



THE MAYOR OF THE MUNICIPALITY OF HUNTERS HILL

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PRESENTATION TO PROPOSED LOCAL GOVERNMENT MERGER PUBLIC INQUIRY

2nd February 2016 @ Hunters Hill Sailing Club

Introduction

Good evening Mr Lang. My name is Richard Quinn and I am the Mayor of Hunters Hill Council.

Welcome to Hunters Hill and thank you for this opportunity to provide Council's early thoughts on the current merger proposal, a proposal that I have to say is new to both Council and the Community and is still being analysed by the three proposed merger partners.

Background/history of various proposals

Hunters Hill is one of Sydney's oldest local government areas, being the fourth borough council to be inaugurated on 5th January 1861 after the Municipalities Act of 1858 was passed. It is only Council that still retains its original municipal boundaries. The original Council Chamber building, which you would have passed on the way to this venue, was opened on 13 January 1866.

Indeed, Council celebrated its Sesquicentenary, 150 years of continuous local democracy, in 2011, with a year of activities.

Being Sydney's smallest Council, merger proposals, or amalgamations, are not new to Hunters Hill. There was a proposal in 2003/2004, the last round of Council amalgamations and that was totally rejected by this community. One suspects that almost every previous proposal probably included Hunters Hill, simply on the basis of size alone, which is hardly valid criteria.

Since 2013 Council has consistently resolved to retain its independence and its historic boundaries, and to oppose forced amalgamations. (*See Appendix 1 for several resolutions*)

As recently as 09 November 2015 (Min. No. 376/15) Council again confirmed its position, resolving in part that:

1. Hunter's Hill Council maintains its current local government area, boundaries and governance structure;
2. Council reaffirms its opposition to the forced amalgamation of councils;
3. Council reaffirms its commitment to local government remaining local, rather than regional, so as to ensure local democracy and accessibility to local communities;
4. Council reaffirms its previously resolved commitment to and participation in the Joint Regional Authority (JRA) model with Ryde and Lane Cove Councils, whilst also maintaining our independence as Councils;

That position has not changed and it is not unreasonable to expect that, until such time as the current new merger proposal is properly assessed and to allow an informed decision to be made, this position will not change.

Responding to change

Council has not buried its head in the sand or turned a blind eye to the need for change or reform in local government. In fact Council strongly embraced the 'Fit for the Future' agenda by actively examining the ILGRP merger proposal and pursuing a superior alternative to the merger with our neighbours Lane Cove and Ryde.

While it is not my intention today to go into that superior alternative in any detail, I would like to draw your attention to the report of the Upper House General Purposes Committee No. 6 Inquiry into Local Government, whose findings and recommendations can be summarised in the following extracts from the report.

Chair's Foreword

The committee was troubled by the apparent failure of the NSW Government to build on the consultative approach that had been established during Destination 2036. A key principle for successful reform is building partnerships and bringing people with you on the road to change. Many of this inquiry's participants would argue that the Fit for the Future program did not do this.

..... It is my hope that the NSW Government considers the findings and recommendations of this report before pressing ahead with any further structural reforms to the local government sector in New South Wales.

The Hon Paul Green MLC Chair" (GPSC no. 6 Report 1 - October 2015 pages xiii and xiv)

The recommendations of the multi-partisan Upper House Committee then included the following two (2) unanimous recommendations:

16. *That the NSW Government make Joint Organisations available to all Councils in New South Wales*
17. *That the NSW Government work with local government on a statutory model for Joint Organisations based on the Hunters Hill, Ryde and Lane Cove Council model as a cooperative and consensus model for local council reform in Metropolitan Sydney.(GPSC no. 6 Report 1 - October 2015 page xxi)*

This is a very clear endorsement of our alternate model and our approach. Both Council and the community who have supported the JRA were pleased with this recognition and these recommendations.

It is worth noting that at this time the NSW Government has failed to respond to the Upper House Local Government Inquiry report.

Two other interesting, or perhaps concerning comments from the Parliamentary Inquiry are:

1. "A recurring criticism from inquiry participants was that the Government's reform package was too focused on amalgamations and structural reform, rather than addressing the entire set of recommendations made by the ILGRP". (*GPSC no. 6 Report 1 - October 2015 page xv*)
2. Finding No. 9 of the Upper House Committee also found that:
"The projected economic benefits of Council amalgamations have been consistently overstated by the proponents of forced amalgamations and costs and extensive diseconomies of scale caused by amalgamations have not been adequately explained by those same proponents". (*GPSC no. 6 Report 1 - October 2015 page xxii*)

Experience to date confirms that these are recurring themes and that they have continued in the current merger proposal.

Seeking Community Input and Feedback

As the Delegate you are required to seek the views of electors by way of holding an inquiry such as we are having here today. I note that, concurrent to this inquiry, the NSW Government has continued its paid advertising, or perhaps propaganda, on major media outlets promoting its amalgamation agenda, whilst issuing directives and warnings to Councils that we cannot do the same.

From a combined population of more than 150,000 people you may hear from possibly less than 100 people, or less than 1.0% of the population. It would be hard to argue that this is a valid sample. In comparison, the three Councils involved in this merger proposal have already undertaken extensive and statistically valid polling of our communities on the amalgamation issue.

In formulating our response to the 'Fit for the Future' proposal, the three Councils recognised the need to advise and consult with our communities and, along with more than a dozen other Sydney Councils, an independent research company (Micromex) was engaged to both inform the community of the proposed 'mega-merger' and Council's proposed response.

Their research report provided some very definite directions for Hunters Hill Council.

1. Findings

Key findings from the polling included:

1. Awareness of the potential amalgamation was strong across the region, with each Council area registering an awareness level in excess of the Micromex Fit For The Future benchmark of 59%. The highest awareness was reported in Hunters Hill, with 82% of respondents having some previous knowledge of the proposals.
2. Support for the NSW Government's recommended merger option was low throughout the region, with between 29% and 36% of respondents indicating any degree of support.

3. Exploring a Joint Regional Authority received almost identical mean support ratings in all Council areas, and was consistently the outcome receiving the highest level of support. A majority of respondents were either 'supportive' or 'completely supportive' of this option in each Council area.
4. From a community perspective the merger option is the least preferred outcome.

2. Awareness of Potential Amalgamation

- There was broad awareness of the Fit For The Future proposals across the region, with over 70% of respondents being aware of the potential mergers in each Council area.
- Penetration of Fit For The Future information was more successful than elsewhere in NSW, with each of the surveyed Council areas' outcomes exceeding the Micromex Fit For The Future benchmark of 59%

In comparison there is currently very little awareness of the detail of this merger proposal, given the NSW Government's selective timing and very limited promotion of this new merger proposal.

3. Attitudes to Fit for the Future Amalgamation Options

- **Option 1** – *Merging with other councils*, the NSW Government's recommendation, was broadly rejected across this region. Fewer than 25% of respondents of each Council area indicated that they were 'supportive' or better of this option, and a majority expressed a lack of support in each case.
- **Option 2** – *Standing alone* received a more ambivalent response.
- **Option 3** – *A superior model* – the Joint Regional Authority uniformly received the highest support ratings, with more than 80% of respondents in each area indicating that they were at least 'somewhat supportive'.

4. Key message from the Micromex research

There was little support for the Independent local Government Review Panel's proposed merger, an option consistently ranked as the least preferred outcome by respondents across the region.

The main concerns cited centred on the perceived inability of larger councils to provide localised services and a community voice to their residents. A loss of local democracy.

This is a new proposal and it needs to be fully and properly examined to allow Council and the community to make an informed decision. Unfortunately, the timing of this examination process, public inquiry and call for submissions significantly compromises Council's ability to properly consult with its community and to undertake additional polling on this specific merger option.

At the very least Council would expect you, as the Delegate, or the Boundaries Commission, to undertake a poll after the community has been properly informed of this current proposal, and serious consideration should be given to extending the closing date for submissions until 30 March 2016.

Our submission

Our final submission will address the 10 specific criteria contained in Section 263(3) of the Local Government Act (1993).

However, some early comments on some of those criteria highlight the concerns of both Council and the community, irrespective of one's views on the merger proposal.

1. *the financial advantages or disadvantages of the proposal to the residents and ratepayers of the areas concerned;*

I mentioned at the outset of this presentation that the three Councils were undertaking an analysis of the proposal and indications suggest that there are inconsistencies in the financials provided by KPMG in support of the proposal.

For example, the merger proposal document on page 3 contains the following statement:

‘IPART determined that Hunter’s Hill, Lane Cove and City of Ryde councils each satisfy key financial performance benchmarks’.

This statement was based on the outcomes of the Fit for the Future submissions made by Councils to IPART based on their 2014/15 financial accounts.

It seems both inconsistent and illogical for the NSW Government to then prepare a merger proposal based on 2013/14 financial accounts, so that a more detrimental outcome will be achieved.

A cursory review of the financials in the merger proposal document suggest that every resident in the merger area will receive a benefit equivalent to less than \$20.00 per year over twenty years, from the projected savings of \$61 million.

The model does not tell us what the cost(s) will be to achieve the projected savings.

Residents of the current Council areas will have no say over the distribution and spending of the \$25 million dollar incentive payment for the proposed merger. The ‘new’ council will determine this subject to guidelines provided by the government. It should be noted that these guidelines have not been released.

- 2. *the community of interest and geographic cohesion and the proposed new area;***
3. *the existing historical and traditional values and the impact of change on them;*
4. *the attitude of the residents and ratepayers of the areas concerned;*

How can the Government, or you as the Delegate, possibly know the attitude of residents without conducting thorough community consultation, including a poll or referendum?

A public inquiry that has been advertised during school holidays on a limited basis and that is then being held before the community can be reasonably informed about this proposal. This hardly seems to meet any test of procedural fairness, or reasonableness.

- 5. *the requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level, the desirable and appropriate relationship between elected representatives and ratepayers and residents and such other matters as considered relevant in relation to the past and future patterns of elected representation for that area;***

The matter of local representation is possibly one of the most concerning and contentious issues, as most governance models produce an outcome where the residents of the current Hunters Hill LGA are unlikely to be represented by more than one (1) elected person. The current timeframe does not support any rigorous assessment of options.

6. ***the impact of the proposal on the ability of the council to provide adequate, equitable and appropriate services and facilities;***
7. ***the impact of the proposal on the employment of the staff by the council;***
8. ***the desirability (or otherwise) of dividing the resulting area or areas into wards;***
9. ***the need to ensure that the opinions of each of the diverse communities of the resulting area or areas are effectively represented;***

Does one meeting held at Hunters Hill Sailing Club mean that the opinions of the three LGAs or communities are being effectively represented?

Have those 'diverse communities' been provided with sufficient information and time to develop an informed opinion?

10. ***other factors relevant to the provision of efficient and effective local government in the existing and proposed new areas.***

Full responses to each of the 10 criteria will be submitted to you in writing by 28 February 2016.

CONCLUSION

Hunters Hill Council has a resolved position to reject forced amalgamations and to continue to stand alone and to pursue the superior alternative provided by the Joint Regional Authority model.

Providing information to the community about the merger proposal is paramount and Council will be taking an active and considered approach to this latest proposal in its final written submission.

In respect of the community information campaign, future strategy and the final written submission, discussion between the three Councils has resulted in the commissioning of two significant and important pieces of work to be completed as soon as possible:

- i. Morrison Low have been requested to rework our Fit for the Future Model for our three Councils only, to test the financial arguments and assumptions put forward by the NSW Government in this new merger proposal documentation; and
- ii. Modelling of the impacts on Council rates for each Council and the proposed 'new entity', by the proposed rate freeze and future rate structures has been commissioned from an independent source.

The results of this work will be an integral part of each Council's submission and information to the community.

This community has a very strong and distinct identity, forged over the last 155 years. This community values its local, grassroots democracy. It values its built and natural heritage for which it has consistently fought over many years. I urge you to recognise the unique character and qualities of Hunters Hill Local Government Area and recommend no change to our historic boundaries.

APPENDIX

APPENDIX 1: Council's resolved positions

1. OM 4342 11.06.13

166/13 RESOLVED on the motion of Clr Astridge seconded Clr Sheil that:

1. The report be received and noted.
2. Council adopt the following recommendations from the public meeting held 6 June 2013.
 1. That the Hunters Hill Municipality retains its independence and historic boundaries.
 2. That the NSW Government recognises and protects the significant character and heritage values of the Hunters Hill Municipality and the whole of the State.
 3. That the NSW Planning 'White Paper' and draft Bill, the Metropolitan Strategy and the Local Government Review Panel final discussion papers do not reflect the following goals in the NSW Government's State Plan 'NSW 2021':
Goal 32 'People to have a real say and be involved in localised decision making', and
Goal 27 'Recognising and protecting the State's most significant heritage places and values',

and that the discussion papers should be withdrawn, given their current flawed content.
3. That the outcomes and resolutions of the meeting be included in the Council submissions to the three consultation papers.

2. OM 4353 10.02.14

15/14 RESOLVED on the motion of Clr Sheil, seconded Clr Miles that:

1. A 'draft submission' be brought forward for Council consideration at the Ordinary Meeting scheduled for 24 February 2014.
2. Council inform the community of the potential implications arising from this report and encourages them to make submissions.
3. Council continues to work with NSROC and SHROC and the respective constituent Councils to develop a regional approach and response to the recent reports.
4. Council support 'in-principle' the formation of the Northern Metropolitan Council of Mayors.
5. Council to be provided with indicators as to the time and costs involved in responding to this report.

3. OM 4356 24.02.14

67/14 RESOLVED on the motion of Clr Astridge seconded Clr Miles that:

1. Attachment A forms the basis of Council's submission to the State Government on the ILGRP report as amended.
2. Council supports the formation and participation in a Northern Metropolitan Council of Mayors (working title).
3. Council authorises the Mayor and General Manager to sign a Memorandum of Understanding for Council to become a member of the Northern Metropolitan Council of Mayors (working title).
4. Council outlines to the NSW Government in its submission regarding the Independent Local Government Review Panel's 'Revitalising Local Government' report the intention to form the Northern Metropolitan Council of Mayors noting its alignment with the Panel's proposed Joint Organisation model.

4. OM 4367 13.10.14

315/14 RESOLVED on the motion of Clr Bennett seconded Clr Sheil that:

1. Council receives and notes the report and reaffirms its position as opposing forced amalgamations.
2. Council pursues a strategy in preparing a Fit for the Future application based on continuing as an independent, vibrant and viable Council.
3. Council continues to discuss all options for reform with surrounding Councils.
4. The draft timetable and project plan (Attachment B), is noted.
5. The Mayor is authorised to put the views and options expressed in this report to the NSROC Board.
6. The Mayor, one other Councillor and the General Manager are appointed to act on behalf of Council in any discussions with other Councils as required under the Fit for the Future package.

MATTER ARISING

316/14 RESOLVED on the motion of Clr Bird seconded Clr Bennett that the Deputy Mayor, Clr Sheil is appointed the one other Councillor as resolved above.

5. OM 4370 10.11.14

387/14 RESOLVED on the motion of Clr McLaughlin seconded Clr Miles that:

1. The report be received and noted.
2. Council agrees in principle with the draft collaboration model for the purpose of on-going discussion with neighbouring Councils.

3. If all participant members agree on a collaboration model then Council would support the preparation of a joint submission to the Fit for the Future process prepared and funded by NSROC.
4. Council expresses its profound disappointment in the restrictive nature of the Fit for the Future models and options presented by the State Government.
5. Council re-affirms its position of not supporting forced amalgamations.

6. OM 4374 26.02.15

041/15 RESOLVED on the motion of Cllr McLaughlin seconded Cllr Sheil that:

1. That Council again reaffirms its opposition to forced amalgamations.
2. That Council notes the NSW Opposition Policy of no forced amalgamations and in doing so resolves that the Mayor writes to the Premier, the Minister for Local Government and the Member for Lane Cove seeking confirmation that the Governments current policy of no forced amalgamations will remain.
3. That Council endorses engagement of consultants, on a joint basis, to undertake a business case analysis of the Independent Panel's recommendation for the Councils of Hunters Hill, Lane Cove, Mosman, North Sydney, Willoughby and Ryde and Ku-ring-gai and Hornsby to merge (costs to be on a shared funding basis).
4. That Council agrees to collaborate with the other Councils on a regional communications plan to inform our communities, both before and after the March State elections, of the State Government reform process (costs to be on a shared funding basis).
5. That Council agrees to appoint consultants, on a joint basis, to further investigate options for some type of alternate model (e.g. Joint Organisation) being formed by Northern Sydney Councils, to meet the requirement for greater scale and capacity and for Council to complete Template 2 – Council Improvement Proposal (costs to be on a shared funding basis).
6. That Council adopts the timetable and community awareness campaign as contained in the attachments to this report.
7. That a budget allocation is provided in the 2015/2016 budget to meet Councils share of funding for the above projects.
8. That a suitable governance arrangement involving regular meetings of Mayors and General managers is agreed between the parties participating in the investigation of an alternate model and supporting community engagement strategy.
9. Costs of the investigation of an alternate model and supporting community engagement strategy are shared equally, or on a population basis, between all participating Council.
10. That the General Manager writes to each of the Northern Sydney Councils advising of the above positions and is authorised to appoint consultants as outlined in these recommendations

7. OM 4380 09.06.15

041/15 RESOLVED on the motion of Clr Sheil seconded Clr Bennett that:

1. Notes the extensive analysis, research, evidence and community consultation that has been undertaken as required by the Minister for Local Government's Fit for the Future program, in exploring all options and in preparing Council's response to the Fit for the Future program;
2. Following Council's extensive research and analysis, Council rejects the proposed merger of Hunter's Hill, Lane Cove, Willoughby, Mosman, North Sydney and the eastern two thirds of the City of Ryde Councils, as recommended by the Independent Review Panel, as it is not the superior option for the reasons as detailed in this report;
3. Endorses lodging the Draft Joint Submission (Attachment 9), in response to the Fit for the Future program, with both Lane Cove and Ryde City Councils, that details Council's Template 2 submission (Council Improvement Proposal) and the unique Joint Regional Authority proposal (Council's preferred option) and delegate to the General Manager, the authority to complete and lodge Council's submission, making any necessary adjustments in finalising Council's submission including strengthening in Councils submission, the section addressing the social impacts of amalgamation on Hunters Hill, with Final submission to be tabled at Council's next Ordinary Meeting 22 June 2015;
4. Endorses including in the Joint Submission, as an incentive for the proposed Joint Regional Authority (JRA), the option to pilot the JRA for a period of 12 months, with the Office of Local Government to be invited to provide a representative as an observer on the JRA board;
5. Demonstrates its commitment to being a member of the Joint Regional Authority (JRA), and as a further incentive for Government, delegate to the Mayor and the General Manager the authority to sign the Joint Regional Authority - Memorandum of Understanding (MOU) on Council's behalf (Attachment 4);
6. Endorses undertaking a future advocacy campaign with both Lane Cove and Hunter's Hill Councils, between July and November 2015, on an equal basis in sharing costs to a maximum of \$30,000 subject to a further report to Council;
7. Delegate to the Mayor and General Manager the authority to lodge a submission and appear, if necessary, at the Parliamentary Inquiry;
8. Places copies of Council's submission in all Council Libraries, Customer Service Centres and on Council's website in addition to being forwarded to the Minister for Local Government, the Chief Executive Officer of the Office of Local Government all relevant State and Federal Members of Parliament, all Unions and other key stakeholders as determined by the Mayor and General Manager.

8. OM 4382 13.07.15

229/15 RESOLVED on the motion of Clr McLaughlin seconded Clr Astridge that:

1. That Council defer consideration of the proposed Advocacy Program until the next meeting of Council.
2. That Council receive and note the Council submission made to the Upper House Inquiry.

9. OM 4383 27.07.15

251/15 RESOLVED on the motion of Clr Bennett seconded Clr Sheil that:

1. That Council receive and adopt the proposed Advocacy Program and the equal cost sharing arrangements (up to \$30,000 for Hunters Hill Council).
2. Council supports the engagement of the preferred lobbyist by Ryde City Council.

10. OM 4385 24.08.15

280/15 RESOLVED on the motion of Clr Astridge seconded Clr Bennett that:

1. That Council endorses the Save Our Councils Coalition campaign to:
 - a. Keep our local councils local.
 - b. Ensure that the NSW State Government keeps its promise of “No forced amalgamations”.
 - c. That where a merger is proposed, a valid referendum be held of all electors in each affected local government area.
2. That, in light of recent media reports, Council actively pursues a community expression of concern through its adopted Fit for the Future Advocacy Strategy in response to the threat of forced amalgamations and actively informs the local community through various means, including banners, flyers and newsletters.

11. OM 4388 26.10.15

362/15 RESOLVED on the motion of Clr Bennett seconded Clr Sheil that:

1. That Council continues to work with its JRA partners Lane Cove and Ryde City Councils and also investigate creating an enlarged JRA that produces greater benefits.
2. That Council further consider its options at an Extraordinary meeting on 16 November 2015.
3. Council notes the timeline contained in the report.
4. That Council provides funding of up to \$50,000 for possible future legal action.
5. That the Mayor and General Manager are delegated authority to obtain legal advice or to instruct Counsel in this matter as required, subject to the budget provision.

12. OM 4389 09.11.15

376/15 RESOLVED on the motion of Clr Sheil seconded Clr Astridge that:

That the report be received and noted and further:

1. Hunter’s Hill Council maintains its current local government area boundaries and governance structure;

2. Council reaffirms its opposition to the forced amalgamation of councils;
3. Council reaffirms its commitment to local government remaining local, rather than regional, so as to ensure local democracy and accessibility to local communities;
4. Council reaffirms its previously resolved commitment to and participation in the Joint Regional Authority (JRA) model with Ryde and Lane Cove Councils, whilst also maintaining our independence as Councils;
5. Following community consultation and strong community support to remain an independent council that works collaboratively with neighbouring councils on regional issues and joint service delivery, Council does not pursue a merger with any other council;
6. Having previously submitted the JRA model as a superior model for further improvement and given the unanimous multi-partisan endorsement of the JRA model by the NSW Legislative Council Inquiry into Local Government in NSW, Council does not submit any response to the template due on 18 November, subject to seeking legal advice;
7. Council endorse its support of the "Rally for Local Democracy" on 18 November;
8. The Extraordinary Meeting of Council scheduled for 16 November be cancelled;
9. Council endorse the forwarding of correspondence from the Mayor to the Premier and the Minister for Local Government seeking urgent clarification of the NSW Government's intent regarding any forced merger of Councils.
10. Copies of any correspondence is forwarded to all Councillors for their information;
11. The report of the Upper House Committee on Local Government is endorsed and Council calls on the State Government to withdraw the statement that 'Councils are unfit', as it was based on a flawed methodology and acknowledge recommendations number 16 and 17 in respect of Joint Regional Authorities and finding number 9 relating to projected economic outcomes and benefits being overstated.
12. Council writes to the Premier, the Minister for Local Government and the Member for Lane Cove in respect of the above matters.

13. EM 4390 18.11.15

392/15 RESOLVED on the motion of Clr Astridge seconded Clr McLaughlin that:

1. That Council advises the State Government that:
 - a) Hunters Hill Council is financially fit and sustainable, and has the scale and capacity for effective local government.
 - b) It supports the JRA model for regional cooperation, as endorsed by the NSW Legislative Council.
 - c) Council has the strong support of its local community.
 - d) It rejects the need to merge with any council
2. The commentary to be included in the template response as contained in the above report relating to IPART is noted, with the additional that Council endorses the

recommendations and finding of the Legislative Councils General Purpose Committee No.6.

3. A report is brought forward to the next Ordinary Meeting regarding further legal options

14. OM 4391 23 11.15

402/15 RESOLVED on the motion of Clr Sheil seconded Clr Astridge that:

1. Council reaffirms its opposition to forced amalgamations and that Council authorises the General Manager to instigate whatever legal or communication actions are deemed necessary and available to support and implement resolution 376/15.
2. Without limiting 1. above that Council authorises the General Manager to commence, manage and conduct legal proceedings deemed necessary and available to:
 - (a) challenge any action, process, decision or order of the State Government; and/or
 - (b) restrain the State Government from acting upon any decision or order, that would have the effect of forcing the amalgamation or dissolution of Hunter's Hill Council and / or its governance structure including but not limited to the placing of Council into administration or the suspension of Councillors, pending any forced amalgamation.
3. That Council commence legal proceedings to restrain the taking of actions, undertaking of processes, making of decisions by the State Government, the Minister for Local Government, the Chief Executive of the Office of Local Government and/or the Boundaries Commission or all or any of these which do not conform with statutory processes prescribed by the Local Government Act 1993, in respect of the appointment of an administrator(s) or any other action which impacts upon the local government area boundaries of Council, Council's governance structure and the role and functions of the elected members of the Council.
4. Council pursues or invites other Councils and/or LGNSW to join in any legal or communication action.