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**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**CCL 22/02/2022 – ADOPTION OF FEES FOR THE  
LORD MAYOR AND COUNCILLORS**

ITEM-16      **PAGE 3**      **Attachment A:**      Local Government Tribunal Annual  
Report and Determination

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# Local Government Remuneration Tribunal

Annual Report and  
Determination

*Annual report and determination under sections  
239 and 241 of the Local Government Act 1993*

**23 April  
2021**

## Contents

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<b>Executive Summary</b>	<b>2</b>
<b>Section 1 Introduction</b>	<b>3</b>
<b>Section 2 2020 Determination</b>	<b>3</b>
<b>Section 3 2021 Review</b>	<b>4</b>
2021 Process	4
Categorisation	4
Conclusion	6
<b>Section 4 2021 Determinations</b>	<b>7</b>
<b>Determination No. 1 - Allocation of councils into each of the categories as per section 239 of the LG Act effective from 1 July 2021</b>	<b>7</b>
<b>Table 1: General Purpose Councils - Metropolitan</b>	<b>7</b>
<b>Table 2: General Purpose Councils - Non-Metropolitan</b>	<b>8</b>
<b>Table 3: County Councils</b>	<b>9</b>
<b>Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2021</b>	<b>10</b>
<b>Table 4: Fees for General Purpose and County Councils</b>	<b>10</b>
<b>Appendices</b>	<b>11</b>
<b>Appendix 1 Criteria that apply to categories</b>	<b>11</b>

## Executive Summary

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The *Local Government Act 1993* (the LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

### Categories

The Tribunal found the allocation of councils into the current categories appropriate. Criteria for each category is published in Appendix 1. These categories have not changed further to the extensive review undertaken as part of the 2020 review.

### Fees

The Tribunal determined a 2 per cent increase in the minimum and maximum fees applicable to each category.

## Local Government Remuneration Tribunal

### Section 1 Introduction

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1. Section 239 of the LG Act provides that the Tribunal determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories.
2. Section 241 of the LG Act provides that the Tribunal determine the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils for each of the categories determined under section 239.
3. Section 242A (1) of the LG Act, requires the Tribunal to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission.
4. However, the Tribunal can determine that a council be placed in another existing or a new category with a higher range of fees without breaching the Government's wage policy as per section 242A (3) of the LG Act.
5. The Tribunal's determinations take effect from 1 July in each year.

### Section 2 2020 Determination

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6. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years.
7. The Tribunal undertook an extensive review of the categories and allocation of councils into each of those categories as part of the 2020 review.
8. Like the review undertaken in 2017, the Tribunal examined a range of statistical and demographic data and considered the submissions of councils, Local Government NSW (LGNSW) and Regional Cities NSW.
9. The Tribunal determined to retain a categorisation model which differentiates councils primarily based on their geographic location and the other factors including population, the sphere of the council's economic influence and the degree of regional servicing.
10. The categories of general purpose councils were determined as follows:

<b>Metropolitan</b>	<b>Non-Metropolitan</b>
<ul style="list-style-type: none"> <li>• Principal CBD</li> <li>• Major CBD</li> <li>• Metropolitan Large</li> <li>• Metropolitan Medium</li> <li>• Metropolitan Small</li> </ul>	<ul style="list-style-type: none"> <li>• Major Regional City</li> <li>• Major Strategic Area</li> <li>• Regional Strategic Area</li> <li>• Regional Centre</li> <li>• Regional Rural</li> <li>• Rural</li> </ul>

11. Given the impact of the bushfires and the COVID-19 pandemic on the state and federal economies and wellbeing of communities, the Tribunal determined no increase in the minimum and maximum fees applicable to each existing category.
12. The Determination was made on 10 June 2020 in accordance with the Local Government (General) Amendment (COVID-19) Regulation 2020 which extended the

time for making of the determination to no later than 1 July 2020.

13. On 10 August 2020 the Tribunal received a direction from the Minister for Local Government, the Hon Shelley Hancock MP, to review the categorisation of Bayside Council. The Tribunal found that Bayside met the criteria to be classified as Metropolitan Large – having both a resident and non-resident working population (minimum 50,000) exceeding 200,000.
14. The Tribunal's 2020 determination was amended by the special determination on 17 August 2020 for Bayside Council be re-categorised as Metropolitan Large for remuneration purposes with effect from 1 July 2020.

## **Section 3      2021 Review**

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### **2021 Process**

15. The Tribunal wrote to all mayors or general managers and LGNSW in February 2021 to advise of the commencement of the 2021 review and invite submissions. This correspondence advised that the Tribunal completed an extensive review of categories in 2020 and as this is only required every three years, consideration would be next be given in 2023. Submissions received requesting to be moved into a different category as part of the 2021 review would only be considered were there was a strong, evidence-based case.
16. Eighteen submissions were received – seventeen from individual councils and a submission from LGNSW. It was not possible from some submissions to ascertain if they had been council endorsed. The Tribunal also met with the President and Chief Executive of LGNSW.
17. The Tribunal discussed the submissions at length with the assessors.
18. The Tribunal acknowledged difficulties imposed by COVID19 and, on some councils the bushfires and floods.
19. Submissions from councils in regional and remote locations that raised the unique challenges experienced by mayors and councillors which included difficulties with connectivity and the travel required in sometimes very difficult circumstances were also acknowledged.
20. A summary of the matters raised in the received submissions and the Tribunal's consideration of those matters is outlined below.

### **Categorisation**

21. Nine council submissions requested recategorisation. Four of these requests sought the creation new categories.
22. The Tribunal found that the current categories and allocation of councils to these categories remained appropriate. The Tribunal's finding had regard to the 2020 review, the current category model and criteria and the evidence put forward in the received submissions.
23. A summary of the individual council submissions that sought recategorisation is below.

### **Metropolitan Large Councils**

24. Blacktown City Council requested the creation of a new category of Metropolitan Large – Growth Area.
25. Penrith City Council requested the creation of a new category Metropolitan Large –

## Local Government Remuneration Tribunal

Growth Centre.

26. Liverpool City Council requested recategorisation to Major CBD.
27. The Tribunal noted that an extensive review of the current category model was completed in 2020 and would be next considered in 2023. The Tribunal noted that the criteria required for recategorisation was not yet met and that current council allocations remained appropriate.

### Metropolitan Small Councils

28. The City of Canada Bay sought recategorisation to Metropolitan Medium. The Tribunal noted that the criteria required for recategorisation was not yet met.

### Major Regional City Councils

29. The City of Newcastle requested review and creation of a new category of “Gateway City” with comparable characteristics to the Major CBD category and a similar fee structure. The Tribunal noted that an extensive review of the current category model was completed in 2020 and would be next considered in 2023.

### Regional Centre

30. Tweed Shire Council requested recategorisation to Regional Strategic Area. The Tribunal noted that the criteria required for recategorisation was not yet met.

### Rural Councils

31. Federation Council requested recategorisation into a new category of Regional.
32. Narromine Shire Council sought recategorisation but did not specify a category for consideration.
33. Yass Valley Council sought recategorisation to Regional Rural.
34. The Tribunal noted that an extensive review of the current category model was completed in 2020 and would be next considered in 2023. The Tribunal noted that the criteria required for recategorisation was not yet met and that current council allocations remained appropriate.

### Fees

35. The Tribunal determined a 2.0 per centage increase in the minimum and maximum fees applicable to each category. A summary of the matters the Tribunal considered when making this determination is outlined below.
36. Submissions that addressed fees sought an increase of 2.5 per cent or greater. These submissions raised similar issues to warrant an increase which included the significant workload, responsibilities, capabilities, duties and expanding nature of mayor and councillor roles. Some submissions also suggested that an increase in remuneration may assist in improving the diversity of potential candidates.
37. The 2021-22 rate peg for NSW Councils was set at 2.0 per cent by the Independent Pricing and Regulatory Tribunal (IPART). The rate peg is the maximum percentage amount by which a council may increase its general income for the year.
38. Employees under the *Local Government (State) Award 2020* will receive a 2.0 per cent increase in rates of pay from the first full pay period to commence on or after 1 July 2021.
39. Section 242A of the LG Act provides that when determining the fees payable in each of the categories, the Tribunal is required to give effect to the same policies on increases in remuneration as the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (IR Act), when making or



## Local Government Remuneration Tribunal

varying awards or orders relating to the conditions of employment of public sector employees.

40. The current government policy on wages pursuant to section 146C(1)(a) of the IR Act is articulated in *the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* (IR Regulation 2014). The IR Regulation provides that public sector wages cannot increase by more than 2.5 per cent. As such, the Tribunal has discretion to determine an increase of up to 2.5 per cent.
41. On 31 March 2021, Premiers Memorandum M2021-09 issued the *NSW Public Sector Wages Policy 2021* reflecting the Government's decision to provide annual wage increases of up to 1.5 per cent. The IR Regulation has not been amended to reflect this position.

### Conclusion

42. The Tribunal's determinations have been made with the assistance of Assessors Ms Kylie Yates and Mr Tim Hurst.
43. It is the expectation of the Tribunal that in the future all submissions have council endorsement.
44. Determination 1 outlines the allocation of councils into each of the categories as per section 239 of the LG Act.
45. Determination 2 outlines the maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils as per section 241 of the LG Act.



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**Local Government Remuneration Tribunal**

Dated: 23 April 2021

## Section 4 2021 Determinations

Determination No. 1 - Allocation of councils into each of the categories as per section 239 of the LG Act effective from 1 July 2021

Table 1: General Purpose Councils - Metropolitan

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta
Metropolitan Large (12)	Metropolitan Medium (8)
Bayside	Campbelltown
Blacktown	Camden
Canterbury-Bankstown	Georges River
Cumberland	Hornsby
Fairfield	Ku-ring-gai
Inner West	North Sydney
Liverpool	Randwick
Northern Beaches	Willoughby
Penrith	
Ryde	
Sutherland	
The Hills	
Metropolitan Small (8)	
Burwood	
Canada Bay	
Hunters Hill	
Lane Cove	
Mosman	
Strathfield	
Waverley	
Woollahra	

## Local Government Remuneration Tribunal

**Table 2: General Purpose Councils - Non-Metropolitan**

Major Regional City (2)	Major Strategic Area (1)	Regional Strategic Area (1)
Newcastle	Central Coast	Lake Macquarie
Wollongong		

Regional Centre (24)		Regional Rural (13)	
Albury	Mid-Coast	Bega	
Armidale	Orange	Broken Hill	
Ballina	Port Macquarie-Hastings	Byron	
Bathurst	Port Stephens	Eurobodalla	
Blue Mountains	Queanbeyan-Palerang	Goulburn Mulwaree	
Cessnock	Shellharbour	Griffith	
Clarence Valley	Shoalhaven	Kempsey	
Coffs Harbour	Tamworth	Kiama	
Dubbo	Tweed	Lithgow	
Hawkesbury	Wagga Wagga	Mid-Western	
Lismore	Wingecarribee	Richmond Valley Council	
Maitland	Wollondilly	Singleton	
		Snowy Monaro	

Rural (57)			
Balranald	Cootamundra-Gundagai	Junee	Oberon
Bellingen	Cowra	Kyogle	Parkes
Berrigan	Dungog	Lachlan	Snowy Valleys
Bland	Edward River	Leeton	Temora
Blayney	Federation	Liverpool Plains	Tenterfield
Bogan	Forbes	Lockhart	Upper Hunter
Bourke	Gilgandra	Moree Plains	Upper Lachlan
Brewarrina	Glen Innes Severn	Murray River	Uralla
Cabonne	Greater Hume	Murrumbidgee	Walcha
Carrathool	Gunnedah	Muswellbrook	Walgett
Central Darling	Gwydir	Nambucca	Warren
Cobar	Hay	Narrabri	Warrumbungle
Coolamon	Hilltops	Narrandera	Weddin
Coonamble	Inverell	Narromine	Wentworth

<b>Rural (57)</b>	
	Yass

**Table 3: County Councils**

<b>Water (4)</b>	<b>Other (6)</b>
Central Tablelands	Castlereagh-Macquarie
Goldenfields Water	Central Murray
Riverina Water	Hawkesbury River
Rous	New England Tablelands
	Upper Hunter
	Upper Macquarie



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**Local Government Remuneration Tribunal**

Dated: 23 April 2021

## Local Government Remuneration Tribunal

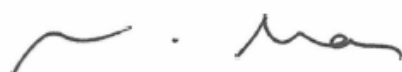
### Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2021

The annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2021 as per section 241 of the *Local Government Act 1993* are determined as follows:

**Table 4: Fees for General Purpose and County Councils**

Category		Councillor/Member Annual Fee (\$) effective 1 July 2021		Mayor/Chairperson Additional Fee* (\$) effective 1 July 2021	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	28,190	41,340	172,480	226,960
	Major CBD	18,800	34,820	39,940	112,520
	Metropolitan Large	18,800	31,020	39,940	90,370
	Metropolitan Medium	14,100	26,310	29,950	69,900
	Metropolitan Small	9,370	20,690	19,970	45,110
General Purpose Councils - Non-Metropolitan	Major Regional City	18,800	32,680	39,940	101,800
	Major Strategic Area	18,800	32,680	39,940	101,800
	Regional Strategic Area	18,800	31,020	39,940	90,370
	Regional Centre	14,100	24,810	29,330	61,280
	Regional Rural	9,370	20,690	19,970	45,140
	Rural	9,370	12,400	9,980	27,060
County Councils	Water	1,860	10,340	4,000	16,990
	Other	1,860	6,180	4,000	11,280

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).



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**Local Government Remuneration Tribunal**

Dated: 23 April 2021

**Appendices**

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**Appendix 1 Criteria that apply to categories**

**Principal CBD**

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

**Major CBD**

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

## Local Government Remuneration Tribunal

### Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

### Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

## Local Government Remuneration Tribunal

### Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

### Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development
- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region
- have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
- have significant natural and man-made assets to support diverse economic activity, trade and future investment
- typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

### Major Strategic Area

Councils categorised as Major Strategic Area will have a minimum population of 300,000.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a



## Local Government Remuneration Tribunal

significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

### Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 200,000.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

### Regional Centre

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

## Local Government Remuneration Tribunal

### Regional Rural

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.

Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

### Rural

Councils categorised as Rural will typically have a residential population less than 20,000.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

### County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

### County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Biosecurity Act 2015*.