly supports completion of the Maldon-Dombarton rail line and the Parkes intermodal terminal as positive ways to decrease road traffic away from the Blue Mountains.

Freight on rail is unanimously supported within Council and the community.

There is no consensus or support for the use of the Bells Line of Road as an alternate heavy traffic corridor. Blue Mountains Council is awaiting an update on the road from Roads and Maritime Services. The only agreement is that there should be a safety upgrade. There is significant opposition to the Bells Line of Road Expressway concept. This opposition is growing. Corridor reserves and environmental concerns are more important to local residents than taking stress off the Great Western Highway. Rail is seen as the answer to heavy freight concerns.

**Alkane Resources (Michael Sutherland):** Michael Sutherland Alkane's NSW Manager gave an overview of projects underway in the central west.

**Tomingley Gold Project:** Hoping for development approval later this year with an opening in 12 to 13 months.

**Dubbo Zirconia Project:** The lifespan of this project is expected to be 80 years with an initial establishment cost of \$890,000. When operational it is anticipated that there will be one train in and one train out of the mine six days per week. A total of 500,000 tonnes of reagents will be required each year to assist in processing. 350,000 tonnes of reagent will be moved by rail and the remainder by road. All rail movements will be via Newcastle.

**Max Duffey** commented that in the event of the Port of Newcastle doubling its coal loading capacity in the near future, some container traffic will not be handled due to the fact that Newcastle is a coal handling port, hence coal gets first preference. There could be an alternate route by using the Dubbo, Molong, Blayney, Cowra, Harden, Moss Vale or Maldon/Dombarton route to Port Kembla.

There could be other mines operating on that line, plus there are two wheat handling facilities situated on the line. Michael Sutherland advised that this had not been considered as it would cost an additional \$50 million to open the long disused line.

**Roads to Recovery Funding:** The meeting noted with satisfaction the decision by the Federal Department of Infrastructure and Transport to extend the Roads to Recovery Program to 2018-19. Moved W West and seconded M Simpson that LRTC write to the Department of Infrastructure and Transport congratulating them on the decision to extend funding the program. **Carried.**

**Narranderra – Tocumwal Rail Line reopening:** Report tabled.

**Proposed Gold and Copper Mine at Arthurville:** Report from the floor. Under geological assessment.

**Condolences:** The meeting acknowledged with sadness the passing of LRTC supporters Mike Allan, Cr. John Neville of Dubbo and Mrs Merle Simpson of Grenfell. Moved M Duffey and seconded J Drum that their support of the organisation be recorded and condolences be extended to family members. **Carried.**

**Next meeting to be held in Katoomba on 11 August. (CONFIRMED.)**

Meeting closed: 12.22pm



**Canobolas Zone Liaison Committee  
Minutes – 24 May 2012**



---

**MEETING REPORT**

---

**File No:** BFM003

**Canobolas Zone Liaison Committee Meeting**

**Date:** Thursday 24<sup>th</sup> May 2012

**Venue:** Canobolas Zone FCC, Orange

**Welcome:**

The meeting commenced at 7.40 pm following supper. Chairman Peter Wright welcomed all members to the meeting.

**Attendance:**

Peter Wright, David Cullane John Kjoller, Brett Bowden, Kel Gardiner, Arthur Sharp, Tom Nolles, Rob Staples, Tim Long, Allan Ewin, Ray Nash, Denis Woodford, Barry Baker, John Sturgeon, David Jones

**Apologies:**

Bob Stanbridge, Grant Baker, Peter Davis, Peter Johnstone, Ian Gosper, Nils Waite.  
Resolved that the apologies be accepted.  
(David Cullane/Kel Gardiner)

**Minutes of the Canobolas Zone Liaison Committee Meeting held 8<sup>th</sup> February 2012.**

Resolved that the minutes of the previous meeting held 8<sup>th</sup> February 2012 be confirmed as a true and correct record of the meeting.  
(David Cullane/John Sturgeon)

**Business Arising from Previous Meetings Minutes.**

Nil

**ZONE MANAGERS REPORT**

**ITEM 1**

**1 July 2011 to 31 March 2012 SLA.**

Resolved that the report be noted.  
(Tom Nolles/Kel Gardiner)

<b>BLAYNEY SHIRE COUNCIL</b>
7 5 JUN 2012
<b>Doc. No.</b>
<b>Verified:</b>
<b>Disp. GA39:</b>
<b>Sent.</b>

This Is A Reprint Of A Scanned Image

**ITEM 2****Financial report for Canobolas Zone.**

The Canobolas Zone Financial Report for the period 1/7/2011 to 15/5/2012 was tabled.

Resolved that the report be noted.

*(Ray Nash/David Cullaine)*

**ITEM 3****Hazard Reduction for 2011/2012.**

A summary of hazard reduction works was included as part of the business paper.

Resolved that the report be noted.

*(Kel Gardiner/Brett Bowden)*

**ITEM 4****Station Build Report.**

A station build report was provided as part of the business paper.

Resolved that the report be noted.

*(Brett Bowden/John Kjoller)*

**ITEM 5****Canobolas Zone website.**

The report included in the business paper was noted

*(Tim Long/Arthur Sharp).*

**ITEM 6****Realigned Staffing Structure.**

The report included in the business paper was noted

*(Tom Nolles/Ray Nash).*

**ITEMS 7 & 8****Infrastructure and Assets and Operational Services Combined Report.**

Arthur Sharp and Brett Bowden tabled a combined report.

The report was noted.

*(Kel Gardiner/Tim Long).*

**ITEMS 9****Membership Services Report.**

In the absence of Nils Waite David Jones tabled the report prepared by Nils.

The report was noted.

*(Kel Gardiner/Tim Long).*

**ITEM 10****Recommendations from Senior Management Team.**

Brett Bowden outlined the recommendation from the Senior Management Team that the Canobolas Zone write to Orange City Council asking for the provision of water points in the proposed Macquarie Pipeline (should it go ahead).

This was endorsed by the Liaison Committee.

*(Brett Bowden/David Cullane)*

**There being no further business the meeting closed 2054hrs.**