



Vincent Street
CESSNOCK

28 September 2018

ORDINARY MEETING OF COUNCIL

WEDNESDAY, 3 OCTOBER 2018

ENCLOSURES

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CORPORATE AND COMMUNITY

**CC70/2018 Local Government NSW - Request for Financial
Assistance for Legal Costs
City of Sydney, North Sydney Council and Bayside City
Council**

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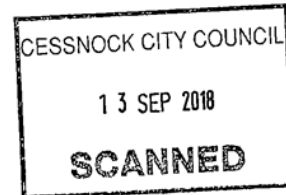
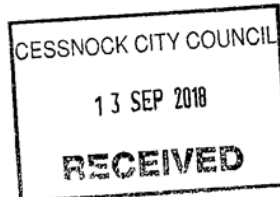


Tax Invoice
to Finance 13.9.18

Our File Ref R17/0031
Further contact Jessica Wood, Legal Officer 9242 4125

7 September 2018

General Manager
Mr Stephen Glen
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325



Dear Mr Glen

Request for financial assistance for legal costs associated with the appeal of Land and Environment Court rating categorisation decision – City of Sydney Council, North Sydney Council and Bayside City Council

We are writing to request your assistance with legal costs incurred by the above councils in respect of an appeal of the Land and Environment Court's decision in *Karimbla Properties v Council of the City of Sydney, Bayside City Council and North Sydney Council* [2017] NSWLEC 75. The judgement can be viewed on the Land and Environment Court's website

On 6 October 2017, the Board of LGNSW resolved to approve applications for legal assistance made by the City of Sydney Council and Bayside Council in accordance with the *LGNSW Legal Assistance Policy and Guidelines (November 2015)*, which is available at <https://www.lgnsw.org.au/files/imce-uploads/127/legal-assistance-policy-guidelines-november-2015.pdf>. On 9 February 2018, the Board approved an application for legal assistance made by North Sydney Council.

The LGNSW Board considered that this case is of importance to local government throughout NSW.

By way of background, the case concerns the interpretation of section 516 (1) (a) of the *Local Government Act 1993*, being the categorisation of ratable land as "residential". The Land and Environment Court held that land, on which development for the purposes of a residential development was being carried out in accordance with a development consent, is to be categorised as "residential", even though building construction was not complete and occupation certificates for use of buildings for residential accommodation had not been granted. The Court also found that Karimbla Properties are entitled to refunds of any rates paid for the land as a result the land being categorised by the councils as "business".

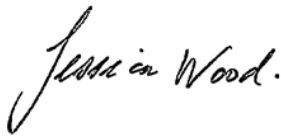
The three councils appealed the Land and Environment Court's decision. The Court of Appeal heard the matter in late July and has reserved its decision. Judgement is expected later in the year.

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Our request for assistance is detailed in the attached invoice. There is no obligation on Council to provide financial assistance. If Council chooses not to provide assistance, the invoice may be disregarded.

Please contact me on (02) 9242 4125 if you would like to discuss this matter.

Yours sincerely,

A handwritten signature in black ink that reads "Jessica Wood". The signature is written in a cursive, flowing style.

Jessica Wood
Legal Officer

**The Hon Karen Andrews MP****Minister for Industry, Science and Technology**

MC18-002423

Mayor David O'Loughlin
President
Australian Local Government Association
8 Giels Court
DEAKIN ACT 2600

Dear Mayor O'Loughlin

Thank you for your letters of 2 August 2018 to the former Minister for Jobs and Innovation, Senator the Hon Michaelia Cash, and the former Minister for Small and Family Business, the Workplace and Deregulation, the Hon Craig Laundy MP, seeking comment on the National General Assembly of Local Government's resolutions in respect of building regulations. Your letters have been referred to me as the new Minister for Industry, Science and Technology.

Before addressing the specific Resolutions, I affirm that the Australian Government recognises the importance of building safety and has been working collaboratively with state and territory governments, through the Building Ministers' Forum (BMF) to assure the Australian community that our buildings are safe.

In that context I would like to highlight the recent decision of the BMF, relating to the *'Building Confidence – Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia'* report, prepared by Professor Peter Shergold and Ms Bronwyn Weir. On 10 August 2018, BMF Ministers directed the development of a paper that sets out an implementation plan for reform based on the recommendations of the report. Recommendation 5 of the report is particularly relevant to your organisation, in that it encourages greater collaboration and a more effective partnership between parties with regulatory responsibility for buildings, including state and local governments. The full report is available at www.industry.gov.au.

In relation to Resolution 19, as you are aware, state and territory governments have responsibility for regulating building and construction activities in their respective jurisdictions. Issues of funding for rectification work are also a matter for state and territory governments. This is being actively discussed by the BMF, and I note that several jurisdictions have taken steps to address these issues. For instance, the Victorian Government has recently proposed the introduction of a mechanism to provide for low-interest loans for cladding rectification work.

In relation to Resolution 20, I understand that there are concerns about unregulated short-term accommodation, such as Airbnb and Stayz. However, this is primarily a post-occupancy building management issue, and is therefore a planning control matter within the responsibility of state and territory governments.

I would be grateful if you could clarify the intent of the National General Assembly's Resolution 49, before I provide a formal response.

Parliament House, Canberra ACT 2600Telephone (02) 6277 7070

If the resolution is referring to the Guideline on the Application of the Premises Standards, you should note that the Australian Human Rights Commission (AHRC) developed and issued the Guideline to assist persons and organisations to understand their rights and comply with their responsibilities under the *Disability Discrimination Act 1992* (DDA). I also note the Guideline is not legally binding.

Alternatively, if the resolution refers to the *Disability (Access to Premises – Buildings) Standards 2010* (the Premises Standards), made under the DDA, I can advise that the Government completed a review of the Premises Standards in April 2016.

As you may be aware, my department has established an Expert Advisory Group (EAG) to provide technical advice and guidance on issues raised by the review of the Premises Standards. I am advised that Mr Rolph Vos was invited to join the EAG, given his role as the ALGA representative on Australian Building Codes Board (ABCB).

The adequacy of the existing wheelchair dimensions prescribed by AS 1428.1 was an issue identified in the review of the Premises Standards, and the EAG intends to consider this issue in consultation with Standards Australia's technical committee (ME-064). As such, I would encourage ALGA to pursue this resolution through the EAG.

In relation to Resolution 73, I can advise that the ABCB is in the process of investigating the adequacy of balustrade heights in the National Construction Code.

In relation to Resolution 87, the matters you raise relating to Smart Cities sit within the portfolio responsibilities of the Minister for Cities, Urban Infrastructure and Population, the Hon Alan Tudge MP. I have forwarded a copy of your letter and this response to him for consideration.

As you have noted, the Government's Digital Economy Strategy is expected to be released later this year. It will provide the framework for an ongoing, open conversation about our digital future, which builds on our investments and work to date.

New technologies provide the ability to revolutionise city planning and make cities more prosperous and sustainable. Real time data and smart technology will lead to better utilisation of infrastructure and better benchmarking of city performance. The Strategy is being developed with regard to the Smart Cities Plan to support more productive, accessible and liveable cities.

I would welcome your continuing engagement on issues relating to the digital economy and in particular how they relate to your members.

Thank you again for your continued interest in these important issues.

Yours sincerely



Karen Andrews

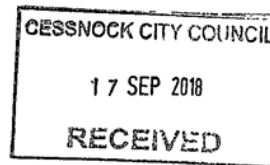
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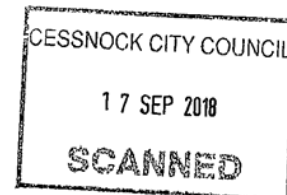
Don Harwin MLC

Minister for Resources, Minister for Energy and Utilities,
Minister for the Arts, Vice-President of the Executive Council

Councillor Bob Pynsent
Mayor
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325



MDPE18/3149



Dear Mayor

I am writing to you about funding for public libraries

I am pleased to advise that the NSW Government has announced an extra \$60 million in funding over four years to transform NSW public libraries across the state. Every one of NSW's more than 370 public libraries will benefit from the new investment, ensuring they remain at the heart of every community.

As the single largest increase in State Government public library funding since the *Library Act 1939*, this historic funding reaffirms the NSW Government's commitment to literacy, lifelong learning, connectivity, and community wellbeing through public libraries.

The funding will transform and modernise public libraries, especially those in regional areas, delivering key services and educational and cultural experiences across the entire state.

All councils will receive an increase in annual library funding between 40 and 50 per cent by 2022-23.

A new \$24 million infrastructure grants program over four years will be rolled out for public libraries, with the first year of funding to begin in 2019-20.

This funding also includes a \$1 million investment to support more Service NSW self-serve kiosks at public libraries. These will allow everyone to access key government services such as vehicle registration, licenses, and fee payments.

I am pleased to advise that funding for infrastructure programs at public libraries outside of Newcastle, Sydney, and Wollongong will be available in 2018-19 through the Regional Cultural Fund (RCF). Public libraries in regional NSW can apply for capital grants to build new, or improve existing, infrastructure under the RCF fund, which was introduced in 2017-18.

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Later this year, the government will also offer a new funding program for capital works at metropolitan libraries in NSW

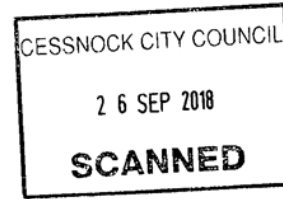
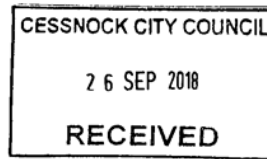
If you have any questions about public library subsidies, please contact Mr Cameron Morley, Manager, Public Library Services at the State Library of NSW on 9273 1483. For more details about the RCF, please contact Mr Craig Limkin, Executive Director, Create Infrastructure, at Create NSW on 8289 6659

Yours sincerely



Don Harwin MLC
Leader of the Government in the Legislative Council
Minister for Resources
Minister for Energy and Utilities
Minister for the Arts
Vice-President of the Executive Council

Date: 11.9.18



Our ref: R90/0797 Out- 28130
Further contact: Margaret Kay

September 2018

Mr Stephen Glen
General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Dear ~~Mr Glen~~ *Stephen*

Renew our Libraries

Thank you for advising LGNSW of your Council's support for the Renew our Libraries campaign.

We are very pleased that, with the backing of councils like yours, Renew our Libraries has resulted in a commitment from the NSW government to increase library funding by \$60 million over 4 years. While we are still awaiting details of the government's announcement, this is a great initial win for our sector.

We still have lots of work to do between now and the March 2019 state election. Firstly, Renew Our Libraries must continue to liaise with the state government to **clarify the funding components** and ensure that this pre-election commitment is converted to real funding.

Secondly, and of equal importance, is for the government to develop a **sustainable future funding model** to guarantee that our libraries (and councils) will never again find themselves in such a dire financial position, and can concentrate on their core business – improving the liveability of communities across the state.

I urge you to please continue to be involved and assist us in building a database of key contacts, by completing the form at: <http://renewourlibraries.com.au/register-your-local-government-support/>.

For further information, please contact Margaret Kay, Strategy Manager Social and Community at Margaret.kay@lgnsw.org.au or on 9242 4082.

Yours sincerely

Cr Linda Scott
President

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