



Mr John Turner  
Chairperson  
Local Government Acts Taskforce  
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25 June 2013

Dear Mr Turner

### **Submission- A New Local Government Act for NSW**

Southern Sydney Regional Organisation of Councils (SSROC) is an association of sixteen Councils formed for mutual benefit through collaboration and cooperation. Collectively, the group extends across an area covering more than 600 square kilometres, with a population in excess of 1.6 million people. Member Councils deliver and maintain in excess of \$20 billion of local infrastructure and other assets. Key state and national infrastructure is located within our geographical area, including the City of Sydney, Sydney Airport, Port Botany, the M4 and M5 as well as major health (Prince of Wales hospital) and education centres (University of NSW and UTS). The SSROC region forms a critical part of the economy of the state and the nation.

This submission will not attempt to make particular comment on the many and varied sections of the proposed legislation as member Councils have a wide range of views with respect to the content, and many will make their own submissions. Therefore SSROC's submission will focus on two issues only. One relates to the need for a legislative framework that facilitates improved regional collaboration for the benefit of Councils and their communities across NSW; and the other the need to ensure integration with other legislation, specifically the proposed planning legislation.

#### **Lack of Recognition of Regional Entities.**

SSROC is concerned that the Task Force has not suggested any new framework for regional entities, be they regional organisations of Councils or some other body. The discussion paper does not appear even to consider how an improved approach to regional collaboration can be achieved.

SSROC has previously promoted the idea that its current structure works well and should be used as a model with the following legislative changes:

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- Inclusion of “gateway” provision in the Associations Act which allows the scope for the “carve out” of ROCs to remove restrictions against trading or securing pecuniary gain for its members;
- LGA amendments to allow ROCs to call and award tenders and to apply and receive grants; and
- Removal of limitations to incorporate.

However, as SSROC has suggested to the Independent Local Government Review Panel, based on the Gooding Davies paper “Options to Enhance Regional Collaboration amongst Councils in NSW: the Role of Regional Organisations of Councils” and SSROC’s experiences, it is apparent that neither the current structure of ROCs, nor their existing capacities, would be appropriate to deliver the outcomes required. SSROC believes that one option could involve taking the best from the options for regional collaboration highlighted in Gooding’s paper.

Accordingly SSROC wishes to convey to the Task Force a proposal that has been submitted to the ILGRP, and the Minister for Local Government, which SSROC believes should be included in legislation to strengthen regional collaboration for the benefit of NSW Councils.

The proposal closely reflects the Council of Mayors model described by Gooding and Davies with some important amendments including the option to include commercial /technical experts on the Council of Mayors and on the general managers’ group as advisors. There is also the clear distinction made between an advocacy arm of the regional organisation and the shared services/commercial operations arm. It is also highlighted that a mechanism is required to allow the Board to agree to operate trading concerns without restrictive covenants.

The proposed model builds on the outstanding success of SSROC despite the lack of a facilitative structure and the legal impediments. The model proposed builds on this success without pushing towards a consolidation solution, which at best has questionable benefits. SSROC believes the proposal can raise the strategic capacity of local government across NSW. Full details of the proposal are shown in the attachment are shown in the attachment “Submission on Future Directions for NSW Local Government Consultation Paper.”

### **Integration with other Proposed legislation**

Generally the New Act needs to reflect the outcome of the reform process currently under way involving the Independent Local Government Review Panel and the NSW Planning White Paper. The Task Force acknowledges this in a number of sections. But would it not have been prudent to base the new Act on the results of those reviews to avoid any potential conflict? For example proposal 3.1.2 indicates that one of the principles to be observed by local government is to:

*“facilitate sustainable, responsible management, development, protection and conservation of the natural and built environment”.*

Despite this being a justifiable principle how does it sit with the various components proposed in the White Paper including the concept of sub regional delivery plans? It may or may not still be a valid principle but it is likely that the outcomes of the White Paper will have an influence on what the role of Councils will have in delivering on this principle.

SSROC thanks the Local Government Acts Taskforce the opportunity for make this submission and looks forward to a final outcome where all local government legislation has a common focus, in addition to creating strong regional entities that can assist NSW Councils achieve efficiency and effectiveness gains for their communities.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Alan Northey', with a large, sweeping underline.

Alan Northey  
General Manager