

LATE MOTIONS

CATEGORY 1 – For debate

L1 Hilltops Council

Letter of support for demerger proposals by the Local Government Boundaries Commission

That Local Government NSW provide letters of support for all Councils to demerge where such demerger proposal is recommended by the Local Government Boundaries Commission.

Note from Council

This motion is consistent with the motion passed at the Country Mayors meeting held 5 August 2022.

L2 Waverley Council

Flags to half-mast for National Sorry Day

That Local Government NSW requests all Councils to lower all flags to half-mast annually for National Sorry Day (May 26).

Note from Council

May 26 is National Sorry Day. On this day, we commemorate Aboriginal and Torres Strait Islander people who were forcibly removed from their families under government policies during the Assimilation era (officially 1910-70).

Those children stolen from their families have become known as the Stolen Generations. Many survivors have provided an account of the violence they endured and the ongoing pain they experience as they try to find their families. While some have managed to find their families, many have not. This has left an indelible pain that resonates in all aspects of their lives.

While this is a National Day of Commemoration, shamefully, it barely rates a mention in the media. Aboriginal and Torres Strait Islander people and communities however, never forget. How can we, when so many of our families have been impacted by this legacy?

On February 13, 2008, then Prime Minister Kevin Rudd delivered an apology to members of the Stolen Generations. This is often heralded as a historic day, and indeed it was important for people who had been impacted by being forcibly removed from their families to finally have a government tell the truth. Rudd, however, firmly stated the government had no intention to consider compensation.

Councillors and Aboriginal staff across the state have varying opinions on the significance of flying the flags for Sorry day, all have been positive and supportive.

L3 Shoalhaven City Council

Koori Rugby League Knockout

That Local Government NSW lobbies the NSW Government to provide an annual contribution of \$1.4 million, to be provided to the local government within which each year's NSW Koori Rugby League Knockout will occur, to be passed on by that local government to the host organisation running the event.

Note from Council

The NSW Koori Rugby League Knockout event is considered one of the largest Aboriginal gatherings in Australia. The first event was held in 1971 and the most recent event - the 50th anniversary event was held in the Shoalhaven this year and was an incredibly successful event.

It was an event created to increase access for Aboriginal players to state Rugby League. The winner gains the right to host the event. However, the costs of running this event are large.

It is considered important and appropriate that LGNSW lobby the NSW Government to assist with provision or recurring funding for the event. An amount of approximately \$1.4 million per year would be appropriate to be made available by the NSW Government to the Local Council in which that year's event is to be held, to be passed on to the host organisation once they are known.

The NSW Government is considered to have an obligation for improving relationships with our Aboriginal communities and since this is one of the biggest Aboriginal events annually, there is considered no better way to do that.

L4 Junee Shire Council

Closure of bank branches

That Local Government NSW lobbies the Federal Government to place a moratorium on the closing of bank branches in rural towns.

Note from Council

The CBA has indicated that it will close its Junee branch on 9 December 22, leaving no bank in town. Junee Shire Council recognises that this is an issue for many rural shires. Council is extremely concerned on the effect of bank branch closures in rural areas, especially on small businesses who handle cash, the elderly and the disabled.

L5 Cobar Shire Council

Postal Savings Bank

That Local Government NSW calls on the Commonwealth Parliament to pass the Commonwealth Postal Savings Bank Bill to establish a post office people's bank, fully guaranteed by the Commonwealth, as a dedicated postal savings bank, operating exclusively through Australia Post's corporate and licensed post offices, which will ensure a basic banking services – including deposit-taking, business and personal lending, and access to cash – are available to all Australians, and will contribute to Australia's national economic development.

Note from Council

Bank branch and ATM closures are leaving many communities without access to financial services, especially in regional Australia.

Since 1975 the number of bank branches in regional Australia has fallen by more than 60 per cent, and there are more than 1,500 communities across Australia with no bank branches at all.

A large proportion of the population, including the elderly, disabled, small businesses and local schools and charities, will always have a need for face-to-face financial services despite advances in technology.

For hundreds of communities, their only access to cash and financial services is through Bank@Post in their community Post Office.

Bank@Post is an essential service to all communities, but is vulnerable to commercial decision-making by the banks, which can choose to withdraw their participation.

L6 Greater Hume Council

Sustainable funding to address the NSW rural road network

That Local Government NSW seeks an urgent meeting with the Minister for Roads, the Minister for Transport and any other relevant Minister to request an immediate review of the funding model under which local governments receive financial assistance to maintain and renew the road network.

(Note: This motion covers the following motion set out in small font)

Note from Council

Greater Hume Council has experienced unfavourable weather conditions and a bush fire event, over the previous two years which have impacted negatively on the life span of our road network and our ability to manage these assets and this challenge is impacting on the ability to maintain our road network and is a sector wide issue. What the sector needs is a long term solution to address

the compounding effects of years of underfunding. It is suggested that the review seriously consider reinstating the Financial Assistance Grants collection of personal income to 2%.

Cootamundra-Gundagai Regional Council

Urgent funding for road repair

That Local Government NSW urgently lobby State and Federal Governments to immediately release funding, particularly for rural and regional councils, so the immediate repair of the State's road network is not delayed due to a lack of funds or resources.

Note from Council

Due to the extreme weather that NSW has experienced this past year our road network is now in a seriously deteriorated state with potholes and sections totally failed.

Driving conditions are now unsafe and dangerous.

Damage to tyres, wheels and suspension is reported daily.

Councils are doing as much remedial repairing as possible.

When the weather does improve councils need to be in a position to restore the road infrastructure as quickly as possible.

Our roads are more important now than they have ever been and regional communities relying on freight delivery, access to work and services are at serious risk.

It won't be long until harvesting starts which will mean greater heavy pressure on the roads.

Councils manage over 90% of the state's roads.

With financial pressure and restrictive budgets, Federal and State assistance will be required immediately to see our roads restored as quickly as possible.

L7 Kempsey Shire Council

Monetary limits in Planning Systems SEPP

That Local Government NSW lobbies the NSW Government for an urgent review of the monetary limits in the State Environmental Planning Policy (Planning Systems) 2021, particularly the capital investment values at which development becomes Regionally Significant Development or State Significant Development.

Note from Council

The recent significant escalation in the costs experienced by Local Government to plan and deliver capital projects is likely to see a drastic increase in the number of projects that meet the threshold to be considered Regionally Significant Development under Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021, or State Significant Development under Schedules 1 and 3 of the same policy.

Many of these monetary limits have been in force, without variation, since the introduction of the State Environmental Planning Policy (State and Regional Development) 2011 or earlier.

The increased standards required for approval of Regional and State Significant Development are likely to cause increased expenditure and delays in delivering capital projects that were never intended to be captured by these schemes. Many of these projects are grant funded by the NSW Government.

L8 Wagga Wagga City Council

Extension of submission period on state significant development and other major development projects

That Local Government NSW advocates to the NSW State Government that the current period of 28 days during which submissions must be made on state significant development and other major development projects be extended to 90 days.

Note from Council

The recent experience of coordinating and making a submission on the Inland Rail Environmental Impact Statement (EIS) highlighted the inadequacy of the 28-period given to stakeholders to complete this process.

The proponent of a complex development has no time limit within which to prepare their document. This process often takes years, and the resulting document is massive with many technical studies of supporting data. The notion that a person impacted by the development has 28 days to read, understand, analyse and then comment on the document is challenging and unreasonable and is noted that most stakeholders don't have access to experts on their own.

The motion proposed is designed to firstly highlight the common view across the state of NSW that stakeholders have an inadequate period of time to comment on complex development applications. Secondly, it is proposed to ensure that the members of LGNSW gives the representative body a clear direction to lobby the NSW government for change to give stakeholders sufficient time to comment on complex development applications.

L9 Maitland City Council **Enhancing unattended property enforcement powers**

That Local Government NSW calls on the Office of Local Government to proclaim the new Public Spaces (Unattended Property) Act 2021 to enable councils to apply enhanced powers and penalties to remove unattended property, including shopping trolleys, unregistered and abandoned cars and trailers from road reserves and public spaces sooner, reducing damage to personal property, environmental effects, as well as the possibility of fire caused by vandalism to these vehicles.

Note from Council

Abandoned cars continue to be a problem across the state of NSW. This has been evident within the Hunter Valley where cars are often stolen, then left on the roadside. Often these cars are found in a timely manner by the NSW Police, but then are unable to be moved due to restrictions placed on local government areas by the Act. This often leads to vehicles which are in good condition being vandalised. This includes windscreens being smashed, tyres being stolen, and eventually cars being burnt out. This creates eyesores across LGAs especially when tourists and potential future citizens are driving through a city. In addition to this, there is also the risk to public safety and the environment with glass and metal often ending up in waterways and bushland, and the likelihood of fire to nearby bushland.

L10 Lane Cove Council **Light spillage in urban bushland areas**

That Local Government NSW writes to the appropriate NSW Government Department requesting that they develop a policy on the issue of light spillage in urban bushland areas.

Note from Council

As building density increases next to existing urban bushland, at night-time the light emanating from buildings and landscape create light 'spills' into the neighbouring bushland. This artificially turns a dark environment at night into an illuminated environment.

Like many Councils in NSW, Lane Cove's built environment and population has increased significantly and we have experienced more development immediately adjacent to urban bushland. Examples of high-density residential development next to urban bushland in the last decade include the Mowbray Precinct and Waterview Drive in Lane Cove West.

Development proposals are underway for the construction of projects adjacent to urban bushland at 266 Longueville Road (Australian Unity), 276 Longueville Rd to 18 Northwood Road (Pathways), Greenwich Hospital (Hammondcare) and the Lane Cove Sport and Recreation Precinct (Lane Cove Council) on the site of the Lane Cove Golf Club building and car park. Council is also reviewing the lighting in several sports fields.

As building density increases next to existing urban bushland, at night-time the light emanating from buildings and landscape create light 'spills' into the neighbouring bushland. This artificially turns a dark environment at night into an illuminated environment.

Again, like many other Councils in NSW, Lane Cove has an abundance of wildlife thanks to the wonderful urban bushland it sustains. The recently completed Wildlife Survey publication commissioned by Lane Cove Council, available on our website, shows the extent of the species which includes birds, microbats, frogs, turtles, skinks, geckos, dragons, echidnas, swamp wallabies, sugar glider, possums and flying foxes to name some and include nine (9) threatened species.

Three quotes from the research paper 'Light pollution at the urban forest edge negatively impacts insectivorous bats' by Haddock et al Biological Conservation Vol. 236 August 2019 (listed below) state:

1. "Connectivity and quality of vegetation in cities, including urban forests, can promote urban biodiversity. However the impact of anthropogenic pressures at the forest-matrix edge, particularly artificial light at night (ALAN), on connectivity has received little attention";
2. "Artificial light sources on the edges of urban forest have diverse effects on bats and insects, and should be considered an anthropogenic edge effect that can reduce available habitat and decrease connectivity for light-sensitive species"; and
3. "Only relatively recently has ALAN been widely discussed as a global threat to biodiversity."

(Sources:-Light pollution at the urban forest edge negatively impacts insectivorous bats (Abstract) (Joanna K Haddock, Caragh G.Threlfall, BradleyLaw, Dieter F.Hochuli) Biological Conservation Vol. 236 August 2019; Manuscript: Light pollution at the urban forest edge and its impact on insectivorous (JK Haddock, CG Threlfall, B Law, DF Hochuli); National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds (Department of the Environment and Energy, 2020); Bushland Fauna Surveys Lane Cove Council (June 2020)).

L11 City of Ryde

Wildlife safe backyard nets

That Local Government NSW calls on the Minister for Agriculture and NSW Government to ban the sale and use of unsafe backyard netting and encourage the use of Wildlife safe netting (aperture no more than 5mm x 5mm).

Note from Council

Each year backyard fruit tree netting entanglement causes the painful death of many flying foxes, birds, snakes and other animals. Netting entanglement maims, and exposes animals to heat stress, sun stroke, broken bones, myopathy and often results in death.

NSW wildlife rescue services undertake around 1000 call-outs for netting entanglements each year. The Government relies on volunteers to rescue wildlife, as RSPCA and council officers rarely do so.

Rescue of entangled flying foxes requires specialist trained and vaccinated rescuers and in peak season the netting rescues are unrelenting.

Wildlife "safe" netting (aperture no more than 5mm x 5mm) is available at most hardware shops.

Victoria have passed legislation, to prevent the sale of unsafe nets and ACT are about to follow. The ban does not apply to commercial growers as Modern orchards already use wildlife friendly netting "canopies".

The grey-headed flying fox is already listed as endangered and may not survive this century so every preventable death is totally unacceptable.

L12 City of Ryde**Protecting wildlife from rat poison and ban SGARs**

That Local Government NSW calls on the NSW State government to:

1. legislate to ban the retail sale of Second Generation Anticoagulant Rodenticides (SGARs) in NSW.
2. change the state government's pest management practices for state-owned properties to stop the use of SGARs.
3. advocate through the joint Commonwealth-States Agriculture Ministers' Meeting (AMM) for a national ban on the retail sale of SGARs.
4. investigate nominating SGARs as a key threatening process under the NSW Biodiversity Conservation Act 2016.
5. encourage landholders through Local Land Services to avoid the use of SGARs and responsibly manage pest issues through licensed professionals.

Note from Council

The most commonly used rodent poisons are anticoagulant rodenticides (ARs). Newer ARs, called second generation anticoagulant rodenticides (SGARs), which are powerful enough that a single feed can be lethal but because of the time lag between taking a bait and feeling the effects, rodents can consume a more-than-lethal dose and still be wandering around - like walking time bombs.

Predators that naturally eat rodents, like owls and birds of prey, can then easily consume multiple poisoned rodents, in turn becoming poisoned themselves.

SGARs work by causing internal bleeding, but when rats and mice eat baits poisoned with SGARs, they become poisonous themselves, harming, and even killing other animals and birds that eat them. Including wildlife and pets.

Studies in Australia have found harmful, and often fatal levels of SGARs in dead birds of prey, including Southern Boobooks, Wedge-tailed Eagles, and Powerful Owls.

L13 Eurobodalla Shire Council**State Forests logging and the transition to ecologically sustainable plantations**

That Local Government NSW:

1. notes that both Western Australian and Victorian State Governments have announced plans to transition their native forest logging in state forests to 100% plantations and have provided end dates for native forest logging of 2024 and 2030 respectively.
2. notes the concerns from south coast residents for better management of State Forests to support nature-based tourism enterprises, recreational usage, threatened species habitat protection and carbon sequestration and raises these concerns with Forestry Corporation NSW.
3. notes that logging in our State Forests is incompatible with our state's investments in nature-based tourism enterprises, climate change mitigation and the protection of biodiversity.
4. advocates to the NSW State Government to develop a plan for the just transition of the Forestry Corporation NSW native forest sector to ecologically sustainable plantations and farm forestry and that such plans ensure the protection of existing jobs in this sector and ensure a reliable supply of high value native hardwood timber products into the future.

Note from Council

We are living in a time of twin deteriorating crises - the Biodiversity Crisis and the Climate Crisis. Native forest logging practices in our south coast State Forests, which make up 31% of the Eurobodalla shire's land area, directly contribute to both crises.

With species like the koala, glossy black cockatoo, and greater glider this year having their conservation status downgraded as they become more vulnerable to extinction, we need to address the role native forest logging plays in that demise - whether FCNSW operate according to their licence conditions or not.

Our native forests are simply worth more left standing so that they can be sustainably managed for values other than timber production. These values include the forest's critical role in sequestering carbon, both within trees and in the soil, and in providing threatened species habitats and biodiversity protection, clean water catchments to support our oyster industry, and nature-based tourism and recreation opportunities.

This can be achieved when a plan is made for the just transition of the Forestry Corporation NSW native forest sector to ecologically sustainable plantations and farm forestry.

CATEGORY 1 – Covered by existing lead motions in business paper

Covered by Motion 102

City of Ryde - Survey of bullying and harassment in the LG sector

That Local Government NSW calls on the NSW State Government to:

1. undertake a state-wide survey of elected Councillors and local government staff on bullying, harassment and intimidation as soon as practicable or in the 2023/2024 financial year, to improve workplace and Councillor safety.
2. that the results of the survey and review be reported back to Local Government NSW and all Councils for further action, if required.

Note from Council

In July 2021, the Presiding Officers, Clerks and Chief Executive Officer (The Parliamentary Executive Group) commissioned an independent review into harmful behaviours including bullying, sexual harassment, and sexual misconduct at NSW Parliament workplaces. This review was undertaken by the former Sex Discrimination Commissioner Elizabeth Broderick. The review findings have been published on the Parliament's website.

<https://www.parliament.nsw.gov.au/about/Pages/reviews-and-reports.aspx>

At the ALGWA NSW (Australian Local Government Women's Association NSW) conference held in July 2022, many conference delegates shared harrowing stories of the bullying and harassment they experienced in the local government sector. In response, the ALGWA NSW executive committee resolved at their September 10 meeting to submit a motion to the LGNSW conference and requested elected Councillor members to submit at their next ordinary council meeting.

Covered by Motion 102 Randwick City Council - Survey of bullying and harassment in the LG sector

That Local Government NSW calls on the NSW State Government to:

1. undertake a state-wide survey of elected Councillors and local government staff on bullying, harassment and intimidation as soon as practicable or in the 2023/2024 financial year, to improve workplace and Councillor safety.
2. that the results of the survey and review be reported back to Local Government NSW and all Councils for further action, if required.

Note from Council

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At the ALGWA NSW (Australian Local Government Women's Association NSW) conference held in July 2022, many conference delegates shared harrowing stories of the bullying and harassment they experienced in the local government sector. In response, the ALGWA NSW executive committee resolved at their September 10 meeting to submit a motion to the LGNSW conference and requested elected Councillor members to submit at their next ordinary council meeting.

Covered by Motion 102 Inverell Shire Council - Survey of bullying and harassment in the LG sector

That Local Government NSW calls on the NSW State Government to:

1. undertake a state-wide survey of past and present elected councillors and local government staff on bullying, harassment and intimidation as soon as practicable or in the 2023/24 financial year, to improve workplace and councillor safety;
2. that the results of the survey and review be reported back to LGNSW and all councils for further action if required.

Note from Council

In July 2021, the Presiding Officers, Clerks and Chief Executive Officer (The Parliamentary Executive Group) commissioned an independent review into harmful behaviours including bullying, sexual harassment, and sexual misconduct at NSW Parliament workplaces. This review was undertaken by the former Sex

Discrimination Commissioner Elizabeth Broderick. The review findings have been published on the Parliament's website.

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It has been drawn to my attention that there is anecdotal evidence of bullying and harassment in the local government sector. At the ALGWA NSW (Australian Local Government Women's Association NSW) conference held in July 2022, many conference delegates shared harrowing stories of the bullying and harassment they experienced in the local government sector.

To improve workplace safety in local government there needs to be a way to quantify and identify these behaviours. The ALGWA NSW executive committee resolved at their September 10 meeting to seek support for the survey at the LGNSW conference.

Covered by Motion 4

Maitland City Council - Special Infrastructure Contributions

That Local Government NSW:

1. calls on the NSW Government to provide certainty and timing on the funding of critical regional infrastructure to support growth in greenfield development zones including items listed under existing Special Infrastructure Contribution.
2. reiterates to the NSW State Government that without adequate and timely funding for infrastructure greenfield developments critical pressure is placed on the communities within LGAs where growth is occurring and places more barriers to housing supply.

Note from Council

Over the last 10 years many Local Government Areas have experienced considerable growth through greenfield developments. Maitland is no stranger to this, being listed as one of the fastest growing LGAs outside of Sydney. To be able to deliver this new housing critical infrastructure is required in a timely fashion to allow councils to meet the expectations of the State Government for addressing housing shortages and cost of living.

Across the Maitland LGA we have seen significant delays in the delivery of key infrastructure due to funds not being readily available from the State. Impacts of these delays can be seen across the Thornton Road network, of which a funding shortfall exists.

Presently, delays witnessed from the release of these funds results in lack of transparency, accountability, and respect from the local community. This reduces the level of confidence from residents in the contribution system. This also reduces the market certainty regarding infrastructure delivery and timeframes, which reduces developer confidence and investment in certain growth areas which are reliant on regional infrastructure being delivered.

CATEGORY 2 – Motions not for debate as they align with existing LGNSW policy

LX1 Eurobodalla Shire Council

24/7 cat containment

That Local Government NSW advocate to the NSW Government to amend the Companion Animals Act 1988 and introduce legislation that enables councils to implement 24/7 cat containment in their jurisdictions.

Note from Council

Research shows that cats have played a leading role in most of Australia's 34 mammal extinctions since 1788 and are a big reason why populations of at least 123 other threatened native species are declining. On average, each pet cat that is allowed to roam (even for only part of the day or night) kills 186 reptiles, birds, and mammals per year in Australia. This means that each roaming pet cat kills, on average, more than two native animals every week. Collectively, roaming pet cats kill 390 million animals per year in Australia (Threatened Species Recovery Hub).

Research has shown that cats who are allowed to roam live shorter lives than cats who are contained within their properties. Containing cats helps to reduce the threat of fighting, dogs, diseases or being injured or killed by a vehicle.

Under the current Companions Animals Act 1998, there is scope for Council to prohibit cats for the purposes of the protection of wildlife, for which the local authority conspicuously exhibits notices to the effect that cats are prohibited in or on that public place [S30 (b)]. Further research is required to identify if this is a suitable and effective option in the Eurobodalla Shire. Any additional works associated with cat management would require resourcing, inclusive of funding.

Cat restrictions are increasingly being introduced across Australia. Cat curfews, containment and cat-free zones have been introduced in some suburbs in the ACT, and many local government areas in Victoria and in South Australia. In some jurisdictions cat containment requires cats to be contained to the owner's property, or under the control of the owner (e.g. on a leash) when outside the property, in the same manner that is required for dogs -unfortunately, this is not yet the case in NSW.

The curtailing of cat movement would reduce the negative impacts on both wildlife and the health and wellbeing of domestic cats. The improvement in responsible cat ownership should be led by the NSW Government and local government should be supported to enact any improvements.

This Motion proposes that Council submit to the LGNSW conference, a Motion that the NSW Government introduce legislation that allows councils to introduce a 24/7 Cat Containment Policy.

Note from LGNSW

This motion is consistent with LGNSW's existing positions (including 2019 resolution 83) and LGNSW can continue to advocate for this position.