

2019-2020 State Budget – NSW Local Government Priorities

May 2019

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Opening

Local Government NSW (LGNSW) is the peak body representing councils in NSW. We support, promote and advocate for our members, empowering them to build strong, liveable communities.

LGNSW welcomes the opportunity to make this submission to the 2019-20 NSW Budget.

In doing so, we congratulate the NSW Government on its re-election in March and we look forward to working together over the next four years to deliver the local infrastructure and services that are so essential to NSW's economic prosperity and to the wellbeing of our communities.

Background

Local government is one of the biggest sectors in the NSW economy. It contributes by:

- Spending around \$12 billion each year
- Maintaining and upgrading infrastructure and land assets worth \$142 billion
- Employing more than 50,000 people, with many of these jobs in rural and regional NSW, where councils are often the single largest employer and underpin the local economy

Councils are the sphere of government closest to the community and they play an integral role in enhancing economic growth and community wellbeing.

Local government is therefore much more than simply a stakeholder in the NSW Government's Budget process. As the most direct and inclusive form of democratic participation, local government is a key mechanism through which to obtain local and regional input and it is an important partner in the delivery of agreed State Government priorities.

As a result of 40 years of rate-pegging and the escalating cost shifting burden placed on local government (estimated by LGNSW to be over \$6.2 billion over the past 10 years, and \$820 million in 2015-16 alone), the sector requires funding support via the NSW Budget to continue to provide the basic infrastructure and services people in communities need. This includes housing supply, roads, cycle and pedestrian routes, bridges, traffic facilities, water supply and sewerage, stormwater and drainage systems, libraries, sporting fields, playgrounds, parks, early education and care, aged care and more.

Overview of LGNSW's submission

Delivering on election commitments

LGNSW recognises that, as this is the first Budget since the State election, the Government's focus will naturally be on implementing its significant election platform and pledges. This submission therefore concentrates primarily on the Government's election commitments, as they relate to LGNSW's *Election Priorities 2019*.

These commitments, which we warmly welcome, represent an important investment by the State Government in local infrastructure and services. These include:

- \$15 million in additional funding in this year's budget for public libraries (or \$60 million over four years) following the 'Renew Our Libraries' campaign
- \$1 billion in additional funding for local, rural and regional roads and timber bridges (LGNSW seeks an allocation of at least \$150 million of these funds in 2019-20)
- Moves to take back ownership and responsibility for up to 15,000km of regional roads - this review needs to commence immediately

- The appointment of a Minister for Public Space, the investment of \$150 million in new public parkland (LGNSW seeks at least \$50 million in 2019-20), and the prevention of the sale of Crown Land used for recreation
- \$400 million for new telecommunications towers in regional NSW (LGNSW seeks at least \$150 million in 2019-20) and 13 new bus routes connecting 44 regional and rural towns
- An expanded Sydney train network and fast-tracking of Sydney's Metro West train line
- A 20-year Waste Strategy, and a promise to work with local government to deliver waste management infrastructure
- The appointment of an independent building commissioner and registration of all builders and building designers
- \$20 million to provide for an additional 2,300 preschool places
- Delivering almost 700,000 free TAFE and VET courses over the next four years.

LGNSW and the local government sector will be looking to the Government's 2019-2020 Budget for greater detail on these commitments, including the allocation of funds in the 2019-20 Budget and the Forward Estimates.

In addition, we have also taken this opportunity to set out a range of other matters of significance to local government, many of which we have previously raised with the Government.

Drought

Will the Government help drought-stricken councils by matching the funding provided by the Federal Government under its Drought Communities extension program and will it ensure that funding to secure/augment town water supplies is not capped?

LGNSW is acutely aware that the enduring drought casts a shadow over the NSW economy as it continues to devastate farms, businesses and entire communities. We have numerous towns and regional cities with potable water supplies nearly exhausted and we have Sydney about to adopt water restrictions. The highest priority in this budget must be increased assistance to those suffering the impacts of drought.

Even if drought-breaking rains were to occur, it would take years for the State to recover. As the government of the area, councils play the most critical role in supporting and sustaining communities during the prolonged drought and are the key partner with the State Government in delivering assistance.

LGNSW therefore calls on the NSW Government help drought-stricken councils and their communities by matching the funding provided by the Federal Government under its Drought Communities extension program.

Funding to provide secure and safe town water supplies must be available where the need exists. The Government must guarantee that funding to secure/augment town water supplies is not capped or limited in any way (e.g. requiring a funding contribution from the council).

Emergency Services Levy (ESL)

Will the Government fund the additional \$19 million ESL contribution charged to councils in 2019-20 and work with local government to guard against future unnecessary shocks?

Another issue of importance to councils is the sudden and large increase in emergency services funding under the ESL announced on 4 May 2019.

Local government strongly supports the need to provide better workers' compensation coverage for firefighters. However, councils are deeply disappointed with the lack of consultation or advance notice, particularly at this time when budgets for the coming year are already committed. Many councils will be required to cut infrastructure and service delivery over the coming year as a result.

LGNSW requests that the additional \$19 million contribution charged to councils is funded by the Government during the 2019-20 Budget year and that it works with councils to guard against future unnecessary shocks.

Implementing commitments to local government

This section focuses on the priority issues LGNSW and councils advocated for during the State election campaign.

It describes the commitments made by the Government to address these priorities, together with our assessment of those commitments. It also sets out our expectations for the 2019-20 Budget, in terms of implementing these commitments¹.

LGNSW Election Priorities 2019

In the lead up to the 2019 State election, we asked councils what the priority areas of importance are to them and to their communities, and what would help most to address them. Twelve key priorities, under four broad areas of importance, were identified and subsequently adopted as our *NSW Election Priorities 2019*.

Improving quality of life

1. Save recycling
2. Fund public libraries properly
3. Fund local infrastructure

Support local decision making

4. Restore planning powers to communities

Promote financial stability and independence

5. End cost shifting
6. Allow greater financial independence
7. Support disadvantaged communities
8. Protect ownership of local water utilities

Promote strong governance and democracy

9. Renew the intergovernmental agreement with LGNSW
10. Fix local government electoral and expenditure laws
11. Allow fair superannuation for mayors and councillors
12. Address skills shortages in the sector

LGNSW is pleased the Government's response to our advocacy has been generally positive, with a number of its election commitments at least partially addressing these priorities.

LGNSW Priority 1: Save recycling

Government Commitment:

To work with local government to develop a 20-year waste strategy and deliver improvements to the state and regional waste infrastructure network.

LGNSW Response:

While we welcome its commitment to work with local government to develop a strategy and to deliver infrastructure, we're very disappointed the Government has failed to commit any additional funds toward implementing the strategy or building the required infrastructure.

¹ This submission deals only with those priority areas that have a financial impact.

LGNSW is calling on the Government to reinvest 100% of the NSW Waste Levy, collected from community and industry, in a coordinated state-wide recycling and waste management strategy and drive a circular economy.

As a first step, the Budget must provide for a \$100 million increase in the allocation of the waste levy to councils' waste management and recycling, commencing in 2019-2020 and progressively increasing over the forward estimates.

LGNSW Priority 2: Fund public libraries

Government Commitment:

The Government has pledged to provide more than \$60 million in additional funding for public libraries over the next four years, of which \$15 million will be allocated in the first Government Budget.

LGNSW Response:

This funding commitment is a major and very welcome first step toward addressing the decades of under-investment by State Government in our public libraries.

However, we urge the NSW Government to commit additional funding to provide a more sustainable funding model for the long term. The Renew Our Libraries goals remain:

Double the funding – by providing an additional \$94 million to NSW public libraries over four years, indexation of the funding, and legislation to protect the funding into the future.

LGNSW Priority 3: Fund local infrastructure

Government Commitments:

Although the Government has not agreed to establish a local government infrastructure fund, it has made a number of funding commitments that will help address councils' infrastructure needs. These include:

- Funding of \$1.54 billion for council roads, including \$500 million dedicated to repairing regional council roads, and \$500 million to replace timber bridges
- Investing \$150 million in new public parkland, and preventing the sale of Crown land used for recreation
- Providing \$400 million for new telecommunications towers in regional NSW
- Establishing 13 new bus routes connecting 44 regional and rural towns
- Expanding the Sydney train network and fast-tracking Sydney's Metro West train line
- Providing an additional \$197 million towards new walking and cycling infrastructure
- Investing \$20 million in new and existing community preschools to provide for an additional 2300 preschool places
- Investing in a new \$80 million state of the art TAFE campus for Western Sydney.

LGNSW Response:

LGNSW commends the Government on the investment it has made in local infrastructure to date, particularly in roads and transport infrastructure, and we welcome the Government's ongoing commitment to addressing local infrastructure needs throughout the State.

We welcome the new Fixing Local Roads and Fixing Country Bridges programs, which are desperately needed to address the shortfall in road funding and the deteriorating state of wooden bridges across the State. Forty percent of road fatalities in NSW occur on local roads and part of the reason for this is that they have not been brought up to acceptable standards due to previous under investment. Similarly, many of the state's timber bridges are in serious decline. Not only do these pose a potential road safety risk, they are also vital in helping to

keep rural and regional communities connected. Further, the increasing freight task is also putting additional pressure on councils and their communities. Ongoing investment is critical to boosting road safety outcomes, but also in keeping the economy growing. To this extent, we call for greater commitment to investing in 'first and last mile' access routes, as well as additional funding for public transport and cycling and pedestrian infrastructure.

LGNSW will be looking to the Budget for a commitment of \$100 million for roads affected by forestry operations, and details of how the Government proposes to establish a special category of priority roads impacted by forestry activity and the extent that the Government's \$1 billion road funding commitment will be used to fund this special category.

The Government's commitment to invest \$150 million in new public parkland is an excellent first step, but a significantly greater commitment is needed, particularly given that one third of this amount (\$50 million) has already been earmarked to fund eight projects involving conversion of existing Government owned lands into new parks and embellishing existing parks.

LGNSW believes a \$1 billion investment over four years is needed in new open space and recreation areas, and we will continue to advocate for a significantly larger investment by the Government in future years.

We welcome the Government's commitment to dedicate 100 per cent of the \$4.2 billion proceeds from the sale of Snowy Hydro to addressing critical infrastructure needs in rural and regional NSW. It is disappointing however that councils are excluded from receiving any of this funding to help meet community priorities as determined in their Community Strategic Plans. LGNSW calls on the Government to allocate a proportion of this funding to local government.

LGNSW will be looking to the 2019-20 Budget to provide more detail about the Government's local infrastructure initiatives and particularly its priorities for the Snowy Hydro funds. The exclusion of councils from receiving any of this funding must be removed so that funding can be allocated in accordance community priorities, as determined in local Community Strategic Plans. In the absence of such a change, it is paramount that the Budget provides transparent details of the allocation of these funds in 2019-20 and the Forward Estimates, details of each individual project to be funded and the rationale for selecting the projects.

LGNSW Priority 4: Restore planning powers to communities

Government Commitment:

The Government has promised to:

- Appoint an independent building commissioner
- Register all builders and building designers
- Provide greater flexibility for councils to control short term holiday letting
- Expand affordable housing SEPP to all councils
- Limit boarding house size in low-density areas

Continue to support Joint Organisations LGNSW Response:

LGNSW welcomes the Government's initiatives to appoint a building commissioner and to establish a register of builders and building designers and we look forward to seeing more detail in the Budget regarding these proposals.

Ultimately, however, the Government's commitments will only be effective if they are adequately resourced. We will therefore be looking to the Budget to provide substantial funding (at least \$25 million in 2019-20) to support:

- The establishment and ongoing operation of a well-staffed expert building commission
- The establishment and maintenance of the proposed register of builders and building designers and their ongoing monitoring
- Consumer protection in the building and certification industry
- The establishment and ongoing operation of a state-run registration system for short-term rental accommodation to provide data to assist compliance, monitoring, evaluation and ongoing review of the effects of short-term rental accommodation on local communities
- Ongoing research to monitor the local impacts of short-term rental accommodation, and in particular the long-term impacts on affordable housing

LGNSW does not support mandated Local Planning Panels in the Greater Sydney and Wollongong regions, nor do we support the expansion of mandated local planning panels to other LGAs.

If mandated Local Planning Panels are to be retained, the Government must acknowledge the additional costs they impose and provide funding of \$3.4 million per annum to affected councils to help offset this cost.

LGNSW is concerned that without adequate recurrent funding, there is a real risk that some Joint Organisations (JOs) will not be sustainable.

The Government must provide ongoing recurrent funding of at least \$300,000 per year, per joint organisation for the next 3 years to support JOs. Ongoing funding needs should then be reviewed.

LGNSW Priority 5: End cost shifting

Government Commitment:

The Government announced it will establish a process to take back up to 15,000km of regional roads to "...end cost shifting of roads".

LGNSW Response:

LGNSW cautiously welcomes the Government's proposal to address cost shifting of roads, subject to the following:

- Affected councils agree on any proposed transfer of roads
- Councils are engaged to undertake construction and maintenance work on the roads to be transferred

We are disappointed the Government failed to acknowledge the broader issue and impact of cost shifting and the need for it to be addressed across all areas of government.

Costing councils an estimated \$820 million each year, cost shifting is one of the most significant problems faced by councils in NSW and our research shows it has been increasing at an accelerated rate².

The recent unforeseen and substantial increase in local government's Emergency Services Levy (ESL) contribution helps to illustrate our strong concerns. This increase was implemented without consulting local government and without prior warning. At no stage during debate on the *Workers Compensation Legislation Amendment (Firefighters) Bill 2018* did the Government articulate that the resulting cost would be passed on to councils through the ESL, nor what that

² LGNSW Survey Report: Impact of Cost Shifting on local government in NSW: A Survey of Councils 2015-16 (Oct 2018): https://www.lgnsw.org.au/files/imce-uploads/206/Cost_Shifting_Report_FINAL.pdf

cost may be. Furthermore, while the legislation passed Parliament in November 2018, councils were not notified of the increase until early May 2019 (six months later), after many had already finalised their 2019-20 budget.

As is so often the case, the impact of this cost shift is greatest for rural and regional councils, with some receiving increases as high as 26%. This compares with an average increase for metropolitan councils of 12%. Added to this, rural and regional councils' limited access to alternative revenue sources means they are more likely to have to fund the increase through a reduction in services. This comes at a time when many of these rural and regional communities are suffering from the current drought crisis.

The Government's action has been met with shock, anger and disappointment by councils throughout the State, particularly in rural areas, where the Government see themselves as partners with emergency services agencies.

LGNSW and councils throughout the State therefore call on the Government to consider the broader implications of its decision and to fund the \$19 million increase in 2019-20 from the State Budget.

In addition, we will continue to argue for an independent inquiry into cost shifting so that no new, increased or transferred responsibilities will be imposed on local government without a sufficient corresponding source of revenue or revenue-raising capacity.

LGNSW Priority 6: Allow greater financial independence

Government Commitment:

The Government has agreed to review the T-Corp loans policy that prevents councils from using regional (unrated) banks.

LGNSW Response:

LGNSW welcomes this undertaking but is disappointed that the Government has made no significant commitments to improving the financial independence and sustainability of local government.

LGNSW seeks the relaxation of rate pegging by allowing councils to levy rates up to 2% over the rate peg limit, without having to seek special rate variation, so councils can meet community needs with less red tape.

LGNSW Priority 7: Support disadvantaged communities

Government Commitment:

The Government made no commitments, beyond noting that each year it allocates, through the Local Government Grants Commission, over \$750 million in Commonwealth Financial Assistance Grants (FAGs) to councils based on the greatest relative need.

LGNSW Response:

We are very disappointed the Government has not sought to address this entrenched structural disadvantage.

It is well recognised that the FAGs funding pool is not large enough to address the extent of disadvantage these communities face. Given that the Commonwealth Government has no plans to increase the pool in real terms, the only way these problems will be addressed is through a substantial financial contribution from the NSW Government.

These councils are also disadvantaged when it comes to accessing tied grants. Most NSW Government grants are allocated on competitive basis, often requiring a contribution from the council. This often result in grants being awarded to those councils that have the capacity to prepare the best application and can meet any funding requirements, not the council with the greatest need. These types of funding criteria must change if these disadvantaged councils are to have fair access to tied grants.

LGNSW therefore calls on the Government to allocate \$40 million per annum to provide untied, recurrent grants for councils serving the most socio-economically disadvantaged areas in NSW.

We also call on the Government to improve access to competitive grants for disadvantaged rural and regional councils by removing matching requirements and extending minimum application periods to six weeks.

LGNSW Priority 8: Protect ownership of local water utilities

Government Commitment:

The Government has given a commitment that it will not seek to privatise Local Water Utilities (LWUs).

LGNSW Response:

LGNSW welcomes the Government's commitment.

LGNSW Priority 12: Address skills shortages

Government Commitment:

The Government will provide almost 700,000 free TAFE and VET courses over the next four years, including 70,000 free TAFE and VET courses for trainees who want to mix work and study and 30,000 free TAFE places for mature aged workers to get back into the workforce.

LGNSW Response:

Local government is a significant multidisciplinary employer, particularly in rural and regional areas. With shortages in key professions including planners, engineers and environmental health, these additional TAFE places are required to provide pathways to these professions in demand.

LGNSW continues to call on the Government to support the sector's broader needs to attract apprentices, trainees, cadets, graduates and to reskill existing workers in response to changing job requirements. This requires more funding, brokerage, and training that is relevant accessible to councils in all regions of NSW.

Other local government priorities

This section sets out a range of other budgetary matters of high priority to local government.

These issues are not new to the Government – LGNSW has either advocated for them in prior budget submissions or directly with the Government, as they reflect resolutions adopted at the 2018 LGNSW Annual Conference.

1. Improving quality of life

Priority area	Issue	Description	Cost
Early Childhood	Legacy funding	At least maintain current funding levels received by the local government sector for Early Childhood Education and Care. Any transition arrangements to a new funding program should align with council budget processes and the needs of families. Councils would welcome NSW Government funding for three-year old children in all settings (and not only community preschools).	\$8m per annum
Drought relief	Emergency assistance for farmers and businesses	Implement and fund a variety of measures, with clear eligibility criteria and simple application processes, to aid farmers and small businesses impacted by the drought.	-
	General rates relief	Fully fund councils to provide a 50% rebate for ratepayers in financial hardship due to the drought.	-
Environment	Public lighting	Support and fund the Southern Lights Project, which includes the conversion of street lighting in non-metropolitan NSW to state-of-the-art LED lighting fitted with smart control technology; and establish a \$10 million energy efficient street lighting fund to help councils fund street lighting upgrades.	\$71.4m
	Landcare funding	The reduction in Landcare funding has left councils to fund the shortfall. LGNSW seeks reinstatement of funding streams available for Landcare.	\$20m
	Biosecurity	Funding for councils to implement the <i>Biosecurity Act 2015</i> and to develop and implement policies that facilitate achievement of the objectives of the Act and the Regional Strategies. This includes an increase of \$10 million per annum for local control authorities to undertake weed management and regulatory functions.	\$12m per annum
	Biodiversity	Funding for councils to improve their biodiversity information systems and mapping to prevent further local loss and implement the Government's Land Conservation and Biodiversity Management reforms.	\$5m per annum over 2 years
	Urban tree canopy	Funding to support an expansion of the urban tree canopy, particularly in newly developed residential areas and regional urban centres.	\$5m per annum over 5 years

1. Improving quality of life

Priority area	Issue	Description	Cost
Public Safety	Counter terrorism -	Establish a grant program for affected councils to implement the Australia-New Zealand Counter-Terrorism Committee's Australia's Strategy for Protecting Crowded Places from Terrorism.	\$5m per annum over 3 years
	Community Sharps Program	Reinstate and adequately fund the Community Sharps Program to help purchase sharps bins/containers and signage and to raise awareness. And work with sharps manufacturers and suppliers to introduce a producer responsibility approach for sharps, whereby the industry assists with the costs of managing their products.	-
	Police numbers	Allocate more resources for increased police numbers particularly rural crime officers in Western NSW to address concerns over community safety, rural thefts, vandalism problems with unacceptable response times on many occasions.	-
Social, Community, Arts & Heritage	Youth crisis accommodation	Establish a fund for youth crisis accommodation, prioritising local government areas currently lacking any appropriate facilities to alleviate this crisis.	-
	Rural Health Services	Establish a joint task force representing local, State and Federal government, to formulate model financial packages for the engagement of doctors in rural towns and contribute to those financial packages.	-
	Stronger Country Communities Fund	We support the Government's very successful \$300 million Stronger Country Communities Fund and we call on the Government to maintain it as an ongoing funding program with an equitable per capita funding calculation.	\$300m
	Disability access	Provide funding to councils via LGNSW to maintain and expand the Lift & Change Facilities program.	\$2m in 2019-20
	Aboriginal Cultural Heritage	Funding for training of council staff in managing Aboriginal Cultural Heritage due to reforms which will have a significant impact on how councils plan for and manage the conservation of Aboriginal Cultural Heritage.	\$2m over 2 years
	Arts	Maintain the Create NSW Arts and Cultural Development Program (ACDP) fund, increase the percentage of the fund allocated to councils and reinstate funding of an Arts & Culture Policy Officer in LGNSW.	\$5.8m per annum
	Music	Establish a four-year live music program, modelled on the \$22 million Music Works program in Victoria.	\$22.2m over 4 years
	Local places after dark	Establish a Night Time Economy grants program to provide a much-needed injection of funding for councils to grow and manage urban	\$5m over 2 years

1. Improving quality of life

Priority area	Issue	Description	Cost
		areas at night. Plan for increased, safe public transport options after dark.	

2. Support local decision making

Priority area	Issue	Description	Cost
Local Planning Panels	Funding for panels	Funding for affected councils to meet the cost of mandated Local Planning Panels in Greater Sydney and Wollongong. LGNSW does not support the expansion of mandated local planning panels to other LGAs.	Cost: \$3.4m per annum

3. Promote financial stability and independence

Priority area	Issue	Description	Cost
Support disadvantaged communities	Dedicated funding pool for disadvantaged communities	Establish a dedicated untied recurrent grant program for the 20 most disadvantaged councils in NSW to assist them in meeting their communities' needs without impacting their financial sustainability.	\$40m per annum
	Access to grants	Improve access to competitive grants for disadvantaged rural and regional councils by removing matching requirements and extending minimum application periods to six weeks.	-
Financial independence	Index local government fees	Amend regulation to provide indexation of revenue raised from a stormwater levy in line with the rate peg.	Nil
	Limit State Government fee increases	Limit annual increase of any State govt imposts on councils to the rate peg.	-
	Low Cost Loans	Low Cost Loans Initiative to be extended so that all NSW councils have access to subsidised loans that support housing supply and infrastructure.	-
Cost shifting	Emergency Services Levy	Fully fund the increase in councils' emergency services contribution in 2019-20 and work with stakeholders to determine an equitable long-term funding mechanism.	\$19m in 2019-20
	Crown land management	Increase funding to councils to comply with the Crown Land Management Act's requirement to prepare plans of management for all Crown land they manage. LGNSW estimates at least \$20 million will be needed, compared with \$7 million the Government has allocated.	\$13m per annum
		Review its decision to pass on responsibility for payment of damages in addition to compensation where a native title claim is determined in favour of a native title interest.	-

3. Promote financial stability and independence

Priority area	Issue	Description	Cost
		Fund the adequate funding of training for council staff in the <i>Native Title Act 1993</i> .	\$2m per annum
	IPART reports	Publicly release IPART's <i>Review of reporting and compliance burdens on Local Government</i> (April 2016) and provide a response to its recommendations.	-
		Publicly release IPART's <i>Review of the Local Government Rating System</i> (Dec 2016) and provide a response to its recommendations.	-
	Pensioner rebate	Reimburse councils for the full cost of pensioner rate rebates, as is the case in other States.	\$80m per annum
	Funding Joint Organisations	Provide ongoing recurrent funding to support operation of JOs.	\$300k per year for 3 years and then reviewed

4. Promote strong governance and democracy

Priority area	Issue	Description	Cost
Council meetings	Webcasting meetings	Provide assistance to councils to assist with the implementation of webcast infrastructure and technology for council meetings, if this remains a mandatory provision for all councils in the new Model Code of Meeting Practice	\$5m
Skills shortage	Engineers	Establish an engineering scholarship program to help address a shortage of qualified engineers, particularly in regional areas.	-
	Western NSW	Develop a range of incentives that will encourage experienced and qualified staff from all departments and from all disciplines to seek employment opportunities in Western NSW.	-