



LOCAL
GOVERNMENT
NSW

LGNSW 2022 ANNUAL CONFERENCE

BUSINESS PAPER



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OFFICE BEARERS AND BOARD MEMBERS

Patrons

Bill Bott AM	Mike Montgomery AM
Ray Donald OAM	Doug Sutherland AM
Genia McCaffery	John Wearne AM
Phyllis Miller OAM	The late Peter Woods OAM
Walter (Wally) A Mitchell AM OAM	

President

Cr Darriea Turley AM	Broken Hill City Council
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Vice-Presidents

Cr Khal Asfour	City of Canterbury Bankstown
Cr Scott Ferguson	Blayney Shire Council

Treasurer

Cr Jerome Laxale	City of Ryde (to 1 July 2022)
Cr Nathan Hagarty	Liverpool City Council (as of 1 July 2022)

Board Members

Cr Cameron Walters	Wollongong City Council
Cr Carmelo Pesce	Sutherland Shire Council
Cr Clare Raffan	City of Canterbury Bankstown (as of 29 August 2022)
Cr Danielle Mulholland	Kyogle Council
Cr Dominic King	Bellingen Shire Council
Cr George Greiss	Campbelltown City Council
Cr Jamie Chaffey	Gunnedah Shire Council
Cr Julie Griffiths	Blacktown City Council
Cr Karen McKeown OAM	Penrith City Council
Cr Nathan Hagarty	Liverpool City Council (to 1 July 2022)
Cr Nuatali Nemes	Newcastle City Council
Cr Penny Pedersen	City of Ryde (as of 18 July 2022)
Cr Philipa Veitch	Randwick City Council
Cr Phyllis Miller OAM	Forbes Shire Council
Cr Romola Hollywood	Blue Mountains City Council

Chief Executive

Scott Phillips

This page is correct at the time of publication

CONFERENCE PROGRAM OVERVIEW

Full Program available: <https://lgnswconference.org.au/program/>

Sunday 23 October to Tuesday 25 October 2022

Crowne Plaza Hunter Valley, 430 Wine Country Drive, Lovedale NSW 2325

Sunday 23 October

- 1.30pm-3.00pm Concurrent Workshops
1. Universal Urban Design and local government: creating welcoming, vibrant safe and inclusive communities
 2. Creating Smart places – how your LGA can benefit
 3. It's a jungle out there: Protecting your council and community from biosecurity risks
 4. Building a new, resilient LG sector – Reset, Reshape & Resilience
- 3.35pm-5.20pm Keynote Presentations
- Professor Mary O’Kane AC and Mick Fuller APM** – NSW Flood Inquiry – the way forward
John Brogden AM, President LifeLine International
A.R Bluett Awards by the Trustees
Official Opening LGNSW Annual Conference 2022 Cr Darriea Turley AM
- 5.20pm-7.50pm President’s Welcome Reception

Monday 24 October

- 9.00am-9.10am Conference introduction and Welcome to Country
- 9.10am-9.20am Voting Procedure and Housekeeping by **Scott Phillips**, Chief Executive, LGNSW
- 9.20am-5.05pm Welcome and address by **Cr Darriea Turley AM**, President, LGNSW
- Opening of the Federal & State Conferences, adoption of standing orders, business sessions and consideration of motions and conference business.
- 10.55am-11.00am**: Presentation from **Cr Linda Scott**, President ALGA
- 5.05pm-5.35pm Delegate networking function in the trade expo
- 7.00pm-10.30pm **Conference Dinner** – Hope Estate Vineyards, 2213 Broke Road, Pokolbin NSW 2320
Cr Darriea Turley AM, President LGNSW and Elite Sponsor, StateCover Mutual present LGNSW Service Awards to elected members

Tuesday 25 October

- 7.30am-8.45am **Australian Local Government Women’s Association (ALGWA NSW) Breakfast**
- 9.00am-10.05am Keynote presentations and Panel session followed by Q&A
- The Future of Local Government** including addresses from **Minister Wendy Tuckerman MP, Greg Warren MP; Minister Sam Faraway MLC and John Graham, MLC**
- 10.45am-11.45am Keynote presentation followed by Q&A
- Re-imagining Our Future Workforce, Simon Kuestenmacher**, The Demographics Group
- 11.45am-12.45pm Keynote presentation
- Crime Prevention in NSW**, Deputy Commissioner of Police, **Peter Thurtell APM**
- 12.45pm-2.00pm Final remarks, Conference close **Cr Darriea Turley AM**, President LGNSW and lunch in trade expo

This program is correct at the time of publication

FEDERAL CONFERENCE

STANDING ORDERS – FEDERAL

These Standing Orders are made in accordance with rule 27 of the registered rules of Local Government NSW (LGNSW rules).

It is the intention of this Conference, so far as possible, to work towards achieving consensus on the matters before it and, subject to these Standing Orders and the LGNSW rules, the Chairperson and Delegates are to endeavour to achieve this goal.

Quorum

1. The quorum for a Conference shall be fifty per cent of the total number of Delegates to the Conference, plus one. The business of a Conference shall not be conducted unless a quorum is present (see rule 25 of the LGNSW rules).

Note: for the purposes of the 2022 Annual Conference, the total number of Delegates on the date that the roll of voters closed [midnight (AEST) on Monday, 29 August 2022] was 482. Therefore, the quorum shall be **242**.

[482/2) + 1, rounded up to the nearest whole number = 242].

Presiding at the Conference

2. The Conference will be presided over by the President. In the absence of the President, the Conference will be presided over by either Vice President. Should neither the President nor either Vice President be present, a Board member shall preside. The person presiding over the Conference will be addressed by Delegates as the “Chairperson” or the “Chair”.

Conduct of Delegates

3. When the Chairperson speaks, all Delegates will remain silent and maintain order.
4. All Delegates who wish to speak to the Conference shall:
 - a. stand and remain standing unless unable to do so through illness or disability,
 - b. state their name, title, and the member they represent,
 - c. address Delegates through the Chairperson.
5. Delegates shall address the Conference in a manner befitting to the reputation of Local Government and ensure that the reputation of Local Government and the Association is maintained and enhanced throughout proceedings.
6. A Delegate commits an act of disorder if the Delegate, at a session of a Conference:
 - a. moves or attempts to move a motion or an amendment that has an unlawful purpose;
 - b. says or does anything that is inconsistent with maintaining order at the Meeting or is likely to bring Local Government and/or the Association into contempt or disrepute;
 - c. assaults or threatens to assault another Delegate or person present at the meeting; or

- d. insults or makes personal reflections on or imputes improper motives to any other Delegate.
7. The Chairperson may require a Delegate to:
 - a. retract any comment or remark that constitutes an act of disorder;
 - b. apologise without reservation for an act of disorder; or
 - c. withdraw a motion or an amendment that has an unlawful purpose.
 8. A Delegate may be expelled from a session of Conference for not complying with standing orders 5, 6 or 7 only by a majority vote of Conference delegates.
 9. Mobile phones shall be switched off or switched to silent mode while the business of the Conference is being transacted.
 10. Board Members of the Association shall be permitted to speak on any matter before a Conference.

Manner of dealing with Conference Business

11. Conference Business will be dealt with in any order at the discretion of the Chairperson.
12. Nothing in these Standing Orders shall prevent the Chairperson from dealing with motions concurrently.
13. The Chairperson may exclude any business that has already been debated.

In the case of motions

14. The Chairperson, upon coming to a motion set out in the Business Paper, must ask whether there is any dissent to the proposed resolution the subject of the item and, if no dissent be signified, may at any time, declare the motion carried.
15. Where dissent is signified, the Chairperson shall require the motion to be moved and seconded. If there be no seconder after a reasonable opportunity, the Chairperson may declare the motion lapsed.
16. If the motion is moved and seconded, the Chairperson may, at any time during debate, make such inquiries as to the nature of the dissent so as to confine any debate to the issues genuinely in dispute or to explore amendments to the proposed resolution which satisfactorily accommodate the moving and dissenting Delegates and Delegates generally.
17. Movers of motions shall be permitted two (2) minutes to introduce their proposed resolution into debate and one and a half (1.5) minutes in reply. All other speakers shall each be permitted to speak once for one and a half (1.5) minutes. The Conference may, on application by a speaker, permit that speaker to have one, but only one, further period of one and a half (1.5) minutes in which to speak.
18. A Delegate seconding a motion shall not be permitted to speak until at least one Delegate has spoken in dissent.
19. The Chairperson may, during the course of debate direct a speaker to confine his or her speech so as to:

- a. limit repetition of matters addressed by other speakers;
 - b. limit debate about matters or issues not genuinely disputed.
20. Except as otherwise provided herein, it shall not be in order to move that any resolution be immediately put until at least two Delegates, in addition to the mover and the seconder, have had an opportunity to speak on the resolution then before the Conference.
21. A Delegate can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the Conference until a decision is made on the motion of dissent;
- a. If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course; and
 - b. Despite any clause to the contrary, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.
22. A Delegate may not substitute from the floor of the Conference a new motion for one listed in the Business Paper unless the new motion is substantially the same, and dealing with the same subject matter, as the original motion, and the new motion is accompanied by written evidence that it has the support of the member concerned.
23. When an amendment is before the Conference, no further amendment shall be discussed until that amendment has been dealt with.
24. No more than one amendment upon any motion shall be considered unless notice of such further amendment is given before the amendment then under discussion has been dealt with.
25. The mover of an amendment which has been adopted as the motion shall have the right of reply.

New motions from the floor of Conference

26. At least 24 hours' notice shall be given before dealing with any new motions introduced during the Conference (Rule 28(e)).
27. Where a Member seeks to introduce a new motion during the Conference, they shall submit the motion and evidence that the motion has the support of the member concerned, to the Association's Chief Executive (or the Chief Executive's nominee), in writing.
28. The Chief Executive (or the Chief Executive's nominee), upon receiving a new motion submitted during the Conference, shall immediately record the time that they receive the motion and make arrangements for copies of the motion to be provided to Delegates.

Motions that reflect existing LGNSW policy

29. Motions submitted for inclusion in the Business Paper to the Conference which reflect existing LGNSW policy (Category 2 motions) shall remain existing LGNSW policy unless superseded or replaced by a subsequent Conference resolution.

In the case of all other Conference Business

30. All other Conference Business will be dealt with at the discretion of the Chairperson.

Manner of voting

31. Only Members' nominated voting Delegates and members of the Board may debate and vote on motions.

32. Except as hereinafter provided voting on any matter shall be on the show of cards.

33. The Chairperson may direct that voting on any matter be taken by show of voting cards or by use of electronic voting.

34. After a show of voting cards or on conclusion of an electronic vote the Chairperson may either:

- a. declare the question resolved in the affirmative or negative; or
- b. if voting cards have been used, call for a new vote using electronic voting.

35. A Division may be called following a vote on the show of cards by no less than 10 Delegates.

36. A Division will be taken by use of electronic voting.

Suspending Standing Orders

37. Standing Orders may be suspended by a majority of those present, provided the meeting is in quorum. A motion to this effect shall be open to debate.

Outstanding business

38. In the event that the Conference, having commenced in quorate, subsequently loses a quorum and is unable to consider any item(s) of business properly put before the Conference, they shall be referred to the Association's Board for consideration.

39. Any item of business properly put before the Conference that remains outstanding at the conclusion of the first business day of the Conference shall be referred to the Association's Board for consideration.

CATEGORY 1 MOTIONS

F1 LGNSW Board

Standing Orders

That the Standing Orders as set out in the preceding pages be adopted.

STATE CONFERENCE

STANDING ORDERS – STATE

These Standing Orders are made in accordance with rule 27 of the registered rules of Local Government NSW (LGNSW rules).

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CATEGORY 1 MOTIONS

Association business

1 LGNSW Board

Standing orders

That the Standing Orders as set out in the preceding pages be adopted.

2 LGNSW Board

Fundamental Principles

That the Local Government NSW (LGNSW) Annual Conference:

1. endorses the LGNSW Board exercising its functions and determining advocacy activities and priorities giving consideration to all applicable legislative requirements, the LGNSW Rules, the Objects of LGNSW as set out in the Rules, resolutions of LGNSW Conferences, the LGNSW budgetary process and the LGNSW Fundamental Principles.
2. endorses the Local Government NSW Fundamental Principles, as set out below:

Economic

- *A - Local government must have control of its revenue raising and investment decisions and be fairly funded by the Commonwealth and State/NSW Governments to meet its infrastructure and service responsibilities.*
- *B - Local government promotes local and regional economic development and employment growth.*

Infrastructure

- *C - Local government is best placed to plan for, deliver and manage essential local infrastructure.*

Planning

- *D - Local government is best placed to lead and influence local and regional planning processes according to the needs and expectations of local communities*
- *E - Our communities' quality of life is a priority of local government planning.*

Environment

- *F - Local government actions reflect Ecologically Sustainable Development. ESD requires the effective integration of economic, environmental and social considerations in decision making processes and is based on the following principles:*
- *Intergenerational equity – today's actions maintain or enhance the environment for future generations*
- *Precautionary principle – prevent environmental degradation and manage and mitigate risk*
- *Conservation of biological diversity and ecological integrity*
- *Improved valuation and pricing of environmental resources – recognising the value of the environment to the community*
- *Commit to the principles of the circular economy and minimise the consumption of finite natural resources*

Social and Community

- *G - Local government is committed to the principles of:*
- *Equity – fair distribution of resources*
- *Rights – equality for all people*
- *Access – to services essential to quality of life*
- *Participation – of all people in their community*
- *Recognition – of the unique place of Aboriginal people in NSW and the right of Aboriginal people to be involved in all decisions affecting Aboriginal communities*
- *Health and Safety – for all in the community*

Governance

- *H - Local government must be constitutionally recognised and respected as an equal sphere of government*
- *I - Local government is democratically elected to shape, serve and support communities*
- *J - Local government is committed to the principles of good governance*

Accountability

- *K - Local government is responsible and accountable to the citizens and the communities it represents, through consultative processes, legislative accountabilities, efficient delivery of services and effective customer service.*
- *L - Local government is recognised as a responsible and place-based employer.*
- *M - Local government reduces and mitigates the risk of climate change for the communities we serve.*

Note from Board

Delegates are asked to re-endorse LGNSW's Fundamental Principles. These are the overarching principles – determined by our members – that guide LGNSW in its advocacy on behalf of the local government sector.

These Fundamental Principles are not new; they are a consolidation of LGNSW's numerous policies and positions, which were originally endorsed in 2016.

These Fundamental Principles are contained within LGNSW's Policy Platform (www.lgnsw.org.au/Public/Policy/Policy_Platform.aspx). These have been placed in a single document so that members and stakeholders can easily access a single repository of information on the issues that matter to our sector and what we stand for when we speak as one voice.

LGNSW will update this document after each Annual Conference and present the Fundamental Principles to Conference the following year, for members to re-endorse.

It is expected that changes to the Fundamental Principles will be uncommon, given their broad focus and general acceptance among the local government sector. It should be noted that our policy positions, which sit under the Fundamental Principles, will change more frequently as they are more detailed and targeted at specific policy issues of the day.

LGNSW is pleased to present a consolidation of our sector's Fundamental Principles for endorsement by members.

Financial sustainability

3 Bland Shire Council

Rural Fire Service

That Local Government NSW:

1. seeks a commitment from all political parties contesting the March 2023 NSW elections to amend the Rural Fire Services Act 1997 to remove Section 119's reference to vesting RFS equipment with councils to remove the conflict of "control", specifically in accordance with the definition in Australian Accounting Standards Board (AASB) Statement of Accounting Concepts 4: Definition and Recognition of the Elements of Financial Statements.
2. writes to the NSW Treasurer and Minister for Emergency Services and Resilience requesting:
 - a) urgent attention be given to this matter in light of the pending qualified audits of more than half of the state's Local Government organisations due to a conflict in accounting positions.
 - b) immediate action to ensure the NSW Rural Fire Service is an entity under the same requirements and regulations as other emergency service organisations such as the State Emergency Service.

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

Note from Council

Sixty-eight Councils across NSW have been informed that the NSW Audit Office will continue to adhere to its stance that Councils have ultimate control of RFS assets. In a circular received in July 2022 indicating there might be further implications from a qualified audit opinion including breaches of loan covenants (TCorp related), repaying of grant funding amounts and, in some instances, impact the contracts of General Managers. The inclusion of the vesting term in the *Rural Fire Services Act 1997* is the pivotal point in the Audit Office position. An amendment to the Legislation is required to remove the conflict between the Audit Office view and the Australian Accounting Standards Board Statement of Accounting Concepts 4: Definition and Recognition of the Elements of Financial Statements, which Local Councils are obliged to adhere to when preparing financial statements.

Leeton Shire Council

Inquiry into ownership of RFS Assets

That Local Government NSW lobbies the NSW State Parliamentary Accounts Committee, and/or other more relevant Committees, to:

1. conduct an inquiry into who effectively owns and controls Rural Fire Service (RFS) red fleet assets
2. set up a formal (independent of government) appeals process for sectors audited by the NSW Audit Office where there is professional disagreement that results in qualified audit opinions, and
3. amend s119 of the Rural Fires Act 1997 so that the effect is to make it clear that RFS assets are not the property of local councils.

Note from Council

The NSW Government is of the view that rural firefighting equipment that has been vested to councils under section 119(2) of the Rural Fires Act 1997 is not controlled by the State and has determined, by default, that RFS assets are, for accounting purposes, the property of councils.

The State Government's own Local Government Code of Accounting Practice and Financial Reporting (LG Code of Accounting Practice) confirms the State's view that it does not control these assets but states that councils can choose whether or not to record RFS assets as part of their financial statements.

In line with NSW Government views, the NSW Auditor General is now insisting that councils record RFS assets and equipment in their financial statements.

RFS assets are specified by the RFS; purchased by the RFS; garaged at RFS depots and sites; fuelled by the RFS; managed on a day-to-day basis by the RFS; deployed by the RFS as and when required; transferred, repurposed and sold by the RFS; and driven or operated by RFS trained personnel all without any reference whatsoever to the local council.

More than 60 NSW Councils – Leeton Shire Council among them – have, in compliance with the provisions of the LG Code of Accounting Practice, assessed their control of the RFS loose assets vested in them and determined that they have no control of these assets.

Despite councils' views that they do not own or control the assets, despite the LG Code of Accounting Practice provision, and despite the fact that other top tier Auditors disagree with the NSW Audit Office's opinion on the issue, the NSW Audit Office has threatened to issue councils that do not record the RFS assets in their financial statements with qualified audit opinions.

There being no formal appeals process for sectors audited by the NSW Audit Office, councils have no recourse but to accept the qualified audit opinion and risk being brought into financial disrepute.

This situation is neither right nor fair.

Newcastle City Council

NSW audit office and ownership of rural fire service assets

That Local Government NSW:

1. writes to Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and Minister for Local Government the Hon Wendy Tuckerman MP:
 - a) expressing this conference's objection to the NSW Government's determination on ownership of Rural Fire Service assets;
 - b) advising of the impact of the Government's position on council finances of this accounting treatment;
 - c) calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by

- acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS;
- d) amending s119 of the Rural Fires Act 1997 so that the effect is to make it clear that RFS assets are not the property of councils; and
 2. writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC: a) Advising Members of LGNSW's position, including providing copies of correspondence to NSW Government Ministers; and b) Seeking Members' commitments to support NSW Councils' call to amend the Rural Fires Act 1997 as set out in correspondence.
 3. promotes these messages via its digital and social media channels and via its networks.
 4. continues advocating on behalf to affected councils to get clarification from the State Government about the accounting treatment of RFS assets.

Note from Council

A long-standing dispute over the financial accounting treatment of Rural Fire Service (RFS) mobile assets (known as the 'Red Fleet') has come to a head with the Auditor-General's 2021 Report on Local Government on 22 June 2022. The Audit Report reemphasises the State Government determination that RFS assets are the "property" of councils and must be recorded in Council's financial statements with Council required to therefore absorb all depreciation costs.

Wagga Wagga City Council

Rural Fire Service (RFS) assets

That Local Government NSW lobbies the NSW State Parliamentary Accounts Committee, and/or other more relevant Committees, to:

1. conduct an inquiry into who effectively owns and controls Rural Fire Service (RFS) red fleet assets.
2. amend s119 of the Rural Fires Act 1997 so that the effect is to make it clear that RFS assets are not the property of local councils.

Note from Council

There has been no change in the position of the NSW Audit Office (NSWAO) that councils have ultimate control of RFS assets (whether exercised or not). Therefore, NSWAO are expecting to see red fleet assets assessed via quantification for recording in this year's financial statements.

As part of establishing a listing of red fleet, Wagga Wagga City Council has been advised that they will (among other actions) need to do a stocktake to verify (existence) of the assets. Communication from the NSW AO is to the effect that failure to account for the red fleet will not only lead to a qualified audit opinion but will compromise Councils' access to grants and loan funding.

Australian Accounting Standard AASB 101 Presentation of Financial Statements (paragraphs 23 and 24) includes that the Council's Responsible Officers are required to disclose anything that they do not believe represents the true position of an entity's finances.

Council strongly seeks support that it is inappropriate to include RFS assets in Council's assets listing on the basis that councils do not purchase, select, utilise, have access to, know the location of, nor dispose of RFS assets.

Blue Mountains City Council

NSW Audit Office position on RFS Red Fleet assets

That Local Government NSW lobbies the NSW Government to review and remove the Auditor General's requirements to include RFS Firefighting Equipment assets (Red Fleet) on Council's balance sheet.

Note from Council

The Audit Office NSW is enforcing Section 119 of the Rural Fires Act 1997 which vests the RFS Red Fleet to Local Government Areas. If Councils do not record the RFS Red Fleet and/or do not complete a physical stocktake with conditions scores, the Audit Office NSW will issue a qualified audit report. The implication of which are:

1. Reputational damage,
2. Potential of the OLG to issue a Notice of Improvement Order; and
3. Ineligibility for certain grants. Under accounting standards and the Local Government Accounting Code of Practice and Financial Reporting the RFS Red Fleet assets do not comply, as Council does not procure, control or dispose of RFS Red Fleet assets and should not be disclosed in Council's financial statements. The treatment of NSW RFS Red Fleet assets is not consistent with the treatment of NSW Fire & Rescue and NSW SES assets.

That Local Government NSW continues to advocate to the NSW Government on behalf of Councils to get clarification from the State Government about the accounting treatment of the Rural Fire Service assets.

Note from Council

Seeks the support of the Conference on the local government campaign on the financial accounting treatment of Rural Fire Service (RFS) mobile assets known as the 'Red Fleet'.

A long-standing dispute over the accounting treatment of the Red Fleet has come to a head with the Auditor-General's 2021 Report on Local Government on 22 June 2022. The Audit Report re-emphasises the State Government determination that RFS assets are the "property" of councils and must be recorded in Council's financial statements with Council required to therefore absorb all depreciation costs.

The Audit Office Local Government Report has reinforced the notion that RFS mobile and other fire-fighting assets can somehow be deemed to be council assets and applies more pressure on councils and the Office of Local Government (OLG) to conform with this determination, despite the fact that councils do not have effective management or control of these assets.

Councils across the State and Local Government NSW (LGNSW) refute this determination. Councils do not have any say in the acquisition, deployment or disposal of these assets. Comparable assets held by Fire & Rescue NSW (FRNSW) and the State Emergency Service (SES) are not vested anywhere other than with the organisations that purchase, use, maintain and dispose of them.

Councils and LGNSW have also raised concerns that the requirement breaches Australian Accounting Standards. The State Government's own Local Government Accounting Code of Accounting Practice and Financial Reporting provides for councils to determine whether to record RFS assets on their books as council assets. This position has been confirmed by the Secretary of the Department of Planning and Environment in his letter to the Auditor-General dated 7 June 2022, presented in Appendix 1 on page 47 of the 2021 Local Government Audit Report.

Advice from LGNSW notes that many councils are refusing to comply with the Auditor General's instructions. Councils remained firm in 2021, resisting pressure to record RFS assets with the majority (68), choosing not to record the RFS mobile assets in accordance with the Local Government Accounting Code. This was the same number of councils as in 2020. LGNSW is encouraging councils to continue resisting pressure from the Audit Office and make their own determinations notwithstanding overtures that ongoing non-compliance with the Auditor General's instructions may result in future qualified financial reports.

The latest Audit Report has made further impositions on (Council) by:

- recommending Council undertakes a stocktake of RFS assets and records the value in Council's financial statements;
- warning that if Council does not recognise the assets it will be found non-compliant and will have a high risk finding reported; and
- calling on the NSW Department of Planning and Environment (OLG) to intervene where councils do not recognise rural firefighting equipment.

The Government's blanket determination is also inconsistent with the treatment of the comparable assets of other emergency service agencies such as Fire & Rescue NSW (FRNSW) and the State Emergency Service (SES).

LGNSW has been advocating this position on councils' behalf and has written to the NSW Treasurer the Hon. Matt Kean MP, Minister for Emergency Services, the Hon. Steph Cooke MP, Minister for Local Government the Hon. Wendy Tuckerman MP and the Auditor-General, Ms Margaret Crawford to express the local government sector's strong objection to the NSW Government's determination, applied by the Auditor-General, that RFS assets are the property of councils for accounting purposes and amend the Rural Fires Act 1997.

LGNSW has advised it will continue its advocacy efforts on councils' behalf and is asking all affected councils in NSW to consider adopting a resolution advising the Audit Office that Council will not carry out the RFS stocktakes on behalf of the NSW Government, and will not record RFS assets on Council's financial statements.

Kempsey Shire Council

Accounting treatment of RFS assets

That Local Government NSW calls on the NSW Government to take immediate action to permanently resolve inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is under control of and the property of the RFS; by amending s119 of the Rural Fires Act 1997.

Note from Council

The Audit Office Local Government Report released on 22 June 2022, reinforces the notion that RFS mobile and other fire-fighting assets can be deemed to be council assets and applies more pressure on councils and the Office of Local Government (OLG) to conform with this determination even though councils do not have effective management or control of these assets.

Kempsey Shire Council is a small rural Council with just over 30,000 residents.

In this LGA the RFS has many assets. We were heavily impacted by the 2019/20 bushfires, and have consequently received significant new RFS assets, replacing outdated and damaged vehicles, and increasing the ability for the RFS to respond effectively to future fire emergencies.

The imposition of including RFS asset depreciation in Councils financial statements (for assets we do not control) adds to the burden of achieving sustainable financial results. This impacts both operating results and financial sustainability ratios.

Adding unnecessary burdens to councils that are already disadvantaged and struggling to become financially sustainable is simply inappropriate.

In addition, we have been impacted by flooding, causing significant damage to our road infrastructure. Our community would be better served by our resources being used to repair and improve infrastructure than in depreciating assets we have no control over.

Junee Shire Council

The non inclusion of RFS Red Fleet assets in 2022 statutory accounts

That Local Government NSW advocates for Red Fleet Rural Fire Service assets not to be included on Councils' books.

Note from Council

Council does not control Rural Fire Service Assets and as such do not meet the definition of an asset.

Therefore they should not be included in Council's statutory accounts. To do so would not comply with Accounting Standard AASB116 and would affect the integrity of the Financial Statements.

4 Newcastle City Council

NSW infrastructure contribution reforms

That Local Government NSW:

1. notes the NSW Government introduced the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) into the Legislative Assembly on 22 June 2021.
2. notes sector-wide concerns regarding the financial and planning implications on local councils and communities with calls made for the NSW Government to withdraw the Bill from the NSW Parliament.
3. acknowledges that further amendments were made by the then Minister, with the support of LGNSW with assurances made at the time that "no council will be worse off under the proposed reforms", however subsequent modelling by some councils have shown this not to be the case.
4. notes that the proposed amendments favour greenfield development scenarios, which do not reflect the infrastructure needs of urbanised areas, such as within the City of Newcastle, and may result in higher costs for infill development due to constraints and access in cities.
5. notes the high expense of reform implementation required by councils, in addition to the engagement of specialist IT consultants to ensure compliance with the proposed legislation and regulations.
6. continues advocating on behalf of the local government sector to ensure that any amendments do not adversely affect local councils or their communities.

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

Note from Board

LGNSW notes the NSW Government's September 2022 advice that it would not be progressing the proposed infrastructure contributions legislation that is before parliament, but it is still committed to development contribution system improvements and will continue to work with stakeholders to optimise how the infrastructure contributions system operates.

If carried, this motion will build on LGNSW's policy positions on this matter and so this motion remains in the LGNSW Annual Conference business paper despite the legislation not proceeding at this time.

Note from Council

In late 2021, a detailed package of information was exhibited, which contained the following:

- EP&A Regulation amendments and explanatory paper
- Land value contribution explanatory paper
- Local contributions practice notes, explanatory paper and modules
- Regional Infrastructure Contribution discussion paper and Explanation of Intended Effect
- Regional Infrastructure Works in Kind and Governance and Prioritisation guidelines
- Ministerial Directions and draft practice note relating to Land Use Planning.

In November 2021, LGNSW secured confirmation from (then) Planning Minister Rob Stokes that no council would be worse off under the reforms. The Minister also promised to:

- Seek financial assistance for councils struggling to provide local infrastructure, if developer contributions are withheld to the end of a project;
- Spend regional infrastructure contributions in the area from which they are collected, based on the applicable strategic planning; and
- Incorporate these commitments into the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021.

The Hills Shire Council**Infrastructure funding and delivery**

That Local Government NSW calls on the NSW Government to provide certainty on the funding and timing for critical regional infrastructure to unlock and support growth, including items that have been earmarked for provision and funding for over 10 years in existing Special Infrastructure Contribution Determinations.

Note from Council

Most of the existing greenfield release areas in North West Sydney are covered by the Special Infrastructure Contribution – Western Sydney Growth Area Determination (SIC), which commenced in 2011. The SIC applies to both residential and employment land and enables the State Government to levy development for contributions toward regional infrastructure such as roads, education, emergency services, open space, health facilities and public transport upgrades. This infrastructure plays an integral role in supporting growth and unlocking development within Precincts that are experiencing substantial population growth. The existing SIC contains a list of infrastructure items which will be delivered using funds collected by Government. Council, landowners and developers have proceeded with land use planning, contributions planning and investment decisions on this basis.

Despite the Western Sydney Growth Area SIC being in-force for over a decade and notwithstanding the amount of development which has occurred and paid SIC funding, The Hills Shire Council has found it extremely difficult to obtain funding for the provision of the items listed within the SIC Determination. It has become apparent that there is a major backlog in the rollout of critical regional infrastructure with insufficient funds available for their delivery and it is too late in the development process in certain areas to collect these funds from remaining development.

The recently exhibited Regional Infrastructure Contribution (RIC) framework was intended to achieve greater simplicity and certainty in the regional contribution system. As distinct from the current SIC, which applies only in identified release areas, the RIC would apply more broadly across entire regions (including existing established areas) and to a greater range of development types in comparison to the current SIC.

Whilst the regional contribution system desperately needs reform, it is imperative that the new framework requires the State Government to be held to the same standard of accountability and transparency with respect to administration of the RIC as local Councils are with respect to local infrastructure contributions. This should include the upfront identification of specific State infrastructure that will be delivered using RIC

funding (including timing/staging) prior to rezoning of land, and annual reporting requirements with respect to the extent of RIC income collected, on hand and expended. Reforms to the regional infrastructure funding framework should lead to greater levels of certainty and reliability for major stakeholders in comparison to the existing system, not less.

If the State Government is not transparent and accountable with respect to the collection and expenditure of contributions, and does not properly administer the RIC, this will reduce public confidence in the contribution system. It will also reduce market certainty regarding infrastructure delivery priorities and timeframes, which may in turn reduce developer confidence and investment in certain growth areas that are reliant on regional infrastructure being delivered.

The material that was exhibited with the proposed RIC framework also lacked critical detail regarding savings and transitional provisions for existing SIC Determinations and Directions. This detail is required in order to provide certainty to Councils or communities that are already relying on these funds for the delivery of critical infrastructure projects (which have already been identified) in rapidly growing areas such as the North West.

Penrith City Council

NSW infrastructure reform

That Local Government NSW urgently calls on the NSW State Government to finalise the proposed infrastructure reforms, ensuring that no council will incur a shortfall of funding to deliver local infrastructure to support new and growing communities and that this shortfall is not shifted to the existing community.

Note from Council

NSW is continuing to undergo significant growth and change. A range of infrastructure is required to support NSW's growing population and to deliver liveable and vibrant places. Emerging cost pressures are also impacting infrastructure delivery, such as increasing land values, growing compliance issues and supply constraints. Proposed changes to infrastructure contributions in NSW recently exhibited by the Department of Planning and Environment and IPART will impact the development contributions framework for local Councils in NSW. Some of the reforms may reduce a council's contributions income, thereby further affecting their ability to deliver and/or upgrade infrastructure. If new and upgraded infrastructure is not provided, infrastructure service levels for existing and future populations may decline, including infrastructure projects of national significance.

In addition to the above, proposed increases to contributions rates (e.g. changes to Regional Infrastructure Contributions) may have a significant impact on development feasibility and housing affordability. This will create a burden for landowners and may undermine the revitalisation of key centres.

Not all infrastructure is able to be delivered through development contributions. Local Government need additional support and resources to help fund the gap generated by incoming development and expected population growth, and to make development more affordable.

Liverpool City Council

Infrastructure contributions reforms

That Local Government NSW advocates that the NSW Government take on board the following recommendations in relation to the NSW Government's Infrastructure Contributions Reform:

1. supports the proposed reforms that encourage councils to forward fund infrastructure delivery by allowing councils to pool funds between contributions plans and recoup interest costs associated with borrowing.
2. allow councils to continue to levy non-residential development above the maximum rate of 1 per cent where they have previously obtained approval from the Minister to do so, and where it can be demonstrated that the new contributions rates proposed under the reforms would not result in lower net income than under the previously approved plan.
3. include provisions in the Regulation that enable councils to seek the Minister's approval to levy above the proposed s7.12 rates and outline the process for approval and information required.
4. amend the draft regulation so that the following s7.12 rates should be able to be levied:
 - a. \$12,000 per dwelling
 - b. \$50 per square metre for retail and commercial floor space.
5. Supports the proposed amendments concerning the public exhibition of planning agreements and annual reporting requirements.
6. supports the proposed amendments requiring councils to keep and make public an affordable housing contribution register.
7. supports the proposed amendments simplifying and standardising exemptions, noting that Council can decide to apply its own additional exemptions if required.

8. the proposed timing for the review of existing contributions plans and adoption of new contributions plans (1 July 2024) should be aligned with the proposed essential works list transitional arrangements (1 July 2025) to allow Council to efficiently review and adopt new plans and avoid the need to undertake a further review and update of its new plans shortly after adoption.
9. the Land Value Contribution (LVC) should be based on the sale price of the land to better reflect the actual cost of acquiring land identified in a contributions plan.
10. the LVC method should include an allowance for costs incurred when acquiring land identified in contributions plans under the Just Terms Compensation Act.
11. the amount of land included in the Land Value Contribution Area (LVCA) should be uncapped if a planning proposal and contributions plan demonstrates consistency with the principles of efficient design and the efficient use of land as outlined in the reforms, to ensure there is no funding gap.
12. amend the definition and process for determining a Land Value Contributions Area (LVCA) to ensure it excludes all land which is not subject to intensification under a planning proposal.
13. update the proposed amendment to the Act or Regulation to allow a LVC obligation to be satisfied by a developer dedicating public purpose land identified in the contributions plan.
14. allow councils to develop and utilise their own customised LVI to index the value of land to be acquired and land contributions by engaging a certified valuer annually.
15. amend the EP&A Regulation to allow councils to immediately adopt contributions plans once amendments required by IPART and the Minister have been made, without the need to consider further exhibition.
16. the infrastructure identified in the proposed SIC should be fast-tracked into the new RIC Growth Infrastructure Needs Long List, to ensure that the regional infrastructure required to support the Aerotropolis is included in the relevant infrastructure funding mechanism.
17. the Greater Sydney Region should be divided into smaller sub regions to ensure that funds collected to deliver infrastructure required to support development will be spent where growth is occurring.
18. the RIC fund allocation process should include the publishing of the full list of projects that were considered for funding, the reasons why projects were successful or unsuccessful, and an independent appeal and review process where councils and other stakeholders can appeal RIC investment decisions made by the State government.
19. the entire RIC prioritisation and governance framework should be linked to growth and population forecasts to ensure that infrastructure is prioritised for Sydney's growth areas including the Aerotropolis and the South-West Growth Area, and the framework should be subject to a regular and independent review to ensure the guiding principles and objectives are being met.
20. the timely preparation and approval of contributions plans alongside planning proposals requires the active involvement of State government agencies in the efficient design / master planning phase, and commitments by those agencies to sign off on infrastructure requirements for planning proposals in a reasonable time. The State government should therefore develop and require agencies to adhere to protocols for involvement and timely decision making in the plan making process.
21. extend the timeframe for adoption of a contributions plan or planning agreement from 6 months to 12 months after the gazettal of a planning proposal, to minimise the likelihood of Council being unable to levy contributions on new development where a contributions plan has been delayed.

Note from Council

Council has not received confirmation from the Department of Planning and Environment about the status of the NSW Government's Infrastructure Contributions Reform.

It is recommended that Council's position be reiterated to LGNSW, particularly in relation to the recommendations as outlined in Council's submission.

5 City of Canterbury-Bankstown Council

s. 7.11 and 7.12 contribution rates

That Local Government NSW:

1. calls on the NSW Government to empower councils to levy s7.12 contribution rates of up to 4% of the cost of works of new development. This would represent a contribution of between \$15k-\$20k per additional dwelling.
2. advocates to the Minister to amend the Environmental Planning and Assessment Act 1979 to enable the application of section 7.11 and 7.12 rates for different land uses within the same development application.

Note from Council

The s7.12 contributions are easy to understand and apply, as they are based on a percentage of the cost of works of new development. This percentage can also easily be translated into a standardised cost per dwelling. However, for most councils, s7.12 contributions are currently

capped at 1% of the value of development cost. On an additional dwelling with a value of \$600,000, the 1% levy would represent a contribution of only \$6,000. If contributions income generated by the levy rates was increased, s7.12 would be more likely be used as an alternative to s7.11 contributions. Independent modelling for Canterbury-Bankstown Council (Council) showed that a s7.12 contribution rate, equivalent to \$15,000 per dwelling, would generate greater income than other contribution funding scenarios, and fund nearly all the costs of new or improved infrastructure proposed in Council’s Contributions Plan. In Canterbury Bankstown and other middle and outer ring councils, this contributions rate is approximately 4% of the development cost of a new dwelling.

The nexus principle that is applied to s7.11 contributions is not applied to s7.12 contributions. This provides councils with greater flexibility in the type and location of new infrastructure which can be funded and would remove a key restriction into how developer contributions are expended. Applying the s7.12 levy rates can lead to significant improvements in the simplicity of contributions planning across NSW and permit a more appropriate range of works that are responsive to community needs, negating the need to draw on general revenue to fund any gaps. Enabling all councils to apply s7.12 levy rates of up to 4% with the rate selected to be at each council’s discretion, would achieve the consistency in contributions planning sought by the Productivity Commission’s review of infrastructure funding, make the \$20,000 cap on residential contributions irrelevant, and provide predictable infrastructure funding income for councils. The current legislation precludes applying sections 7.11 and 7.12 contributions to the same development. For councils, this means it is not possible to levy a mixed–use development for the separate components of residential (where s7.11 contributions apply) and commercial (where s7.12 applies). A loss of contributions to fund infrastructure therefore arises. Infrastructure funding reforms should remove this artificial barrier to enable the levying of all development that generates demand for new facilities.

6 City of Canterbury-Bankstown Council	Regional Infrastructure Contribution
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That Local Government NSW advocates to the NSW Government that no Regional Infrastructure Contribution (RIC) be applied to new developments.
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Note from Board

If carried, this motion would amend LGNSW’s existing position. This existing position does not oppose the concept of a Regional Infrastructure Contribution but does advocate for any state or regional infrastructure levy, if introduced by the government, to be spent in the area from which it was collected.

Note from Council

The RIC is proposed to be a flat rate tax paid to the NSW Government for new developments. The RIC:

- is a regressive tax, which would have a disproportionate and unfair impact on economically disadvantaged communities who may struggle to pay, especially small scale “mum and dad” developments.
- represents the NSW Government applying a “double standard” to infrastructure funding. It does not demonstrate a link between the new development and the need to fund new infrastructure by paying the RIC. Meanwhile, the NSW Government applies onerous “nexus” requirements on councils’ s7.11 local infrastructure contributions.
- fund does not have to be spent in the local government area where collected – it can be spent anywhere in the metropolitan region.
- does not enable councils within the various Greater Sydney Districts to guide expenditure, as expenditure is determined by the NSW Treasurer.
- exempts large scale residential development, (like build-to-rent housing), which place pressure on local and regional infrastructure as any development.

7 City of Canterbury-Bankstown Council

Review of new contributions plans

That Local Government NSW advocates to the NSW Government that new contributions plans adopted by councils from 1 July 2021 should not be required to be reviewed for at least four years.

Note from Council

Any transitional arrangements for contributions planning reforms should:

- provide new contributions plans with a four year transition period. This would recognise that councils have invested significant resources in preparing new Contributions Plans based on current legislation and should be permitted to operate for at least a four year period.
- provide published criteria for extensions in plan review timeframes, with criteria including: - How recently the current plan was prepared (with more recent plans qualifying for extensions); - The extent of change in the growth forecast in the plan; - Capacity for councils to undertake plan reviews given available resources.
- upgrade the NSW Planning Portal to make loading or amending contributions plan details, including rates, easier and better supported by the Department of Planning and Environment.

8 Bayside Council

Developer contributions for infrastructure renewal and maintenance

That Local Government NSW lobbies the State Government to enact changes to the *Environmental Planning and Assessment Act 1979* to allow councils to quarantine and utilise a certain percentage of levied developer contributions, within the pooled development contribution plans, to be used for maintenance and renewal of infrastructure that has been provided by developer contributions.

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

Note from Council

Developer contributions provide a source for capital investment in new assets, but do not provide a source of funds for increased maintenance, operating, depreciation and ultimate renewal of these assets in the future. There are limits on how these funds can be expended, and projects often require a co-contribution from existing revenue base to deliver the required works as projects may combine renewal and upgrading as well as new infrastructure. If Councils do not have sufficient general revenue to make up the unfunded component of developer contribution works (as well as ongoing maintenance and renewal), external loans are required which then add a further burden of servicing debt on Council's finances. Councils currently cannot spend development contributions on maintenance of existing assets. Developer contributions that cannot be used, stay in Council's trust funds and the Council and the community do not get the best outcome.

While the intention is that rates from new residents can be used for maintenance and renewal, the reality is that due to rate capping there is not enough income generated from new residents to fund maintenance and renewal of new infrastructure. Many Councils are facing significant financial shortfall in their maintenance and renewal programs with the situation deteriorating year-on-year. As at 30 June 2021, Bayside had \$300m in unexpended s7.11 funds. An amendment to the Developer and Voluntary Planning Agreement restrictions will at least partly address this problem, allowing amounts to be set aside out of these funds to meet future maintenance and renewal costs.

Lake Macquarie City Council

Allowing operational costs to be funded from development contributions

That the NSW Government commits to investigating the use of development contributions to fund ongoing costs incurred during the lifecycle of facilities built using Section 7.11 funds.

Note from Council

Local infrastructure contributions collected from developers under Section 7.11 of the Environmental Planning and Assessment Act 1979 help councils fund infrastructure such as recreation facilities, community facilities, local roads, shared pathways, stormwater drainage and traffic management. Providing new facilities for communities incurs both capital costs – including land acquisition, design and construction – and lifecycle, or operational, costs – including depreciation, staffing and maintenance of the asset. With the exception of roads, councils are only able to levy development contributions for the initial capital construction of facilities. By exception, councils can levy development contributions for the maintenance and repair of

roads when authorised in Section 7.11 contributions plans. This same provision should be extended to other facility categories levied under development contributions. Lake Macquarie City Council estimates that for every dollar it spends on capital, an additional six cents in yearly operational costs is incurred for the life of the asset. For a \$50 million building program, an additional \$3 million per year in operating costs is incurred. This imposition of additional operating costs that cannot be funded through Section 7.11 contributions forces councils to provide lifecycle funding from other budgetary sources, putting them in the difficult position of having to weigh up the benefits of providing new facilities to the community against the ongoing cost of maintaining assets. Allowing councils only the capacity to levy development contributions for upfront capital does not fully finance total infrastructure costs associated with growth.

9 Kyogle Council

Financial Assistance Grants

That Local Government NSW calls on the Australian Government to conduct a review into the local government *Financial Assistance Grant Act 1995* with a view to removing the minimum per capita component and providing the states' Local Government Grants Commissions with maximum flexibility in the distribution of the available funding.

Note from Board

If carried, this motion would amend existing LGNSW policy which calls for the Federal Government not to make changes to the methodology of Financial Assistance Grant funding until that funding is increased back to 1% of Commonwealth tax revenue.

Note from Council

Local government financial assistance grants (FA Grants) are general purpose grants paid to local councils under the provisions of the Federal Local Government (Financial Assistance) Act 1995. This legislation details how the total amount of FA Grants is determined and how the funds are to be distributed between the States (including the ACT and the NT). The NSW Local Government Grants Commission has been reporting on the Financial Assistance Grants allocation methodology review since 2012. The Productivity Commission and the Independent Local Government Review Panel found there is an increasing inequity between sparsely populated more remote and rural areas and metropolitan, more densely populated areas. Generally, remote councils have greater relative need, due to inherent factors, which is being compounded by depopulation. A recently released Fact sheet on the Financial Assistance Grants received from the NSW Office of Local Government included the following statement; The ongoing challenge for the Commission has been how to allocate a fairer share of the GPC to such councils when a fixed 30% of the GPC grant must be allocated based on population increases/decreases. Despite multiple calls over many years from a variety of academics, policy makers, Councils and various enquiries, on the need to remove the minimum per capita component, and repeated confirmation from successive governments of both parties that there is no prospect of the level of FA Grants being increased to 1% of Commonwealth tax revenue, the LGNSW Policy position is still that; 1.3 FA Grants to be increased to at least 1% of total Commonwealth taxation revenue.

1.4 Federal Government to increase FA Grants funding to 1% of Commonwealth tax revenue, prior to any changes to the formula. This policy position is essentially being used to block any much-needed reforms, and the link between increased funding and reforms of the models used for distribution of the FA Grants needs to be removed. The policy position calling for the increase in FA Grants to 1% of total Commonwealth revenue can still remain, but the call is for the LGNSW Policy Position on the FA Grants to be changed to; 1.3 FA Grants to be increased to at least 1% of total Commonwealth taxation revenue.

1.4 Federal Government to remove the minimum per capita component of the FA Grants and allow the State Local Government Grants Commissions maximum flexibility in the distribution of the FA Grants in their respective states.

10 Gunnedah Shire Council

Fairer distribution of Financial Assistance Grants

That Local Government NSW calls on ALGA to make representation to the Federal Government to conduct a review into the *Local Government (Financial Assistance Grant) Act 1995* and the basis on which grant funding for roads is allocated, to create a more equitable approach to allocations and one that recognises the infrastructure managed by Local Government in the rural, regional and remote regions of Australia.

Note from Board

If carried, this motion would amend existing LGNSW policy which calls for the Federal Government not to make changes to the methodology of Financial Assistance Grant funding until that funding is increased back to 1% of Commonwealth tax revenue.

Note from Council

In NSW, the primary function of the NSW Local Government Grants Commission (Commission) is to make recommendations for the allocation of the FA Grants to the NSW Minister for Local Government.

Local government financial assistance grants (FA Grants) are general purpose grants paid to local councils under the provisions of the Federal *Local Government (Financial Assistance) Act 1995*. This legislation details how the total amount of FA Grants is determined and how the funds are to be distributed between the States (including the ACT and the NT). The NSW Local Government Grants Commission has been reporting on the financial assistance grant allocation methodology review since 2012. The Productivity Commission and the Independent Local Government Review Panel found there is an increasing inequity between sparsely populated more remote and rural areas and metropolitan, more densely populated areas. Generally, remote councils have greater relative need, due to inherent factors, which is being compounded by depopulation.

In NSW, a shift in population has been trending from the west of the divide toward the eastern seaboard. This has resulted in long term population decline in many rural and remote council areas. Therefore, such councils have a diminishing capacity to raise revenue, while retaining responsibility for infrastructure and services, often including large local road networks in the area. They are also vulnerable to the impacts of drought, flood and bushfire, further disadvantages which all amount to a greater relative disadvantage, or need, due to factors beyond those councils' control.

The Commission and Local Governments in the Namoi recommended that a new approach/model to allocations for FA Grants is sought, that any revised model should include consideration of:

- genuine cost drivers
- allocating a higher proportion of grant funding to councils with the greatest relative need
- is robust, statistically verifiable and auditable
- uses best practice financial modelling principles
- is transparent and publishable.

11 Bland Shire Council

Infrastructure grants

That Local Government NSW continues to lobby the NSW and Federal Governments to modify the administration of infrastructure grants in favour of direct grants to councils using a similar formula to the Federal Government Assistance Grants.

Note from Council

Reviews of the NSW financial assistance grants distribution model have been undertaken in previous years with no recommendations forthcoming for amendments to the process. Recommendations regarding the grants are the responsibility of the Commission and are made in accordance with the National Principles set out in the *Financial Assistance Grants Act 1995* (Cth). For any changes to occur to the method of distribution model, ongoing advocacy on behalf of the sector is critical at both a State and Federal level.

12 Bega Valley Shire Council Building Better Regions and continuity of grant programs

That Local Government NSW :

1. calls on the federal government to reinstate and consider the current applications under the Building Better Regions Fund or a close equivalent immediately assessing previously submitted and undetermined applications under that program.
2. develops an advocacy platform to prevent changes of government discontinuing or freezing effective programs of the previous government without an equivalent program in place

Note from Council

With the recent change of federal government, it is apparent there is no intention to continue the previous Building Better Regions Fund program, a program which drove enormous beneficial outcomes to regional Australia. The last round of funding applications closed 10 February 2022. With no outcome from that program, after councils invested significant funding into planning and preparation of applications and getting 'shovel ready'. This program (or a similar equivalent) needs to be reactivated immediately to allow regional communities to receive the projects they need for their communities to thrive. This program is an example of a broader issue that local communities are impacted by every state and federal election, whereby when a new government is elected there is a desire to make change even to initiatives that are widely recognised as beneficial to communities. There is a need to change this mindset by all parties at all levels which is to the detriment of local councils and communities.

13 Newcastle City Council Council classification and grant funding inequality

That Local Government NSW:

1. notes the long-standing frustration of City of Newcastle and Wollongong City Councils with inconsistent State Government classification, and resultant ineligibility for many grant programs.
2. refers to the previous advocacy by those councils and subsequent submission to the Public Accountability Committee's Inquiry into the integrity, efficacy, and value for money of the NSW Government grant programs.
3. notes that on 30 March 2021, the Public Accountability Committee tabled 15 recommendations as part of its first report into the integrity, efficacy, and value for money of NSW Government grant programs.
4. acknowledges that the report found "it was unacceptable for large regional cities such as Newcastle and Wollongong to be excluded when complementary grants programs are designed for both metropolitan and regional areas", and called for the NSW Government to review and standardise eligibility classifications across grant programs.
5. confirms the Committee also supported investigation into the creation of a third 'gateway city' classification category for regions, which would potentially include local government areas such as Newcastle and Wollongong.
6. writes to the Minister for Local Government, Wendy Tuckerman MP advising of this inequity and requesting assistance in resolving the issue as a matter of urgency.

Note from Council

Nil.

14 Lake Macquarie City Council Grant funding to be sought on a project percentage basis

That Local Government NSW requests that the NSW Government consider providing grant funding on a project percentage basis.

Note from Council

Grant funding to councils by the NSW Government for partnership projects is typically provided using a dollar figure that is either determined by the NSW Government or via a cost estimate provided by the applicant at the time of grant application. Given the volatility of the construction industry, regional economic pressures and the potential for grant announcements to be delayed, this leaves councils vulnerable to inflationary factors beyond their control that result in increased project costs. This is particularly evident in current times due to the high rate of inflation – more than 6 per cent in the year to June – and significant increases in the costs of materials and labour

due to shortages in both areas. While councils build contingencies into their project costings, current inflationary pressures are exceeding typical contingency estimations. Cordell's construction cost index shows prices increased by 4.2 per cent in 2020 and 7.3 per cent in 2021. This equates to an 11.5 per cent increase in construction costs over a two-year period.

Shifting to a funding model that recognises project risks related to commencement and planning delays, inflationary impacts and latent project conditions, could ensure that councils are not left with the financial burden of delivering projects that become unaffordable due to external factors beyond their control. A preferable system is a partnership approach where the grant funder accepts some of the potential delivery risk on a project percentage basis and the recipient ensures the risk assessment and appropriate project controls are in place to manage the project to delivery. This should ensure risk-based cost projections are captured and provide a more equitable allocation of grant funding. The project percentage basis should recognise both project maturity (level of investigation and design completion) and the potential for cost increases largely due to national and regional economic factors over the life of the project's delivery.

To provide context of how this may work in practice, a council has a proposed project with a budget of \$10 million. Ordinarily the council may seek and receive \$7 million in funding from the NSW Government. At present, all the financial delivery risk is borne by the council. Using the suggested project percentage basis approach, the council would seek 70 per cent of the project costs to be funded by the NSW Government, ensuring the financial risks associated with project delivery are shared between the NSW Government and the council. It would also act as a significant risk mitigation strategy for councils

15 Murray River Council

Depreciation

That Local Government NSW advocates to the NSW Government that:

1. a critical review be undertaken to ascertain the relevance of the inclusion of depreciation expenses and
2. consideration be given to eliminating roads depreciation expenses and depreciation expenses applicable to asset equity funded from grants and contributions from the calculation of the Operating Performance Ratio.

Note from Council

Depreciation expenses are a material amount in all NSW local government councils' financial statements and as such have a significant impact on councils' bottom lines and the financial performance measures (namely the Operating Performance Ratio). Due to the adverse and distorting impact on Operating Performance Ratios it is essential that a critical review be undertaken to ascertain the relevance of the inclusion of depreciation expenses.

DISCUSSION

(Author; Mr. Graham Bradley FCA B. Bus, retired local government auditor).

General purpose financial statements for both commercial entities and local government councils determine depreciation expenses in accordance and compliance with AASB 116. AASB 116 Depreciation is the systematic allocation of the depreciable amount of an asset over its useful life. Depreciable amount is the cost of an asset, or other amount substituted for cost, less its residual value. Depreciation can be described/explained as follows: "Depreciation is a planned, gradual reduction in the recorded value of an asset over its useful life by charging it to expense. Depreciation is applied to fixed assets, which generally experience a loss in their utility over multiple years. The use of depreciation is intended to spread expense recognition over the period of time when a business expects to earn revenue from the use of the asset." It is also accepted that in commercial environment depreciation expenses are integral in determining the profit distribution through dividends.

In view of the above and from a practical perspective there are stark and fundamental differences between the relevance of depreciation expenses in a commercial environment as compared with a local government council.

In a council environment:

- there are no distribution of profits
- most Council assets are not intended to generate and/or maximise revenue.
- numerous assets are externally funded (partially or fully) through grants and contributions.
- some councils have brought to account and depreciated assets which they neither own nor control, nor have any financial obligations for asset maintenance or replacement (e.g. Rural Fire Service 'Red Fleet' assets).
- arguments persist that certain asset categories e.g., roads, do not lose value should maintenance be adequate.
- assets of council are subject to rapidly changing demographics, global trends, changes in Community Strategic Plans, legislation, and technology.
- in some cases, council determines that assets will not be replaced at the end of their useful life e.g., community halls due to changing demographics, community expectations etc. Consequently, it is apparent that depreciation expenses as defined by Australian Accounting Standards and adhered to by commercial entities are not necessarily compatible nor applicable for local government assets. This situation was recognised as far back as 1922 when a Committee of Enquiry into Local Government Accounts stated: "In Local Government Accounts a charge for depreciation means a provision for replacements. What local government bodies are concerned with are the cash and funds available for expenditure, so that unless depreciation written off is actually set aside in a special bank account no advantage is gained by writing it off." I (author) still consider that this statement has some relevance today – "depreciation means a provision for replacement".

For the reasons enunciated earlier most councils' assets have been externally funded (partially or fully) through grants and contributions (roads/sewerage/water etc) and council will never be in a position, nor expected, to fully fund these assets when they are fully depreciated.

Additionally, some assets will never be replaced and 'assets' such as Rural Fire Service 'Red Fleet' are required to be depreciated even though Council has neither control nor obligation to fund nor replace. These factors are unique to local government and need to be accounted for as such. I (author) note that this situation was recognised and addressed by the NSW Local Government Electricity County Councils in the late 1980's when their financial statements (audited by the NSW Audit Office) effectively only depreciated the equity that County Councils had contributed to the asset. This was achieved by amortising capital grants and contributions against the annual depreciation expenses. Based on the NSW Local Government figures for year ended 2019/20 the State average for depreciation expenses as a percentage of Opex was 20.8% with significant variances between regions, particularly between rural and urban councils.

Sydney Central had the lowest Depreciation % to Opex (14.4%) whilst the Murray region % was the highest (29.9%).

Councils with highest depreciation as a % of Opex:

- Liverpool Plains Shire Council 41.2%
- Carrathool Shire Council 36.6%
- Bland Shire Council 36.1%
- Balranald Shire Council 34.3%
- Lockhart Shire Council 34.0%

Councils with lowest depreciation as a % of Opex:

- Council of the City of Ryde 8.9%
- Waverley Council 10.82%
- The Municipality of Kiama 11.96%
- Penrith City Council 12.04%
- Inner West Council 12.12%

It is no coincidence that the councils with the highest depreciation percentage to Opex are generally rural councils with extensive road networks. Councils' depreciation expenses are of course made up from a series of different asset classes however in most cases road depreciation is often the largest single component and largely responsible for the considerable variances as illustrated. Obviously then, it appears as though one size doesn't fit all yet no allowance is made for these depreciation variances when important ratios such as the Operating Performance Ratio are prepared. Arguably, no figure in local government financial statements is subject to greater uncertainty and variability than roads depreciation which is constantly subject to climate events (excessive rainfall/flooding etc), road transport regulations, grant funding, condition assessments etc. thereby making it potentially a most unreliable and misleading figure. Added to this depreciation scenario is the fact that many other assets of council are subject to vastly different factors than those of a commercial entity. This then begs the question. Why are all Council assets depreciated 100% based on cost or revalued amount when council has not financed (nor expected to have financed) the full cost of the asset?. Is there a better way? As councils' financial statements are prepared in accordance with Australian Accounting Standards there is no scope for amendments to the depreciation expense as disclosed in the Operating Statement. I (author) do however believe that amendments can be made to the Statement of Performance Measures (Notes G5 & H) and in particular the Operating Performance Ratio.

Councils' Operating Performance Ratios have been steadily decreasing over the past few years and in the current year many councils will be reporting a negative %.

In the financial year ended 2020/21 the majority of NSW Councils (67) reported a negative operating performance ratio. This situation must be addressed as it is not truly reflective of performance. I (author) also note that with some exceptions councils' Special Schedules (7) report that most councils assets are rated satisfactory or better and only require continued maintenance work. Based on a limited sample I (author) believe that many councils report less than 10% of their assets as requiring renewal.

16 Albury City Council **Amend TCorp policy to enable councils to support local banking institutions**

That Local Government NSW advocates to the NSW Government to amend TCorp investment policy requirements to enable Councils to support local banking institutions and reinvestment in local communities.

Note from Council

Councils can access lower-interest long-term loans from NSW Treasury Corporation (TCorp) to fund new infrastructure and upgrade existing facilities. TCorp offers loans to Councils at a lower interest rate compared to commercial banks, resulting in tangible savings for NSW ratepayers.

However, regional and rural Councils are concerned that the conditions applied by TCorp are having a negative impact on the opportunity to support their local banks and therefore reinvestment in local communities.

NSW Councils that borrow from TCorp fear limits on investments with local banks and credit unions could also affect access to local banking services.

17 Bayside Council **Proposed out of cycle revaluations of council assets**

That Local Government NSW lobbies the NSW Government to mandate that the appropriate indices rate by assets classification, or class, be provided to each Council in a timely manner, annually.

Note from Council

Council has recently been advised by the NSW Audit Office of the requirement to consider processing (out of cycle revaluations) on its Infrastructure Assets and any other asset classes that may be impacted by the current high costs of materials and construction.

The Audit Office has indicated that they will accept the use of the application of an appropriate index, but they have not mandated which one and it will be up to the individual councils to determine. While this is consistent with the overall requirements of the Australian Accounting Standards the late notification of this advice and the lack of the consistent indices will result in additional work and potential costs for Councils.

In general, when Councils undertake revaluations on these asset classes there is an increase in the current replacement cost which results in an increase in depreciation expense in future years. This further exacerbates issues with current Office of Local Government performance indicators, including Operating performance ratio, Buildings and infrastructure renewals ratio, Infrastructure backlog ratio, Asset maintenance ratio and Cost to bring assets to agreed service level and the impact on the future long term financial sustainability. Further, with the recent natural disasters events across wide sectors of NSW, Councils will be doing this during a period when there is a significant impairment of assets as a result. While noting that Councils with Water and Sewer Assets are required to process revaluations during interim years between revaluation cycles this is done at a consistent rate. NSW Rates Reference manual issued by DPI Water with 2022 rate being 5.73% (LY 0.92%).

18 Bayside Council **Impact of federal government stimulus funding programs payable by progress claim**

That Local Government NSW advocates for stimulus and other funding initiatives by the Federal or State Governments to be paid in full, up front, in future years to avoid Councils experiencing cash flow issues.

Note from Council

Councils have been able to deliver good outcomes for the local communities from the Federal Government's stimulus funding programs as these are recoverable by progress claims. However, councils may have a cash funding issue with external / internal cash restrictions. This is due to council tendering this work to various contractors and then making payments from its own funds for the works provided in accordance with contract clauses. Due to the adverse weather conditions experienced during 2021/22 a number of these projects are being finalised at the back end of the financial year and there are likely to be invoices submitted for the final claims that will not be paid prior to 30 June 2022.

As council has effectively incurred the cash out flows by processing progress payments to a contractor, there will be a reduced cash balance to cover external and internal restrictions, and this may result in negative unrestricted cash balances being reported. This issue has already occurred in recent years in relation the government funding of the bush fire recovery program.

19 Bega Valley Shire Council **Audit arrangements**

That Local Government NSW:

1. advocates to the NSW Government to review the current NSW Local Government Audit arrangements through the Audit Office to manage their contractors to deliver local government audits that reduce costs and meet the agreed timeframes so councils can report their financial statements in accordance with legislative requirements.
2. advocates to the NSW Government to cover the full costs of Audit of Local Government in NSW.

Note from Council

In 2018 the NSW Audit Office became the Auditor for all NSW Councils. This led to the appointment of contractors being appointed to Councils to undertake the annual financial statement audit. Baseline costs of the audit have been continuing to increase. Our council has seen a 23% increase in fees between 2019 and 2022. In addition, contractors are deploying auditors with limited or no experience in auditing local government and finance staff in Councils are made to be responsible for training the contracted auditors through the process, resulting in duplication and excessive time to deliver the audit, impacting legislative compliance. The relationship between the Audit Office and the contractor adds additional process time as they negotiate between themselves the requirements and evidence provided during the audit process.

In addition, with the few auditors being deployed across all of NSW agreed annual engagement plans are not being met and there is no financial recompense provided to council for breaches in agreement. In some cases, it has resulted in additional invoicing from the auditor.

20 Bega Valley Shire Council

Grants

That Local Government NSW advocates to both the State and Federal Government for greater flexibility in grant funding related to financial estimates, increased visibility of program announcements and application timeframes and improved consistency in grant reporting and acquittals.

Note from Council

There are four key issues for Councils related to grant funding programs that continue to impact resourcing and capacity for Councils to deliver projects on time and budget.

Financial Flexibility It is requested that improved financial flexibility be considered as part of grant applications. This includes an understanding from the funding bodies that from the time that a project is scoped and costed to when notification of a grant outcome is successful, the deed execution process to procurement of services there is often a cost escalation beyond the value of the grant and/or co-contribution. This issue could be alleviated by increasing thresholds for contingency in projects budgets as part of the grant submission noting that many grant programs have previously set limits on this. It may also be of value for the funding body to hold in reserve a portion of the grant funding program for when this occurs and Council need to seek additional funds to deliver the project.

Increased Visibility Providing Councils with visibility on when programs are expected to be announced will help Councils to resource the preparation of their applications, resulting in improved submissions. Once funding programs are confirmed in the State and Federal budgets it would be beneficial to Local Government to have a schedule of grant program openings.

Application Timeframe The timeframe from when the funding guidelines become available to when the application close are increasing becoming shorter. This relates to the above point and impacts the quality of submissions from Councils. Increasing visibility and allowing for adequate time for grant submissions to be prepared will improve grant submissions and ultimately project delivery.

Reporting Consistency It is noted the improvements have been made in the consistency across both levels of government in the development of guidelines and deeds however there are still significant inconsistencies in reporting and acquittals of grants across programs. Some programs require an onerous level of detail on progress reporting that is resource intensive for both the Council and funding body.

21 Lachlan Shire Council

Definition of commencement of mining

That Local Government NSW lobbies the NSW Government to develop a definition, for rating purposes, of what constitutes the commencement of mining when a new or reactivated mining operation commences.

Note from Council

Most mining projects have a long planning and construction period after a mining approval is granted. Activities undertaken might range from the development of site specific operational management plans, environmental monitoring, tree planting, procurement and delivery of infrastructure and construction activities, for example. These activities may be undertaken in conjunction with existing land use and therefore create uncertainty in determining the appropriate rating category for the land, particularly if the Valuer General values the land as mining. The Local Government Act currently requires land to be rated on the basis of its predominant use however token agricultural activities undertaken by a mining company during the construction phase of the mine can disguise the true land use. The development of a "definition of commencement of mining" would provide certainty for councils and mining developers on when a mining rate can appropriately be charged for the land.

That Local Government NSW lobbies the NSW Government to change the current legislated base rate maximum contribution amount of each individual rating category from 50% to 70%, to allow for a fairer balance between the “benefit principle” and the “ability to pay principle”.

Note from Council

The purpose of this motion is to effectively allow a Council to flatten the incidences of rates across a rate category within areas that face an unjust disharmony and disparity in land valuation across a small geographical area, similar land and housing stock and low sale numbers.

As per the Office of Local Government’s Rating & Revenue Raising Manual “A base amount, equitably determined, can enable council (should it so desire) to charge all properties subject to the rate (or the category or sub-category of the rate) a sufficient levy to cover the cost of common services, as well as basic general administration costs. A base amount can be used successfully to “flatten” out the incidence of rates across ratepayers where, for example, land values vary greatly within categories of ratepayers or there is disproportionate variations in valuations arising from a new valuation.”

Many small Council areas face large disparity in land valuations across a small geographical area due to the Valuer Generals valuation methodology relating to the unimproved land value and perceived market data on recent sales. Where a Council area has low sale volumes, a small number of sales can play a large role in what the VG will place on the value of the unimproved land value despite the sale being above or below the normal market value and not in alignment to other areas of the city. This can cause large disparity and fluctuation in unimproved land values across various areas of a city based on limited and unreliable data.

An example within the City of Broken Hill, which has a Local Government Area of 170 square metres. And a diameter of approximately 8km.

A standard block of land that receives all the same services and service levels by Council can vary by up to 200% depending on where the block is located. The maximum distance separating these two blocks of land is 2km.

By allowing an individual Council at its discretion to increase the base rate from the maximum 50% to 70%, it will effectively allow a reduction to highest valued parcel in this example by up to 21% and increase the lowest by 30%. However, most importantly it reduces the rating disparity for a similar size block of land with less than 2km in distance from 280% to 132%.

The rating disparity in this example of 132%, still allows for the ultimate rating objective of ensuring that rates are set by the overriding principle of unimproved land valuation being the predominant method of setting rates, however it does achieve a more appropriate balance between the “benefit principle” and the “ability to pay principle”.

Emergency management

That Local Government NSW seeks the support the NSW and Australian Governments for:

- a) proactive funding programs from the NSW and Australian Governments to upgrade local roads, bridges and other infrastructure to improve community resilience, taking account of the social equity challenges in rural Australia.
- b) greater flexibility under the Natural Disaster Relief and Recovery Arrangements to build Council’s transport and related infrastructure back better.
- c) continued review and improved integration of emergency services agencies with increased decentralisation to regional NSW.
- d) removal of the cost of funding NSW Government agencies from Local Government including the NSW Rural Fire Services, NSW State Emergency Services and NSW Fire and Rescue.

- e) provision of additional funding to Essential Energy to improve the resilience of power lines and supply to critical infrastructure sites (such as telecommunications towers and exchanges, water supply and sewerage schemes, aged care facilities and vulnerable communities).
- f) provision of additional funding to improve the resilience and coverage of telecommunications facilities across regional Australia.
- g) provision of continued work to improve the resilience of State highways.
- h) changes in regulation and funding incentives to improve the resilience of aged care facilities, fuel service stations and major food retailers, including but not limited to back-up and alternate power supply systems and satellite communications.

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

Note from Council

Eurobodalla has experienced ten declared natural disasters, with the bushfires in 2019-20 and nine subsequent declared natural disaster floods. These natural disasters have had a significant impact on the Eurobodalla community and caused extensive damage to local road and bridge infrastructure, loss of power, loss of telecommunications, damage to water and sewerage infrastructure and significant operational challenges due to the loss of power and telecommunications and loss of highway access impacting resupply.

The motion seeks broader sector support for Council's advocacy work across the infrastructure space, to improve the resilience of fuel supply, food retail and aged care facilities and to improve emergency service arrangements in NSW.

Snowy Valleys Council

Consideration of 'betterment' in relation to disaster funding

That Local Government NSW engages with relevant State Government representatives to develop policies that support provision for 'Betterment' in relation to disaster funding consideration.

Note from Council

The prevalence of severe emergency events is increasing. The damage to, or total destruction of, local infrastructure as a result of these events can be widespread and result in large-scale disruptions to regional economies in their aftermath.

The allocation of disaster relief funding should allow for the allocation of additional funding so that infrastructure is not just restored to the same standard and susceptible to future events, but with an aim to resilience to better withstand future emergency events thereby lessening the social, economic and financial burden on communities.

Hawkesbury City Council Betterment fund for local government areas impacted by natural disasters

That Local Government NSW calls on the NSW and Federal Government to establish a Betterment Fund to be made available post-natural disasters to impacted Local Government Areas, to enable infrastructure assets to be replaced and rebuilt with a higher level of resilience.

Note from Council

The Royal Commission into National Natural Disaster Arrangements Report recommended that Australian, State and Territory governments incorporate the principle of 'build back better' more broadly into the Disaster Recovery Funding Arrangements.

Disaster Recovery Funding currently provides funding equivalent to the reconstruction of an essential public asset to its pre-disaster function, so infrastructure is being rebuilt to its original specifications and condition. It does not incentivise or prioritise resilience and is limited in its ability to fund greater resilience in communities through recovery. Incorporating the principle of 'build back better' by establishing a Betterment Fund for post-natural disasters will provide opportunities to prepare for future disasters by reducing disaster risk and building future resilience.

Hawkesbury City Council

Rapid relief funding for local government areas

That Local Government NSW requests the NSW Government provide rapid-relief funding for flood-affected Local Government Areas in NSW, including funding for improvements to evacuation routes, local roads and riverbanks, and that the competitive element of this funding be removed for key flood affected areas, including the Northern Rivers and Hawkesbury Nepean.

Note from Council

Submissions made to the 2022 NSW Flood Inquiry raised concerns regarding access to safe evacuation routes in the Northern Rivers region and the Hawkesbury-Nepean Valley, including access to local roads cut off early by floodwaters and unable to be used for evacuation.

NSW councils identified their concerns regarding the capacity to undertake extensive flood damage repairs to local roads and evacuation routes, including resource constraints and a heavy reliance on Disaster Recovery Funding Arrangements to help restore and reconstruct damaged roads and related infrastructure.

Shoalhaven City Council

Regional road funding

That Local Government NSW lobbies the State Government to increase regional road funding in the context of natural disaster response

Note from Council

Options that could be employed include additional grants or the provision of interest free loans to Local Government.

Shoalhaven City Council provides approximately 1,770 Kilometres of roads both sealed (1440km) and unsealed (330km) throughout the region. The total length of sealed roads is regularly increasing each year with new development.

Following analysis undertaken based on the 2021 road condition data it was determined that 20.5% of all sealed roads are still in poor or very poor condition. Since that analysis was undertaken the Shoalhaven Region has been hit with up to nine weather events of varying magnitude along with the Bushfires of late 2020 early 2021.

The wet weather events in particular have caused a great deal of damage to infrastructure and natural areas by way of landslips and saturation of road pavements. This has compounded the issues we had prior to these events.

Estimated damages are in the order of \$100m spread evenly between Landslip damage and road pavement damage. Council currently seeks funding over and above Council Funding sources and has been claiming Natural Disaster funding predominantly to provide emergency and interim repairs specifically relating to these events.

For the longer term or permanent repairs relating to Storm damage the State Government is encouraging the Council to provide Complimentary works in order to build more comprehensive repairs and improve resilience.

Council would like LGNSW to request State Government make available further opportunities for funding from State Authorities in order to pursue more comprehensive repairs than allowed under current disaster funding.

24 Waverley Council

Climate change impacts and resilience

That Local Government NSW requests urgent access and availability of funding to assist councils to prepare and respond to extreme climate events and infrastructure damage, outside of natural disaster declarations, and that State Government agencies are held accountable to commitments to mitigate the impacts of climate-related disruptions on local communities across the state.

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

Note from Council

This motion has been prepared in collaboration with Waverley, Woollahra, Bayside and Randwick.

LGNSW has previously noted the increasing intensity and frequency of extreme weather events as a consequence of global climate change. Recent record-breaking rainfall and flooding events across the NSW East Coast, highlight that climate related risks and vulnerabilities are escalating and accumulating. Local councils are at the forefront of responding to climate impacts on communities, and are bearing the cost burden to repeatedly rectify damages to local roads, coastal

infrastructure, stormwater drainage and other Council owned infrastructure and assets, with some councils already experiencing damage and loss beyond their ability to manage.

Given climate impacts are considered a foreseeable, Councils should not have to compete with each other for the financial capacity to anticipate and rectify essential community infrastructure and services. Despite extensive scientific projections, resources and even an Adaptation Strategy, the State Government has failed to create funding streams or legislation to help local Councils' restore and build climate resilience, outside of established response and recovery approaches.

Investing \$1 in resilience has been shown in some instances to reap savings of \$4–11 in recovery (CSIRO 2020). NSW Treasury has already estimated that \$15.8–17.2 billion in total economic costs will be incurred every year on average by 2060–61 from disasters triggered by extreme weather events. A fund of just 1% of these costs, could help to account for annual avoided costs of between \$158 and \$172 million by 2060–61.

Councils need a pool of non-contestable funding to address the rapidly increasing damage costs and safety issues arising from changing climate conditions and extreme weather events. In addition, strengthened support, information sharing and accountability from NSW critical infrastructure agencies such as water and electricity utilities and Transport for NSW, is urgently required to identify manage and respond to interdependent risks and failures across NSW Infrastructure. It is only by working together with our colleagues in State agencies that we can support and protect our communities in the dynamic risk environment that is already a reality in NSW.

Randwick City Council

Climate change impacts and resilience

That Local Government NSW requests urgent access and availability of funding to assist councils to prepare and respond to extreme climate events and infrastructure damage, outside of Natural Disaster declarations, and that State Government agencies are held accountable to commitments to mitigate the impacts of climate-related disruptions on local communities across the state.

Note from Council

Randwick Council submits the following joint motion with Waverley, Woollahra and Bayside Councils for consideration by the 2022 Local Government NSW (LGNSW) Conference.

LGNSW has previously noted the increasing intensity and frequency of extreme weather events as a consequence of global climate change. Recent record breaking rainfall and flooding events across the NSW East Coast, highlight that climate related risks and vulnerabilities are escalating and accumulating.

Local Councils are at the forefront of responding to climate impacts on communities, and are bearing the cost burden to repeatedly rectify damages to local roads, coastal infrastructure, stormwater drainage and other Council owned infrastructure and assets, with some councils already experiencing damage and loss beyond their ability to manage.

Given climate impacts are considered as foreseeable, Councils should not have to compete with each other for the financial capacity to anticipate and rectify essential community infrastructure and services.

Despite extensive scientific projections, resources and even an Adaptation Strategy, the State Government has failed to create funding streams or legislation to help local Councils' restore and build climate resilience, outside of established response and recovery approaches.

Investing \$1 in resilience has been shown in some instances to reap savings of \$4–11 in recovery (CSIRO 2020).

NSW Treasury has already estimated that \$15.8–17.2 billion in total economic costs will be incurred every year on average by 2060–61 from disasters triggered by extreme weather events.

A fund of just 1% of these costs, could help to account for annual avoided costs of between \$158 and \$172 million by 2060–61.

Councils need a pool of non-contestable funding to address the rapidly increasing damage costs and safety issues arising from changing climate conditions and extreme weather events.

In addition, strengthened support, information sharing and accountability from NSW critical infrastructure agencies such as water and electricity utilities and Roads and Maritime Services, is urgently required to identify manage and respond to interdependent risks and failures across NSW Infrastructure. It is only by working together with our colleagues in State agencies that we can support and protect our communities in the dynamic risk environment that is already a reality in NSW.

Woollahra Municipal Council

Climate change impacts and resilience

That Local Government NSW requests urgent access and availability of funding to assist councils to prepare and respond to extreme climate events and infrastructure damage, outside of Natural Disaster declarations, and that State Government agencies are held accountable to commitments to mitigate the impacts of climate-related disruptions on local communities across the state.

Note from Council

This motion is submitted by four (4) Councils - Bayside, Randwick, Waverley and Woollahra Councils.

LGNSW has previously noted the increasing intensity and frequency of extreme weather events as a consequence of global climate change. Recent record breaking rainfall and flooding events across the NSW East Coast, highlight that climate related risks and vulnerabilities are escalating and accumulating. Local Councils' are at the forefront of responding to climate impacts on communities, and are bearing the cost burden to repeatedly rectify damages to local roads, coastal infrastructure, stormwater drainage and other Council owned infrastructure and assets, with some councils already experiencing damage and loss beyond their ability to manage.

Given climate impacts are considered a foreseeable, Councils should not have to compete with each other for the financial capacity to anticipate and rectify essential community infrastructure and services. Despite extensive scientific projections, resources and even an Adaptation Strategy, the State Government has failed to create funding streams or legislation to help local Councils' restore and build climate resilience, outside of established response and recovery approaches.

Investing \$1 in resilience has been shown in some instances to reap savings of \$4–11 in recovery (CSIRO 2020). NSW Treasury has already estimated that \$15.8–17.2 billion in total economic costs will be incurred every year on average by 2060–61 from disasters triggered by extreme weather events. A fund of just 1% of these costs, could help to account for annual avoided costs of between \$158 and \$172 million by 2060–61.

Councils need a pool of non-contestable funding to address the rapidly increasing damage costs and safety issues arising from changing climate conditions and extreme weather events. In addition, strengthened support, information sharing and accountability from NSW critical infrastructure agencies such as water and electricity utilities and Roads and Maritime Services, is urgently required to identify manage and respond to interdependent risks and failures across NSW Infrastructure. It is only by working together with our colleagues in State agencies that we can support and protect our communities in the dynamic risk environment that is already a reality in NSW.

Bayside Council

Climate change impacts and resilience

That Local Government NSW requests urgent access and availability of funding to assist councils to prepare and respond to extreme climate events and infrastructure damage, outside of Natural Disaster declarations, and that State Government agencies are held accountable to commitments to mitigate the impacts of climate-related disruptions on local communities across the state.

Note from Council

LGNSW has previously noted the increasing intensity and frequency of extreme weather events as a consequence of global climate change. Recent record-breaking rainfall and flooding events across the NSW East Coast, highlight that climate related risks and vulnerabilities are escalating and accumulating. Local Councils are at the forefront of responding to climate impacts on communities and are bearing the cost burden to repeatedly rectify damages to local roads, coastal infrastructure, stormwater drainage and other Council owned infrastructure and assets, with some councils already experiencing damage and loss beyond their ability to manage. Given climate impacts are considered a foreseeable, Councils should not have to compete with each other for the financial capacity to anticipate and rectify essential community infrastructure and services. Despite extensive scientific projections, resources and even an Adaptation Strategy, the State Government has failed to create funding streams or legislation to help local Councils' restore and build climate resilience, outside of established response and recovery approaches.

Investing \$1 in resilience has been shown in some instances to reap savings of \$4–11 in recovery (CSIRO 2020). NSW Treasury has already estimated that \$15.8–17.2 billion in total economic costs will be incurred

every year on average by 2060–61 from disasters triggered by extreme weather events. A fund of just 1% of these costs, could help to account for annual avoided costs of between \$158 and \$172 million by 2060–61. Councils need a pool of non-contestable funding to address the rapidly increasing damage costs and safety issues arising from changing climate conditions and extreme weather events. In addition, strengthened support, information sharing and accountability from NSW critical infrastructure agencies such as water and electricity utilities and Roads and Maritime Services, is urgently required to identify manage and respond to interdependent risks and failures across NSW Infrastructure. It is only by working together with our colleagues in State agencies that we can support and protect our communities in the dynamic risk environment that is already a reality in NSW.

25 Rous County Council

Flood mitigation financial assistance

That Local Government NSW:

- (i) acknowledges the devastating impact of floods throughout NSW in 2022.
- (ii) urges the NSW Government to increase its financial assistance provided to local government through its Floodplain Management Program to maintain existing flood mitigation infrastructure to account for Consumer Price Index (CPI) increases.
- (iii) calls on the NSW Government to provide a long-term strategy for the State’s flood mitigation infrastructure, previously constructed by the NSW Public Works Department that local councils have since inherited. The strategy must clearly define the purpose of the infrastructure, long term solutions for ongoing maintenance, including funding, and how the challenges of climate change and the infrastructure’s environmental impact will be addressed.

Note from Council

Most NSW Councils fill the role of the Flood Mitigation Authority for their Council area. They receive funding from the State Government and through rates, to maintain flood mitigation infrastructure. The State Government contribution is received through the Floodplain Management Program administered by the Department of Planning and Environment. Rous County Council in the Northern Rivers, receives \$84,600 annually from the State Government through the Floodplain Management Program.

This figure has not increased since 1984. This is to manage an asset based valued at over \$102 million. This financial assistance from the State Government has never been increased nor adjusted to account for Consumer Price Index (CPI) increases. This historic funding shortfall from the State Government has contributed to Rous having insufficient funding to maintain all assets to the community’s expected level of service.

Our flood mitigation assets are ageing, some range between 60-100 years old and they are providing a declining level of service. Further the construction of most flood mitigation infrastructure Rous has responsibility for, was historically encouraged and funded by the State Government, particularly by the NSW Public Works Department. This historical infrastructure has since been inherited by Rous County Council, with no advice on its current purpose, or a long-term strategic plan for its future. If this infrastructure is required into the future, long term solutions are required for its on-going maintenance, as the current approach is not adequate. As infrastructure managers, timely advice is also required from the State Government on how the challenges of climate change, sea level rise and the environmental impact of some assets will be met. As the flood mitigation authority, with responsibility across areas devastated by catastrophic floods this year, maintaining infrastructure to a level of service expected by the community is a key priority. However, without adequate funding and a confirmed long-term strategy, this is impossible to achieve.

26 Rous County Council

Publicly funded flood mitigation infrastructure

That Local Government NSW:

- (i) acknowledges the complexity involved with seeking approval from the NSW Government to maintain publicly funded flood mitigation infrastructure on coastal floodplains.
- (ii) requests that the NSW Government amends the State Environmental Planning Policy (Transport and Infrastructure) 2021 so that flood mitigation authorities do not have to seek regulatory approval from NSW Crown Lands or NSW Department of Primary Industries to undertake routine maintenance of its infrastructure. This acknowledges that any environmental

impact can be addressed through the authority's responsibilities under the *Environmental Planning and Assessment Act 1979*.

- (iii) lobbies the NSW Government to amend its Protection of the Environment Operations (Waste) Regulation 2014 Waste Management Guidelines so that public authorities can treat acid sulfate soils off-site and that treated acid sulfate soils can be reused both on and off site. This acknowledges that any environmental impact can be addressed through the authority's responsibilities under the *Environmental Planning and Assessment Act 1979*.

Note from Council

The routine maintenance of flood mitigation infrastructure located on coastal floodplains can trigger numerous regulatory approvals from State Government. This maintenance can involve the mechanical removal of silt and vegetation, including the removal of marine vegetation such as mangroves. Most commonly, regulatory approvals are required from the NSW Department of Primary Industries and Crown Lands. These approvals increase the time, complexity and costs associated with undertaking regular maintenance. Local Councils, as Flood Mitigation Authorities, can adequately manage environmental risks through its responsibilities under the *Environmental Planning and Assessment Act 1979*. Further, as most of the State's flood mitigation infrastructure was previously funded and constructed by the State Government, it is assumed that the State Government has given its long-term approval and support for its on-going maintenance.

Having to repeatedly apply for approval from the State Government to maintain publicly funded infrastructure represents unnecessary green and red tape for Local Government. Further the highly restrictive nature of current Environment Protection Authority guidelines for how acid sulfate soils can be treated and reused, significantly increases the costs and logistics surrounding undertaking routine maintenance. Reducing the environmental impact of flood mitigation infrastructure maintenance activities is a high priority for Local Councils, and as a public authority, there is a duty of care under the *Environmental Planning and Assessment Act 1979*. Any further approvals are unnecessary duplication and contributes to the declining level of service of our infrastructure.

27 Blacktown City Council

NSW Heatwave Sub Plan to include the provision of practical respite

That Local Government NSW calls on the NSW Government to amend the Heatwave Sub Plan to assign NSW Health responsibility for coordination of practical response and support activities especially for vulnerable populations, and to provide resourcing to enable this.

Note from Council

The NSW State Emergency Management Plan sets out the state's emergency management approach, roles of agencies and coordination mechanisms. The Plan has a series of Sub Plans, each for a specific hazard or event.

The NSW Heatwave Sub Plan describes arrangements for the control and coordination of extreme heat and heatwave preparation, response and recovery. It aims to reduce the risk of extreme heat or counter its effects on the community.

The Sub Plan outlines the negative heatwave impacts on human health and identifies the most vulnerable as the elderly, those with chronic diseases or taking certain medications, the socially isolated, outdoor workers, pregnant women and the very young.

The Heatwave Sub Plan assigns roles and responsibilities to agencies and these focus strongly on information distribution, coordination and monitoring.

However, the Sub Plan also states that arrangements should not be limited to information distribution but should also consider practical response and support activities, with specific attention to vulnerable groups. Yet it does not assign responsibility for this, creating a serious gap in the Sub Plan.

We propose NSW Health as a suitable agency to coordinate practical response and support activities with specific attention to vulnerable populations.

The State Emergency Management Plan assigns overarching responsibility for heatwaves to Emergency Operations Controllers, who are police officers, likely ill-equipped to coordinate support activities attending to vulnerable populations.

28 Kyogle Council

Disaster recovery resources

That Local Government NSW lobbies the State and Federal Governments to offer incentives to contractors to undertake work in disaster affected areas.

Note from Council

The global pandemic and the recent upsurge in related COVID cases across Australia is making it increasingly difficult to attract adequate contractors to undertake urgently required repairs and restoration works to infrastructure in areas recently affected by natural disasters.

With the recent disasters predicted to become more frequent and extreme, it's increasingly important to be able to distribute available contractors to the areas most significantly affected.

Better overall coordination of disasters is required to ensure that those areas most affected are prioritised.

29 Bland Shire Council

Distribution of natural disaster relief funds

That Local Government NSW makes representations to the NSW and Federal Treasurers: 1. To have funding for future natural disasters administered by Local Councils to ensure positive outcomes for the whole community and not specific interest organisations. 2. To support the provision of post-disaster resources to improve community social and economic resilience to future events.

Note from Council

The distribution of relief funds following times of disaster can, at times, be ad hoc and inconsistent. By making Councils responsible for the administration of Natural Disaster Relief Funds, there will be an increased level of probity and accountability in the work undertaken to assist communities in recovering from such situations.

30 Shoalhaven City Council

Embedding of social disaster recovery into council functions

That Local Government NSW requests that the NSW State Government provide funding to permanently embed a Community Recovery Officer function into Local Government Organisations across the state.

Note from Council

Following the Black Summer fires, funding was provided to 22 affected Councils for a Community Recovery Officer (CRO) to lead the social recovery for their LGA's.

Subsequent events including COVID, floods, East Coast Lows and Land Slips (isolating communities for weeks on end) have shown that having a CRO embedded into Council, enables social recovery to be considered in the initial response phase of an emergency.

The purpose of the CRO role is to support communities through their recovery journey. The officers were embedded into Councils and were responsible for the development of a range of recovery initiatives alongside community groups and other stakeholders. This includes work to connect community organisations that are collaborating with communities, supporting local coordination between public, private and community sector bodies, facilitating community recovery events, facilitating access to information, and undertaking recovery planning and actions based on local context and need.

Disasters can happen anytime. As key contributors to recovery, Councils need to be ready to support the community and begin recovery immediately following the response. Councils do not work alone in recovery: all levels of Government, individuals, businesses, and non-government organisations have a role to play.

Planning for recovery can be a complex and demanding process, involving a broad range of stakeholders, and often exposing challenging issues to be negotiated. Usual processes and practices may not work in the recovery environment, and staff will need to be flexible and adaptable when responding to changing community needs.

Successful recovery requires planning, and all Councils should consider how they will meet their responsibilities under the State Emergency Management Plan.

Unfortunately, recovery planning can be seen as a low priority compared to more pressing or immediate Local Government issues for business as usual.

Shoalhaven City Council has been in some sort of recovery for the last decade, whether it be from drought, flood, fire, or pandemic. With the effects of climate change being felt across the world, it is only a matter of time until another natural disaster affects the Shoalhaven.

With a Community Recovery Officer embedded into the Community Connections team, Council will be well placed to:

- Respond quickly and decisively to community needs.
- Have a member of staff who is well versed in Disaster Recovery Principles, with the ability to apply them and support other areas of Council.
- Have pre-existing relationships at all levels of Government and NGOs to ensure swift action and activation of services.
- Be connected into Council services and staff to ensure collaboration and coordination of efforts.

31 Bellingen Shire Council	Permanent funding for development of resilience and management of disasters for NSW councils
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That Local Government NSW advocates to both the NSW and Australian Governments for permanent funding for local councils for emergency and disaster management and resilience building as a component of core business for local government.

Note from Council

From 2019 to the present, local councils across NSW have faced an unprecedented set of challenges around disaster and emergency management. This has required Councils across the state to manage the issues locally with varying support from the state and federal governments. Recent enquiries into those disasters have highlighted a range of issues to be addressed in order to manage and build resilience with the enduring theme of localism.

Local Councils in NSW are required to provide an emergency management function invariably involving having a Local Emergency Management Officer who holds this role alongside their normal council role. This role is normally a senior staff member who is expected to juggle an emergency management function along with their substantive role.

The last few years and the scale of disasters has seen both state and federal governments allocate funding to local councils to roll out a series of projects post disasters to bring communities together, assist with future disaster readiness and support local communities. This is ad hoc and one off funding.

There is a plethora of work occurring including building resilience strategies and blueprints and this is commendable and important.

However, the work being undertaken and the funding being allocated is relatively small in proportion to the funding that needs to be allocated to restore infrastructure as a result of disasters. These approaches and arrangements need a substantial rethink. The higher order planning at a state and regional level is important and provides a framework which is important. At a local level in order to be properly prepared to manage local emergencies and disasters, councils need to have a dedicated resource to work as the Local Emergency Management Officer on a permanent basis to not only build capacity but work with the emergency services and other government

agencies to ensure communities are disaster ready on a permanent basis and the appropriate resources, training, and arrangements are developed and in place to respond.

In addition, councils have recognised the need to build community resilience, which is not simply funding events, or activities or infrastructure but rather a bespoke program designed around the needs of the local communities. This also needs to be permanently resourced. Both initiatives will provide long term dividends.

32 Lismore City Council **Independent inquiry into insurance companies**

That Local Government NSW advocates to Government for an independent inquiry into the behaviour and actions of insurance companies following the natural disaster of 28 February and other natural disasters

Note from Council

Following the recent disaster in Northern Rivers of February 2022 the actions and behaviours of insurance companies in relation to progressing and acting on insurance claims has been very problematic for impacted communities and businesses. There are numerous examples and stories very poor process which compounds trauma and distress for impacted communities and businesses. There are also examples of lengthy delays to even receive a decision as to whether or not the claim is successful and of bad make safe experiences for owners of properties who have had their homes gutted with no consultation and lengthy delays before any further work will be done.

These examples are not unique to this disaster. Every time there is an event like this insurance companies repeat their actions and behaviours. An inquiry is warranted.

33 Hawkesbury City Council **Removal of state-based duties and taxes on insurance premiums**

That Local Government NSW calls on the NSW Government to remove State-based duties and taxes on insurance premiums that disproportionately increase costs in Local Government Areas with higher risks of flood and fire, to improve the rates of under-insurance and non-insurance.

Note from Council

After a review of the 2020-21 natural disaster season, the Insurance Catastrophe Resilience Report by the Insurance Council of Australia recommended the removal of state taxes on insurance.

Many homes in New South Wales are built in flood-prone and fire-prone land. As the risk of floods and fires increase, so does the cost of insurance. This results in homeowners opting out of insurance against Natural Disasters, and increasing the need for government support following a Natural Disaster.

Removing duties and taxes on insurance could increase household expenditure on insurance premiums, increase insurance cover against Natural Disasters, and allow individuals and businesses to recover more quickly after a disaster.

34 Tweed Shire Council **Voluntary house purchase schemes**

That Local Government NSW advocates to State and Commonwealth Government:

1. for an immediate, significant and sustained increase in funding for councils for: voluntary House Purchase schemes and Voluntary House Raising schemes to reduce personal losses due to flooding and increase community resilience.
2. to release criteria for eligibility and current and future budgets for Voluntary House Purchase Programs as an immediate priority to give disaster affected residents certainty.

Note from Council

It has become readily apparent in recent large scale natural disasters, such as the Northern Rivers Floods of February and March 2022, that our historical settlement patterns in many flood liable

towns are incompatible with the flood hazard. As more comprehensive flood studies and floodplain risk management plans are completed for these communities, it is also apparent that there are limited feasible options to modify flood behaviour or implement adequate warning systems with enough time for safe evacuation or protection from damages. These homes often house our most vulnerable community members, who cannot afford insurance and do not have the means to recover from repeat flood disasters, or increase their own resilience between events. The only solution is government intervention to fund a large scale expansion of government funded voluntary house purchase schemes / buy backs, prioritised for those highest hazard suburbs, and voluntary house raising for those lower hazard areas where risk to life is manageable. Support for these schemes is immediately urgent, as owners/occupiers are now forced to make critical decisions on investing in repairs or relocation post-flood. While such schemes are expensive, and beyond the financial means of local government, the massive damage bills from such flood events are increasing, with associated indirect costs on health / mental health / lost employment and environmental damage.

35 Lismore City Council

Improving flood response

That Local Government NSW advocates to the NSW Government for:

1. policy, programs and funding that prioritise the inclusion of local knowledge in flood events
2. strong oversight and maintenance of flood monitoring gauges and systems by the Bureau of Meteorology or another appropriate single agency.

Note from Council

The Lismore floods of 28 February 2022 threw into sharp relief the failings and inadequacies of the current flood warning management systems in the Northern Rivers. Whilst these recommendations are outlined in the New South Wales government Flood Inquiry it is also appropriate that LGNSW maintains an advocacy position around these issues in order to support Councils across NSW that face the risk of flooding.

36 Singleton Council

Management of vegetation in river and creek beds

That LGNSW requests the NSW State Government to undertake an urgent review of the management of vegetation in river and creek beds and the relationship of such with increased flood impact on adjoining communities.

Note from Council

It was identified during the July flooding event in the Hunter Valley - Broke area that the vegetation growing in the Wollombi Brook contributed to the substantial flooding of the Broke Village. An urgent review of the management of vegetation in river and creek beds in flood affected areas is requested to allow for the unimpeded flow of flood waters.

37 Snowy Valleys Council

Transgrid annual contribution to Emergency Service Levy

That Local Government NSW works with relevant State Government agencies to ensure that Transgrid make an annual contribution to the Emergency Services Levy in the local government area where assets and infrastructure are located.

Note from Council

The landowners affected by the construction of the Humelink project by Transgrid have serious concerns about the impact of transmission lines on their ability to fight bushfires on their properties. Affected landholders are not permitted to fight a fire within the 70m wide easement, and rate this as a high risk to their properties.

In recognition of this risk posed by transmission lines to local communities, Snowy Valleys Council advocates it would equitable for Transgrid to make a monetary contribution to the Emergency Services Levy in those local government areas in which their infrastructure is located.

Housing

38 LGNSW Board

Housing and homelessness crisis

That Local Government NSW calls upon the Australian and NSW Governments to take urgent and immediate action to address the housing availability and affordability crisis right across NSW by:

1. funding a significant increase in the supply of social housing to address current shortfalls and keep pace with population growth and demand.
2. providing social housing for people who are homeless in disaster affected communities.
3. providing finance, government land and infrastructure for the supply of affordable housing to meet increased demand across NSW.
4. developing strategies to address the critical need for secure tenure rental housing for key workers in rural and regional areas, and urgently adopting measures to address the rental affordability crisis across NSW.
5. working with local government and community housing providers to develop efficient and sustainable models to significantly increase the supply of affordable housing.
6. removing legislative and other barriers to the provision of affordable housing such as use of council land for social and affordable housing, 3D printing for housing construction and tiny homes.
7. removing barriers that prevent incentivising owners to put existing housing (including unoccupied housing) into the long term rental market.
8. providing funding and assistance for rural and regional councils to develop and implement housing strategies.

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

Note from Board

Access to secure, affordable housing is a basic human need and key to a healthy, prosperous and equitable society.

Conversely, a lack of affordable housing compounds intergenerational inequality and harms social cohesion. It further functions as a hand brake on economic recovery and productivity, impacting communities and businesses as low and middle income workers are priced out of local housing markets.

Councils and communities are tired of buck passing between Australian and State Governments and seek real action and leadership on this critical issue. The number and breadth of motions submitted to the LGNSW 2022 Annual Conference from councils right across the State makes clear that councils and their communities do not consider current approaches are addressing the housing availability and affordability crisis across NSW and are demanding urgent action on this issue.

It is essential that any measures to address the housing crisis do not override councils' planning provisions for their local government area, as set out in their Local Strategic Planning Statements, Local Environment Plans and associated local government planning instruments.

Berrigan Shire Council

Secure tenure housing

That Local Government NSW lobbies the Australian and NSW governments to work with rural and regional councils and industry housing providers to address the place-based supply of secure tenure rental housing designed for key workers. Financing and construction of this key worker housing will require strategic partnerships between all levels of government and industry providers to ensure homelessness issues currently being faced in rural and regional areas are addressed urgently.

Note from Council

The current market-based housing supply model designed to incentivise home ownership or investment in residential property, excludes key workers from home ownership and secure tenure rental housing. Unmet housing demand is a constraint on economic growth. Therefore, local councils and communities throughout regional and rural Australia need to investigate bespoke and place-based responses designed to alleviate

the economic and social consequences of the failure of market-based supply of key worker housing and accommodation in rural and regional Australia.

Penrith City Council

Delivery and funding of affordable housing

That Local Government NSW urgently calls on NSW Government to work with Federal and Local Governments to facilitate a tri-level government approach and funding to the delivery of affordable rental housing and ownership.

Note from Council

Western Sydney Councils have worked collaboratively to prepare an affordable housing strategy, which highlighted the need for social and affordable housing in Western Sydney. In 2016, while 6 per cent of the total private dwellings in the region were social and affordable housing, 18.9 per cent of dwellings in Western Sydney were in housing stress.

As the private housing stock has grown across the region, and in the absence of new investment, the proportion of housing that is social housing in Western Sydney has declined since the 1990s. This decline will continue without intervention, further exacerbating the affordability problem. Western Sydney requires over 56,000 social and affordable housing dwellings in order to meet the needs of the region. There is a large amount of metropolitan planning for the provision of affordable housing in Sydney. However, delivery of that housing by local government relies on resourcing by developer contributions, which can only fund a very small number of the dwellings required. Local Government can work closely with the community to facilitate the best affordable rental housing outcomes for their community. However, the major role remains with State and Commonwealth governments to provide funding for affordable housing not only for rental properties but home ownership as well. The existing and successful City Deal framework could be used across regions in need to support innovative partnerships to deliver affordable housing.

Kyogle Council

Affordable housing

That Local Government NSW lobbies the State and Federal Governments to increase the investment in social and affordable housing in areas where there is potential for growth but limited housing stock supply.

Note from Council

Expected growth and potential growth is just semantics. The Western Councils of Sydney have been identified as a growth area as evidenced by the recent IPART rate pegging determinations and the current NSW Government's "WestInvest" scheme, which will see \$3 billion for future projects across six areas:

- Parks, urban spaces and green space;
- Enhancing community infrastructure such as local sporting grounds;
- Modernising local schools;
- Creating and enhancing arts and cultural facilities;
- Revitalising high-streets;
- Clearing local traffic.

Another \$2 billion will be reserved for high priority projects to be developed in consultation with local communities.

A similar investment is needed in rural and regional communities to ensure basic services such as housing are adequately delivered. Areas like the Northern Rivers have enormous potential to grow, especially in areas like Kyogle.

With housing shortages, many locals are being priced out of the market because there is simply insufficient housing stock to meet demand. Whilst \$5 billion is being spent on revitalisation projects in Western Sydney, areas where COVID-driven population migration is inflating the property market to the detriment of local families is being ignored.

More housing stock is desperately needed to meet demand and this can only be achieved through a partnership with the NSW Government. One example of achieving greater social housing stock may be through divestment of properties located in expensive areas, which have a single occupant and reinvesting that money into less expensive areas, creating targeted housing options to meet the current and projected needs. Unlocking crown land across rural and regional communities will also give local councils a foot in the door with private and public investors in social, affordable, emergency and Aboriginal Housing.

That Local Government NSW calls upon the State Government to release the necessary percentage of State land under its control for social and affordable housing.

Note from Council

There are over 700 undeveloped housing blocks in the South of Orange currently owned by State on DPI land which were the subject of a Part 3A/SEPP rezoning a decade ago. Given the currently state of housing shortage, particularly in affordable and social sectors, the State should be releasing this land for housing rather than for its current use.

That Local Government NSW advocates to the NSW Government on prioritising immediate provision of social housing for homeless and flood affected communities.

Note from Council

Homelessness is a problem that goes beyond 'rooflessness' and a lack of access to safe shelter. The experience of homelessness includes vulnerable people living in refuges, crisis accommodation or in temporary housing. Prior to the February/March 2022 floods, Tweed reported 444 homeless people. Since the floods there are significantly more people including vulnerable older people and families, who are living in inadequate accommodation. There is a need for more social housing in the Tweed, given its varying socio-economic profiles within the Shire. Short-term accommodation and the migration from cities to the regions during the pandemic have also made the housing issue worse. Numerous reports highlight the urgent need for additional, diverse housing options for regional areas.

That Local Government NSW requests the NSW Government to take urgent and immediate action to address the housing crisis in NSW.

Note from Council

Councils across NSW are dealing daily with the housing crisis and the human impact of it. People are being evicted from public housing whilst private rentals are at an all-time low. The current Federal Government has made significant election promises to build new homes, but it will likely fall to the States and Local Government to make delivery smooth and timely.

It is requested that this be considered the lead advocacy issue for the 2023 State Election Campaign, aiming to leverage NSW as the State with the highest need to be the greatest priority.

That Local Government NSW advocates for a wholistic process of legislative reform to achieve significant improvements to housing affordability and availability.

Note from Council

Amendment and reform such as outlined below could address these barriers:

1. Reform to:
 - i. NSW Local Government Act, 1993
 - ii. NSW Conveyancing Act, 1919
 - iii. NSW Environmental Planning and Assessment Act, 1979
 - iv. NSW Property Act, 2006 and,
 - v. Federal taxation law could be used to allow for investors to create a percentage of Affordable Housing (AH) in new subdivisions, which would enable residential property to be permanently notated as AH.

This would mean the property would always be listed at a price a certain percentage below the market.

The 'offset' for the initial developer could be developer contributions (NSW Environmental Planning and Assessment Act, 1979) discounts, as well as taxation discounts on the value of the land.

The 'offset' for future owners could be reduced general rates, waste rates and general levies.

In this way the reduced price they will achieve on selling would be offset along the way and during their ownership.

This will cost Local Government unless that was itself offset and changes to the NSW Local Government Act, 1993 could allow Councillors to maintain the size of the rates 'pie' by very marginally increasing rates across the board for all other rate payers (obviously this comes with a degree of political risk).

2. Reform to:

- i. NSW Environmental Planning and Assessment Act, 1979
- ii. Building Codes of Australia as associated with the National Construction Code (NCC)
- iii. State Environmental Planning Policy (Housing) 2021 could assist with the increased use of Tiny Homes (TH).

Currently, TH are generally not considered on equal footing as permanent homes. Rather, they are mobile or temporary homes and as such are subject to different building code requirements.

Permanency as a residential land use, and classification as a "class 1" building are pertinent issues and relate to the ability to gain insurance and confidence from lenders that a mortgage is relevant to the fixed asset (in line with that taken for other class 1 homes).

Reform could allow TH into more land use zones, permanently and built to a standard that reflect their purpose and intent.

3. Reform to:

- i. NSW Environmental Planning and Assessment Act, 1979
- ii. State Environmental Planning Policy (Housing) 2021
- iii. The Standard LEP Instrument
- iv. The Local Government Act 1993 (and associated approvals criteria under the Regulations) could assist to reduce the minimum lot sizes required in rural zonings and increase the maximum permissible dwelling entitlements on standard land use zones.

This would increase access to housing (more of it would be permissible more often) and possibly AF as well.

Allowances and relevant amenity controls to unlock the ability for both low density residential and rural-residential/rural zones to have tiny homes or other mobile dwellings allowed either through planning or local approval mechanisms.

Leeton Shire Council

Increasing the supply of affordable housing in rural NSW

That Local Government NSW calls on the NSW Government to work collaboratively with other levels of government, key bodies and interest groups to – as a matter of priority – provide direct financial, land and infrastructure support for affordable housing in rural NSW growth areas.

Note from Council

Like regional and metropolitan NSW, rural areas are also in the midst of an affordable housing crisis. The shortage of housing – and costs associated with both purchasing and renting housing in rural NSW – is having a significant social and economic impact.

There are occasions where up to 15 workers have been forced to share a single 3-bedroom house because they are unable to secure suitable alternative accommodation.

The housing crisis impacts many rural communities because it is a major barrier to attracting skilled and unskilled workers, population growth and economic development.

The impact on communities in rural and remote areas is especially significant because affordable housing is necessary to attract and retain key workers in health care, hospitality, agribusiness and retail. These workers are essential for the economic and social prosperity of small rural populations. A good proportion of these workers are low income earners.

The NSW Government has, in their latest budget, announced significant investment in housing-related projects but the lion's share is, once again, being targeted towards metropolitan and major regional growth centres.

It is time for the NSW Government to also invest in enabling infrastructure and land for housing in rural growth towns where fewer economies of scale mean there is less incentive to attract private sector housing developers.

That Local Government NSW lobbies the NSW Government to commit to reviewing the Paper Subdivisions legislative provisions to investigate ways to improve their practical application and better facilitate authorised development of paper subdivisions that are suitable for urban development.

Note from Council

The NSW Government introduced the Planning for Paper Subdivisions Guidelines in 2013. They were intended to establish a mechanism to overcome longstanding barriers to the development potential of paper subdivisions, using a process set out in Schedule 5 to the NSW Environmental Planning and Assessment Act 1979. The guidelines were promoted as a solution to resolving issues such as lack of essential services and unauthorised development in paper subdivisions, providing a pathway that would help small landowners legitimise their properties for development or sale and unlock housing supply. However, the guidelines have proved problematic for various reasons and have not had the intended effect of facilitating a smooth resolution of paper subdivisions. While the legislation names several bodies that can potentially act as a subdivision authority, including government agencies, in practice the responsibilities of managing paper subdivisions often fall to councils due to their planning and compliance functions. However, councils do not have the financial or administrative resources, nor the regulatory powers, to take on this role.

Many paper subdivisions are without essential services such as roads, sewer and electricity, and the upfront cost of providing the infrastructure required to allow development can be beyond the means of both councils and landholders. There is no specific funding avenue available through the NSW Government to seek assistance for providing essential infrastructure to paper subdivisions, nor any dedicated office within the Department of Planning and Environment to provide resource assistance or advice to councils dealing with complex paper subdivision matters. Lake Macquarie City Council is aware of only one example where the paper subdivision legislation has been used to resolve issues and fund essential services to enable authorised development to take place – the Riverstone paper subdivision in Blacktown – which required the involvement of Landcom as the subdivision authority to manage the process. Despite the resources of Landcom, this was a difficult and lengthy process. Lake Macquarie City Council's experience with the paper subdivisions legislation, and that of other councils with which we have liaised on this issue, strongly suggests a need for more support from the State Government, through both funding and delivery assistance, to facilitate the conversion of paper subdivisions to authorised developments.

That Local Government NSW lobbies the NSW Government to commit to investigating proactive partnerships with Community Housing Providers to increase the supply of affordable rental housing by offering government-owned land as part of a development partnership.

Note from Council

Housing affordability is a growing issue, with the cost of housing and rent increasing faster than people's capacity to pay. High inflation and other cost-of-living pressures add to the difficulties many people face in securing appropriate housing. Rental vacancy rates are at record lows and analysis of various NSW Local Government Areas provided by the NSW Land and Housing Corporation (Nov. 2021), shows that the existing stock of ageing social and affordable housing does not match the types and sizes of houses that are needed. Depending on the region, wait times for people seeking social or affordable rental housing ranges from two years to more than 10 years.

Research has shown that safe and secure housing is fundamental to people's ability to contribute fully to society and the economy. Implementing measures that will increase the supply of affordable rental housing is one positive policy response to the broad and complex issue of housing affordability.

There is an opportunity for the NSW Government to take a more proactive role by identifying government-owned land that could be offered as a component in development partnerships with Community Housing Providers (CHP) to increase the rate of delivery of new affordable rental housing. There are precedents to this model. Lake Macquarie City Council has had recent experience with such a partnership where Council-owned land was used in a collaboration with a local CHP to deliver a development that provides a range of housing types and tenures. Council was able to achieve a financial return to our community through this development and also assist the feasibility of the affordable rental housing component of the development from the CHP's perspective.

That Local Government NSW advocates on behalf of councils to remove impediments within the National Construction Code Series (BCA) and associated Australian Standards, that dissuade industry from adopting 3D printing, and the Government provide instruments to incentivise private industry to develop 3D printing.

Note from Council

Australia's construction industry may be in for a shake-up, with the arrival of commercial 3D house-printing technology capable of slashing build times and costs. On the heels of the country's first 3D-printed house - erected in three days Melbourne in January - COBOD, an international leader in the disruptive field, has partnered with Australian company Fortex to distribute its equipment.

COBOD has spearheaded the development of 3D house-printing, having sold about 50 systems featuring multifunctional construction robots across the globe since 2019. They were used to help build the first single-, two- and three-storey 3D-printed dwellings in Europe, the first 3D-printed house and school in Africa, and first wind turbine tower base. Unfortunately, laws, codes and regulations rarely keep pace with technology. This is the case for using 3D printing to construct houses.

There is mounting financial pressure on governments, with limited fiscal levers available, to slow the price trajectory of housing. Major change across any industry is difficult for-profit driven entities, especially smaller players, to orchestrate, as simply the risk is high, the financial capacity is limited, and the reward will soon be diluted across their competitors. Often the scale of the research and development required is beyond even the most well-heeled and resourced. The longer an industry has been in existence, the harder it is to change, amplified by the educational institutions and financial commitments that both have long lead times and future commitments.

Furthermore, regulations (in this instance building codes and standards) are always slow to change and are often an even bigger impediment. In August 2021, the first 3D printed houses were sold in the USA. Like all disruptive technology introductions, once a manufacturer has a price differential it will be the case that others will need to change. But often governmental intervention is required (as it has been in the United States and other countries) to provide the initial catalyst.

The investment in research and development in 3D printed structures over the next few years in many counties, largely driven by price pressures, government policies, international treaty obligations, but also because of the frailty of global supply chains, is profound.

There are investigations into housing affordability occurring in NSW already, which is commendable. Further opportunities can be harvested if the State partners with local government, to review the building codes (which by default do not currently reflect the new technology).

Housing affordability is now becoming critical, yet the policy levers appear to be slow moving. Although it will take some time to achieve, the initial indicators are that 3D Printed houses will lower prices. Therefore it would be prudent to adapt our rules to facilitate.

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- <https://www.procore.com/jobsite/6-of-the-worlds-most-impressive-3d-printed-buildings/>
- <https://all3dp.com/2/best-companies-building-3d-printed-houses>

Newcastle City Council

Housing affordability

That Local Government NSW:

1. calls on the NSW State Government to increase its investment in public and social housing, working in partnership with all levels of government to meet local demand and deliver post-pandemic economic stimulus.
2. calls on the NSW State Government to increase its investment in affordable housing, including measures to prevent housing stress and vulnerability in rental and ownership for low-moderate income earners.
3. calls upon the state government to ensure that all new public, social and affordable housing at a minimum incorporates the new accessibility standards in the National Construction Code.

Note from Council

City of Newcastle (CN) has been actively responding to Affordable Housing challenges in the Newcastle LGA. A Memorandum of Understanding (MoU) between the NSW Government – Land and Housing Corporation and CN was signed in late 2021. The objective of the MoU is to deliver improved outcomes with a net uplift in public and social and affordable housing for the people of Newcastle. An important feature of the MOU will see CN supporting LAHC's redevelopment program through the provision of an annual payment equivalent to the rates paid by LAHC in the Newcastle LGA for the next three years. The payment,

which will be matched by LAHC, will be reinvested into funding delivering new public and social housing in the region during the same period.

Federation Council

Housing strategies

That Local Government NSW lobbies the NSW Government to develop a clear framework to allow Councils to work with the State Government, Industry in their Council areas who require housing, and other stakeholders, to allow Councils to develop or renew existing housing strategies that have a clearer connection to outcomes, including funding programs.

Note from Council

The housing shortage across regional Australia has never been more apparent.

It is pleasing that the NSW Government has recently released a funding program to encourage Councils to fast-track housing development including related infrastructure. It is critical that this not be just targeted at existing growth pressure areas, and funding be given to allow Councils who have other pressures such as industry growth and a shortage of social housing, to access these schemes.

Also rather than one off or ad-hoc funding, Councils should be worked with to ensure there can be a clear framework of linkages to these schemes, including through Housing Strategy links, Local Environmental Plans and Servicing plans, to give industry, Councils and developers the confidence to invest.

Armidale Regional Council

NSW Government assistance to regional councils for planning documents

That Local Government NSW;

1. requests the NSW Government assist Regional Councils to make more simple adjustments to their planning documents in order to bring forward suitable "Logical Inclusion Housing areas" especially adjacent to the existing urban fabric of their towns and centres.
2. requests technical support be provided by Department of Planning and Environment (DPE) to assist Regional Councils to find and deliver suitable housing areas without the necessity to undertake major review and structural changes to their planning documents.
3. requests the NSW Government direct DPE not to exclude "Logical Inclusion Housing areas" for consideration because they have not already been identified in high level planning Council planning documents. It is acknowledged that processes would be conducted in accordance with accepted site planning assessment criteria and principles.

Note from Council

Council understands that the Department of Planning and Environment (DPE) is looking at means and pathways for accelerating housing delivery as part of a deliberate program. Armidale Regional Council supports the logic behind this move by the State but would like to have available to it more simple pathways to enable early activation where it can be demonstrated areas are logical inclusion for housing without the necessity of needing to go back to the first principles and complete major reviews of high-level planning documents. Certain areas in regional councils could be "Logical Inclusion Housing Areas" and supported for rezoning without requiring detailed planning studies. A process can be created where logical extensions to the city boundary can occur without the need to do a Housing Strategy which would provide land supply to meet the needs for the next 2-3 whilst work continues on the 20 year housing strategy.

Armidale Regional Council

NSW Government assistance to regional councils for housing

That Local Government NSW;

1. requests the NSW Government assist Regional Councils to identify and utilise council-owned land for housing.
2. requests technical support be provided by Department of Planning and Environment (DPE) to assist Regional Councils to reclassify appropriate community land to operational land to support use for housing purposes.
3. requests the NSW Government provide funding for infrastructure to activate suitable council-owned land for housing.

Note from Council

The Regional Housing Taskforce Findings Report (page 30) noted that a number of regional councils indicated their willingness and intention to utilise council-owned land for social and affordable housing. Limited supply of suitable council-owned lands without reservations and restrictions was raised as a barrier with some councils suggesting that excess community land (which is subject to restrictions in use and cannot be sold or leased on a long term basis) could be reclassified to operational land to support use for housing purposes.

A number of council blocks that are pocket parks or other under-utilised parcels and could be used for housing. The process for reclassifying this land from community to operational (to allow sale or development) requires amendment to the LEP one parcel at a time. If all land were done as one package councils could bring blocks to the market quickly within the existing footprint of the towns.

Walgett Shire Council

Increased delivery of social and affordable housing in regional and remote NSW

That Local Government NSW calls upon the Australian and NSW State Governments to collaborate with the Local Government Sector in regional and remote NSW to increase the supply of both social and affordable housing by:

- a) Providing support to local councils through the NSW Department of Planning Industry and Environment for development of local housing strategies;
- b) Further incentivise community housing providers to expand their portfolios to meet current housing demand, particularly in rural remote NSW; and
- c) Provide assistance to Council's by way of fast tracking planning approvals & reducing bureaucratic red tape in the planning and assessment process

Note from Council

Regional and remote communities in NSW are experiencing a crisis with a heightened demand for social and affordable housing as an increasing number of low to middle income families are migrating to the region for employment and lifestyle opportunities.

In smaller communities, increased property prices along with limited social housing has created a shortage of affordable housing and businesses across a wide spectrum of local economies are finding it difficult to recruit and retain staff.

Bega Valley Shire Council

Investment in the development of affordable and social housing

That Local Government NSW calls on the State Government for urgent investment in the development of affordable and social housing in regional NSW to address critical shortages in housing affordability and availability for people on low to moderate incomes and key workers.

Note from Council

Lack of affordably priced housing not only affects the quality of life of individual families, who may be sacrificing basic necessities to pay for their housing or facing increased stress due to living in severely overcrowded housing due to lack of supply, it also has a serious impact on employment growth and economic development. The inability of lower paid workers to find appropriate, affordable housing can limit the capacity of industry to grow, and adversely affect local economies, as is the case with regional areas like the Bega Valley Shire.

Businesses and organisations are reporting difficulties hiring workers from outside of the shire as they cannot secure housing, including key industries of hospitality, tourism and health.

The displacement of long-term residents due to lack of affordable housing also reduces social cohesion, engagement with community activities such as volunteering, and extended family support. Affordable housing is thus an important form of community infrastructure that supports community wellbeing and social and economic sustainability, including a diverse labour market and economy, and strong and inclusive communities. There is a chronic shortage of social housing in regional NSW.

In the Bega Valley Shire there is also a significant and growing mismatch between housing supply and housing need, which is likely to intensify over time unless there are active measures to increase the supply of social housing near major town centres.

Given growing need, it is also of concern that both the amount and the proportion of social housing has been declining since 2006 with a loss of around 50 social housing dwellings and a decline from 3.7% of dwellings in the past decade. Only 3% of dwellings are rented as social housing in the Bega Valley Shire compared with 5% for NSW.

Bega Valley Shire Council

Social and critical worker housing investment

That Local Government NSW calls on the NSW Government to significantly increase investment in social and critical worker housing across NSW.

Note from Council

There is a clear high level of unmet demand for much of NSW, particularly in regional areas. There has been significant underinvestment for far too long in social housing which has meant not only has there been a lack of growth in supply to match a growing population and growing demand but in many cases, there has also been deterioration of existing assets to the point where they've been unusable. The current government is making some headway towards addressing the issue however there is a clear need for much higher investment. At the same time, much of rural and regional NSW is struggling to attract and retain critical skilled workers, particularly in essential public service roles like health and education. A key factor is availability and affordability of housing with cost of living pressures relative to income often a key concern. The NSW government needs to invest in critical worker accommodation which could potentially be converted to social housing in the future if needs change.

North Sydney Council

Use of unoccupied properties

1. That Local Government NSW asks the State Government to investigate and look to implement measures to incentivise property owners to not leave their property(ies) unoccupied.
2. That in doing so, measures which allow such unoccupied properties to be utilised on a long or short time basis for low-cost accommodation be positively explored.

Note from Council

Across Australia, including here in North Sydney, we are struggling through a dual rental availability and housing affordability crisis. There is a local rental vacancy rate below 2% - making rental properties difficult to come by. Based on the latest census data, local residents have faced significant rental price hikes since COVID. While these prices may be affordable for professional residents on higher incomes, this has completely priced out other essential workers - including childcare workers, retail staff and others in low to middle income brackets, who help keep our community running. The whole community suffers, when essential workers are priced out of an area. While this is a multi-faceted problem, one key driver of the rental shortage and housing affordability crisis is the increasing number of properties sitting vacant.

The 2021 census revealed that across Australia, more than 1 million homes are sitting empty. We should not have a system whereby people are encouraged (via financial or tax incentives) to leave properties vacant - particularly when so many families are struggling to find a place to call home. Housing is a basic right - it is something that we should be able to provide. This is not a problem local councils can solve alone. There are steps that can be taken to help advocate for reform. Thus we are calling on the State Government to reform of the Local Government rating system and the NSW land tax system, so as to provide a financial incentive for property owners to ensure their investment property holdings are being utilised for permanent residential accommodation purposes. These reforms should have a meaningful impact on the housing affordability crisis. Such reforms also have the potential to help revitalise communities and bring in more business for our local economies.

North Sydney Council

Productivity Review into housing affordability

That Local Government NSW supports ALGA in their call for the establishment of a Productivity Review into housing affordability.

Note from Council

There is a crisis in housing affordability in Australia. The Productivity Commission has indicated that the current housing crisis has pushed many Australians to poverty or homelessness, with a lack of social housing available and an explosion in rent prices. In 2021, 45% of Australians receiving Commonwealth Rent Assistance (CRA) were spending more than 30 per cent of their income on rent. Housing stress is typically described as lower-income households that spend more than 30% of gross income on housing costs. The data indicates that older Australians are the most vulnerable to the price spike in rents. Of those receiving CRA, almost one-third paid more than 30 per cent on rent.

In addition, social housing supply has lagged compared to population growth. Since 2012, the population has continued to grow at 13.2 per cent, but the supply of social housing has only grown by 4.5 per cent. The causes of the crisis in affordability are complex and range across all levels of government: Federal, State and Local.

For decades, the approach of many State governments has concentrated on increasing supply of private dwellings – it is clearly not working. Housing costs, whether in private ownership or rented, are at historical highs.

That Local Government NSW calls on the NSW Government to prioritise working in partnership with regional and rural Councils, especially those with seasonal demands for short term and tourist accommodation, that may include but not be limited to:

- a) removing policy and legislative barriers that prevent incentivising owners putting existing housing into the long term rental market.
- b) working proactively with stakeholders (eg Land Councils) to release more land for housing developments, with 25% allocated to social housing/ key workforce housing (Cooma Model).
- c) fund more social and emergency housing and accommodation.

Note from Council

Like most regional areas in NSW, Snowy Monaro is experiencing a shortage of housing and accommodation.

This includes affordable and social housing, as well as accommodation for a large seasonal workforce.

Over the past two years, the area has seen unprecedented population growth, particularly in Jindabyne and Berridale, which according to the REIA have experienced the second and third highest population growth in Australia. The shortage of available housing is impacting on all local business, including the local schools and hospital, as potential workforce cannot find a place to live.

In Jindabyne, similar to many locations with seasonal resort tourism, this is compounded by the number of workers and tourists seeking short term accommodation, resulting in the market prioritizing those rental options (ie air bnb type) over long term rentals.

Short term rental accommodation (STRA) has a significant impact on the cost of housing and the availability of long term rentals in high tourism areas, and this impact appears to be increasing. Information provided through the Go Jindabyne Masterplan project shows that approximately 30% of all dwellings in Jindabyne are used solely for STRA. There are legislative barriers to SMRC applying a 'bed tax'.

There is also a lack of requirements to complete construction, land banking by developers/landowners (supported by low-interest rates) and a need for land tax reform. In Cooma, a large amount of land is appropriately zoned for residential development, and over the past 5 years, Council has granted consent for over 200 lots. However, this land the majority of this land has not reached the market. The general lack of regulation to require the completion of development and to prevent land banking has led to a tightly held market that has failed to provide housing supply.

There are constraints to developing Crown Land and support for Local Aboriginal Land Councils. Cooma and Adaminaby are experiencing an acute housing shortage caused in part by Snowy 2.0. Both of these settlements have a significant amount of Crown Land zoned for residential development. Realising this development potential has proven elusive without being caught in long bureaucratic processes. A straightforward and streamlined process to release this land from the Crown and settle native title claims is needed to allow Governments or relevant Local Aboriginal Land Councils an opportunity to realise these assets and the housing opportunities that come with them.

39 Armidale Regional Council

NSW Govt to ensure new housing is prioritised for Renewable Energy Zones

That Local Government NSW:

1. requests the NSW Government commit to ensuring that Regional Housing initiatives that bring forward new housing opportunities be prioritised for Renewable Energy Zones (REZ) and Special Activation Precinct areas.
2. requests the NSW Government direct Department of Planning and Environment to require all State Significant Development proposals within the Renewable Energy Zones to supply temporary housing for construction workers unless they have demonstrated adequately that there is sufficient housing supply in the local area and that such assessment be required to consider the cumulative on housing demand of concurrent projects.

Note from Council

The Councils within the New England Renewable Energy Zone are already experiencing considerable housing pressure with vacancy rates below 1%. There is a need to ensure effective

Government and Developer led responses to current housing pressures that will be exacerbated by the unprecedented level of government and private investment in the REZ and SAP areas.

Renewable energy projects with the sort of construction jobs being espoused by EnergyCo need to mitigate their impact on local housing and tourist accommodation markets in the host communities and be cognisant of the cumulative impact of multiple construction projects overlapping in the REZs.

Proponents should be required to provide accommodation for construction workers in the same way that major infrastructure projects (like Inland Rail) and major mining projects do. This should be required as part of the DA for REZ projects and should consider the cumulative construction worker housing task across multiple projects.

40 Bega Valley Shire Council Vary policy for Short Term Rental Accommodation

That Local Government NSW:

1. calls on the NSW Government to update the requirements for Councils to apply to vary their policy for Short Term Rental Accommodation (STRA) and provide information on what other levers are available to local government to incentivise longer term rentals.
2. calls on the NSW Government to develop a model and pathway in consultation with the Local Government sector for STRA providers to be required to pay rates or levies to create parity with other business holiday accommodation providers and further incentivize longer term tenancies rather than STRA.

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

Note from Council

Short term rental accommodation (STRA) is an important part of the economy. However, it can negatively affect long term housing availability and local councils have limited ability to influence this. While caps can be placed on short term rental accommodation, more effective means of incentivising longer term rentals are required.

Currently Councils who wish to apply a cap of less than 180 days on STRA must prepare a localised socio-economic impact assessments of the impacts of STRA. The Department's Planning Delivery Unit (PDU) and Byron Shire Council recently jointly engaged Urbis to undertake an Economic Impact Assessment of the proposal to analyse the potential impacts of implementing varying caps on the number of days per year properties can be made available as non-hosted STRA. Sharing information on the lessons learned in the preparation of this document and its subsequent incorporation into the planning proposal process could benefit other Councils who are interested in further understanding the impacts of STRA on their economy and housing market and be used by the Department of Planning and Environment to produce a more refined methodology that could enable other Council's to more easily pursue a lower cap if supported by the evidence base. There is currently a lack of clear information from the NSW Government on what methods may be employed by Councils to incentivise long term rental accommodation or disincentivise short term accommodation of residential dwellings. as well as opportunities for councils to provide rate rebates or waiving of other fees and charges for dwellings used for permanent rental accommodation in selected areas. Rate rebates and other waivers may tip the balance between the use of a dwelling for STRA or for permanent rental under STRA.

Tweed Shire Council

Short Term Rental Accommodation

That Local Government NSW calls on the State Government to introduce an opt in 90 day limit on all non-hosted Short Term Rental Accommodation to elicit an immediate increase in the supply of homes for long term rental to alleviate housing crisis being experienced in many regional shires.

Note from Council

Tweed Council and its communities could have not envisaged the devastating housing crisis that the COVID pandemic and major flood events would bring to our region when the decision was made by Council to allow the STRA regulations to be applicable 365 days per year in our Shire.

Recent data has documented the less than 1% rental housing availability, with Tweed Shire being counted as one of the least affordable regional areas in NSW.

Introducing new and urgent legislation to be reduced to 90 days per year allows a compromise that our families can let out their home when they go away on holiday or when there is an event but dissuades investors from using our homes in low density residential areas from becoming businesses. We need our homes to house our community at this time.

Kiama Municipal Council Commercial council rates on Short Term Rental Accommodation (STRA)

That Local Government NSW advocates to the NSW Government and the Independent Pricing and Regulatory Tribunal (IPART) to investigate and allow NSW Councils to charge commercial rates or a commercial levy on Short Term Rental Accommodation (STRA), noting that:

- Most STRAs in NSW are currently rated at residential council rates.
- Several regional coastal councils have a higher than NSW and national average of dwellings being vacant (2021 Australian Census, ABS).
- Many regional communities are experiencing housing insecurity.
- STRAs are impacting on council resources and services.

Note from Council

At the 2021 Australian Census, in the Kiama Local Government Area, 16.5% or roughly 1,699 dwellings are unoccupied private dwellings. In many coastal LGAs across NSW, many report a higher than average unoccupied private dwelling rates, above the state and national averages. Based on a report represented to Kiama Council in August 2022, it is very likely that many of our short term rental accommodation properties are rated residential.

There are 128 local government areas in NSW and most would benefit from the ability to apply a different rating category/charge for short term rental accommodation properties.

In Queensland and Victoria, many local government areas are looking into this issue, such as Brisbane City Council recently introducing a new transitory accommodation rate which is 50% higher than the residential rate.

Elections and democracy

41 Bayside Council

Dealing with electoral fraud

That Local Government NSW lobbies the NSW State Government to undertake a major review of the NSW Electoral Commission's compliance and enforcement function to ensure its policy position and resources are appropriate to allow greater scrutiny of potential electoral breaches particularly around the eligibility of candidates in a local government election.

Note from Council

The NSW State Government and specifically the NSW Electoral Commission recognise that integrity and public confidence in the outcomes of elections are vital to our democracy. While the NSW Electoral Commission recognises the importance of its role, its compliance and enforcement actions are limited, and its policy position does not align to the principles it is required to uphold. It is clear that not all potential breaches that come to the Commission's attention and that may impact on the democratic outcome of our elections, are actioned, investigated and brought to a proper conclusion. The NSW Electoral Commission policy position is to prioritise potential breaches having regard to its view of the seriousness and urgency of the allegation. Many legitimate complaints concerning electoral fraud have the potential to not be investigated under its assessment and review position.

The local government sector has raised serious complaints about the eligibility of candidates running for civic office, where no action has been taken to address the irregularities brought to the Commission's attention. There is an extreme high risk that some candidates in office today or who previously have run for office, were not eligible for election eg because of their residential status. These breaches, brought to notice, but unactioned, distort the electoral process and our democratic way of life.

The NSW State Government needs to undertake a serious review of the Commission's Compliance and Enforcement function to ensure that elections are in accordance with the law.

42 Cowra Council

Real estate agents eligible to be councillors

That Local Government NSW:

- (i) amends position 16.7 of the LGNSW Policy Platform to only oppose property developers, and their close associates, nominating to be elected as councillors (property developer and close associate are as defined in the Electoral Funding Act 2018)
- (ii) does not support a ban on real estate agents running to be elected as councillors, recognising Agents are professional licenced practitioners under the Property and Stock Agents Act 2002 administered by the NSW Government Office of Fair Trading
- (iii) condemns improper influence by any Councillor on council decision-making and supports appropriate controls, codes of conduct and severe penalties for wrongdoing
- (iv) writes to the Minister for Local Government, Shadow Minister for Local Government advising of this position.

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

Note from Board

If carried, this motion would amend existing LGNSW policy which currently calls for both real estate agents and property developers to be banned from serving as councillors.

Note from Council

Position 16.7 of the LGNSW Policy Platform calls for LGNSW to advocate for a ban on property developers and real estate agents (and their relatives and close associates including investors, owners and beneficiaries) serving as councillors.

Council's starting point in this matter is that there are in place codes of conduct, legislation and other protocols that should ensure conflicts of interest are appropriately managed. The adopted position appears to be once again catering for the lowest common denominator at the expense of the vast majority. While Council is prepared to support the proposal in relation to property developers, using the definition contained within the Electoral Funding Act 2018, the inclusion of real estate agents is considered not only unnecessary but a detriment to local representation. All of the staff working in Real Estate and Stock Agencies are required by NSW Fair Trading to be fully licenced under the NSW Property and Stock Agents Act 2002 which impacts greatly on small communities. To implement a blanket ban on all of these people and their close associates is unfair to them as individuals but more importantly robs the local community of a significant number of very competent, highly respected people from representing their community.

This is a classic "one size fits all" approach that may have merit in metropolitan and high growth areas where major property development and potential for corruption is a concern however it is clearly not desired or beneficial to rural communities where real estate agents are seen to have no greater stake in development activity than the accountants, lawyers, builders and planning consultants who advise property developers.

Broken Hill City Council

Ban on developers serving as councillors

That Local Government NSW calls on the Premier of NSW and the Minister for Local Government to ban developers only from serving as Councillors.

Note from Council

Broken Hill City Council's motion supports a ban on developers serving as councillors, but does not support a ban on real estate agents.

The role real estate agents play within a metropolitan and regional community can be subjectively different with regional real estate agents usually being well embedded in the local community, providing facilitation for community representation and communication, participating and enabling community events and sponsorship as well as being a large employment provider. The proposed ban on real estate agents and their close associates would eliminate a number of representatives from running and representing their communities in small regional centres.

That Local Government NSW advocates to the NSW Electoral Commission, the Chair of the State Parliament Standing Committee on Electoral Matters and the Minister for Local Government requesting their assistance in ensuring that:

1. NSW Electoral Commission information for voters is visible inside and outside all polling places and online for the State General Election, expected in March 2023 and any subsequent Local Government Election where the NSW Electoral Commission is engaged by a Council to run that Local Government Election.
2. That this information is published online and at voting places in English and in the other major languages spoken by NSW voters as recorded in the most recent Australian Bureau of Statistics Census (i.e. 1% or more of the population in that LGA).
3. The specific polling booths that have non-English speaking officials and at what times they are available to speak with voters is also clearly available online and at voting places.

Note from Council

Key bodies mentioned

The NSW Electoral Commission is legislated to conduct, regulate, and report on general elections and by-elections for the Parliament of NSW. It also provides electoral services to local government. At the 2021 Local Government Elections the NSW Electoral Commission was contracted by 122 NSW Councils to administer their elections. The NSW Electoral Commission states it has a responsibility to provide electoral services that are relevant, accessible and inclusive to help all eligible voters understand and participate in the democratic process. It specifically calls out an obligation it has to people from culturally and linguistically diverse backgrounds, and people with a disability.

The State Joint Standing Committee on Electoral Matters enquires into and reports on electoral laws and practices. The Committee can only look at issues that are referred by either House or a Minister.

The Minister for Local Government is the accountable Minister for Local Government in the NSW Executive.

Information on the people in Willoughby relevant to this motion

Many in Willoughby struggle with English. In 2021 it was estimated that 5,166 residents in Willoughby spoke another language and English not well or not at all. A further 3.3% did not respond to the survey. The 2021 Census provides specific information on the main languages spoken in Willoughby and also the country of origin of its citizens. The Census figures reported in have the following percentage for most spoken languages. English 55.5%; Mandarin 12.9%, Cantonese 7.8%, Japanese 2.4%, Korean 2.3%, Hindi 1.4% and Armenian 1.0%.

Many in Willoughby struggle understanding our voting systems even if English is their first language. In most wards the informal vote was at or above 5%. The census suggests that upwards of 20% of voters come from Countries with materially different voting systems so even if language is not a barrier there is a need for easily available information on the voting system.

Observations from previous elections administered by the NSW Electoral Commission

Information provided to voters was commonly available somewhere but it was not always accessible particularly in languages other than English. This was particularly the case at polling places. Further the availability of multilingual staff was not clearly communicated.

A broader overview on the voting system

The voting system in Australia is complex and varies greatly across different levels of Government and within those levels creating challenges in understanding difficult for even quite experienced voters. A failure to fully understand how to vote even if a valid vote is recorded, effectively disenfranchises the citizen. With six different voting systems and a high percentage of voters from countries with dissimilar voting systems the risk increases.

Many Local Government electorates have six different systems of voting for elected officials that are systems unknown or little known to many of our voters. At the Local Government level there may be two elections - one for Mayor and one for Councillors; there are two also at a State level and two more at a Federal level - for the Upper and Lower Houses respectively.

The vast majority of NSW Councils contract to the NSW Electoral Commission for local elections and the Commission also ran the NSW State by-election and will run the State General Election.

The NSW Electoral Commission has some online materials available, however they have very little or no Commission produced (i.e. objectively produced) voting materials easily available. The online materials provided by the Australian Electoral Commission are considered to be a better practice. This was the case in English but also most importantly in the other languages spoken in the homes in NSW electorates. This was the case inside and outside the polling booths during pre-poll and on the day of the 2021 Local Government Election. There also appeared to be little in the way of a clearly scripted and consistent explanation of how to vote by officials behind the desks.

44 Kempsey Shire Council **What is council's role and what is your opportunity?**

That Local Government NSW works with the State and Federal Governments, including the NSW Office of Local Government and the NSW and Australian Electoral Commissions, to undertake a multimedia education program on an ongoing basis, particularly in the lead up to the 2024 Local Government Elections, to increase the community members awareness and understanding of:

1. Understanding the role and responsibilities of:
 - a) Local Government
 - b) State Government
 - c) Federal Government
2. Understanding the election processes for:
 - a) Local Government
 - b) State Government
 - c) Federal Government
3. Including:
 - a) What does a ballot paper look like
 - b) What is voting above the line and how does it work
 - c) What is voting below the line and how does it work
 - d) What is preferential voting and how does it work
4. The role of Councillors:
 - a) Who are they?
 - b) Why are they running?
 - c) Can they make Decisions for the whole community?
5. Why it is important to make a valid vote - Every vote counts

Note from Council

Having been through two elections in six months, many people coming into the polling stations did not really know much about local government, its role and place in our democracy. Many had limited understanding of above and below the line voting, or the differences between the various levels of government.

Educating the population on our democracy, the different levels of government, how and why to vote will assist in developing a more engaged community which should lead to better outcomes in our elections and in the interactions between community members and government.

Sustainability

45 Newcastle City Council

Housing energy efficiency standards

That Local Government NSW:

1. endorses the Joint Statement of Australian Councils calling on Building Ministers across the nation to increase energy efficiency standards to 7-Stars for new homes at the next Building Ministers Forum.
2. acknowledges such an increase will achieve a reduction in costs of living, improve safe and healthy communities and will contribute to Australia meeting its carbon emission targets.
3. notes that all levels of government should be working together to ensure higher energy efficiency standards and lower cost of living for home owners and tenants alike.
4. writes to ALGA advising Conference's position and requesting their joint advocacy to relevant state and federal ministers, on behalf of the local government sector.

Note from Council

As the level of government closest to communities, Councils play an important role in creating safe and vibrant communities. Communities across Australia want energy efficient homes that keep warm in winter and cool in summer. By making our homes more comfortable and less reliant on electricity reduces the strain on the electricity grid during times of high demand benefiting the whole community. We also have a responsibility to protect our diverse communities from current and worsening impacts of climate change. People on a low income spend a disproportionate amount of energy to heat and cool their homes. We need to ensure social equity and protect our residents from poor performing buildings and extreme weather events.

Councils are already working with industry to achieve higher performance outcomes than the mandatory construction code minimum standards. We have been successfully working with industry to support the market transition. Councils are ready and look forward to working with government and industry to improve our future homes for the benefit of all Australians.

46 Western Sydney Regional Organisation of Councils (WSROC)

Urban planning to reduce heat-related risks

That Local Government NSW advocates for the Australian and NSW Governments to recognise heat as a significant natural hazard requiring mitigation, adaptation and response measures in line with other hazards. This includes a review of planning policies and regulations to support local government to address urban heat and heatwaves. This should be done in close consultation with Local Government and should include, but not be limited to:

1. creation of national urban heat mitigation and adaptation objectives. Targets should be nuanced based on local conditions and climate.
2. define heatwave as a natural disaster under federal legislation. Heatwave is not currently an eligible disaster under the Federal National Disaster Arrangements – with impacts for assistance and adaptation funding packages.
3. updating the National Construction Code to ensure new homes are designed to keep people safe in future climates and when the power goes out:
 - a) ensure performance is assessed against future climate data
 - b) introduce thermal safety and thermal autonomy standards.
4. integration of heat mitigation and adaptation measures in state planning policies and instruments, including but not limited to:
 - a) exempt and Complying Development Codes SEPP
 - b) State Significant Development SEPP
 - c) revising the BASIX SEPP to ensure homes compliant to today will continue to perform under future climate scenarios. This may include but not be limited to:

- reviewing climate data sets to ensure they reflect today's climate, and near-future climate scenarios.
 - reviewing the efficacy of BASIX-compliant homes in protecting life safety during heatwave emergencies and power outages (introduce thermal autonomy and thermal safety standards).
- d) updating the Standard Instrument – Principle Local Environmental Plan (2006 EPI 155a) to support local governments to address urban heat and heatwaves.

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

Note from Council

Extreme heat is Australia's most deadly natural hazard causing more fatalities than all other natural hazards combined. Beyond human health, extreme heat is acknowledged to have cumulative and cascading impacts on city systems, including energy grids, hospitals, and transport networks. These impacts are expected to increase in future as extreme heat becomes more common, and heatwaves become more frequent and of higher intensity as a result of climate change.

Local government in NSW is leading the way in addressing heat through strategic and land use planning. Many councils have already included heat measures in their Local Strategic Planning Statements (LSPS), Local Environment Plans (LEP) and Development Control Plans (DCP). These are important mechanisms to influence built environment outcomes, and improved controls have the potential to reduce the impacts of urban heat. However, a significant proportion of development bypasses local provisions, utilising other approval pathways, for example State Significant development, or Exempt and Complying Development. In addition, key aspects of building design are regulated by national codes and state regulations (e.g. National Construction Code and BASIX SEPP), which prevail over any local provisions. And while our homes have a fundamental requirement to provide us with safety at all hours of the day and night, under all circumstances, current standards are not doing enough to address heat.

Hawkesbury City Council

Heatwaves as natural disasters/Revision of National Building Code and BASIX

That Local Government NSW requests the Commonwealth Government to recognise heatwaves as Natural Disasters and to revise the National Construction Code and BASIX to include heat resilience.

Note from Council

Hawkesbury City Council, as part of its membership of Western Sydney Regional Organisation of Councils, has been investigating the impacts of urban heat and heatwaves in Western Sydney; specifically, the processes and structures needed for a city to manage heatwave emergencies with projections for more frequent, severe and prolonged heatwave events in the future.

To assist in the prevention and mitigation of heat risks in urban areas, houses can be designed to reduce their heat impact. The Heat Smart Framework recommends that the BASIX SEPP be updated for passive survivability by:

- Updating climate data, parameters and technology options.
- Strengthening its targets.
- Setting an additional performance target for thermal safety/thermal autonomy.
- Assessing buildings against future climate scenarios.

Liverpool City Council

Design and Place State Environmental Planning Policy

That Local Government NSW advocates for changes to the NSW Planning system so that:

1. New housing is designed for future climates and can maintain survivable temperatures without air-conditioning;
2. The heat-resilience of existing housing stock and critical infrastructure is improved; and
3. Adequate green space is provided for not only greenfield housing developments, but also for medium and high-density developments.

Note from Council

In April 2022, the NSW Planning Minister, Anthony Roberts, announced that he would not proceed with his predecessor Rob Stokes' draft planning rules for greener and more sustainable housing development.

The rules for greener and more sustainable housing development, known as the Design and Place State Environmental Planning Policy (SEPP), put a premium on environmental standards, requiring all developments to mitigate and adapt to the risks of climate change. They were part of a draft plan for all NSW buildings to operate at net zero emissions “well before 2050”.

The draft environmental plan included a goal of 20-minute “walkability” to shops and parks for new neighbourhoods, revamped design rules to make new apartments better ventilated and more appealing and a requirement for green spaces in new developments.

Heat is Australia’s most lethal natural disaster. The frequency, intensity and duration of heat are predicted to increase across Australia, and especially in western Sydney. Researchers have already documented air temperatures above 50C in the region. Building more urban sprawl means we accept that more people will die of heat. The draft SEPP addressed many of the collective findings on urban planning, mitigation, and adaptation. How we can build with less impact on our climate. How to create healthier, happier communities. Sensible and affordable changes.

47 Lake Macquarie City Council	Access to urban greening grants for rural and regional councils
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That Local Government NSW lobbies the NSW Government to allow councils outside of Greater Sydney to access government funding for programs that address urban heat by facilitating the expansion of urban tree canopy and green cover.

Note from Council

Urban heat and heatwaves are a significant and growing issue for many LGAs in rural and regional areas. Climate change is expected to increase the number of extreme events including longer, hotter and more intense heatwaves in Australia, affecting vulnerable communities including the elderly, families with young children and culturally diverse communities. Urban tree canopy and green cover, particularly in areas with low canopy cover, mitigate urban heat islands by increasing shade and improve outcomes for human health, resilience and climate adaptation. A 10 per cent increase in tree canopy cover is known to reduce urban temperatures by around 1°C.

There is significant inequity between Sydney metropolitan councils and rural and regional councils in regard to access to State Government funding for projects that promote sustainable urban tree canopy and green cover. Rural and regional councils are excluded from the Greening our City grant program, which provides funding to organisations, councils and businesses for tree-planting programs across Greater Sydney. Expansion of this grant program beyond Greater Sydney would help rural and regional councils to strategically plan for and manage urban heat in their local government areas. This would include developing or updating urban forest strategies and street tree master plans, developing and enhancing tree asset databases, analysing tree canopy data to identify priority planting areas, and engaging the community through workshops and educational campaigns to promote the benefits of tree canopy and green cover.

48 Lane Cove Council	Design and Place SEPP – Reconsider sustainability initiatives
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That Local Government NSW advocates to the NSW Government and NSW Department of Planning and Environment to:

1. Adopt the following commendable guideline initiatives for urban design from the draft Design and Place SEPP:
 - i. Tree canopy targets for public and private sites;
 - ii. Public open space targets - for size and distribution;
 - iii. Walkability targets - block lengths, mid-block connections and distance to transport and centres; and
 - iv. Urban heat - tree canopy and low solar absorptance of roofs.
2. Continue to proceed with updated BASIX standards, and develop and adopt the following non-residential sustainability initiatives into state policy:
 - i. Embodied Carbon Reporting of key materials using common frameworks and tools
 - ii. Net Zero Statements that require a development to identify how their design and systems are capable of future electrification by 2035; and
 - iii. Require Electric Vehicle Readiness across all development types.

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

Note from Council

Given that councils in NSW are expected to support the optimising of land for homes by meeting housing targets, while at the same time gaining support from their local community, we should expect high quality urban standards that consider liveability, sustainability and resilience. This is imperative in gaining the confidence of and collaboration with our community when new developments are proposed.

At the least, best practice guidelines focussing on the above matters would greatly assist councils across NSW to reach the Department of Planning's housing goals sooner, with less disruption and more long-term economic benefit to the community.

Lane Cove Council is of the view that these particular matters are therefore worthy of saving from the decision not to proceed with the draft SEPP, and commend them to you for consideration.

North Sydney Council Draft Design and Place State Environmental Planning Policy

That Local Government NSW calls on the NSW Government to continue to develop the draft Design and Place State Environmental Planning Policy, which formed part of Minister's Planning Principles and SEPP consolidation plan released in December 2021.

Note from Council

Minister Stokes released The Minister's Planning Principles plan in December 2021.

The plan included 9 key principles and the consolidated of 54 existing State Environmental Planning Policies (SEPPs) into 14 consolidated SEPPs. One of the new SEPPs, the Design and Place SEPP, had been under development for two years and included a revised apartment design guide, new urban design guide, and new design review guide. The SEPP was intended to replace SEPP No 65 – Design Quality of Residential Apartment Development, and the Building Sustainability Index, BASIX, SEPP 2004.

In March 2022, following a Ministerial shuffle, Minister Roberts announced that he was discontinuing the Minister's Planning Principles in order to focus on housing supply, reportedly after listening to the development industry. The Design and Place SEPP would have required new developments to mitigate and adapt to the risks of climate change. This should continue to be a priority.

Skills

49 LGNSW Board

Addressing skills shortages across NSW

That Local Government NSW urgently advocates for the NSW and Australian Governments to:

1. provide incentives to address critical local government sector skills shortages, including with scholarships, maintaining registers of skilled contractors for councils to engage, co-funding cadetships, work experience programs and reducing university and TAFE costs,
2. develop strategies to attract and retain staffing in NSW councils, including policies for targeted immigration in areas of skills shortage,
3. foster increased access to locally delivered vocational education and training,
4. assist councils to identify existing skill sets and on the job training that might meet requirements for recognition of prior learning for formal education and training qualifications,
5. assist in promoting the value of a career in local government and developing employment pathways into councils.

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

Note from Board

Councils and communities across NSW are suffering the impacts of skills and labour shortages, which slow economic recovery and hamper productivity. Demand for skills and labour often exceeds supply, driving up costs and delaying investment. Where councils are not able to attract and retain appropriately skilled workers, they struggle to deliver the range and level of services their communities expect. All spheres of government need to work together to improve training

pathways and address skills and labour shortages for the benefit of councils, communities and businesses right across NSW.

Berrigan Shire Council

Workforce management

That Local Government NSW works with the Minister for Education and TAFE bodies to assist councils to identify existing skill sets and the types of on-the-job training in local government that might meet micro-credentialing requirements thereby assisting local councils to achieve recognition of prior learning to meet Australian Skills Quality Authority (ASQA) requirements, workforce professional career development and qualifications relevant to Continuing Professional Development.

Note from Council

The attraction and retention of skilled workforce in rural and remote areas is increasingly problematic when competing with the salaries and conditions possible in urban and peri-urban areas.

Council is actively encouraging and communicating the career opportunities afforded by working in Local Government, however access to suitable professional development opportunities is limited due to location costs of travel, accommodation etc included developing skill sets in house.

A number of skills sets however are achievable by working in the complex areas of Local Government and their recognition would both make credentialing qualified people more accessible, and make working in Local Government a more palatable career opportunity for rural and remote community workforce.

Shoalhaven City Council

Local government workforce attrition to the benefit of the NSW Government

That Local Government NSW advocates to the NSW Government on strategies that could be implemented to maintain staffing in NSW Councils and reduce the transfer of Local Government employees to the State Government.

Note from Council

NSW Councils are experiencing a great attrition of employees, particularly to employment for State Government Agencies and Organisations, which have a greater capacity to provide pay and employment condition incentives (such as remote working) to attract Local Government Employees for their positions when they arise. This is creating a significant skills shortage in NSW Councils and impacting upon how Councils can effectively deliver to their communities.

Cootamundra-Gundagai Regional Council

Addressing professional skills shortages in local government

That:

- a) Local Government NSW calls on the State Government to invest in subsidised university courses, VET courses through TAFE, or the like, to assist in addressing the planning, building and engineering skills shortage in local government.
- b) either the Department of Planning or Local Government NSW develop and manage a register of contract providers, that provide planning, building, and engineering services, which councils can draw from to obtain these services.

Note from Council

There is increasing frustration from the building and development industry regarding response times to get projects from concept to final build.

Part of the frustration is the requirements of the planning and certification system.

This frustration is exacerbated by the lack of qualified staff within Council to process applications, deal with enquiries and enforce compliance. There is a one size fits all approach from the State that appears to be cumbersome and adds to the frustration in rural areas where specialist advisory services do not exist.

Leeton Shire Council

Increased access to agricultural education in rural NSW

That Local Government NSW calls on the NSW Government to foster increased access to locally delivered vocational agricultural education in rural and regional NSW.

Note from Council

The agricultural sector is experiencing a severe shortage of skilled workers.

According to the “Economic and Political Outlook 2022” report by the Committee for Economic Development of Australia (CEDA), job vacancies and job adverts in the farming sector are at multi-decade highs.

While some of these vacancies can be filled by unskilled workers, many require workers with specific skills that are simply not available.

In part, the current shortage of skills can be attributed to a gradual decline in the number of institutions offering practical trade-level agricultural training at the local level (Agricultural Appointments, June 2021).

Investment in agricultural education facilities and skills development is urgently needed. The “National Agricultural Strategy: learning to excel” (National Agricultural Labour Advisory Committee, March 2021) highlights the need to build skills for modern agriculture.

While the NSW government has increased its investment into agricultural education, its focus is on higher levels Workforce of education provided by institutions such as the Centre of Excellence for Agricultural Education which requires rural and regional students to study remotely or travel to larger centres.

This does not meet the need for locally-delivered trade-level courses suitable for farm workers in their particular farming environment.

Such training was delivered locally in the past and suitable venues already exist in many regional areas, with the Yanco Agricultural Institute in Leeton Shire being one prime example. In relatively short order, such venues could be re-established as fully fledged agricultural training facilities to supply the agricultural sector with the skilled workforce it so desperately needs.

These facilities, such as the one in Yanco, could ideally offer a range of relevant agricultural training courses including dedicated irrigated agricultural courses as it did successfully in the past.

MidCoast Council

Current skills shortage in engineering

That Local Government NSW notes and endorses the advocacy position of the NSW Roads and Transport Directorate which calls on the NSW and Australian Governments to support NSW councils in their effort to address the current skills shortage in Engineering and the directorate’s recommendation for the following measures to be considered by councils:

- to implement engineering cadetship and work experience programs to ensure the skills and capacity to manage local roads is maintained into the future.
- investigate potential opportunities for efficiency gains in council construction and maintenance work practices and techniques.
- promote the value of a career in public works within their local communities, as a part of a collective voice with the wider engineering industry.
- partner with educational institutions (TAFE, university’s, high schools) to develop employment pathways into NSW councils.

In addition the conference calls on the Australian Government to implement policies for targeted immigration to support Local Government in addressing skills shortage in both Engineering and Town Planning in particular to Regional Areas.

Note from Council

The skills shortage relating to engineering in local government is the worst it has ever been. A multi-pronged approach is required to address this issue.

Support is needed for NSW councils to be able to develop a stable pipeline of cadets and apprentices to increase capacity in this sector. This also requires councils to be willing to take on some of the responsibility for training new staff.

Improving the efficiency of existing work practices is also seen as a viable measure to increase overall organisational efficiency and reduce staff demand.

At an industry level, NSW councils need to work with state and federal organisations to promote the value of a career in STEM to high school students, and a career in public works to university students.

Only through working together, can we advocate for effective change at all stages of the student pipeline, from high school right through to TAFE or university graduation.

That Local Government NSW:

1. calls on the NSW and Federal Governments to provide incentives to address critical sector skills shortages effecting private and public investment, primarily in the fields of planning, engineering and building certification with these incentives to be in the form of scholarships, co-funding cadetships and reduced university course costs.
2. encourage all NSW to provide cadetship programs to build sector capacity in areas of critical sector skill shortages.

Note from Council

NSW is currently facing a housing affordability and availability crisis with a number of factors contributing to the situation. There is also an enormous pipeline of public investment that has been targeted at unlocking future economic growth. It is becoming more apparent that there is an imbalance between demand for a number of skilled professions and supply of practitioners in those fields that is creating a real barrier to housing and enabling infrastructure development. Key shortage areas in both the private and public sector are most acute in the engineering (including development engineering), planning (including development assessment) and building certification areas. Competition for the relatively limited supply of these professions compared to demand means that everyone is competing for the same number of limited people, rather than addressing the underlying issue of supply in the fields. Through targeted incentives there is the opportunity to address the issue albeit it recognising the investment is for the longer term benefit.

Energy

50 Murray River Council

Nuclear energy

That Local Government NSW seeks that the Federal Government remove any impediments that prevent investigating nuclear energy as a viable option, with particular focus on Small Modular Reactors.

Note from Council

There has been much debate about the pros and cons of nuclear energy. Until recently the argument against nuclear energy may have been quite sound, largely driven by the enormous risk factors due to the scale required. Additionally, much of the angst has always been about managing nuclear waste.

Australia has adopted a policy to drive the use of renewable energy, which is commendable and will significantly reduce gas emissions.

But the risk doesn't stop with the adoption of a renewable energy policy. The scale required, the storage technology that doesn't exist yet (with its own environmental drawbacks), reliability of supply, and timelines to implement, remain a huge challenge.

This paper doesn't herald that the current Australian policy of restriction on nuclear energy change. What this paper serves to achieve is to advocate that the government investigate emerging technologies – with an open mind - which may (or may not) remove the risks associated with nuclear power, as follows:

1. Huge scale has been associated with huge risk and catastrophe in the past.
 2. Reliance on human operation
 3. Management of waste
 4. Location and therefore transmission loss
 5. Enormous cost Nor does this paper suggest that the author professes to know about the benefits and pitfalls related to contemporary nuclear energy plants. This paper is to highlight, that with very little research, there are alternatives currently being implemented in (at least) the United States, which at present, our policy prohibits.
1. Scale. (United States.) The first small modular reactor (SMR) design has been approved for certification by the US Nuclear Regulatory Commission (NRC). NuScale's tidy reactor design promises safe, clean energy at radically reduced cost, land use and installation time. The NRC released news in July 2022 that its staff have been directed to make a final rule certifying the

NuScale reactor design for use in the United States. This is just the seventh design approved by the NRC since it was established in 1974, and the first of a coming wave of technologies designed to make nuclear power cheaper, easier, and safer to implement. The keys to this small modular reactor's advantages lie in its small size and modularity. Rather than having to build each reactor on site, custom designed for the location, NuScale can mass-manufacture its light water reactor modules in a factory and then ship them worldwide for a relatively quick and painless installation.

2. **Reliance on Human Intervention.** Like most other generation IV nuclear designs, the NuScale plant is designed to shut itself down safely in an emergency without any operator input or power requirements. The feedwater and steam exit valves will close in the event of an emergency situation, and a secondary set of valves will open to depressurize steam from the reactor core into the containment vessel surrounding the reactor. As this steam condenses, it'll be taken back into the core and circulated through this process again. NuScale says this'll put the plant in a stable, safe shutdown, and that if anything goes catastrophically wrong, the giant water tank housing the reactor modules, with its concrete roof, provides a final line of defence designed to be earthquake-proof and impermeable to aircraft impacts.
3. **Waste Management.** Gérard Mourou has already won a Nobel Prize for his work with fast laser pulses. Physicist Gérard Mourou mentioned in his wide-ranging Nobel acceptance speech that lasers could cut the lifespan of nuclear waste from a million years to 30 minutes. Mourou was the co-recipient of his Nobel Prize with Donna Strickland for their development of Chirped Pulse Amplification (CPA) at the University of Rochester. In his speech, he referred to his 'passion for extreme light.' CPA produces high-intensity, super-short optical pulses that pack a tremendous amount of power. Mourou's and Strickland's goal was to develop a means of making highly accurate cuts useful in medical and industrial settings. It turns out CPA has another benefit, too, that's just as important. Its attosecond pulses are so quick that they shine a light on otherwise non-observable, ultra-fast events such as those inside individual atoms and in chemical reactions. This capability is what Mourou hopes give CPA a chance of neutralizing nuclear waste, and he's actively working out a way to make this happen in conjunction with Toshiki Tajima of UC Irvine.
4. **Transmission Losses.** The plant's passive safety measures and tiny ground footprint compared with current nuclear plants make it possible – in the company's opinion, anyway – to put these plants much closer to where the energy's used, cutting down on transmission costs and losses.
5. **Cost.** Each roughly cylindrical module stands around 65 ft (20 m) high, with a 9-foot (2.7-m) diameter and produces 77 megawatts by pushing steam out through a turbine. A given power plant could run anywhere between four and 12 of these modules, submerged in a water tank, so an overall power station will be good for between 308 and 924 MW. Nuclear will be a key baseline generator for renewables-based power grids in many areas, and NuScale says its mass production capabilities will make it cost-competitive even with some fossil-fuelled options. The Future.

The future appears to be heading in the micro-generation direction, versus the macro level power generation we've adopted since post WWII. In 2020 the International Atomic Energy Agency published an update of its Small Modular Reactors book, 'Advances in Small Modular Reactor Technology Developments', with contributions from developers covering over 70 designs.

Whilst it is easily concluded that a great many may fail to gain approvals, it would be beneficial for governments to maintain a close watch, as countries that can produce cheap power without carbon emissions will become more competitive than those who have a closed mind.

References:

- World Nuclear Association – Information on Small Modular Reactors
- Freethink* - Fast Laser Pulses.

That Local Government NSW calls on the Australian Government to legislate that at least 50% of renewable energy is generated in the capital cities of Australia and at least 75% of that is produced in Sydney and Melbourne.

Note from Council

Australians emit 1.3% of global emissions annually, even though our population equates to 0.3% percent of the global population. We are one of the biggest global emitters per capita. In order to not over consume and stay within its carbon budget, drastic and immediate action is required.

The population of the capital cities of Australia is 67% of the total population, yet they account for a very small percent of renewable energy production and are doing very little and risking nothing.

Regional Australia account for 67% of all exports and are the backbone of the Australian economy and provides many resources to the international market. Capital city areas need to do more and delivering their share of renewable energy would be a good start.

Regional Australia produces almost all the renewable energy production and is expected to sacrifice much to meet Australia's policy of zero emissions. Renewable energy produced in capital cities will reduce carbon production. Infrastructure will not be transported as far and there will be less need for the installation of transmission line, most of the power would be used where it is produced. Ocean winds are reliable and would deliver consistent power production.

It is time all Australians do their bit to reduce emissions not just us that live in regional Australia.

It is regional Australia that will face the consequences of coal mine and power station closures.

It is regional Australian communities that are paying the price for policy driven by inner-city electorates that have made it the number one policy to achieve zero net emissions at all costs, as long as it does not spoil or impact their suburbs.

Inner-city suburbs ignore or show little interest in the impact zero emissions will have on regional areas and expect us to make all the sacrifices. By passing this motion and the Australian government passing legislation we will all as a nation be doing our bit to combat climate change.

That Local Government NSW advocates for controls to be established to ensure that new Local, State and Federal Government buildings and infrastructure that consume electricity include provision of solar power or an alternative renewable source in their design and construction where feasible.

Note from Council

As a key measure to address climate impacts, all levels of government should be taking proactive, positive and practical measures to invest in renewable energy generation sources when opportunities arise. An obvious opportunity for this is when governments are either building or upgrading energy consuming buildings and infrastructure. Solar is an obvious solution in the majority of situations, however it is acknowledged this may not be either a practical or the most beneficial solution for all situations and better renewable alternatives may be available.

Infrastructure, roads and transport

53 Forbes Shire Council

Councils impacted by the Irrigation Act

That Local Government NSW:

- a) forms an 'Irrigation Related Councils' similar to the 'Mining and Energy Related Councils'; and
- b) lobbies the NSW Government to review the Water Management Act 2000 to allow councils to levy a charge equal to the level of annual depreciation of each irrigation structure.

Note from Council

There are several councils across NSW that have been impacted by the Water Management Act 2000, where the bridges and culverts, that have been constructed for the sole benefit of irrigators prior to implementation of the Act, are deemed to be a structure of the road and are therefore under the care control and management of the 'Road Authority'.

This has created a significant financial burden on councils with some councils having 50 + additional bridge and culvert structures added to their asset inventory. For a Council with an additional 50 bridge structures, this has the potential to increase the depreciation expense by around \$250,000 per year. This is an unfair burden on ratepayers for structures that provide exclusive benefit to irrigators.

54 The Hills Shire Council

Streamlined management of infrastructure approvals and delivery

That Local Government NSW calls on the NSW Government to improve the efficiency of processes associated with the delivery of critical local infrastructure by councils. This should include a particular focus on:

- a) reducing the time taken to obtain design approval from Transport for NSW and other utility providers; and
- b) removal of barriers to the efficient and early acquisition of land for a public purpose and streamlining of the compulsory acquisition process for local councils.

Note from Council

Processes around the delivery of critical local and enabling infrastructure have become increasingly complex. As a result, there is a substantial lag between residents moving into a new area and council being able to deliver the infrastructure required to support the additional population. This prevents orderly planning outcomes and the delivery of key infrastructure in line with development. This is understandably a major source of frustration for residents moving into new areas and severely impacts on quality of life. It is also a burden for council as substantial time and resources are directed towards responding to residents on these issues, rather than doing the work required to deliver infrastructure on the ground.

A number of factors inhibit Councils' ability to efficiently deliver infrastructure in growing areas. Firstly, the NSW contributions framework limits Councils to the gradual collection of contributions as development occurs. As contributions are collected in small amounts from individual developers, it can take a substantial amount of time before Council has received sufficient funds to acquire necessary land, build a park or upgrade a road. The very nature of the contributions system means that the funding required to deliver infrastructure is received at the point in time when the arrival of the incoming population which requires this infrastructure is already imminent.

Even once funds are available, land acquisition processes can add substantial time and cost to the delivery of infrastructure. While Council does have the ability to compulsorily acquire land, this is a complex, costly and lengthy process for Local Councils, in comparison to the powers and processes available to the State Government. The system needs to be improved to remove barriers to the efficient acquisition of land for a public purpose by a Council, by simplifying the compulsory acquisition timeframe and providing local government with similar powers and pathways available to State Government for the expedient acquisition of land.

It has also been council's experience that gaining approvals from Government and utility providers can be a significant barrier to timely infrastructure delivery. Whilst council may have undertaken all necessary planning and design steps, delays too often occur when waiting for approvals from external agencies or awaiting the satisfaction of "warrants" which will ultimately be met once development occurs. Some agencies also present roadblocks to infrastructure which has already been identified as necessary through Government planning policies. This highlights the lack of coordination between agencies and inefficiencies when council must continually justify the provision of infrastructure that has already been planned and green-lit.

55 Sutherland Shire Council

Utility provider impact on community assets

That Local Government NSW lobbies for greater financial accountability and liability for utility providers who fail to properly rectify damage or protect Council assets from damage, or (in the event of damage) report to Council and remediate to the agreed standard.

Note from Council

Sutherland Shire Council has for many years invested a significant amount of community funds to improve the presentation and condition of infrastructure assets and landscaping around the streets of Sutherland Shire. The same would apply to most councils across the state.

Council's investment has been well received by our residents and we recognise we still need to do more as funding allows. The same would apply to most councils across the state. It is against this background we raise an issue which is effectively working at cross purposes with our aim of improving our streets. This issue is the quality of rectification "make good" works undertaken by various utilities and associated contractors. Utility providers supply critical services such as water supply, sewerage management, state roads and railways, telecommunications, and electricity and gas to residents and businesses of the Sutherland Shire. At times, operation, installation and maintenance of their networks intersects with the infrastructure owned and maintained by Council. For example, the local roads network, footpaths and cycleways, kerb and gutter, and natural assets such as street trees.

As utility works are undertaken it is expected as little damage as reasonable should occur and what damage is done is repaired to the standard as it was before the works began. Unfortunately, there have been numerous instances where damage has been caused to Council-owned assets, requiring us to remediate infrastructure to an acceptable condition, and pursue utility providers for compensation on an individual basis. This is a significant diversion of resources and exposes councils and their community to avoidable and oftentimes significant risk.

Each Utility or State Agency has a Legislative responsibility to notify and provide accurate and timely reporting of upcoming works complying with each relevant utility Act. This includes providing the Local Government Authority with a detailed scope of works to be carried out in the public domain. Utilities and agencies need to be accountable when operating in the public domain where assets are going to be impacted.

Of particular concern, is work being undertaken that causes damage to assets that would otherwise be invisible or go largely undetected, but for reports from concerned community members observing unsafe or inappropriate activity. For example, where work is undertaken by utility providers or their contractors, within tree protection zones, compromising the health, safety, and stability of large urban street trees. A recent example of this occurred in Caringbah South, where contractors working for Sydney Water inflicted significant damage to a Council tree by the severing of large structural roots, increasing the risk of failure of the tree. The information was reported to Council by a resident who observed the work being undertaken – due to the underground nature of the damage, it is highly likely the increased risk would otherwise have gone undetected. Council officers have arranged for removal of the tree and are pursuing compensation from Sydney Water.

Sutherland Shire Council calls upon fellow councillors to support a motion that seeks LGNSW to lobby for greater financial accountability and liability for utility providers who fail to properly rectify

damage or protect council assets from damage, or (in the event of damage) report to the relevant council and remediate to the agreed standard.

56 Hunters Hill Council **Damaged and deteriorating seawalls**

That Local Government NSW advocates to the NSW State Government to allow councils impacted by deteriorating seawalls due to climate change, severe weather events and tidal erosion or wash due to ferry movements to receive a seawall levy and/or a specific grant funding opportunity.

Note from Council

At the Ordinary Meeting of Council on 15 August 2022, Council passed a resolution regarding the inclusion of a motion relating to damaged and deteriorated seawalls.

The intent of this motion is to enable councils who are bound by water courses including lakes, rivers, estuaries and oceans a funding mechanism to improve the condition of damaged and deteriorating seawalls. The poor condition of seawalls throughout NSW, and locally in the Hunters Hill catchment area due to climate change, recent severe weather events and ferry movements along the Lane Cove and Parramatta Rivers has caused silting, public safety concerns, floodplain management issues, loss of property and left councils will huge repair costs.

The implementation of a specific funding program will enable the development of environmentally sustainable partnerships and practices which will further prevent erosion; either due to soil entering waterways, work as a defence against flooding or stop the risk to properties bordering water courses.

57 Clarence Valley Council **Increase maximum penalties for water offences**

That Local Government NSW lobbies the NSW State Government to:

- a) increase maximum penalties for sewer and water offences under the Local Government Act to a similar level as applies to state government owned water utilities, including higher offences for corporations compared with individuals,
- b) add an additional offence of “wrongfully take, use or divert any water” to Section 636 of the Local Government Act, noting that this is currently an offence which applies for state government owned water utilities, and
- c) modify Schedule 1 of the Local Government (General) Regulation to extend the issuing of Penalty Infringement Notices (PIN) to all sewer and water offences, again noting that state government owned water utilities can issue PINs for most offences under their legislation.

Note from Council

The penalties for sewer and water offences under the Local Government Act, 1993 are generally an order of magnitude lower than those which apply to offences against state government owned utilities.

Under Schedule 12 of the Local Government (General) Regulation, 2021 the only water and sewer offence for which a PIN can be issued is Section 637 that is; “wilfully or negligently wasting or misusing water from a public water supply”. Without legislation authorising issuing of PINs for other sewer and water offences, Councils options are to either prosecute in the Local Court (which, even if the case is successful, will likely result in Council being out of pocket thousands of dollars), or taking no action regarding the offence.

The difference in maximum penalties available to State Government owned utilities and a Local Water Utilities (LWU), and the inability to issue PINs, mean that it is difficult for LWUs to enforce sewer and water requirements. There are, for example, significant potential drinking water quality risks from potential pollution of the supply which could result in imposition of lengthy boil water alerts, and these risks could be more easily addressed if there was the ability to issue PINs. The lack of a specific offence for “illegal taking or diversion of water” means the only action an LWU can take to address water theft is to report the theft to police.

During the 2017-2019 period of drought Council received numerous reports of water theft including the detection (three instances) of water meter tampering. It was considered not possible to obtain sufficient evidence of water theft for a successful police prosecution as by the time Council staff attended the site in question, the way in which the water had been taken was removed. Had there been an offence under the Act of taking water (with the option of issuing a PIN) then it is considered there was sufficient evidence to justify issuing a PIN. Due to the cost of prosecution it was decided not to take action on the meter tampering although it was considered there was sufficient evidence for a PIN to be issued with prosecution more likely.

58 Federation Council

Enabling infrastructure for growth/development

That Local Government NSW lobbies the NSW Government to allow Councils with adopted Growth Strategies and accompanying service plans and reflective Local Environmental Plans, to have access to a funding stream that assists Councils to fund network infrastructure and sewer and water plants (new/replacement or upgrades), to reflect the growing need for housing in rural and regional areas.

Note from Council

Councils should be rewarded for proceeding with strategic planning for growth, by having a far clearer funding stream dedicated to address the critical housing shortages.

Councils are at present in a risk rating process under the Safe and Secure Water program, that does not adequately cater for the State making suitable contributions towards major infrastructure (such as Water and Sewer Treatment plant renewals/upgrades).

Development in rural and regional areas in many cases is not profitable for the developer, where major infrastructure provision is required, yet the growing industries in the regional areas require housing.

Councils also cannot afford to install trunk infrastructure (subsidize) on their own at the cost to other ratepayers.

A more reliable funding stream would encourage Councils, industry requiring housing, and developers to invest and work to reduce the housing shortage in all Council areas.

59 Warrumbungle Shire Council

Causeways

That Local Government NSW seeks from the NSW State Government:

1. Practical, sensible and affordable solutions in the management of causeways in waterways including the cooperation and collaboration of a number of state agencies such as Crown Lands and Fisheries; and
2. Acceptance of a process whereby the Crown accepts responsibility for the land and waterways under its control and does not seek to transfer that responsibility onto councils without appropriate funding.

Note from Council

Warrumbungle Shire Council has a road network of over 2,500km and 357 causeways to maintain. Several of these causeways are in a constant state of inundation because of build up of silt and vegetation both upstream and downstream. Council has a Part 7 Fisheries Management Act permit that allows us to maintain these causeways. This also permits Council to carry out any necessary clearing of debris and other obstructions 10m upstream and downstream of the causeway. However, in order to resolve the water inundation problem, it is necessary to dredge the waterway for significant distances, in some instance of at least 200m downstream. Installing a culvert to replace the causeway would be cost prohibitive (potentially in the order of \$400,000) and in order to do so would also require dredging of the creek.

Council understands the need to protect our environment however it does not have the financial resources to provide infrastructure expected by agencies such as Fisheries. Council is faced with a situation where a number of its public roads are effectively impassable because of build-up of

material in creeks over which it has no control. Council is at an impasse where we cannot see a way forward to address the situation.

Council staff have met with Crown Lands staff to discuss potential solutions. Crown Lands advised that they do not have any funding to maintain creeks or riverbanks, however they could authorise Council to carry out the works under the Crown Land Management Act which would avoid the need for a Part 7 Fisheries Management Act permit however Council would still be expected to fund the works and carry out maintenance on land it does not own or control. This is yet another example of cost shifting by the State Government and its agencies.

Warrumbungle Shire Council is not alone in this situation, we understand that other councils are facing similar issues. Council would therefore like to request Conference help in bringing this dilemma to the attention of the relevant state agencies and advocating on behalf of regional councils and their communities for those agencies to collaborate with councils to find practical, sensible and affordable solutions.

60 City of Sydney Co-funding for aerial bundled cables (ABCs) with councils

That Local Government NSW:

- (i) encourages NSW councils to consider supporting Ausgrid's co-funding of aerial bundled cables;
- (ii) write to Essential Energy and Endeavour Energy to encourage implementation of similar programs across NSW; and
- (iii) write to the NSW Department of Planning and Environment for funding to support councils with their contribution towards the program.

Note from Council

The NSW Government is aiming to plant five million trees across Greater Sydney by 2030 to help achieve its goal of increasing canopy cover to 40 per cent. Increasing the tree canopy in our local parks, streets and neighbourhoods will provide much needed shade and shelter from heat, improve our air and water quality, improve health and wellbeing and build our resilience to climate change. Street trees provide the most urban cooling benefit, as they shade hard surfaces like buildings and asphalt.

Electricity distributors only consider small trees suitable for planting under powerlines. Pruning to ensure safe clearances by electricity distributors can often significantly reduce the urban canopy. When overhead low voltage bare wire cables are upgraded to insulated cable known as aerial bundled cable (ABC), trees can grow closer to the wires and can be directionally pruned around the wires, allowing for larger trees and greater canopy cover.

Local residents regularly express concern regarding the heavy pruning of street trees by contractors as overhead bare wire cables cannot come within close proximity of tree canopy. Currently if a council wants to upgrade the network from bare wire to an aerial bundled cable, it would need to hire an Accredited Service Provider and would bear the full cost of the upgrade.

In preparing for its Draft Plan 2024-29, Ausgrid consulted with Councils through various working groups. At the vegetation management and resilience groups, several councils asked for more aerial bundled cabling.

Ausgrid is proposing working with Councils to co-fund upgrades to ABC, as part of a broader climate resilience program. The proposal includes a priority funding program for councils with low urban canopy cover and low proportions of ABC in their overhead network. Priority councils would receive a 70 per cent funding contribution from Ausgrid. It also includes a non-priority program which provides 50 per cent co-funding contribution;

Ausgrid is seeking a letter of 'in-principle' support from councils for the program in their Draft Plan 2024-29, in support of a budget allocation for fund which would see Ausgrid allocating \$12.2 million to work with local governments to deliver more aerial bundled cable.

Local governments and residents across NSW would benefit if both Essential Energy and Endeavour Energy, the network operators for Greater Sydney and parts of regional NSW, were to implement similar co-funding programs for councils. Many councils may still find the costs of these upgrades prohibitive, and the NSW Government could support councils with funding for their contributions, which would enable the NSW Government to achieve their canopy cover goal of 40 per cent.

61 Kyogle Council

Rural telecommunications

That Local Government NSW pursues an agreement between telecommunications service providers and the State and/or Federal Governments to fund:

- (i) disaster affected infrastructure on private property which at present, has to be replaced by the individual property owner and;
- (ii) a subsidy arrangement which enables rural, remote and isolated communities to improve their telecommunications through satellite and other emerging technologies.

Note from Council

This was a very successful about 25 years ago through a cross-subsidised program which recognised community service obligations.

Residents were able to access and install existing and emerging technologies to improve their accessibility to mobile phone coverage and the internet, primarily through satellite and Wi-Fi services.

Unfortunately, as telecommunications have moved to higher bandwidths capable of more data handling; eg 3G to 4G and now 5G, the range of the available signals has reduced leaving many residents who previously had adequate coverage with marginal or severely limited coverage which becomes problematic when health or natural disaster events occur.

The appropriate response is to increase the number of towers to ensure that adequate coverage is maintained but this requires significant investment in areas that, because of limited population, will not see a return on investment.

Without subsidisation, there is little incentive for private sector telecommunication providers to invest in new infrastructure outside the more heavily populated areas of the country.

62 Forbes Shire Council

Improvements to truck safety

That Local Government NSW lobbies the NSW Government to:

- a) mandate that all heavy vehicles travelling greater than 200km in one direction in a single trip, have facial technology that monitors driver fatigue; and
- b) implement rigorous truck driving competency assessment that is regularly reassessed, similar to the CASA requirements of pilots.

Note from Council

The Chain of Responsibility (CoR) has not gone far enough to change long haul truck driver behaviour nor has CoR gone far enough in preventing fatigue related truck crashes. The use of truck driver log books has created the problem of “get-there-itis” where drivers will push to get just that little bit further within the allowable driving time. The accident statistics, particularly on the Newell Highway are grossly over-represented by truck accidents, often fatal.

Forbes Shire Council believes that:

- a) regulation of truck driver competency is required and regularly reviewed, similar to CASA requirements of pilots;
- b) technology that monitors driver fatigue must be mandated for all heavy vehicles, including semi-trailers, if they are required to travel more than 200 kilometres one way in a single trip;
- c) heavy fines for substantiated bad truck driver behaviour, such as tail-gating and dangerous overtaking manoeuvres; and d. Reporting of bad driver behaviour should be more available to the general public.

That Local Government NSW advocates to the NSW Government for changes to the NSW road rules that are a danger to cyclists and need to be addressed as stated:

1. the road rule requiring cyclists to stop on a multi-lane roundabout to allow cars to exit the roundabout in front of them - this rule should be abolished
2. the road rule requiring cyclists to remain in a 'bike lane' unless it is "impracticable" to do so - this rule should be amended to make it clear that cyclists are not required to remain in a 'bike lane' where it is unsafe to do so.

Note from Council

1. The first road rule is described at page 97 of the NSW Road User Handbook.

'Bicycles and roundabouts' which states "Bicycle riders must follow the same rules as other drivers on roundabouts. However, on a multi-lane roundabout, they can use the left lane to turn right. When turning, they must give way to vehicles leaving the roundabout."

As this makes clear the cyclist is supposed to stop on the roundabout to give way to the motorist exiting. The handbook warns motorists, presumably behind the cyclist, to watch out for cyclists stopping. Should they not, and run into the cyclist, the cyclist would be pushed into the way of the exiting vehicle placing the cyclist at extreme risk of injury. Given the respective risks the motorist exiting should give way to the cyclist.

2. The second road rule is described at page 149 of the Handbook.

'Bicycle lanes' which states "When a bicycle lane is marked on the road, bicycle riders must use it, unless it's not practical to do so."

The relevant road rule uses the wording "impracticable". This could mean that, when there are cars parked to the left of the bike lane, it is "impracticable" to stay in the lane if they have a door open, but a potential door opening does not make it "impracticable" to stay in the lane and requires the cyclist to slow to the extent necessary to be able to stop should a door be opened. The extent of slowing required, should this be the correct interpretation, would render the bike lane useless to the cyclist but they would be in breach of the law if they didn't remain within it. The law should be amended to make it clear that a cyclist is not required to remain in the lane where a door may be opened in front of them i.e. where there are parked cars to their left, as that is an unsafe situation for the cyclist.

That Local Government NSW calls on the State Government to fund Crown Lands Department to plan for, resource and repair Crown Roads that are damaged in a Natural Disaster.

Note from Council

Crown Lands are the asset owner of Crown roads around NSW. These roads are widely used by the NSW community to gain access to and from their properties.

Crown Lands' position is that it does not manage its roads and does not have the resources.

When a natural disaster occurs the community is currently left in limbo when Crown roads are damaged with Crown Lands refusing to repair its assets with the community referred to councils with the expectation that councils will do the works. Generally when a natural disaster occurs council assets are also damaged and councils are struggling to repair their own roads/infrastructure let alone Crown roads as well.

The state through Transport for NSW has substantial resources at its disposal, that could assist Crown Lands in fixing its roads in a timely manner and stop the circle of confusion and frustration for the NSW community.

That Local Government NSW calls on ALGA to make representations to the Federal Government to replace the current fuel excise tax arrangements with a mechanism which distributes the vital road maintenance funding burden across all road users, regardless of the fuel type used.

Note from Council

According to the Electric Vehicle Council of Australia's research report, State of Electric Vehicles, EVs represented approx. 1% of new vehicle sales in 2020. This was a near doubling from 2019 where EVs accounted for 0.6% of new vehicle sales. Crucially, more than 56% of respondents to their market research surveys indicated EVs would be considered in their next vehicle purchasing decision.

Clearly, the market place is moving and this is being driven by consumers. 2022's fuel price crunch is only going to accelerate this transformation of our nation's main form of personal transport energy use.

FY20's fuel excise revenue collected by the ATO reached just over \$11 billion. The fuel excise level is a flat tax rate applied on top of the bowser price of fuel, so has not moved up in line with the increase in the cost of fuel. Rather, the increasing trend of EV's (granted, minor compared to COVID-19 impacts felt in FY21) will work to reduce the revenue generated from the user pays tax scheme. So whilst the fuel excise rate increases, lower than CPI, and inflationary pressures rapidly increase the national bill for road construction and maintenance, the principle means of spreading this burden across road users will become less effective - an increasing share of road users will receive a free drive via the use of EVs on the road network.

This will lead to a clear shortfall of funding and in turn a reduction in the level of service able to be provided to road users.

We need to act now and secure real reform in the area by introducing a replacement for fuel excise which has a future proof link to road usage.

That Local Government NSW requests the NSW Government to complete a review of the Roads Act 1993 and Roads Regulation 2018 to provide the opportunity for local Councils to issue penalty notices of appropriate value (\$2200 min) and increase maximum penalties imposed via Local Court for offences related to the failure to obtain consent for actions under section 138 of the Roads Act 1993.

Note from Council

The opportunity for Council, as an appropriate roads authority, to enforce legislation such as the Roads Act 1993 is constrained. These limitations affect Council's ability to uphold reasonable standards of care for assets such as those within public road reserves, including trees and vegetation. The Roads Act 1993 (section 138) requires approval prior to any works within a public road reserve.

In cases, when the necessary consent is not obtained Council's option to take legal action is limited to action through the Local Court (section 242) and any successful prosecution for an offence under section 138 would result in a maximum penalty of 10 penalty units (or \$1,100). Costs of any Council in taking such legal action with the associated prospect of a relatively small fine being awarded discourage Councils from taking such action. Further, there is no legal opportunity under the Act (section 243) or the Roads Regulation 2018 to issue a penalty notice for offences against section 138. Consequently, many potential offences that may be significant individually or cumulatively are overlooked and not actioned appropriately.

For example, a penalty notice can be issued in respect of excavation adjacent to a road under clause 17 of the Regulation and carries a penalty of \$578. However, there appears to be no penalty notice that can be issued to a person who excavates a trench or similar over a road despite

such 'dig up or disturb the surface of a road' being something that needs approval under section 138(1)(b) of the Act. In respect of actions that remove a plant from a road reserve there is opportunity under the Local Government Act 1993 and Regulations to issue a \$220 penalty notice for 'unlawfully remove plant' on public place pursuant to section 629(2) of the Act as a public road reserve is also a public place (as defined in the Local Government Act 1993). Curiously however, there is no opportunity to issue a penalty notice to a person who wilfully injures or damages a tree (without removing it) even though section 629(1) of the Local Government Act 1993 confirms it is an offence. Apparent poisoning of trees along coastal lands would be an example of wilful damage to plants that can only be enforced through Court action rather than issue of a penalty notice. Not providing the option of issuing a fine or penalty notice would appear to be out of step with contemporary enforcement options for local Councils.

In NSW, Council administers planning and environmental legislation that enables Council as the relevant authority to issue penalty notices for a wide range of offences with the penalty for an individual being set at a lower rate than for a company. For example, a penalty notice issued in respect of pollute waters (under the Protection of the Environment Operations Act 1997) would carry a fine or penalty of \$4,000 for an individual or \$8,000 for a corporation. Further, a penalty notice for non-compliance with a condition of a development consent (under the Environmental Planning and Assessment Act 1979) carries a penalty of \$3,000 for an individual and \$6,000 for a corporation. A person who uses 'offensive language' in NSW could be issued with a penalty notice that carries a maximum penalty of 6 penalty units, or \$660, yet offences against section 138 of the Roads Act 1993 are not subject to equitable options.

67 MidCoast Council

National Service Level Standards (NSLS) and Heavy Vehicle Road Reform

That:

1. the Conference notes that the NSW Roads and Transport Directorate recognises the need for consultation with NSW councils in the development of National Service Level Standards (NSLS) and the accompanying Heavy Vehicle Road Reform being undertaken by the Australian Government.
2. Local Government NSW calls on the Australian Government to consider the needs of NSW councils in the implementation of the NSLS, by:
 - a) consulting with all LGNSW and the Roads and Transport Directorate regarding the proposed NSLS to ensure the needs of local communities are represented.
 - b) ensuring the proposed NSLS framework can be implemented by NSW councils of varying size and capability, and support is available during the implementation of the framework.
 - c) ensuring the funding model of the NSLS framework results in increased funding and user amenity for Local Roads in NSW.

Note from Council

The National Service Level Standards (NSLS) are a Federal Government initiative to develop a set of national standards to measure the service levels of roads. It's important to note that the NSLS framework is designed around the function of road, as opposed to the formal classification (i.e. a road may be classified as a highway, but it functions as more of a local street).

In order to support this framework, the NSLS will require councils (and other road managers) to provide data on a range of characteristics in relation to range of factors, many of which are outside the normal reporting or data collections requirements of councils. This data will be useful in the long run, but may require support to councils in the short – medium term to establish the data collection processes. This is where IPWEA are assisting the NSLS consultants.

The collected data will eventually be used to inform funding models to State and Local government, so it is important to make sure that the agreed service levels are: - Relevant to local communities - Provide provision for increased funding to councils (as opposed to less) - Suitable across councils of different sizes / types etc.

Finally, this project is very heavily linked to reform in the national freight sector, as the NSLS is initially focussing on developing the criteria for heavy vehicles, with a view to link this to the permit system in use by the National Heavy Vehicle Regulator (NHVR) which I strongly suspect, will eventually link to some sort of user charge based system.

Over time the NSLS will be rolled out across all vehicle classes.

68 Bayside Council

Noise cameras

That Local Government NSW lobbies the NSW State Government to introduce the legislative or regulatory change required to introduce the use of noise cameras on NSW roads.

Note from Council

Noise from public nuisance driving is on the rise in many urban centres, with some areas becoming hot-spots for anti-social driving behaviour. Residents are impacted in various ways by excessive noise from vehicles, including loss of sleep and anxiety.

Emerging technology in the form of noise cameras that can detect and identify vehicles that make excessive noise have been used elsewhere such as in the Royal Borough of Kensington and Chelsea in London, to help reduce the impact on residents.

69 Bega Valley Shire Council

Roads and bridges

That Local Government NSW:

1. acknowledge and thank the NSW Government for their recent investment in transport infrastructure in regional NSW through programs such as Fixing Country Roads, Fixing Local Roads and Fixing Country Bridges.
2. calls on the NSW Government to review criteria for future road and bridge related funding programs to provide more flexibility in eligibility and delivery to achieve the best outcomes for regional NSW including longer delivery timeframes to account for legislated approval processes; weightings not purely focused on economic benefit and eligibility of structures that are existing composite or concrete/steel structures.

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

Note from Council

In recent years the NSW Government has invested significantly through a number of transport related programs which have provided great benefit to regional NSW including through Fixing Country Bridges (FCB), Fixing Local Roads (FLR) and Fixing Country Roads (FCR). Although these programs have been hugely beneficial, there have been limitations in place that have meant highly meritorious projects are ineligible on technicalities. For example, many of the programs have strict delivery timeframes which means projects that have legislated approval processes (with often time limited approval times meaning they need to be reapplied for) for issues such as cultural heritage, crown lands, biodiversity or fisheries are not going to be achieved within eligible timeframes. This means the more challenging projects which are often related to highest risk or benefit infrastructure don't get done. Similarly, the FCB criteria of only timber bridges (and non-heritage listed even if only locally) being eligible has partially addressed the risk related to load capacity of bridges however it ignores many of the other high risk structure across the state. Likewise, the short delivery timeframe means larger more complex bridges cannot be delivered, even if timber replacements.

Cumberland Council

Increase and extend the fixing local roads program

That Local Government NSW:

1. notes the devastating impact of recent floods and storms on the council road network;
2. acknowledges the \$500 million Fixing Local Roads Program to fix rural roads;
3. calls on the NSW government to:
 - a) increase funding for this program to meet current pressing needs;
 - b) extend this program to metropolitan councils.

Note from Council

Recent weather events have deteriorated the council road network and left many metropolitan councils inundated with repair requests and increased maintenance costs. With La Nina conditions expected to continue, the NSW Government needs to not only increase funding for the Fixing Local Roads Program aimed at fixing local roads in regional NSW, but also extend this program to metropolitan councils to help deliver necessary road works in their communities.

Bland Shire Council

Road funding

That Member Councils of Local Government NSW:

1. Support the recommendations of the 2022 NSW Local Roads Congress, specifically the sustainable funding model to include the adoption of a long term allocation-based process to ensure stability in Local Government supply chains and resourcing.
2. Request LGNSW further lobbies State and Federal Governments to:
 - a) Seek agreement that roads funding grants not be specifically tied to new infrastructure projects; and
 - b) Allow Councils to determine the areas of greatest need in accordance with adopted Operational Plans.

Note from Council

While significant funds continue to be allocated through a range of grant programs (eg. Fixing Country Roads, Roads to Recovery, Local Roads and Community Infrastructure), there are often limitations as to how those funds can be expended. The 2022 NSW Local Roads Congress prepared a joint communique which recognised the critical role Councils play as a provider of local and regional transport infrastructure in partnership with State and Federal Governments and called on these tiers of government to address a number of matters, including more sustainable investment into local roads. Removing the requirement for grant funds to be utilised specifically for new infrastructure will better allow Councils the opportunity to address local needs to ensure infrastructure is improved and maintained in accordance with identified local priorities. Local Councils in NSW manage 90 per cent (164,000km) of the state's local and regional road network.

Federation Council

General roads funding

That Local Government NSW lobbies the NSW Government to allow for more general road grant allocations, such as varying the criteria for Fixing Local Roads and Fixing Country Roads grant programs, to not require them to be applied to a specific road, and allow the Councils to submit groups of roads, to allow the funds to be spread across a wider range of roads.

Note from Council

Council in the first round of Fixing Local Roads were able to submit (and were successful) in a project that allowed a widespread program of works to occur across many roads, including works on signage, vegetation control, and gravel re-sheeting and resealing. In recent rounds since, Council has been successful and is very appreciative of the funding, that has been required to be targeted to a single road.

Whilst this provides a new road and great result for those roads users in that area, it is requested to allow the program to be more broad. Given the conditions now of many Councils rural (local and regional) roads, it would be very beneficial to receive a broader allocation and Councils to have the discretion of where to apply the works, and what methods (eg reseals, gravel re-sheets, heavy patching etc.).

70 Cessnock City Council

Parking advocacy - Amendment to Rule 197 of the Road Rules 2014

That Local Government NSW advocates for an exemption to Rule 197 of the NSW Road Rules 2014 allowing participating councils to provide for parking on nature strips.

Note from Council

Council was required to amend the Parking Enforcement Policy in 2021 to align with requirements under the NSW Road Rules 2014, in particular the requirements of Rule 197 which necessitated the removal of the local 3 metre rule previously in operation.

This has contributed to a range of community frustration and perceived inequity in applying a blanket rule across NSW where in some local circumstances the width of the road reserve (nature strip) could safely accommodate local parking changes.

As any Council policy is required to conform to State Government legislation, the ability to have a local rule in place for parking is not able to be provided.

Council at the meeting of 15 June 2022 separately resolved to write to the Hon David Elliott MP, Minister of Transport seeking an amendment to the Road Rules 2014 to facilitate the ability for Council to consider such a local rule that has previously operated successfully in the local area.

71 Albury City Council	Fast-track changes to policy & legislation that prohibits use of e-scooters
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That Local Government NSW calls on the NSW Government to fast-track changes to policy and legislation that prohibits the use of e-scooters as a means of active transport on our pathways, streets and roads.

Note from Council

Currently, the NSW Road Rules 2014 prohibits the use of e-scooters on road or in a public place.

Specifically, Road Rule 240(2)(c) states:

A person must not travel in or on a wheeled recreational device on a road at any time while any person travelling in or on the device is wholly or partly assisted in propelling the device by means other than human power.

The use of e-scooters across Australia is currently legal in Australian Capital Territory, Queensland and Tasmania.

The use of e-scooters in Victoria, Western Australia, Northern Territory and South Australia is not allowed beyond private property, however, is allowed for use in public areas (shared paths, roads etc.) with varying restrictions across the States and Territories.

The use of e-scooters is particularly important to assist in providing an alternative means of transport where public transport systems are limited, inefficient or non-existent.

There are also broader benefits with regard to reduction of emissions and congestion on roads, along with positive economic impacts through liveability and tourism, and community health and wellbeing outcomes.

72 Blacktown City Council	Increasing fines for stopping on roads – heavy and long vehicles
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That Local Government NSW calls on the NSW State Government to increase the fine amount for breaches of Rule 200, NSW Road Rules (2014), Stopping on roads – heavy and long vehicles.

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

Note from Council

In 2018, Council advocated to the NSW Minister for Roads, Maritime and Freight and the Secretary at Transport for NSW for an increase to the fine amount for parking heavy/long vehicles on a road in a built-up area. In 2018 the fine amount was \$110, this has now increased to \$120.

Evidence shows the current fine amount remains insufficient and fails to deter the illegal parking of heavy/long vehicles in built up areas. Illegally parked heavy vehicles pose a safety risk to the community and motorists as their size can significantly obstruct pedestrian and motorists' sightlines and traffic flows. Council receives a large number of complaints for this offence due to its impact to local amenity.

We issued 3,333 fines over a 3-year period (2015 to 2017) across the Blacktown City.

During 2021/22, we issued 2,689 fines for the same offence. There is also evidence a high number of these fines are issued to repeat offenders. This demonstrates that regardless of our continual and persistent enforcement, the fine amount is not enough to deter offenders. The provision of permissible heavy/long vehicles parking roads across our City hasn't assisted in reducing the number of offences or complaints.

Our data shows owners of heavy/long vehicles are making a commercial decision to park their vehicles on roads in built up areas and pay the fine amount rather than source alternative legal parking arrangements for their vehicles at a significantly higher cost. An increased fine amount will assist councils in their efforts to improve street amenity and safety.

Bayside Council

Increasing fines for heavy vehicles

That Local Government NSW lobbies the State Government to increase the fine applicable to oversized and/or overweight vehicles, that park in residential weight restricted streets in excess of one (1) hour, to at least \$500 per occurrence.

Note from Council

Enforcement of trucks and other oversized vehicles illegally parking in residential streets for extended periods is both time consuming and financially unrewarding for Council with the current low fine providing little incentive for compliance by truck owners and drivers.

An increase in the fine to at least \$500 per occurrence will provide a strong incentive for compliance with the relevant law. The current fine is \$130.

Planning

73 The Hills Shire Council

Fire safety

That Local Government NSW calls on the NSW Government to amend the terms of reference for the NSW Building Commissioner to include fire safety provisions.

Note from Council

The NSW Government established the Building Commission as an independent statutory body led by a Building Commissioner, so that the Commission would be provided with broad powers and sufficient resourcing and funding to oversee and regulate the building and construction industry in New South Wales.

Whilst this is welcomed, the terms of reference relate to defects in buildings. It does not extend to the implications, both from a safety and monetary aspect, which are handed on to property owners and councils as a result of inadequate fire safety provisions within buildings.

The Building Commissioner's charter is to audit class 2 buildings and determine if there are "serious defects" which may affect a building's structural capacity, fire safety systems, elements that form part of building enclosures, waterproofing & building services. Not all aspects of his charter are being fully investigated.

Defects relating to fire safety attract the highest risk to public safety and costs to residents.

However, this is not being reflected in the rectification/prohibition orders being issued by the Commissioner's office.

A review of the powers afforded the Office of the Building Commission has revealed that the office would not be able to issue fire safety orders as they do not have the power to issue a fire safety schedule, which is required where modifications/installation of essential fire safety measures are being undertaken.

The Office of the Building Commissioner needs to be given these powers so critical fire safety issues can be addressed.

The aim of the Building Commissioner is to resolve building defect issues swiftly and increase consumer protection for the cost of rectifying any defective building works identified. Whilst this proposal may address defects retrospectively, it unfortunately does not constitute a comprehensive solution, in that it seeks to address the problem of defects after the event, rather than seek to improve the building process to reduce or eliminate the defects occurring in the first place.

Fire Safety rectifications are not looked at by the Office of the Building Commissioner and have to be addressed by way of Notices and Orders by Council staff.

While relatively minor defect provisions are being captured by the Building Commissioner's Office, there are significant costs to Council and ultimately property owners to rectify fire safety non-compliances which are not in the Commissioner's charter.

74 Cowra Council

NSW Planning Portal

That Local Government NSW writes to the NSW Planning Minister and the Shadow Minister expressing the major concerns NSW Councils and the community are having with the NSW Planning Portal and urging the Government to either abandon the portal or make urgent changes to improve its operation for Council staff and the community.

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

Note from Council

Planning staff in Cowra Council and at Councils across the state have been having major challenges with the operation of the NSW Planning Portal since its introduction in 2020. The portal is a centralised digital planning service used by building practitioners and consumers that amalgamates all plans, big or small, under the roof of the NSW state planning body, sidestepping the local authority. Whether you're submitting to council for a minor home alteration or a million-dollar development, you have to apply through the same DPIE website (ePlanning Portal).

Unfortunately, what was touted as an improvement for planning staff and applicants has proved to be a bureaucratic nightmare, wasting time and causing inefficiencies. Rather than making the process more efficient the Planning Portal is adding significant red tape and administrative burden to the entire planning process, consuming scarce staff resources and frustrating builders, developers and all system users. Despite constant feedback provided by the sector over the past two years on a range of issues nothing has been done to address them. Whilst LGNSW has a policy position this matter, included below, it would appear not to be gaining the traction required with government and Council is consequently calling on LGNSW to advocate for urgent action:

7.13 The NSW Government and local government to formalise an agreement on the operation and ongoing development of the NSW Planning Portal, including funding assistance to councils for development and implementation of integration platforms between the portal and local government systems. The report on the Portal from the Office of the NSW auditor General, released in June 2022 did not adequately interrogate the failures of the system and potentially made the problem worse by seeming to reach findings that indicate the portal is working in a satisfactory manner and achieving its objectives. Nothing could be further from the truth.

Berrigan Shire Council

ePlanning Portal

That Local Government NSW actively engages with the Minister for Planning to ensure the Minister's continued engagement with rural and remote councils regarding the issues being presented by the implementation of the ePlanning Portal, the costs to local councils being experienced due to the implementation of the Portal and the extreme stress being placed on planning employees due to the lack of industry qualified planners and building surveyors required to successfully manage the new planning system.

Note from Council

Whilst most Riverina and Murray Joint Organisation (RAMJO) councils are pooling their API Grant monies to develop middleware that will allow integration of council systems with the ePlanning Portal, we are aware many other councils are trying to achieve this outcome in isolation.

The ongoing costs of licensing are not considered in the grant providing and the Minister should consider the impact of this cost shifting to ensure the ePlanning Portal works effectively particularly on small rural and regional Councils. Further the lack of access to qualified planners and building surveyors is meaning rural and regional Councils are being forced to compete for these skillsets in an unequal playing field that is seeing extortionate rates being charged for access to these skills sets.

The costs to Councils is directly affecting their ability to ensure the economic development of their regions, whilst the increasing complexity of applications is increasing reliance on the very skills sets rural and regional councils cannot easily access.

Tweed Shire Council

Audit of Planning Portal

That Local Government NSW requests that the Department of Planning and Environment perform an audit of the operation of the Planning Portal to improve workability, with particular focus on the length of time the portal is adding to assessment timeframes.

Note from Council

All stakeholders involved in development and construction approvals, Councils, development proponents, legal representatives, and ordinary users have roundly criticised the inefficiencies, delays and related costs created by the NSW Planning System.

To date the NSW State Government has failed to conduct any substantive review and analysis of the impacts of the Planning Portal on these stakeholders.

The report released by the Audit Office of NSW on NSW Planning Portal in June 2022 was very disappointing, given that it only focuses on the financial/organisational governance aspects of the Department of Planning and Environment's management of the Portal, with no real examination of the customer/stakeholder experience which has for councils like Tweed Shire added up to 14 days to DA Assessment timeframes.

The Audit of the system was badly needed, but the Report gives the Government and Department no visibility of the many issues that councils as the mandated users of the system are continuing to have with the system. And sadly no recommendations to address these issues; which if addressed could result in substantial productivity outcomes around DA Assessment timeframes.

In a period of unprecedented development activity and with the Department and Government seeking more efficient and more timely DA approvals, the Audit at its core should have addressed the question, "Has the system sped up DA Assessment times and made the application process more efficient?"

75 Lane Cove Council

Review of infringement notices (fines) for development control matters

That Local Government NSW advocates to the NSW Government and NSW Department of Planning and Environment to:

1. review the infringement notices (fines) as prescribed for breaches of development consent conditions and associated development control matters, and
2. introduce a sliding scale of penalties that address continued and ongoing breaches.

Note from Council

The concerns raised by local communities regarding breaches of development consent conditions continues to increase. The areas of major concern are inadequate silt and sediment controls, noncompliance with Traffic Management Plans, breaches of hours of construction and illegal works.

Local government has long objected to the NSW private certification system which is failing communities. Private certifiers' inability to act and/or willingness to enforce development consent conditions is impacting local areas.

The current infringement system while considered efficient is not a deterrent to builders to comply with the regulations. Councils are experiencing ongoing problems with building sites even after the issuing of infringement notices (fines). It is clear that builders ignore the fines and view them as part of the costs of construction. No real improvement in behaviour is being achieved under the current system.

The NSW Government and the Department of Planning are urged to introduce a sliding scale of infringement penalties (fines) for continued and ongoing breaches.

76 The Hills Shire Council

Review of compliance levy

That Local Government NSW calls on the NSW State Government to review and bring forward the proposed legislation that allows the imposition of a compliance levy on Complying Development Certificate applications.

Note from Council

In 2021 the NSW Government introduced legislation that prohibits councils' ability to charge a compliance levy. In the absence of any consultation, the Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021 was made that prohibits councils from collecting compliance levies under the Local Government Act 1993 after 31 December 2021.

The Regulation that removed councils' ability to charge a compliance levy under the Local Government Act, was made at the same time the Government saw the passage of new legislation, that facilitates 'compliance levies' for the NSW Building Commissioner's Office, which councils will be required to collect for the Building Commissioner's Office and remit the funds.

The removal of a Compliance Levy fails to ensure that councils have the resources necessary to ensure builders are doing the right thing, while minimising the impact on those builders who seek to follow the rules. It has an impact on the annual budget and the resourcing of the positions that were funded by compliance levies.

As part of the review, it was proposed that a new compliance levy would be established for Complying Development Certificates under the Environmental Planning and Assessment Act 1979, in an effort to support councils as they monitor compliance over more complex and varied types of complying development. The ability to charge this fee was proposed to come into effect on 1 September 2021. To date this has not eventuated.

The NSW Government has repeatedly acknowledged the important role councils play in ensuring compliance with planning law, at the local level and have committed to working with councils and other stakeholders to ensure council compliance functions are well funded and efficiencies are realised.

Establishing the regulation that provides for a new compliance levy will contribute to the ongoing cost of compliance activity.

It should be noted that whilst the NSW Government has taken away councils' ability to impose a compliance levy, they have introduced a new building work levy for class 2 buildings that provides a funding source to support the Office of the Building Commissioner. This funding levy will commence on 4 July 2022 and apply to building work on buildings with five residential premises or more for: new buildings, addition of storeys to existing buildings and remediation, renovations or alterations to existing buildings with building work valued at more than \$150,000 (incl GST).

Developers will need to pay the levy through the NSW Planning Portal, as part of their submission of an expected completion notice. This must happen before they apply for an occupation certificate.

77 The Hills Shire Council

Unsolicited proposals

That Local Government NSW calls upon the State Government to discontinue the allowance of unsolicited proposals to be lodged directly with the State Government which would circumvent the established planning system and strategic policies.

Note from Council

Council is growing increasingly concerned about applications being lodged directly with the State Government in the form of unsolicited proposals, which effectively offer a benefit to State Government, in return for the opportunity to bypass local planning controls and state and local

strategic planning processes. Unsolicited proposals substantially diminish the role of local government in their decision making and plan making abilities.

In the experience of Council, Government is increasingly entertaining unsolicited proposals from private industry, which seek to resolve regional infrastructure provision. Unsolicited proposals should not be utilised as an informal part of the regional infrastructure contributions framework to assist State Government in meeting their obligations to provide infrastructure to match the growth targets that have been set by the State Government. This is seen as a conflict of interest, given that these types of applications can often be lodged with, and determined by, the relevant infrastructure authority of State Government in partnership with Treasury. The agencies will have a propensity to prioritise the resolution of the issue which falls within their mandate, and are not necessarily equipped to assess or give proper consideration or weight to key planning merit issues that are associated with these types of applications.

The opportunity for State Government to be relieved of their regional infrastructure provision burden should not occur at the expense of good and orderly planning outcomes or appropriate consideration of, and alignment with, the relevant strategic planning policies, including local planning policies that are endorsed by State Government.

78 Tweed Shire Council Flying Planning Team for natural disasters

That Local Government NSW calls upon the NSW State Government for the immediate implementation of a flying planning team that can be sent to localities after a natural disaster to help affected residents negotiate the planning system in repairs of their homes and businesses caused by the natural disaster event.

Note from Council

As has been widely documented, many residents and businesses in the Tweed Shire have had their lives severely impacted upon by the 2022 floods. There are so many very sad and distressing stories. The scale and size of the 2022 flood was unprecedented. There are now further significant challenges for those people displaced from their homes, as they look for urgent assistance in rebuilding their homes and lives.

Achieving a greater resilience for future flood events in this rebuilding requires specialised technical guidance from a range of professions such as town planners, engineers, and builders to ensure that where possible rebuilds are done to contemporary standards.

However, such guidance in preparing the necessary development applications and construction certification comes at a substantial cost, which is a compounding burden for displaced residents already facing financial hardship. Therefore think it is an imperative of the NSW State Government to provide financial assistance for those displaced residents in the Tweed Shire to ensure that they gain the appropriate level of technical guidance in their plans and applications for a rebuild of their homes.

79 Cootamundra-Gundagai Regional Council Agritourism and Small - Scale Development Planning Changes

That Local Government NSW calls for the State Government to progress the proposed changes to the planning system in line with the Local Government NSW submission to Agritourism and Small-Scale Agriculture Development Planning Changes, with a view to allowing each council to make their own determination on whether such enterprises/businesses are appropriate, subject to controls.

Note from Council

Since Covid there has been a huge surge in domestic tourism, particularly among those who are looking for authentic rural and regional experiences. The vacation companies who organise camping/outdoor stays, in the vein of AirBnB, have increased in popularity. Individual landowners (farmers) can offer areas of their land for short term camping opportunities.

There is flexibility for land holders to just provide a site where campers can be self-sufficient, or to include amenities, experiences, and glamping style structures. On average, each host will earn \$12K per year dependent on their site and booking availability.

Some NSW Councils are also utilising the platform to market and manage bookings for their camping, showground, and caravan park sites. Research indicates that people holidaying in this way will spend approximately \$300 in the surrounding site local communities, across food, retail and recreation per trip. This is a boom for rural economies and contributes to councils' agritourism strategies.

At the present time there is no mechanism for local councils to legally allow this to happen outside of the Local Government (Manufactured Home Estate, Camping Grounds and Moveable Dwellings) Regulations 2021 of a primitive camping ground. Councils must abide by State Government Acts and Regulations. Once again there is no mechanism for the planning to allow an activity that is essentially not permitted under State Government Acts and/or Regulations via an LEP process.

The cascading hierarchy of legislation means that Councils' planning instruments are subordinate to State legislation.

With a change in State legislation, councils will be able to consider including such vacation experiences into local planning controls with the potential of improving rural councils' visitor economy.

80 Coffs Harbour City Council **Local Government (Primitive Camping Ground) Regulation 2021**

That Local Government NSW calls on the NSW Government to amend the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 – Reg. 132, Subdivision 9 Primitive Camping Grounds to:

1. include applicable conditions for self-contained vehicles
2. clearly define self-contained vehicles
3. clarify which subdivision provisions of the Act will be applicable.

Note from Council

The existing Planning Policy guidelines are insufficient to provide regulation of the fastest-growing section of the camping movement, that of self-contained vehicles. The only guideline is that of the Primitive Camping Subdivision 9, which is largely irrelevant in relation to this trend. There is a need for greater policy clarity in relation to the significant increase in use of these vehicles. The accompanying trend is for these visitors to short stay in more unstructured caravan parks/camping grounds due to the lighter impact these vehicles have on infrastructure and servicing requirements. New Zealand has moved to provide policy, licensing, and regulation of this activity, under the title Freedom Camping. A registration system for those units which qualify is central. These may be bought new, or retro-fitted to bring them up to standard. Suitable campground areas, and facilities required, are then available and clearly defined. The Campervan & Motorhome Club of Australia has also developed guidelines which may be of use. Presently Councils have no ability to define what level of services are required for use by this type of vehicle, resulting in lengthy DA disputes, confusion, and often the presence of self-contained vehicles in unwanted locations.”

81 Forbes Shire Council **State Significant Developments and Planning Agreements**

That Local Government NSW:

1. calls on the NSW Government to acknowledge that the current system of assessment of State Significant Development, State Significant Infrastructure and Critical State Significant Infrastructure under the Environmental Planning and Assessment Act 1979 places insufficient emphasis on the assessment of community infrastructure and services as required under Part 7 of the Act dealing with infrastructure contributions and finance.
2. calls on the NSW Government to acknowledge that there is currently a disconnect between the assessment of local community contributions under Part 7 of the Environmental Planning and Assessment Act 1979 and the determination of applications for State Significant Development, State Significant Infrastructure and Critical State Significant

Infrastructure under Part 4 and 5 of the Act, with resultant lack of community facilities and services being required to be delivered into communities due to an apparent reluctance of the State government to correctly apply the intent of Section 7.13(2) of the Act when determining State Significant Development, State Significant Infrastructure and Critical State Significant Infrastructure.

3. calls on the NSW Government to acknowledge that the current system of assessment of State Significant Development, State Significant Infrastructure and Critical State Significant Infrastructure under the Environmental Planning and Assessment Act 1979 requires improvements to systems, processes and checks to ensure assessments include proper and respectful stakeholder engagement and community consultation in order to more thoroughly interrogate the environmental, social and economic impacts of new development / activity proposals.
4. calls on the NSW Government to acknowledge that local governments and their respective ratepayers are subject to additional costs during the time of assessment of State Significant Development, State Significant Infrastructure and Critical State Significant Infrastructure in their respective local government areas due to the current systems of assessment mandating councils to be voluntarily proactive on representing community interests or be largely silent on proposals due to the need to undertake expensive research, data collection and prepare quantifiable reports in negotiating planning agreement with proponents.
5. lobbies the NSW Premier to:
 - a) undertake an urgent review of Parts 4, 5 and 7 of the EP&A Act to ensure the determination of applications for State Significant Development, State Significant Infrastructure and Critical State Significant Infrastructure by the relevant consent authority, includes an assessment of the adequacy of the contributions framework in place to properly deal with the impacts of the development / activity on local infrastructure and services; and
 - b) ensure the NSW Department of Planning and Environment has in place the appropriate framework of environmental assessment criteria to ensure that applications and assessment processes for State Significant Development, State Significant Infrastructure and Critical State Significant Infrastructure include comprehensive assessments of the impacts of development on community infrastructure and services, including proof of stakeholder engagement and community consultation before determination of proposals; and
 - c) ensure the Secretary of the Department of Planning and Environment include in SEARs, as a standard requirement, steps for a proponent to immediately commence discussions with the respective council(s) relevant to the development / activity and document their dealings with that council(s) on local community infrastructure impacts as part of the preparation of the Environmental Impact Statement for the proposal.
 - d) ensure the NSW Department of Planning and Environment has in place the appropriate mechanisms to require the proponent to pay for the preparation of new or updated contributions plans required as a direct consequence of SSD, SSI and CSSI projects, and at no cost to councils.
6. make representation to the NSW Premier on the need for increased resources to councils to assist with external costs incurred to engage experts to assess the social, economic and environment costs associated with negotiating planning agreements detailing the extent and timing of community infrastructure and services required to ensure State Significant Development, State Significant Infrastructure and Critical State Significant Infrastructure are implemented without significantly impacting on communities; and
7. lobbies the NSW Premier to re-establish the Resources Advisory Forum to meet quarterly to provide 'operational reality' feedback on this matter and other matters requiring local government participation in State government processes.

Note from Council

The current assessment processes for State Significant Development (SSD), State Significant Infrastructure (SSI) and Critical State Significant Infrastructure (CSSI), under Part 7 of the Environmental Planning and Assessment Act 1979, (EP&A Act) are not sufficiently assessing community infrastructure and services as relates to infrastructure contributions and finance.

For SSD, SSI and CSSI, the consent authority is the State Government, which, under s.7.13(2) of the EP&A Act may impose a condition under s.7.11 or s.7.12 on the proponent, having regard to any existing contributions plan for the area. Where no plan exists, or is insufficient for the impacts of the proposed development, it has been the practice of State government to require councils to advocate on behalf of the community, or to enter into Voluntary Planning Agreements with the proponent.

There are significant impediments and flaws with the State government relying on councils to undertake separate negotiations with proponents of SSD, SSI or CSS under 7.4(1) of EP&A Act, as follows:

1. the fact that it is voluntary.
2. insufficient time being available to pursue / progress planning agreements.
3. the specific skill sets required to negotiate planning agreements often not readily available within councils, meaning that expert consultants need to be engaged to assess the social, economic and environment direct and indirect costs associated with the development.
4. the consent authority (in this case DPE) often being absent from negotiations.

Forbes Shire Council suggests there is a need for the EP&A Act to be amended to require the consent authority for SSD, SSI or CSSI proposals to assess the adequacy of the contribution framework in place, and where necessary require the assessment process to update existing contributions plans or require a new contributions plan to be prepared, paid for by the proponent or imposed as a separate processing fee.

82 Woollahra Municipal Council

Housing SEPP (Seniors)

That Local Government NSW:

- a) acknowledges concerns regarding changes made by the Department of Planning and Environment (DPE) without consultation and without advance notice to the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) on 1 July 2022;
- b) notes the significant amendments relating to seniors housing in the R2 low density residential zone and seniors housing in heritage conservation areas;
- c) notes, in particular, the deletion of the requirement that seniors housing development in R2 low density residential zones be carried out by either the Land and Housing Corporation or operators under the Retirement Villages Act 1999 (which ensures that such development is fit for the intended social purpose if it is to override Council strategic planning);
- d) notes that many seniors housing developments in R2 low density residential zones and heritage conservation areas may result in built form outcomes that are inconsistent with the desired character of those zones in that they allow development of multi-storey luxury residential flat buildings in R2 low density residential zones that are not ordinarily permitted or planned for in those zones, without ensuring the desired social outcome of those developments actually being managed for seniors use and living;
- e) calls on the Premier of NSW and the Minister for Planning and Homes to immediately reinstate the requirement that any development of seniors housing in R2 low density residential zones under the Housing SEPP be permitted only if carried out by the Land and Housing Corporation or operators under the Retirement Villages Act 1999; and
- f) calls on the Premier of NSW and the Minister for Planning and Homes to permanently exclude Seniors Housing under the Housing SEPP from applying to heritage conservation areas in local municipalities.

Note from Council

As from 1 July 2022, changes to State Environmental Planning Policy (Housing) 2021 (Housing SEPP) permits development for the purpose of seniors housing: independent living units (ILUs) in the R2 Low Density Residential Zone (R2 Zone) to be carried out by any person. Prior to this amendment, seniors housing in the R2 Low Zone was only permitted if carried out by the Land and Housing Corporation or operators under the Retirement Villages Act 1999.

This ensured that the intent of the legislation, that is to provide seniors housing, was met.

The change is a significantly retrograde step that is not in the public interest, noting:

1. that previous ILUs approved under the (now repealed) SEPP (Housing for Seniors or People with a Disability) 2004 in dense urban environments have resulted in built form outcomes that are inconsistent with the desired character of the low density R2 Zones, which do not contain multi story residential flat buildings - which are best suited, strategically, to R3 medium density zones; and
2. that developers have used and will continue to use the SEPP as a back door mechanism to develop multi-storey luxury residential flat buildings for seniors in the R2 Zone where ordinarily these residential flat buildings are not permitted under the LEP for R2 Zones. This overrides Council's strategic planning for its suburbs and local character of its areas. This Motion, seeks that the Minister should be called upon to permanently exclude the seniors housing provisions under the Housing SEPP from applying to heritage conservation areas (HCAs) especially where it can be demonstrated that suitable housing has been adequately provided for in other areas of the municipality. To allow residential flat buildings to be built in heritage areas again significantly undermines Council strategic planning and puts the character of these areas at great risk for no mandated outcome (i.e. to ensure that seniors housing is actually delivered and operated as seniors housing).

83 Woollahra Municipal Council

Environmental Planning & Assessment Act 1979

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

reintroduce the following Objects in the Environment Planning and Assessment Act 1979 that were removed when the Act was amended in 2017:

the provision of land for public purposes, and

the provision and coordination of community services and facilities;

prioritise the provision of public open space in the NSW planning system;

develop and adopt a numerical ratio for the provision of public open space per person of population as a mandatory baseline for areas identified for higher density including greenfield development, industrial/commercial to residential rezonings and other urban renewal projects;

ensure that the impact on existing public open spaces is assessed when residential areas are considered for density uplifts; and

establish a substantial and dedicated source of state government funding to assist local councils in the provision of new and enhanced public open spaces.

Note from Council

Mandatory provisions for public open space, preferably including a numerical baseline ratio of public open space per person, must be incorporated at the start of the planning process for areas being considered for an uplift in density. An area experiencing high density growth, for example, may have a good percentage of public open space as defined by total area but an inadequate amount of public open space per person. In some cases, a reconsideration of whether a residential area can accommodate higher density may be required if sufficient public open space cannot be provided.

A dedicated state government funding stream, likely in excess of billions of dollars a year, is also necessary to ensure that the health and environmental costs of not providing equitable and adequate public open space in urban areas do not become insurmountable.

Together, mandatory numerical targets for the amount of public open space per person coupled with a substantial increase in state government funding set aside for its provision are urgently required to safeguard and enhance both the liveability and productivity of our urban areas.

84 Waverley Council

Private certification

That Local Government NSW requests the NSW Government to take steps towards abolishing or substantially reforming the private certification system so that:

1. Compliance powers are returned to councils for developments up to \$50 million

2. A transition period be determined to allow councils to plan, fund and deliver this responsibility.

3. Pending the above, clear mechanisms be established for reporting poor performance to the Private Certification Board for disciplinary action’.

Note from Council

<https://www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/preparing-to-build-and-reno-vate/finding-and-appointing-a-certifier>

85 Blue Mountains City Council

Deficiencies: Low Rise Housing Diversity Code stormwater management

That Local Government NSW advocates to the NSW Government for the NSW Department of Planning and Environment to amend the Low Rise Housing Diversity Code to strengthen stormwater management controls, to appropriately manage the quantity and quality of stormwater runoff from developments, and to apply the provisions of the Biodiversity and Conservation SEPP, particularly in relation to achieving a neutral or beneficial effect on water quality in drinking water catchments.

Note from Council

The State Government introduced the Low Rise Housing Diversity Code (the Low Rise Code) in 2018. Blue Mountains Council, like many other Councils, opposed the introduction of the Low Rise Code because of the potential adverse impact on the Blue Mountains environment, and the character of our towns and villages. A key concern with the Low Rise Code is its lack of stormwater management controls, meaning there is no required assessment through the complying development pathway, of the quantity or quality of stormwater runoff from development under this Code. This will have a detrimental impact on waterways, and in the case of the Blue Mountains our surrounding World Heritage listed National Park, which includes areas of Sydney’s drinking water catchment. It is now clear that this is not isolated to the Blue Mountains, but a state-wide issue. This is because complying development under the Low Rise Code can bypass the requirements of the Biodiversity and Conservation SEPP for development in drinking water catchments. These requirements state that development must achieve a neutral or beneficial effect on water quality in drinking water catchments. However, this only applies to development assessed under a Development Application, not development under the Low Rise Code (which is complying development).

Water NSW has also raised concern about this matter, acknowledging the state-wide implications. Water NSW has expressed support for Blue Mountains Council’s position and has stated that they will approach the NSW Department of Planning and Environment to discuss this issue.

86 City of Parramatta Council

Advocating for Changes to Exempt and Complying Development Codes SEPP to improve design outcomes for dual occupancy development

That Local Government NSW calls on the Minister for Planning to commence a review of the complying development controls relevant to dual occupancy development contained in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The review should include consultation with NSW Councils and should seek to improve the design of dual occupancy developments with particular focus on minimising the amenity impacts of dual occupancy development on adjoining landowners and the impact of dual occupancy developments on the character of low-density residential suburbs.

Note from Council

There are a number of state-level housing policies that override the local planning pathways and design controls. One of these is the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (i.e. Codes SEPP). On 1 July 2020, an amendment to the Codes SEPP came into effect across the City of Parramatta that allows dual occupancy development to be delivered via a complying development process administered by a private certifier. This alternative development pathway circumvents Council’s development assessment process, and as a result, Councils have no ability to influence the design and development outcome.

The City of Parramatta has undertaken a review of recent dual occupancies delivered under the Codes SEPP and found that the built form and design of dual occupancies are out of character with the scale and amenity of neighbourhoods. This is reflective of the fact the complying development process requires a private certifier to 'tick off' relevant criteria for development to qualify as complying development. No bespoke assessment is carried out that responds to the unique characteristics of a site or neighbourhood, and the cumulative impacts of development are not considered (unlike a DA process). In addition, no community consultation is required as part of the complying development process. Therefore, the community does not have the ability to raise local impacts, and the process does not allow for site specific impacts to be mitigated.

LGNSW should pursue a review of the Codes SEPP, and the complying development process in relation to dual occupancies, to ensure future dual occupancy development is sympathetic to neighbourhoods, mitigates impacts on character and amenity, and delivers quality design outcomes.

87 Tweed Shire Council

Deemed refusal timeframes

That Local Government NSW requests the NSW Government review the deemed refusal timeframes under the NSW Environmental Planning and Assessment Act for Class 1 appeals. The 40 day and 60 day timeframe for an applicant to commence proceedings in the NSW Land and Environment Court for a deemed refusal determination has been part of the NSW Environmental Planning and Assessment Act since inception and does not reflect current assessment demands or the variation of complexity of development proposals.

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

Note from Council

Within the current period of sustained development application activity and other external disruptions such as COVID, border closures and major flood events, Tweed Council has been the subject of a series of deemed refusal appeals, mostly commenced by proponents in close range of the minimum appeal period, with Council staff given little to time to commence assessment of major and complex development applications. Responding to such appeals has created a significant financial burden for Council in preparing a defence, and also draining valuable staff resources away from their general assessment duties. The disappointing pattern experienced through most of these appeals is that the Court has recognised the deficient information within the submitted applications, resulting in either the withdrawal of the appeals, or seek significant additional information and amendments, which would have ordinarily been addressed by Council through a request for information in a normal application.

The current time periods for deemed refusal rights clearly do not reflect a reasonable period to make an initial assessment of a development application, and need to be increased to a more realistic period of say, 120 days, relative to the scale and complexity of major developments.

Georges River Council Review and amend the legislation relating to the period for deemed refusals

That Local Government NSW advocates to the NSW Government to review the current legislation:

- a) That for the deemed refusal period for development applications and develop a tiered approach for the time period for deemed refusals based on the cost and complexity of the development, before a 'deemed refusal appeal' can be lodged with the Land and Environment court.
- b) That for the 90 day period for planning proposal rezoning review requests and develop a tiered approach for the time period before a proponent may lodge a request for a rezoning review, based on the scale, complexity and issues arising from the rezoning proposal.

Note from Council

This motion relates to the 40-day 'deemed refusal' time period for development applications and the 90-day time period for planning proposal rezoning review requests. Current NSW planning laws stipulate that if councils have not determined a development application within 40 days, then the developer can immediately appeal a 'deemed refusal' to the Land and Environment Court, forcing councils into a potentially lengthy and expensive legal process, and limiting the community's ability to be involved in having a say on proposals and their potential impacts on the community. The 40-day deemed refusal time period has been in place for over 40 years. 40 years ago, developments were far simpler in scale and complexity, and 40-days was probably a

reasonable length of time for a council to determine development applications for developments such as dwelling houses, duplexes and 3-storey walk-up buildings.

Today, councils are receiving far more complex development applications, like multi-tower 12-storey or more developments that have major impacts on traffic and surrounding areas and such applications require thorough consideration from a range of experts. For many of these developments it is simply impossible for a council to be able to adequately assess, engage with stakeholders which are often government agencies, consult with the community via a p notification period and then determine these complex development applications in the 40 day period.

Similarly, planning proposal amending the planning controls for a site or precinct also require a range of experts to comprehensively review the proposal, its suitability and its impacts. The time frame to undertake this assessment, the need for amendments often to be done to the proposal, the requirement for the PP to be considered by the Local Planning Panel prior to it being determined by Council cannot be done in 90 days. This motion seeks to amend and review this process and implement a tiered time period based on the cost and complexity of both development applications and planning proposal reviews.

88 Liverpool City Council

A new approach to rezonings

That Local Government NSW advocates that the NSW Government support the following provisions in the "New Approach to Rezonings" reforms:

1. Increase the timeframe for 'adequacy assessment/permission' to enable a more thorough assessment.
2. Indicate the instance of re-exhibiting a proposal within the timeframes.
3. Introduce a stop-the-clock provision.
4. Enable fees to be charged at the scoping phase to account for the additional level of assessment required prior to the lodgement.
5. Enable information requests to still occur, with a stop-the-clock provision to apply during this stage.
6. The Department of Planning and Environment (DPE) be included in the scoping stage and provide in-principle support and conditions to inform planning proposals at an early stage.
7. The DPE functions as a central coordination body to facilitate state agency consultation.
8. Additional Councillor involvement be included earlier in the process, prior to exhibition to enable an indication of in-principal support at a political level.
9. The requirement for Council to seek advice from the LPP is retained, and this element is accounted for in the proposed timeframes.
10. Indication of support from relevant state agencies be required on any justified inconsistency with s9.1 Ministerial Directions.
11. The proposed framework accounts for Planning Agreements and/or Contributions Plan amendments and /or DCP amendments in parallel with planning proposals including scoping, reporting to Council for in-principal support, public exhibition, assessment, reporting to Council for endorsement and, finalisation.
12. Retain the ability for Councils to charge fees to assess Planning Agreements and/or Contributions Plan amendments and/or DCP amendments in parallel with planning proposals.
13. A fixed and variable fee structure be established (Option 3 of the Department's paper) to enable cost recovery in accordance with the complexity of planning proposals.
14. Refine the planning guarantee element further to account for external sources of delay and avoid unnecessary refusals.
15. Incorporate the existing rezoning review process involving Regional Planning Panel into the proposed framework.

Note from Council

Council has not received advice about the status of the "New approach to rezoning" reform, nor confirmation on whether Council's submission to the Department of Planning and Environment was taken on board.

Council has recommended that its position be reiterated to LGNSW, particularly in relation to the concerns outlined within Council's submission (which are copied into this motion).

89 Cootamundra-Gundagai Regional Council**Review of deemed to satisfy provisions of BCA**

That Local Government NSW calls on the State Government to look at flexible arrangements for simple alternate solutions that meet the deem to satisfy provisions of the Building Code Australia, for the ease of converting/upgrading vacant commercial buildings to temporary worker's accommodation and the access and essential services requirements associated with the change of use.

Note from Council

This issue is the shortage of accommodation and the lengthy and costly process of utilising buildings (such as previous pubs and/or shop top housing) to provide a stop gap measure.

The need to engage access consultants and fire engineers makes the process lengthy and costly.

Whilst it is appreciated that such measures are necessary for safety and equality, a process of being able to progressively upgrade buildings whilst providing for accommodation for skilled workers is required to relieve the housing shortage as well as provide income to allow works to occur.

90 North Sydney Council**Section 34 conciliation conference process**

That Local Government NSW lobbies the NSW State Government to change the Section 34 process to allow more community participation and transparency.

Note from Council

Any agreement reached during the section 34 Conciliation Conference process, is usually reached predicated upon impartial expert opinion; the elimination of material contentions; the narrowing of contentions to the extent that any remaining contentions can or will be addressed by condition of consent; or that any remaining contentions do not warrant outright refusal of the relevant development application.

Council would like to see more community participation and transparency in the Section 34 conciliation process.

91 North Sydney Council**Transparency of decision making by Local Planning Panels**

That Local Government NSW calls on the NSW Government to develop guidelines to improve the transparency of decision making by Local Planning Panels, either by requiring the panels to hold their discussions in public or by publishing a statement of reasons similar to that used for District and Regional Planning Panels.

Note from Council

Local Planning Panels are empowered to make decisions on contentious, sensitive, complex and high-value development applications. The panels were introduced in order to allow Councils to focus on long-term strategic planning.

Development applications now determined by Local Planning Panels were previously determined by elected Councils in public session, with full transparency. There is community interest, concern and occasional mistrust about how Local Planning Panels make their decisions. These concerns are heightened when secret decisions are periodically reported in the media.

92 North Sydney Council**State appointees to Regional Planning Panel**

That Local Government NSW lobbies the Minister for Planning to urgently introduce provisions to prevent State appointees to Regional Planning Panel from sitting on applications in circumstances where they continue to act/represent/ provide advice to applicants/proponents on development within the Local Government Area the subject of the application.

Department of Planning & Environment (DPE) and the Independent Planning Commission (IPC). These numbers are expected to double by 2030. In addition, major transmission lines are planned to be constructed to connect to the new energy generation facilities.

Experience of Local Government in the Central West Orana Renewable Energy Zone
Warrumbungle Shire Council is located in the Central West Orana (CWO) REZ. The REZ is earmarked as the first of the REZs to be developed, along with New England. Across the CWO REZ there are currently 20 projects and that number is expected to increase substantially, possibly double by 2030. Other impacted Councils in CWO include Mid-Western Regional Council, Dubbo Regional Council and Upper Hunter Council. In addition to the generation facilities, the Energy Corporation of NSW is proposing to fast track the approval and construction of a major 500kV transmission line interconnector from Ulan to the REZ.

The consequences of this rapid phase of quasi-industrial development across the rural landscape are that:

- a) As a result of the substantial disturbance and disruption to established rural/agricultural activities, there will be heavy demands placed on local roads, an influx of thousands of construction workers with the need for accommodation camps, as well as new demands on potentially scarce resources such as water, aggregate, waste management facilities and other services provided by local government;
- b) LGA residents and ratepayers are likely to focus significantly increased attention on councils to ensure their interests are respectfully and justly considered and that outsourced environmental, social and economic costs are fully acknowledged and fairly compensated;
- c) That the demands on Local Government resources and capabilities have and will continue to increase, beyond 'business as usual'. Thus, Councils seek an additional State Government injection of funds for each proposed renewable energy project/transmission line. The funds will be used for engaging specialist consultants, in disciplines such as environmental management, planning and roads and traffic assessment, negotiating Planning Agreements, etc; and
- d) Having learnt the lessons from multiple mining projects in the Hunter Valley, there will be cumulative impacts to be rigorously addressed by councils and the NSW Government across the newly impacted regions.

Armidale Regional Council

That NSW Govt direct DPE – Renewable Developments Zones with each LGA

That Local Government NSW;

1. requests the NSW Government direct Department of Planning and Environment to prepare a cumulative social, environmental and economic impact assessment for the full development scenario of each Renewable Energy Zone (REZ), both during construction and operation, which includes (but is not limited to) impact on agricultural land and employment and our way of life
2. requests the NSW direct DPE to consult with individual councils as to the most appropriate zones within each LGA to host renewable developments and give preference to those developments that fall within an 'approved' zone.

Note from Council

In the REZ statement, the NSW Government claims it will "support around 830 operational jobs and 1,250 construction jobs." The source and definition of these jobs number estimates is not clear.

A number of the New England solar farm operators' proposals have given an indication of their expected number of operational jobs which equates to around 22 jobs for each one gigawatt of solar farm capacity. This translates to 170 operations and maintenance jobs for 8 gigawatts. Including indirect jobs (about 130), it is consistent with a total of about 300 jobs arising from the REZ. Significantly these estimates, even including indirect jobs, are well below the claimed 830 operational jobs.

The estimated amount of prime agricultural land required to host the renewable energy projects within the NE REZ is 32,000ha.

Depending on the type of project and its location there will be significant social impact on members of the community including, but not limited to, devaluation of neighbouring properties, environmental concerns, health concerns and visual pollution.

The individual State Significant Developments (SSD) within the NE REZ are required during the SSD process to assess the social impact and give consideration to the cumulative impacts of multiple projects. This is not sufficiently independent or robust to satisfy host communities.

Environment

95 Clarence Valley Council **Issuing of fines for environmental damage**

That Local Government NSW requests the NSW Government to complete a review of the Local Government Act 1993 and Local Government (General) Regulation 2021 to increase the opportunity for local Councils to issue penalty notices of appropriate value for offences causing environmental damage to public places, including but not limited to, wilful damage to trees pursuant to section 629(1) of the Act and increase penalty notice value for the offence of unlawfully remove a plant under section 629(2) of the Act.

Note from Council

The opportunity for Council, as an appropriate roads authority, to enforce legislation such as the Roads Act 1993 is constrained. These limitations affect Council's ability to uphold reasonable standards of care for assets such as those within public road reserves, including trees and vegetation. The Roads Act 1993 (section 138) requires approval prior to any works within a public road reserve.

In cases, when the necessary consent is not obtained Council's option to take legal action is limited to action through the Local Court (section 242) and any successful prosecution for an offence under section 138 would result in a maximum penalty of 10 penalty units (or \$1,100). Costs of any Council in taking such legal action with the associated prospect of a relatively small fine being awarded discourage Councils from taking such action. Further, there is no legal opportunity under the Act (section 243) or the Roads Regulation 2018 to issue a penalty notice for offences against section 138. Consequently, many potential offences that may be significant individually or cumulatively are overlooked and not actioned appropriately.

For example, a penalty notice can be issued in respect of excavation adjacent to a road under clause 17 of the Regulation and carries a penalty of \$578. However, there appears to be no penalty notice that can be issued to a person who excavates a trench or similar over a road despite such 'dig up or disturb the surface of a road' being something that needs approval under section 138(1)(b) of the Act. In respect of actions that remove a plant from a road reserve there is opportunity under the Local Government Act 1993 and Regulations to issue a \$220 penalty notice for 'unlawfully remove plant' on public place pursuant to section 629(2) of the Act as a public road reserve is also a public place (as defined in the Local Government Act 1993). Curiously however, there is no opportunity to issue a penalty notice to a person who wilfully injures or damages a tree (without removing it) even though section 629(1) of the Local Government Act 1993 confirms it is an offence. Apparent poisoning of trees along coastal lands would be an example of wilful damage to plants that can only be enforced through Court action rather than issue of a penalty notice. Not providing the option of issuing a fine or penalty notice would appear to be out of step with contemporary enforcement options for local Councils.

In NSW, Council administers planning and environmental legislation that enables Council as the relevant authority to issue penalty notices for a wide range of offences with the penalty for an individual being set at a lower rate than for a company. For example, a penalty notice issued in respect of pollute waters (under the Protection of the Environment Operations Act 1997) would carry a fine or penalty of \$4,000 for an individual or \$8,000 for a corporation. Further, a penalty notice for non-compliance with a condition of a development consent (under the Environmental Planning and Assessment Act 1979) carries a penalty of \$3,000 for an individual and \$6,000 for a corporation. A person who uses 'offensive language' in NSW could be issued with a penalty notice that carries a maximum penalty of 6 penalty units, or \$660, yet offences against section 138 of the Roads Act 1993 are not subject to equitable options.

That Local Government NSW:

1. notes the findings of the State of The Environment Report 2021 (SER 2021);
2. advocates to the NSW and Federal Governments to review their existing policies and procedures that have resulted in the poor outcomes highlighted in the SER2021.
3. advocates to the NSW and Federal Governments for all three levels of government to work collaboratively to modify their current policies and practices and develop an initial response to the SER 2021 findings by early 2023.

Note from Council

Our environment sustains all life, and the link between the environment and human wellbeing is well understood. Nature provides the essential services for our food, water and clean air; the basis for many human livelihoods; cultural and spiritual connection; and physical health. Along with benefits for the environment offered by biodiversity, contact with nature is associated with positive mental health benefits, and can promote physical activity and contribute to overall wellbeing. Greater national leadership will help foster coordinated action and encourage investment to address our mounting environmental and heritage issues. To enable Australia to measure progress and undertake effective adaptive actions, significant new effort is required to consistently manage environmental and heritage matters. This includes monitoring and reporting across all states and territories on the state and trend of our natural and cultural assets, and to significantly extend our current efforts in data collection, curation and analysis to provide an open and accessible framework for adaptive and integrated management.

Crucially, we must expand collaboration across governments and nongovernment sectors, including through listening and co-developing solutions with Indigenous and local communities, building on and learning from Indigenous and western scientific knowledge. Australia state of the environment 2021 (<https://www.dcceew.gov.au/>)

That Local Government NSW:

- a) acknowledges the need for Councils to become better managers of stormwater to ensure resilience in planning outcomes for local communities and better environmental outcomes for catchment areas and waterways; and
- b) requests the NSW Government to establish an appropriate long term funding mechanism to assist Councils to implement large-scale stormwater channel naturalisation and stormwater harvesting projects to achieve better environmental outcomes for ever growing populations and communities.

Note from Council

As population density increases, there is increased demand on our catchment areas.

Loss of soft landscaping and installation of hard surfaces has resulted in increased stormwater runoff which then is dispersed into our harbour and river catchment systems with the result that:

1. increased pollutants are put into our river, harbours and seas; and
2. water that could be used to irrigate larger public parkland areas is lost.

Stormwater collection and harvesting for use has many benefits, although the cost to implement such schemes can be prohibitive.

State Government should be called on to investigate and fund this infrastructure to offset the consequence of increased densification of our environments to meet its development targets.

This has both an environmental and resilience in planning benefit to communities in NSW.

That Local Government NSW calls on both the NSW Government and the Federal Government to:

- a) review the existing benchmarking, reporting and auditing requirements applied to NSW councils for the reporting of environmental outcomes and responsibilities;
- b) these reviews strongly consider the increasingly complex legislative environment through which NSW councils take action to drive positive environmental outcomes; the setting of benchmarks and targets by the NSW Government and Federal Government, and the methods and data quality of environmental outcomes reporting by Councils across NSW to government agencies and the community; and
- c) these reviews consider the implementation of standardised reporting structures to ensure a consistent approach to public reporting and accountability of environmental outcomes, enhance environmental outcome data and analysis, to support the delivery and development of environmental policy, planning, management and operations across NSW to drive change, inspire best practice, improve benchmarking and target setting, and improve environmental outcomes.

Note from Council

Local councils operate in an increasingly complex environment, with responsibilities under more than 50 different pieces of legislation and direct relationships with over 20 NSW and Federal Government agencies. Within this framework, NSW councils take actions to maintain or enhance the environment for future generations, prevent environmental degradation, manage, and mitigate risk, conserve biological diversity and ecological integrity and recognise the value of the environment to the community.

Given the significance of the sector, the many services we provide and our important role in driving positive environmental outcomes, councils need relevant and reliable information about their service performance across the sector. Good performance reporting tells decision-makers and the community about the effectiveness and efficiency of council services and the outcomes that are delivered.

Reviewing the current, often complex or duplicated environmental outcome reporting requirements and processes of NSW councils to the community, State and Federal agencies, and developing a standardised reporting structure will support the delivery and development of environmental policy, planning and management operations across NSW, improve benchmarking and data collection, inspire best practice, drive change and improve outcomes for our communities.

That Local Government NSW calls on the NSW Government to:

1. in conjunction with industry associations, introduce enforceable standards for the preparation of flora and fauna management plans.
2. consider Codes of Practice and Guidelines for handling native wildlife and other best practice and animal welfare laws in development of the standards.
3. consult with Councils, National Parks and Wildlife Service, Ecological Consultants Association of NSW, wildlife rescue organisations and other relevant agencies in the preparation of the standards.

Note from Council

The NSW State of the Environment Report (2021) notes that pressures affecting the largest number of threatened species in NSW were found to be native vegetation clearing and permanent habitat loss (87%).

The NSW Biodiversity Outlook Report (2020) further states that without effective management, 50% of listed threatened species in NSW are likely to become extinct within 100 years. In New South Wales, there are laws to protect native fauna. However, despite these laws, there are currently no consistent or enforceable standards for the preparation of flora and fauna management plans for development sites. The requirement for flora and fauna reports comes from

the NSW Environmental Planning and Assessment Act 1979 that requires the consent authority to consider the impact a development may have on native wildlife and vegetation, threatened species, populations, or communities.

Further, the Hornsby Development Control Plan requires a flora and fauna assessment for development that may impact on land mapped on the relevant Terrestrial Biodiversity Map. A flora and fauna report provides an assessment of the vegetation and native wildlife on, or adjacent to, a development site that may be affected by a proposal. In addition, a Management Plan may be required where it is likely that a proposal will impact either directly or indirectly on vegetation or wildlife.

Although these plans are usually undertaken by persons with qualifications and experience in the survey and assessment of flora and fauna, often the quality of the surveys and recommendations may vary considerably and strategies for handling and caring for wildlife may not align with best practice and/or be adequately monitored.

Further, once development consent is issued (which can still result in the removal of vegetation on a development site), it is possible that harm may occur to native wildlife that use this vegetation for habitat. Disturbance to the local habitat may occur during site construction activities with potential risk of harm to native fauna (e.g. being struck by plant, tools or vehicles) or contact with fauna including species which may pose a threat to human safety such as venomous snakes and spiders. Ensuring best practice care for injured wildlife is a concern for the community and it is therefore important that consistent and enforceable standards are introduced for the preparation of fauna management plans.

The introduction of standards would have the benefits of streamlining the assessment process and providing certainty for both the development industry and community about the reasonable expectations for the management of wildlife on development sites. This is needed to ensure any potential harm to injured wildlife will be minimised and best practice standards for wildlife handling and care (including links to local wildlife rescue groups) are implemented.

100 Shoalhaven City Council

Logging in NSW native forests

That Local Government NSW advocates for the ending of logging in NSW Native Forests.

Note from Council

Continued logging in NSW State Forest has the potential to place more flora and fauna under threat of extinction, affects cultural values and is not a profitable exercise. The controls associated with logging and the environmental due diligence exercised by the Forestry Commission of NSW to conserve biodiversity and cultural heritage needs to be evaluated.

This continual improvement opportunity can be conducted concurrently with the development of a plan to transition to a more sustainable timber harvesting process that considers the life cycle of logging operations for current and future generations.

This may include, but not be limited to, a planned ceasing of logging in the long term, which ensures a transition for workers and businesses associated with the logging operations, together with the implementation of strategies and investment, to enhance tourism in native forests. Such a plan will utilise the quadruple bottom line strategy and will aim to better support the NSW Economy and protect these important environmental assets

Governance

101 Lismore City Council

Code of Conduct procedural fairness

That Local Government NSW advocates to the Minister for Local Government and the Office of Local Government to ensure the Procedures for the Administration of the Model Code of Conduct better reflect the rules of procedural fairness, including providing respondents with the names of any complainants and all evidence considered during a preliminary assessment and/or an investigation, where a determination other than to take no action is made.

Note from Council

Code of conduct complaints may be submitted by anyone through council staff or the Mayor. Complainants may include political opponents or members of the public who dislike respondents. Complainants may not even represent real individuals, which is impossible to determine if complainant details are withheld from respondents.

The Procedures allow for the withholding of complainant details, including names, as well as the withholding of evidence which is to be considered in making findings against a respondent. This failure to afford procedural fairness to a respondent is supported by the Office of Local Government.

The lack of procedural fairness extends to ignoring any right of silence, and respondents are not considered innocent until proven guilty.

Subjective allegations from a complainant, where a respondent chooses to remain silent, are often enough to still result in adverse findings. The unfair processes are also a large cost burden on ratepayers.

102 Inner West Council

Survey of bullying and harassment in the local government sector

That Local Government NSW call 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 2023/24 financial year, to improve workplace and councillor safety; and
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.

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

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.

103 Riverina Water County Council**The need to consider county councils when making legislative changes**

That Local Government NSW lobbies the NSW Government to undertake due consideration of the need to consider the impact of any legislative changes on county councils and convey the frustration of county councils that often the impact on county councils is not considered and has negative unintended consequences for county councils.

Note from Council

The NSW Government makes amendments to the Local Government Act and other Acts which impact on local government on a regular basis. The government typically engages with the sector and LGNSW as part of the legislative reform process. From time to time, changes are made to legislation with no regard of the impact on county councils. An example were the recent changes to the Local Government (General) Regulation that allowed councils to permit councillors to attend meetings remotely by audio-visual link. Due to the wording of the Regulation, county councils were not afforded the same discretion and had to meet in person. A further example some years ago related to the term of mayors which was extended to two years. At the time, the Act was not changed to allow the term of the chairperson of county councils to also be two years. Lobbying by LGNSW on behalf of county councils recently secured an amendment of the Act to allow two-year terms. County councils are also at the moment lobbying the NSW Department of Planning for county councils to be recognised in planning legislation for the purposes of enabling them to enact their proclaimed requirements as a water authority. This will ensure that where necessary, county councils will be able to support general purpose councils via the assessment and concurrent approval requirements of planning matters.

104 The Hills Shire Council**Protection for councillors under the Defamation Act 2005**

That Local Government NSW makes representations to the NSW Government requesting amendments be made to s27 of the *Defamation Act 2005* to provide enhanced defences for all NSW Mayors, Deputy Mayors and Councillors.

Note from Council

It is widely known that NSW Members of Parliament have a privileged position whilst in the Parliament of NSW.

This privilege arises from section 27 of the Defamation Act 2005 and there are no similar defences for NSW Mayors, Deputy Mayors and Councillors. Instead, NSW Mayors, Deputy Mayors and Councillors are only afforded limited protection providing they are acting fairly in good faith.

There is no reason why the Defamation Act could not be modified to include Councillors when dealing with matters in their Council meetings. In recent years there has been a lot of effort to increase the accessibility and to remove barriers in an effort to provide greater participation and diversity in Local Government.

Being a Councillor has its intrinsic rewards however it requires considerable time and presents risks.

Providing better protections in their decision making will help address these risks and help overcome barriers to the community in running as a Councillor in NSW.

It is considered the reform needed to the Act is sensible, simple and fair.

105 Byron Shire Council**Liability for native title compensation**

That Local Government NSW calls on the NSW Government to reverse the cost shift onto Local Government for liability for Native Title Compensation by deleting 'Division 8.4 – Compensation responsibilities' from the Crown Lands Management Act 2016.

Note from Council

While it's been over two decades since the Federal Native Title Act commenced, the issue of compensation for impacts on native title rights remains a relatively untested area of law, largely because native title determinations have taken so long to be delivered. As more determinations are made, there has been increasing interest by governments in potential for future compensation claims. In the 2015 Connection to Country: Review of the Native Title Act 1993 (Cth), 2015 the Australian Law Reform Commission indicated that "many compensation applications will be filed in the future".

Under the Federal and NSW Native Title Acts, the Commonwealth is liable to pay compensation for acts attributable to it, while NSW Government is liable for compensation for acts attributable to the State. This liability may be passed on by governments either through legislation or contracts. For example, in NSW mining legislation has for a quite a while transferred liability for some native title compensation to mining lease holders.

Most recently, under the Crown Land Management Act 2016, the NSW Government transferred liability for some native title compensation to local government (but unlike mining companies, local government has limited capacity to generate revenue from the activities that create the liability for compensation).

Before the recent legislation change, State Government was responsible for all compensation, regardless of who managed their land for them. Under the Crown Lands Management Act 2016, local councils have made liable for some future acts that generate compensation on the crown reserves that the councils manage.

The stated benefit of the CLM Act legislation change was said to be State Government giving local councils increased autonomy to make decisions on reserves they managed, in return for councils taking on the liability for those decisions. However, while the revised legislation successfully shifted some of the liability for compensation, it actually did very little to increase local decision making eg the State still gets to determine the categorisation of the reserves, retains power over content of Plans of Management and still requires land owners' consents for most new and upgraded community facilities etc.

In circumstances where State Government dictates who manages Crown Land (councils have no right to refuse) and local government have little ability to generate revenues to meet the costs of managing that land on behalf of the State, it is not appropriate that local government should also be responsible for meeting the State's future liability to compensate traditional owners.

106 City of Canterbury-Bankstown Council

Funding of upfront and ongoing de-amalgamation costs

That Local Government NSW advocates to the NSW Government that all upfront financial costs of de-amalgamation for new councils and ongoing financial costs be fully funded directly following the Minister's support of the de-amalgamation proposal.

Note from Council

On 12 May 2016, the NSW Government announced the amalgamation of 42 councils into 19 new councils. As a result of recent amendments made to the Local Government Act 1993 (the Act), new councils may within ten years of the constitution of their new area, submit a written business case to the Minister for Local Government setting out a proposal for the deamalgamation of the area, whether to reconstitute the former areas or different areas. In accordance with Section 218CC (6) of the Act: The Minister is, by making grants under section 620 or using money otherwise appropriated by Parliament for the purpose, to ensure that the cost of any de-amalgamation of the new area resulting from a business case submitted under this section is fully funded. Section 218CC (6) provides little certainty on the whether the cost of any de-amalgamation refers to the funding of upfront costs only and/or includes the expected annual ongoing/recurrent costs that would apply each year following de-amalgamation. If councils were to consider any other option to fund ongoing costs, this would fall on ratepayers and residents through either increased rates, a reduction in services or a mix of both.

A preliminary high – level assessment undertaken for Canterbury-Bankstown Council, excluding any upfront costs of amalgamation found that there could be an increase of an average of \$170 in rates per annum for businesses and residents across the two former councils.

107 Ku-ring-gai Council **Counselling support services for councillors**

That Local Government NSW:

1. supports the provision of counselling support services for all councillors in NSW
2. advocates for the NSW Government to require all councils to include counselling support services in their councillor expenses and facilities policies and include relevant information in councillor induction programs.

Note from Council

Most councils provide employee assistance programs with confidential counselling for employees and their family members. These services assist with work related and personal problems that may impact on job performance, health and mental well-being.

Some councils also provide these or similar counselling services for councillors, which is to be commended. The role of a councillor is very demanding, involving a high workload and frequent conflict. Councillors must balance this with their private lives including work, family and other interests. Many councillors face enormous pressures while serving their community and should all have access to appropriate counselling support

108 Rous County Council **Activation of s399 of the LG Act - regulation for contributions to county councils**

That Local Government NSW lobbies the NSW Government to activate s399 of the Local Government Act 1993 which provides for the creation of a Regulation making provision for:

1. the purposes for which financial contributions to a county council by the constituent councils may be made
2. the circumstances in which contributions may be required
3. the assessment of contributions
4. the payment of contributions
5. the recovery of contributions.

Note from Council

- A. To improve consistency across the state in the making and purpose of contributions of constituent councils to county councils; and
- B. to improve eligibility for and access to favourable lending conditions when accessing T-Corp borrowing facility by providing certainty and security relating to financial contributions of constituent councils to county councils.

Section 399 of the Local Government Act 1993 (NSW) states that the Regulations “may” address these matters, however, to date, s399 has not been activated. Given the scale and value of regional projects undertaken by county councils, access to T-Corp funding by county councils represents a value for money propositions to county councils and by extension, the constituent councils who benefit from the regional infrastructure.

109 Gunnedah Shire Council **Tax concessions for retired elected members**

That Local Government NSW calls on ALGA to make representations to the Federal Government to amend tax and social security legislation to exempt Councillor allowances from the income test for pensions.

Note from Council

Any remuneration, sitting fee or allowance paid to a local government elected member is ordinary income within the terms of s. 6-5 of the Income Tax Assessment Act, (ITAA) 1997. As such, it forms part of assessable income for pension purposes. This can result in Mayors and Councillors who receive pensions losing part and potentially all of their pension as a result of receiving fees. The fees paid to Mayors and Councillors are intended to modestly compensate them for expenses incurred in the course of public service. The current rules act as a major deterrent to pension

recipients coming forward to serve their communities. Particularly low income earners dependent on pensions.

110 Nambucca Valley Council **Salary sacrificing councillor fees**

That Local Government NSW calls on the NSW Government to investigate the possibility of allowing elected members to salary sacrifice their Councillor fees against rates on any property they may own.

Note from Council

Councillors generally receive minimal remuneration for their roles, especially in small rural councils. This means that many councillors need to engage in other forms of employment, especially younger members with families. They do however have to pay tax on their member's fees reducing further the incentive to represent their communities.

Many Councils struggle to attract younger candidates for the role of councillor and part of the reason is the minimal remuneration for the hours necessary to adequately fulfil the responsibilities of the role. If elected members were able to salary sacrifice their member's fees against rates for any property they might own thus reducing their taxation liability it may encourage younger people with families to stand for Council.

111 Kyogle Council **Priority rural government portfolio**

That Local Government NSW lobbies the State Government for the establishment of a rural portfolio, separate from the overarching regional portfolio currently in existence.

Note from Council

This is the priority motion for Kyogle Council.

The creation of a State rural portfolio that is separate from the current "regional portfolio" is needed to recognise that rural needs are very different to larger regional centres.

Smaller populations, distance and isolation together with adequate levels of health, education, housing, aged care, etc. are all issues significantly different from those in larger regional population centres.

By combining rural and regional issues together into one portfolio, the unique needs of the more remote areas are often overlooked as governments seek to derive the greatest return on investment.

112 Gwydir Shire Council **Regional support**

That Local Government NSW seeks an assurance from both the major political parties that the commitment to regional NSW will continue with the retention of the Department of Regional NSW following the next NSW State election.

Note from Council

The Department of Regional NSW has the confidence of many Councils and should not become a political plaything following the State Election next March.

A resolution along these lines will indicate the support of rural and regional NSW for the continuation of this Department and the work undertaken by the staff involved.

113 Shoalhaven City Council **Constitutional recognition**

That Local Government NSW request that the Federal Government work with Local Government bodies across Australia to progress a Referendum at the next Commonwealth Election to secure the recognition of Local Government in the Australian Constitution.

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

Note from Council

Since 1974, there have been 3 proposals seeking the recognition of Local Government in the Australian Constitution. The previous attempts in 1974 and 1988 both failed to secure a majority of votes in a majority of States and Territories.

A third attempt was proposed for the Federal election to be held in 2013. However, a change of leadership in the Government of the day and the resulting change in the election date meant that the referendum did not proceed. On that most recent occasion, the then Government had well advanced plans to support the proposal, including:

- The support of both an Expert Panel on Constitutional Recognition of Local Government and a Joint Select Committee on Constitutional Recognition of Local Government
- Draft wording of the proposed changes to section 96 of the Constitution and associated legislation
- Funding allocated in forward budget estimates to The Australian Electoral Commission to conduct the referendum, the then Department of Regional Australia, Local Government, Arts and Sport to undertake a national education campaign to provide information on the referendum process.

It is now time for the new Federal Government to complete the business of securing recognition of Local Government in the Australian Constitution. The work undertaken in the lead up to the 2013 proposal will further reduce the cost and workload in progressing this important reform.

Woollahra Municipal Council

Constitutional recognition of local government

That Local Government NSW:

1. notes that local Councils and Shires, as the level of government closest to people, are best placed to address and service the needs, as well as advance the values and aspirations of communities across NSW.
2. reaffirms its commitment to recognising local government in the Commonwealth Constitution.
3. notes concern that without recognition in the Commonwealth Constitution, local governments are:
 - i. subject to state legislation and extinguishment by the State government of the day;
 - ii. ineligible to receive financial funding and support directly from the federal government.
4. requests the federal Albanese government commit to a referendum process to progress constitutional change to protect local governments, enable direct federal funding and acknowledge the critical role they play in Australia's democracy.

Note from Council

In 2011 Woollahra Council endorsed in the following terms a Mayoral Minute advanced by Mayor Isabelle Shapiro:

"That Woollahra Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition".

This resolution was made in support of the Australian Local Government Association's campaign in the lead up to a referendum proposed to be held in conjunction with the 2013; this referendum never eventuated.

Since 2013 a number of councils across NSW have been subjected to forced amalgamation proposals, including Woollahra Municipal Council. Legal challenge pursued by Woollahra Council exposed flaws in the business case and rationale for amalgamations and illustrated our community's overwhelming support for and trust in their local government.

Ultimately, Woollahra Council preserved its independence and that of many other councils and shires across NSW, however, ongoing risk of extinguishment and amalgamation remains.

That Local Government NSW:

1. makes representations to the Federal and NSW Governments for assistance in improving and upgrading IT infrastructure and cyber security for NSW councils.
2. adds this topic to its Policy Platform.

Note from Council

Having up to date and reliable IT infrastructure and appropriate cyber security is not a luxury for councils, but a necessity. For many councils IT funding is utilised to maintain the current systems and there are cost barriers in the implementation of new software and hardware, as well as in upgrading and improving current systems. The necessity for each council, regardless of size, to provide the required level of IT infrastructure and cyber security means many smaller councils are even more vulnerable.

While not every council will require a range of software options for improved efficiency and service delivery, every council requires appropriate security from such attacks as ransomware attacks.

The most recent LGNSW Policy Platform of April 2022 does not mention IT infrastructure or related terms in any way. With such an essential aspect for councils throughout NSW, it is important for LGNSW to acknowledge its importance and ensure its advocacy on this issue is a priority.

Community

That Local Government NSW lobbies the State and Federal Governments to make aged care accommodation a priority, particularly in rural communities in conjunction with adequate operational budgets, and incentives to attract and retain allied health professionals and home care providers.

Note from Council

Aged care accommodation in rural areas is inadequate and underfunded. Many rural communities have an ageing population whose synergies are with their communities of interest; ie they wish to go into care where they have lived, raised families, have family and friends, and existing social networks.

There is a profound lack of accommodation for ageing rural residents, in both independent living units and acute care.

Acute care spaces are limited and more expensive to run than independent living units (ILUs). However, many of our older residents are moving off farm or out of the family home to acute care due to the lack of transitional accommodation such as ILUs, putting greater pressure on the acute care system in terms of expense, availability and affordability. The need, and provision of acute care, is another issue which we don't have a strong policy position on when it comes to rural communities.

That Local Government NSW advocates to State and Federal Governments to:

1. work together on assisting and providing a workable and sustainable funding model for Local Government approved providers of aged care services which secures the financial viability of aged care services and assets; and
2. respond to the urgent need for increased Federal funding specifically for local government providers of aged care services, across the sector as detailed in the Royal Aged Care Commission report.

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

Note from Council

Local governments across Australia deliver essential services of all manner to their communities. Kiama Municipal Council has delivered aged care services directly to its community for the past 40 years. Council is an approved provider under the Federal Government Aged Care act and operates a 134 bed residential aged care facility alongside 264 independent living units and an in-home care support service with over 700 clients. As one of the largest operators of aged care in a local government setting Council experiences pressures associated with:

- aging asset base and funding ongoing whole of life asset management costs
- operating under reformed and constantly changing legislation
- workforce shortages and rising wage costs, including retaining and attracting skills workers to aged care
- challenges of operating in several industrial awards, governed by Local Government Awards and Federal awards
- rising operational costs and substantial financial losses in the regulated provision of aged care services and associated subsidies / funding schemes
- ongoing impact of pandemics and managing risks to those who are vulnerable and, in our care
- capped rating system and limited ability to raise revenue to offset increased costs of provision of aged care services
- single service residential aged care sites and the inability to garner operational efficiencies through scale
- governance and reporting requirements governed by both Local Government and Federal Government legislation
- need to cap or restrict residential intake into aged care due to lack of staffing, which impacts on care options for aging in place, financial viability and ultimately may mean aged care residents present into State hospital systems for required care services
- ongoing costs associated with meeting increasing quality standards and accreditation needs for the continued provision of residential aged care services and in home services.

Regardless of size and complexity of business, Council is aware through its liaison and collaboration with other Local government approved providers in NSW that these same issues exist in both complexity and difficulty in other rural and regional Councils who deliver aged care. Working together with the peak advocacy body for NSW LG's it is hoped that greater understanding and concentration on the challenges of providing aged care in a local government setting may come to the Federal Government's attention. Resulting in more appropriate funding models which support the continuance of this service to communities in need.

North Sydney Council

Framework for the delivery of aged care services

That Local Government NSW works with ALGA and their recent resolution in relation to the provision of aged care services, to develop a framework for the delivery of aged care services, fully funded by the Federal Government and delivered by the State Government through Local Government.

Note from Council

The Royal Commission into Aged Care Quality and Safety was established on 8 October 2018. In their Final Report dated 26 February 2021, the Royal Commissioners made 148 wide-ranging recommendations to drive fundamental reform of the aged care system. Many of the recommendations of the report involve the provision, support and delivery of aged care services across the country.

Whilst the Federal Government is responsible for funding aged care services, Local Government is the level of government closest to the community and is in the strongest position to deliver services on the ground in a timely manner. By working with local governments across Australia, the federal government can ensure their response to the Royal Commission is timely, targeted and community focussed.

117 Bega Valley Shire Council

Equality of services for My Aged Care participants

That Local Government NSW calls on the Federal Government to provide equal access to National Disability Insurance Scheme (NDIS) services for people with disability over the age of 65.

Note from Council

Currently, only those who were under 65 years of age when their request was received by the National Disability Insurance Agency (NDIA) meet the access criteria for participation in the NDIS. Eligibility criteria are intended to reflect recognition of the NDIS as part of a broader system of support in Australia, with those aged over 65 years able to access the Commonwealth Aged Care system; however, the current approach fails to acknowledge the inadequacy of the aged care system for many people living with a disability.

One of the key differences is that whilst an aged care service such as the Commonwealth Home Support Scheme provides a variety of government-funded services to assist older Australians to live independently, it is difficult to access, is less focused on reablement, and does not provide supports and services designed to help participants achieve their goals. Many people that acquire a disability after they turn 65, or for those whose support and care needs increase as they get older, find the type and level of My Aged Care supports insufficient.

In addition, the NDIS is not means tested, which means the level of support a person receives is based on their disability and their individual needs, rather than their ability to pay for these supports. Aged care services, however, are means tested, which may affect eligibility.

The current systems are not equal—it is much more difficult for a person with disability to maintain social and economic participation in their community via the Commonwealth Aged Care system.

118 Bathurst Regional Council Recognition of Australia's Frontier Wars during the British colonisation of Australia

That Local Government NSW and its member Councils recognise the fact of Australia's Frontier Wars which occurred during the British colonisation of Australia.

Note from Council

One of the great myths of Australian history is that British colonists 'settled' the continent peacefully amid little resistance from the traditional owners. Nothing could be further from the truth. The Australian mainland's first inland settlement, Bathurst, was the scene of a brutal frontier war that led to the declaration of Martial Law, the mobilisation of military units and casualties on both sides of the conflict that ran into the hundreds.

By the mid-1820s the Bathurst Plains could no longer accommodate two cultures without hostility. The Wiradjuri traditional owners were pushed off their land and denied access to resources and sacred sites by incoming colonists taking up pastoral runs and cultivating land. The Wiradjuri resisted the invasion by dispersing and hunting herds of sheep and cattle, and occasionally attacking and killing stockmen infringing on their land. In response, soldiers garrisoned remote properties and firearms were distributed to shepherds. On August 14 1824, Governor Brisbane issued a proclamation of martial law and dispatched 75 soldiers to systematically roam the Bathurst plains with orders to keep the Wiradjuri 'in a constant state of alarm'.

On 14 September 1824, the Reverend William Walker estimated in a letter that 'not fewer than a hundred blacks, men, women and children, have been butchered'. The Sydney Gazette described the conflict as 'an exterminating war'.

Throughout October and November 1824, the Wiradjuri gradually surrendered to the Bathurst settlement in groups of up to 60.

2024 marks the bicentenary of the declaration of martial law with the Bathurst War effectively ending the Wiradjuri resistance to the invasion of their lands, and meant they were no longer able to live independently of the growing settler society.

Hostilities, like those in Bathurst, occurred across NSW and the Notice of Motion seeks to recognise the fact of Australia's Frontier Wars which occurred during the British colonisation of Australia.

That Local Government NSW calls upon the NSW Government to provide support and resources to Councils in NSW to drive Closing the Gap outcomes and Reconciliation initiatives.

Note from Council

According to the NSW Implementation Plan for Closing the Gap (2021-22) Councils are committed to Reconciliation and Closing the Gap and share the goals and priorities of the National Agreement on Closing the Gap.

Councils are an essential partner in ensuring Closing the Gap initiatives are locally tailored and relevant for each community.

Local Government NSW is an invited member of the NSW Partnership Working Group to help develop future NSW Closing the Gap Implementation Plans.

The National Agreement on Closing the Gap includes four Priority Reforms that will change how Governments work with Aboriginal and Torres Strait Islander people and communities.

The Priority Reforms will:

1. Strengthen and establish formal partnerships and shared decision-making
2. Build the Aboriginal and Torres Strait Islander community-controlled sector
3. Transform Government organisations so they work better for Aboriginal and Torres Strait Islander people
4. Improve and share access to data and information to enable Aboriginal and Torres Strait Islander communities make informed decisions.

Closing the Gap data released by the Productivity Commission 2022 highlighted the following outcomes nationally:

1. Four of the 17 targets are on track to be met in the next decade: the birth weights of Indigenous babies, preschool kids attending early childhood education, and youth detention rates are trending in the right direction, while gains are being seen in land and sea rights.
2. The report found that targets to reduce rates of suicide, adult incarceration, and First Nations children in out-of-home care were not on track. It also found that Indigenous children were less likely to have reached developmental milestones when they began their schooling.

These outcomes highlight the need for greater collaboration to ensure all targets are on track to be met.

Councils in NSW are in a unique position in being able to provide place-based closing the gap initiatives which respond to local need in partnership with local Aboriginal communities.

Councils also have the responsibility to meet Closing the Gap targets and Reconciliation Actions. Transforming initiatives in workplaces to ensure culturally safe environments and provision of opportunities for Aboriginal people.

Shoalhaven City Council would welcome a comprehensive NSW strategy with the provision of resourcing to drive progress towards Closing the Gap.

That Local Government NSW advocates for compulsory First Nations cultural training as part of councillor induction training requirements.

Note from Council

It is extremely important that elected councillors as community leaders understand their local area history through a first nations lens.

The experience of Shoalhaven City Councillors who received this training as part of their Councillor Induction Program was an opportunity to hear the history, stories and experiences through truth telling local Aboriginal people, who shared confronting stories of their own families' experiences and those of their communities.

Attendees were taken on an intimate journey through our true Australian history.

Deeply listening to, and hearing from our local Aboriginal community on their lived experiences was significant for all.

Participants learnt about white privilege and white fragility and gained a better understanding of systematic racism, entrenched white frames of reference and colonial structures. The profound impact of the dominant group status upon the everyday lives of Aboriginal and Torres Strait Islander people currently perpetuates this impasse.

121 Lake Macquarie City Council Signing of the National Communications Charter

That Local Government NSW and councils across NSW acknowledge mental health as a state priority by becoming signatories to the National Communications Charter and implementing the principles therein.

Note from Council

The National Communications Charter: A unified approach to mental health and suicide prevention (The Charter) was developed by Life in Mind, an initiative of Everymind. The Charter seeks to provide consistent standards through its guiding principles and key messages. One in five Australians will experience a mental illness each year. The Charter is a resource and unifying document for people in the mental health and suicide prevention sectors, government, business and community groups. Everymind is a leading national institute dedicated to reducing mental ill-health, reducing suicide and improving wellbeing for all Australians. The Charter is the result of collaboration and consultation with key champions in mental health. It was developed to guide Australians on how to talk about mental health and suicide and improve the response to mental health issues in workplaces, governments and the community.

The NSW Suicide Monitoring System reported 356 suspected or confirmed cases of suicide between January and April 2022. This is the highest rate in the same reporting period since the monitoring system began in 2019. Additionally, 8 per cent of the NSW Population, or 646,412 people, identified as living with a mental health condition (including depression or anxiety) in the ABS Census 2021. By becoming a signatory to the National Communications Charter and implementing its principles, LGNSW and councils across NSW can play a leading role in reducing stigma around mental illness and suicide while also promoting help-seeking behaviour.

122 Leeton Shire Council Addressing poorer health outcomes in rural, regional and remote NSW

That Local Government NSW urges the NSW Government to partner with the Federal Government to:

1. immediately commence implementation of the health reforms recommended in the Upper House Inquiry - Report 57 – "Health Outcomes and Access to Health and Hospital Services in Rural, Regional, and remote NSW"
2. focus first on the recommendations aimed at recruiting and retaining doctors and clinicians in rural and remote areas of NSW
3. increase the intake of overseas-trained doctors and other medical staff to give immediate relief to rural and remote locations experiencing shortages of trained medical personnel
4. ensure there is improved health service governance and greater transparency at the local level.

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

Note from Council

Finding 1 of the recently released Upper House Inquiry report “Health Outcomes and Access to Health and Hospital Services in Rural, Regional, and remote NSW” (the Health Outcomes report) is that ‘rural, regional and remote patients have significantly poorer health outcomes, greater incidence of chronic disease and greater premature deaths when compared to their counterparts in metropolitan areas’.

A significant factor contributing to these poorer health outcomes is that many rural and regional areas are experiencing critical shortages of health professionals, denying residents of even the most basic health services or forcing residents to have to travel significant distances and face significant financial challenges in order to access medical help.

Recommendation 11 of the Health Outcomes report is that NSW Health work with the Australian Government collaboratively to immediately invest in the development and implementation of a 10-Year Rural and Remote Medical and Health Workforce Recruitment and Retention Strategy. While a Recruitment and Retention Strategy is necessary, such a strategy will take time to develop and implement.

An increase in the intake of overseas-trained medical staff would have an immediate impact. As the Health Outcomes report notes, ‘Overseas trained doctors and international medical graduates perform an important role working under supervision in designated areas of workforce shortage, usually in rural and remote Australia’.

Currently the processes for international doctors and nurses to enter the workforce in Australia are onerous and confusing.

Supportive systems need to be put in place to expeditiously concierge and vet applicants, rather than leave them to navigate the red tape themselves.

Finally, Health Districts and Primary Health Networks are extremely large and planning and reporting is, at best, opaque.

It is extremely difficult for local communities to understand fully what the situation is at a local rural hospital.

There is a dire need for greater transparency with health planning and reporting at the local level. Communities deserve to know exactly what is going on.

Kyogle Council

Rural health services

That Local Government NSW lobbies the State Government to adequately fund and resource health services and develop strategies to attract and retain professional staff in the health industry in rural communities.

Note from Council

That LGNSW lobby the State Government to adequately fund and resource health services and develop strategies to attract and retain professional staff in the health industry in rural communities. Improving the operational budgets of what are currently “white elephants” in terms of the level of care provided is essential.

Building infrastructure, such as Multi-Purpose Service (MPS) centres is well intended but of limited use without adequate staffing.

Many are grossly underfunded and there are no incentives for doctors, nurses and allied health professionals to move to rural areas.

These challenges are exacerbated by a lack of suitable housing for such professionals and adequate training for existing staff to use existing equipment such as X-ray machines.

Following the COVID pandemic, telehealth has been identified as a way to access allied health professionals, such as radiologists who can read and interpret the images.

It is possible for local nursing staff to be trained to take the images as they have in some Western Councils.

That Local Government NSW lobbies the NSW Government to:

1. seek a more equitable distribution of health infrastructure and operational funding to support current health services in regional and remote NSW.
2. work with educational institutions to remove barriers for practitioners to establish services within regional and remote NSW to meet the current and ongoing needs of the community.

Note from Council

The health system relies on strong partnerships with patients, carers, staff and the broader community to achieve positive health outcomes. Local health districts in rural and regional areas work with the Australian Government's primary health care networks to support workforce recruitment and retention to their communities. This support is only possible with sufficient commitment at a State level that infrastructure and operational funding will continue to meet the needs identified within communities.

Albury City Council Improve capacity/quality of health services/ infrastructure in regional NSW

That Local Government NSW calls on the NSW Government to improve the capacity and quality of health services and infrastructure in regional NSW to meet growing community demand.

Note from Council

Regional areas across NSW are experiencing strong population growth.

Long-term population forecasting by NSW Government has not historically accounted for such growth, accordingly, there is a high level of risk that health service demand forecasting is not aligned with the actual growth of communities.

Health service workers are highly valued and appreciated, and the services they provide are integral to the liveability of our communities and the health and wellbeing of our residents.

Access to appropriate health services and infrastructure is also a key determining factor of the liveability and appeal of NSW, including our regions.

There are growing concerns that NSW health services and infrastructure, particularly in regional areas, is not fully meeting community needs and expectations.

Warrumbungle Shire Council**Access to health and hospital services in rural, regional and remote NSW**

That Local Government NSW supports and advocates for implementation of the findings of the Parliamentary Report on Health outcomes and access to health and hospital services in rural, regional and remote New South Wales with particular emphasis on recommendations 12 and 13.

5. Recommendation 12 That NSW Health review the working conditions, contracts and incentives of GPs working as Visiting Medical Officers in public health facilities in rural, regional and remote New South Wales, to ensure that the GP/VMO model remains viable while broader innovation and reform progresses.
6. Recommendation 13 That NSW Health establish a state-wide system of GP/VMO accreditation, which is independent of the Local Health Districts. As part of this system, NSW Health should ideally look to establish an online GP/VMO availability system where GP/VMOs can nominate dates and locations they are available to work that can be accessed by the rural and regional Local Health Districts and general practices in filling vacancies.

Note from Council

The Parliamentary Inquiry into Health Outcomes & Access to Health & Hospital Services in Rural, Regional & Remote NSW was established on 16 September 2020 to inquire into and report on health outcomes and access to health and hospital services in rural, regional and remote New South Wales. Submissions about individual health care experiences were to inform the State Government on its thinking about the general provision and availability of health services in non-metropolitan areas. Submissions closed on 15 January 2021 and hearings were held from 19 March 2021 to 2 February 2022 with the Final Report released on 5 May 2022. The NSW Government's response is scheduled for 7 November 2022.

Like the Report found we too share the view that health services in rural and regional New South Wales is in a poorer state than for our cousins in the metropolitan areas and further we are of the view that this situation is deteriorating on a daily basis, especially with an increasing tendency for our local GPs to disengage with the LHD and drift away from Visiting Medical Officer (VMO) work. The reasons for this disengagement are

almost always rooted in poor communication from the LHD, mismanagement by the LHD and the LHD setting up VMOs for failure.

Armidale Regional Council

NSW parliamentary inquiry into rural health

That Local Government NSW acknowledges finding one of the NSW parliamentary inquiry into rural health that people living outside of the city have "significantly poorer health outcomes, greater incidence of chronic disease, and greater premature deaths" and advocate for rapid implementation of all 44 recommendations in the final report'.

Note from Council

1. Final report of the parliamentary inquiry: Report no 57 - Portfolio Committee No. 2 - Health outcomes and access to health and hospital services in rural, regional and remote New South Wales (see finding 1, page 14).
2. ABC report on the NSW Rural Health Inquiry Findings: <https://www.abc.net.au/news/2022-05-05/regional-health-inquiry-findings-handed-to-nsw-government/101031564>.

Bega Valley Shire Council

Doctor servicing of hospitals

That Local Government NSW calls on the NSW Government to review the model for doctor servicing of hospitals so that doctors are adequately and equitably incentivised to service hospitals and so that local health districts have greater capacity to manage their budgets

Note from Council

Many hospitals across NSW, particularly in regional areas are struggling to adequately and cost effectively manage the services of qualified doctors. There are a number of factors impacting why this is occurring with a major contributing factor being current typical funding models. As it stands, a doctor with a visiting medical officer contract servicing a hospital is entitled to a certain rate of pay which is far below what a locum or fly in fly out temporary doctor would receive. This heavily disincentives doctors to take on longer term contracts that are lower cost and easier to manage. There is an obvious need for hospitals to be serviced by doctors which is why locums become so heavily relied upon, however this only places financial strain on local health districts. There is a clear need for a better and more consistent management model to be in place across NSW to ensure that services at local hospitals are not compromised, so that doctors are adequately and equitably incentivised to service hospitals and so that local health districts have greater capacity to manage their budgets.

Muswellbrook Shire Council

Access to health services

That Local Government NSW advocates to the NSW Government for the provision of equitable access to health services in rural, regional and remote NSW, particularly in the fields of mental health, obstetrics and gynaecology, and paediatric services.

Note from Council

At a Councillor workshop conducted on Thursday, 25 August 2022, Muswellbrook Shire Councillors regarded the equitable provision of health services to be of fundamental importance to the sustainability of rural, regional and remote communities in NSW.

123 Warrumbungle Shire Council

Doctor Distribution Priority Areas

That Local Government NSW advocates for the Federal Government to review the distribution of doctors to ensure that rural and regional communities and hospitals have reasonable and adequate access to doctors and medical care.

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

Note from Council

With the recent change in the policy to Commonwealth medical workforce policy we are now very concerned that rural doctors are being directly targeted for recruitment to large regional and city locations and urge the Government to reconsider its position. This policy change is leaving communities that are already short of doctors even shorter. We do not want to detract from the potential benefits of the recent changes to District of Priority Area (DPA) however people needing medical care in our communities may now have to travel hundreds of kilometres for treatment.

It has been a long standing problem that rural areas have been very underserved with health care, this has recently been demonstrated with the NSW Government's Inquiry into Health

Outcomes and Access to Health and Hospital Services in Rural, Regional and Remote New South Wales. Regrettably the new Federal Government's changes are going to make the situation worse and quite likely leave many communities such as ours without health care.

By scrapping the requirement for overseas trained doctors who want to live and work in Australia to spend time caring in rural and remote communities and adding all large regional centres (MMM2) and some outer metro areas (MMM1) to the District of Priority Area (DPA) classification is going to be a disincentive. We have for too long had rural communities without health care and the situation is going to get worse as the doctors are now being incentivised into larger centres.

To introduce this change, without the implementation of rural specific policies to address the very real issue of overall doctor shortages across Australia, is very concerning for the future of rural general practice and our communities. This situation needs to be urgently reconsidered before the situation is too late.

Gunnedah Shire Council

Retain doctors in the bush

That Local Government NSW calls on ALGA to make representations to the Federal Government to overturn the changes to the Distribution Priority Area (DPA) classification system for International doctors to be eligible for the Medicare rebate; only MMM3 to MMM7 areas should be eligible.

Note from Council

From 21 July this year changes to the Distribution Priority Area (DPA) classification system now mean peri-urban and regional centres like Albury, Port Stephens and Newcastle will be competing with shires like Gunnedah for doctors.

The DPA classification system was set up to address shortages of doctors in rural areas, by mandating that overseas trained doctors and rurally bonded medical students spend time working in the bush. One of the factors in determining the DPA status of an area is its remoteness based on the Modified Monash Model (MMM) geographical classification system - a scale of MMM1 to MMM7. MMM1 is a major city, such as Sydney, and MMM7 is very remote, and includes towns like Bourke and Brewarrina.

Previously, MMM3 to MMM7 areas were automatically given DPA status, which means medical practices in those areas can access a broader recruitment pool of GP doctors. Recently, the federal government has expanded DPAs to include all large regional centres (MMM2) and some outer metro areas (MMM1). As a result, communities like Gunnedah are at risk of losing their doctors to areas closer to the cities and coastal towns.

This is bad policy and a backwards step - taking doctors from some of the most disadvantaged communities to fill vacant positions in much larger centres is not the answer to our healthcare problems in the bush.

124 Bega Valley Shire Council

Processing of Aboriginal Land Claims and Native Title Claims

That Local Government NSW:

1. advocates to both the State and Federal Government for prioritisation of the NSWALC blanket Aboriginal Land Claims and Native Title Claims currently in the Federal Court which in effect prevents partnering opportunities, development/enhancement and investment on Crown land and Aboriginal Land.
2. advocates for removal of native title requirements for land owned by Local Aboriginal Land Councils.

Note from Council

Crown reserves which are subject to active Aboriginal Land Claims, Native Title Claims particularly the blanket claims, essentially prevent Crown land from partnering opportunities, development/enhancement and investment.

It is considered necessary for resources to be allocated to address this issue so that it is managed in a timely and effective manner to give certainty to all parties.

The Auditor-General for NSW released the Performance Audit report 'Facilitating and administering Aboriginal land claim processes' stating there is currently over 38,000 unresolved land claims,

therefore it seems necessary to review the Aboriginal Land Rights Act 1983 (NSW) with the State Strategic Plan for Crown Land in mind.

Contributing to the recognition of Native Title rights is supported and encouraged, however it is noted that the timeframes for determinations in the Federal Court (the South Coast People application for a determination has been ongoing for many years now and not expected to be resolved for many years) and the development and approval process of Indigenous Land Use Agreements (ILUA) as well as the significant costs associated with preparing them is a significant obstacle and often prevents ILUAs being further explored.

Even if Crown land is returned to Local Aboriginal Land Councils through the land claim process, the land cannot be dealt with whilst Native Title rights and interests are undetermined unless there was a previous non-claimant application (S24FA Native Title Act 1993) approval.

Ensuring the validity of a future act under the Native Title Act 1993 (Cth) (NT Act) has been forced onto Council's as Crown Land Manager and the liability associated with compensation payable for the full or partial affectation on Native Title rights and interests adds significantly to the cost of any potential development. Furthermore, whilst the NT Act provides that the Minister may issue a Native Title certificate, Crown Lands stance to date has been they are not issuing certificates which further prevents partnering opportunities, development/enhancement and investment on Crown land. It is apparent NSW is the only state that has separate legislation for land rights as well as native title.

125 Leeton Shire Council

Making 'temporary' refugees permanent

That Local Government NSW calls on the NSW Government to work with the Australian Government to expeditiously transition refugees on Temporary Protection Visas or Safe Haven Enterprise Visas to Permanent Protection Visas to safeguard the health and wellbeing of these 'temporary' refugees and enable them to continue to contribute to the economic and social fabric of the communities they have chosen to call home.

Note from Council

Many refugees on Temporary Protection Visas or Safe Haven Enterprise Visas have lived and worked in our communities for eight or more years. They have established community ties, made friends, had children, and work for local employers or run their own local businesses.

They are valued members of our communities and critical contributors to our local, regional and state economies. Yet the people on these visas have no guarantee that they can remain in Australia.

Refugees on temporary protection visas are required to continually reapply for protection every few years. They are denied the right to be united with their families and may be sent back to the countries where they were previously persecuted.

Having no stability or certainty weighs heavily on these people's mental wellbeing, especially when they are estranged from their families and loved ones for extensive periods of time while being 'processed'.

The United Nations High Commissioner for Refugees has described these conditions in Australia as "punitive" and noted their impact on people's mental health.

Refugees on Temporary Protection Visas or Safe Haven Enterprise Visas need to be transitioned to Permanent Protection Visas as soon as possible. They need the stability and we need them to continue to contribute to the betterment of our communities and our local economies.

That Local Government NSW calls on the NSW Government to review the Australian Standards for Swimming Pools and the recent advice by NSW Fair Trading to Private Certifiers to require all pools to be assessed under the current Australian Standard AS 1926.1–2012.

Note from Council

The intent of the *Swimming Pools Act 1992* is to promote the safety of young children by requiring the fencing of swimming pools.

It seeks to do this by requiring pool owners to fence their pool and the area which immediately surrounds the pool.

There are 3 different Pool Safety Standards that apply in NSW, depending on when the pool was constructed.

This Council has previously made submissions to a number of reviews of the Swimming Pools Act that these differing standards create confusion amongst property owners and certifiers alike, and in our opinion, do not adhere to the intent of the Act or promote a clear understanding of pool safety.

To have a provision of exemptions, purely dependent upon the date of construction does not adhere to the intent of the Act or more importantly provide the highest level of safety to the occupants of the site.

The NSW Department of Fair Trading has recently advised Pool Inspectors that all pools must now be assessed under the current Australian Standard AS 1926.1 – 2012 unless the inspecting Certifier has documentary evidence of a pool and barrier existing in place on 31 August 2008, and also to have documents showing that it was, on that date fully compliant with AS1926 – 1986 and Part 2 of Swimming Pool Regulation 1998.

If at an inspection, a barrier is found to be non-compliant with this standard, a Certificate of Compliance cannot be issued. This applies even if fixing the barrier's non-compliance doesn't involve the barrier being substantially altered or rebuilt.

The implications of this approach will significantly impact Council with respect to higher numbers of swimming pools effectively being unable to be deemed as compliant by the private certification sector, thus diluting their role and bringing the focus back to Councils to enforce pool safety.

This latest advice will not only have an impact on councils but questions a Certifier's ability to act independently when assessing a swimming pool barrier and when to apply the appropriate standards relevant to when the pool was built.

Current legislative process calls for non-compliant swimming pools to be forwarded to relevant Councils six (6) weeks after the certifier's inspection (if works have not been completed) or immediately when a significant risk is identified. It would be reasonable to assume that certifiers will adhere to NSW Fair Trading recommendations and identify a higher number of swimming pools as 'significant risk' or non-compliant with older standards and subsequently requiring upgrades to the current 2012 standard. The Hills Shire Council has already seen a steady increase in reports of 'significant risk' pools following this advice.

It is also unclear why emphasis has been made specifically to the 1986 standard with no mention of the 2007 standard when the subject clauses apply to both.

The NSW Government did not require all pool barriers to be upgraded to the current standards. They allowed a swimming pool barrier to comply with the relevant standard applicable as to when the pool was constructed, provided the barrier had been maintained.

The industry has been seeking unification that would result in the enforcement of one (1) single standard subsequently leading to less inconsistency amongst inspectors and other officers. Given NSW Fair Trading's documented interpretation of the swimming pool standards, significant risk pools, it would be appropriate for the NSW Government to update or clarify AS1926 and the Swimming Pools Act and Regulation as the legal documents.

127 Albury City Council Development of holistic inland water safety strategy for NSW

That Local Government NSW advocates to the NSW Government to develop a holistic Inland Water Safety Strategy for NSW that includes specific reference to cohorts of the community who are at higher risk of drowning.

Note from Council

A wide range of government and non-government agencies have a role to play in water safety.

The Office of Local Government produces a Practice Note to guide local government and other stakeholders on their role and responsibilities with regard to water safety. Practice Note No. 15 states that its purpose is to "help councils minimise risk associated with aquatic locations under their care and control to keep people as safe as possible while they enjoy the water." Under the Act, councils have the power to:

- provide goods, facilities, and services and carry out activities appropriate to the current and future needs of the local community and the wider public (section 24); and
- manage public land (Part 2, Chapter 6). Public land is defined as land vested in or under the control of the council (with certain exclusions).

There is need for integrated and holistic state-wide Strategy to reduce the number of drownings, including inland waterways.

The National Drowning Report of 2021 showed NSW had the highest number of deaths by drowning in Australia, up 5% on the previous year. Royal Life Saving Australia are leading efforts to reduce drowning and increase swimming, water safety and lifesaving skills. Local government is in a position to play a leading role in collaborating with external agencies and utilising its own resources to drive the implementation of State-wide strategies in the local community that promote inland water safety.

128 Gunnedah Shire Council Increase policing for the bush

That Local Government NSW calls on the NSW Government to:

- a) review the allocation methodology of its policing resources to ensure equity between Metropolitan and Regional, Rural and Remote Local Government Areas.
- b) increase spending on the NSW Police Force to increase front line policing numbers in Regional, Rural and Remote regions most at need.
- c) conduct a review into the allocation of resources that are devoted to non-frontline policing.

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

Note from Council

The rates of crime in Local Government Areas according to the BOCSAR data https://www.bocsar.nsw.gov.au/Pages/bocsar_crime_stats/bocsar_latest_quarterly_and_annual_reports.aspx in the majority of reportable categories in NSW, are substantially higher in Regional, Rural and Remote policing regions than the Metropolitan Regions. We believe this is a strong lead indicator that the available resources are not distributed in a manner to ensure equality of the reportable rates of crime in the Regional, Rural and Remote regions into the future. It is not unreasonable that the residents of Regional, Rural and Remote NSW should expect to have rates of reportable crime reduced to match that of Metropolitan areas. To achieve that, change is required.

That Local Government NSW lobbies the State Government to review its models around 24/7 policing so that neighbouring LGAs, without this police coverage, are not unfairly disadvantaged, and develop strategies to attract and retain officers in rural communities.

Note from Council

Policing in rural communities has become increasingly problematic, especially when bordering an LGA that has 24-hour policing.

Often this 24/7 policing is provided only by the very poor practice of taking officers dedicated to other areas to maintain the advertised policing levels.

This occurs frequently during normal operations and is further exacerbated when officers are on leave, either short or long term and when vacancies occur which take disproportionately longer times to fill.

As a result, many of our communities are vulnerable with criminal elements knowing that police response times are poor, particularly when it comes to something urgent like DV, serious assaults and other violent offences, etc.

The attraction and retention of police officers to rural communities is becoming extremely difficult and even when appointments are made, there are high levels of turnover.

Many of these positions are Constable positions where entry level police cannot be appointed (recently graduated) but aren't "promotions" and therefore are not attractive to young officers. The usual process of advertising such vacancies can be long and drawn out as often no candidates will apply in the first instance.

Strategies are required to attract and retain police officers to rural communities (so that these communities are not dealing with long police fallout times, particularly in times of emergencies) to keep these communities safe.

129 Inner West Council**Socially harmful advertising**

That Local Government NSW advocates for a consistent approach across local government to socially harmful advertising.

Note from Council

Nil.

130 Camden Council**Food health and safety standards**

That Local Government NSW advocates that the NSW Government takes the following steps to provide greater consistency in and improve food health and safety standards:

- a) initiate a review of the Australian Standard AS4674-2004 Design, construction and fit-out of food premises to reflect current and emerging food shop trends;
- b) the NSW Food Authority to develop a contemporary guide for NSW Construction in Retail Food Premises to provide consistency in the application of the Australian Standard; and
- c) the revised Australian Standard and NSW Construction in Retail Food Premises guide to be adopted by Planning NSW and incorporated into relevant legislation.

Note from Council

The Australian Standard 4674-2004 Design, construction and fit-out of food premises has become outdated and does not reflect current trends and methods/materials of construction that have developed in the retail food sector, for example, kiosks, home business, childcare centres, serveries etc. The document is also inconsistently applied across the State. In contrast, Queensland Health has developed a design and fit-out guide for food businesses based on AS 4674-2004 to provide consistent guidance to their retailers, construction industry and regulators in Queensland.

That Local Government NSW advocates to the NSW Government and opposition to review and improve rights for tenants with the view to best serve both tenants and landlords.

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

Note from Council

With increasing housing prices, wage stagnation, and the number of people renting throughout NSW increasing, it is important for Governments to review the rights and responsibilities for tenants. There are many individual suggestions made about changes to improve the stability of housing for renters and their rights, but rather than propose individual items, calling on a thorough review and approach will best serve both tenants and landlords.

Bega Valley Shire Council**Changes to residential lease termination provisions**

That Local Government NSW calls on the NSW Government to introduce measures to better protect the interests of tenants with respect to notification of termination of lease by landlords in the case of no fault on the tenant's behalf.

Note from Council

Under current standard residential tenancy arrangements, landlords are required to provide 90 days notice to tenants of their intention to terminate the lease arrangement. With the clear lack of available housing across much of regional NSW this is now having the effect of displacing families from community, with the properties to be utilised for short term/stay accommodation. Although it is not intended to prevent a property owner from occupying their own home should their needs change, there is a need to better protect tenants from displacement without adequate time to find suitable alternatives. Market changes indicate that the current protections for tenants are inadequate.

132 Bellingen Shire Council**Youth employment strategy**

That Local Government NSW advocates to the NSW Government to respond to the findings of and support the Bearing the Brunt report by The Australia Institute.

Note from Council

This Notice of Motion relates to the Bearing the Brunt report, which was commissioned by Youth Action NSW, and undertaken by The Australia Institute. The Bearing the Brunt Report identified clear themes of the disproportionate loss of employment for youth due to the pandemic and put forward three recommendations to the NSW Government which focus on both the supply and demand side of employment for young people across the State.

This report, released in April 2022, is the result of 9 months of research and engagement directly with youth across NSW, as well as with the youth services sector and government agencies to ensure recommendations took all current Federal and State programs and initiatives into consideration.

Young people in NSW bore the brunt of job losses during the pandemic. 55% of job losses in 2021 39% of job losses during the pandemic lockdowns were those belonging to people aged 15-24, despite young people making up only 14% of the workforce. Historically, young people have always been disproportionately impacted by high unemployment, high turnover, and over-represented in insecure work. This problem will not go away with a recovered economy.

Recovery initiatives from the pandemic have overlooked the fact that 97% of the jobs regained by young people since lockdowns have lifted have been in casual roles, so they are just as vulnerable to job loss in any future economic downturn we may experience. Government stimulus spending was not well targeted at protecting jobs of young people, as lots of spending was in industries that don't employ young people (gas led recovery, aviation sector etc.) It was also designed in a way that meant that casuals who hadn't been in their positions for more than 12 months weren't eligible (young people are overrepresented in casual roles, and tend to have roles for less than 12 months so missed out on the protection of job keeper).

Consultation with the young people across the state showed that “jobs and income” were in their top three priorities, and as the number of youth not engaging in education and training (NEET) in NSW rose from 71,000 in 2019, to 112,000 in 2020, the right time to take action to support young people is now.

The stories behind this data reflect the hopelessness young people are feeling which has significantly contributed to lack of engagement in education and employment. What we also know is that where young people live affects their employment opportunities. The youth in our community are assets who are currently living in survival mode. The three key recommendations from this report are:

- A new Youth Employment Strategy. There needs to be a coordinated approach with a singular focus that brings together all levels of government to improve employment outcomes with young people. The strategies need to be accompanied by adequate resourcing to ensure meaningful engagement and employment opportunities that don't put pressure or time restraints on employers. There also needs to be a greater focus of data collection for unemployment rates and consultation with socially excluded groups such as First Nations young people, youth with disabilities, LGBTQIA+, CALD, and young people doing it tough to ensure the strategies are inclusive.
- Youth Job Guarantee. One of the key policy mechanisms the NSW Government can employ to improve the quality and quantity of jobs for young people is to engage directly in job creation. This includes expanding existing public employment programs and disability and Indigenous internship programs and introducing public service traineeships for youth without tertiary education (By 2026, it is estimated that 92% of jobs will require post-school education). It also includes filling the gap left behind by the Smart, Skilled and Hired program, improving transport, digital equity, and labour market information.
- A voice. Young people are experts in their own experiences and their views are essential to solving the challenges they face. Their experiences need to be included in policy development. This means investing in better workplace protections and developing the capacity of young people (and sectors that support them) to have their voices heard.

Councils' need to advocate for youth, who are assets to our communities and are inheriting the outcomes of the decisions we are making today. We can achieve this by urging our representatives at other levels of government to read the report and commit to implementing the recommendations with local government.

133 Cumberland Council

Local youth employment initiative

That Local Government NSW:

1. acknowledges the NSW Government's Smart, Skilled and Hired program that focuses on vocational training for our state's young people;
2. notes that initiatives under this program are designed to lead to employment;
3. further notes that, despite this, jobs for recent graduates remain scarce in NSW;
4. calls on the NSW government to:
 - a) create a Local Youth Jobs Program at the local government level
 - b) establish a Youth Employment Facilitator in each local government area
 - c) provide a Local Youth Employment Recovery Fund for each local government area
 - d) provide incentives for local employers to deliver well paid, meaningful, secure work for local youth.

Note from Council

Young people are disproportionately disadvantaged by any economic downturn. They were hit hardest by the Covid pandemic, with those under 35 accounting for almost 80% of the jobs lost during extended lockdowns. This experience has highlighted the systemic barriers that have impacted the lives of young people for some time, compounding previous shortfalls in youth support programs. While the Smart, Skilled and Hired program focuses on vocational training and job readiness, our young people are still struggling to find secure, meaningful work with serious implications for their financial, physical and mental health.

As the closest level of government to local communities, local councils have the greatest knowledge to identify current and emerging local employment opportunities. It is essential that local councils be provided with the necessary funding to support local businesses in engaging and skilling local youth for increased long-term workforce participation.

Waste

134 The Hills Shire Council

Critical waste infrastructure planning

That Local Government NSW:

- a) urges the NSW Government to take responsibility to identify and secure appropriate land for critical waste infrastructure.
- b) advocates that the NSW Government establish a new Waste Authority for NSW to assist with the planning and development of critical waste infrastructure.
- c) urges the NSW Government to reinvest significantly more of the NSW Waste Levy back into the Waste and Resource Recovery Industry for the planning and development of critical waste infrastructure.

Note from Council

The NSW Waste and Sustainable Materials Strategy 2041 highlighted significant gaps in Greater Sydney's waste infrastructure network. Of all the waste streams, residual waste is the biggest pressure point. At current projections, some landfills are expected to reach capacity as early as 2028 and all landfills are expected to reach capacity by 2036. NSW requires a new major putrescible landfill and/or multiple new processing facilities to reduce the need for further landfill capacity by no later than 2030. With this deadline the outlook is concerning considering that any new facility whether it is a putrescible landfill site or an alternative technology facility such as an Energy for Waste (EfW) facility will take many years to proceed through the planning approval process and construction phase.

Whilst the NSW Government has set strategies to reduce the reliance on existing landfills to extend their lifespan, no indication has been provided on how the critical shortfalls for residual waste will be achieved in such short timeframes. Options such as joint tendering which rely on councils to solve these problems on their own are not ideal. Waste should get the same treatment as other essential services like sewer with infrastructure properly planned for and provided to meet demand. Land should be secured as state significant development to help guarantee that the shortfalls are met on time. Given the urgency of requiring new disposal and processing facilities, it is also considered that significantly more of the NSW Waste Levy needs to unarguably be reinvested back into the industry. Western Sydney Regional Organisation of Councils has previously written to the NSW Premier in April 2019 outlining these concerns and advocated for additional funds to be reinvested. At the time, it was calculated that over a 5-year period just 8.23% of levy payments made by Western Sydney councils were being reinvested back into waste infrastructure and programs (\$20.9m of the \$254.6m paid into the Waste Levy). Reinvestment of more funds is considered a logical and reasonable means to provide greater surety that the critical shortfalls are met on time through a strong financial backing. In addition, greater allocation of funds can also be used to establish a new Waste Authority for NSW to work towards progressing critical state infrastructure goals.

It has never been a more important time to ensure that waste in NSW is properly treated as the essential service it is. The Sydney disposal market is under significant pressure with the issue coming to the forefront during the pandemic and the recent unprecedented rain events which impacted waste transfer stations and the transportation of waste to putrescible landfills. The temporary closure of the Clyde to Woodlawn rail lines is a timely reminder of this. Decisive leadership, proper investment and essential planning is needed to ensure that NSW has the critical waste infrastructure it needs to function for society.

135 Blacktown City Council**Insufficient landfill planning and infrastructure**

That Local Government NSW calls on the NSW Government to apply the same planning process to identify future landfill precincts as it has with energy from waste infrastructure.

Note from Council

The NSW Waste and Sustainable Materials Strategy 2041 identifies an urgent need for putrescible landfills to meet the needs of Greater Sydney. It identifies that existing landfills are likely to reach capacity within the next 15 years. The strategy identifies that a combined approach is necessary to manage the expected growth, requiring both energy from waste infrastructure and landfills.

The NSW Government has planned for energy from waste infrastructure, and implemented the Energy from Waste Amendment Regulation 2021. The regulation has ensured appropriate planning including site identification, zoning and stakeholder consultation. The government must ensure that it applies the same process for required alternate waste facilities such as landfill sites. This will ensure that there is a guaranteed way forward for industry and councils to manage waste.

We support the NSW Government's acknowledgement of circularity and the minimisation of waste to landfill, however landfills remain an essential part of our waste management infrastructure. Without the same treatment as energy from waste facilities, the lack of action in landfill planning may result in:

- environmental impact from waste transportation
- inability for councils to competitively tender for waste disposal.

It is urgent that the NSW Government works with local government to plan for essential infrastructure for waste disposal. Waste infrastructure must be treated with the same priority as other essential services, such as water, energy and roads.

136 City of Canterbury-Bankstown Council**The provision of infrastructure to process Food Organics and Garden Organics**

That Local Government NSW calls on the NSW Government to ensure that:

1. local infrastructure exists for councils to enable the efficient transfer and processing of Food Organics and Garden Organics (FOGO) across NSW;
2. funding be made available to assist councils through to 2030 in the planning and implementation for FOGO;
3. ongoing financial support is provided to councils to assist with collection, transport, processing and community education;
4. it develops and implements an ongoing education campaign that delivers a consistent and state-wide message to NSW residents.

Note from Council

In accordance with the NSW Waste and Sustainable Materials Strategy 2041, NSW is targeted to halve the amount of organic waste (FOGO) sent to landfill by 2030. As part of this target, NSW councils are being mandated to provide FOGO services to households across NSW. Currently, there are insufficient transfer stations and related infrastructure for councils to provide this service across NSW. Furthermore, there is not enough capacity in existing facilities to process organic waste for all NSW councils. The urban markets for processed organic material are saturated so materials from Sydney will need to travel further to supply the agriculture markets, at additional costs to those Councils. There are currently no available facilities to process FOGO or food organics in metropolitan Sydney. Councils in metropolitan Sydney are required to transport organic waste to regional areas to process. There are no transfer or staging facilities in metropolitan Sydney with current capacity to allow for transport to the regional areas. The mandate for councils to provide FOGO waste recycling services to households also requires councils to update and manage their contracts with waste service providers which can also include additional expenses. For Canterbury- Bankstown Council, this expense for changing a waste contract adds up to \$7 million in the first year. Ongoing education to residents about the changes to service, requires significant additional funds, especially for councils with high multi-cultural communities. This can be an additional \$1M per annum to ensure the community is understanding and doing the right thing.

137 Campbelltown City Council**Illegal dumping**

That Local Government NSW makes representations to the NSW Government requesting a permanent and secure funding stream to allow councils to employ dedicated staff to prevent and respond to the growing issue of illegal dumping.

Note from Council

Illegal dumping is an ongoing and increasing waste issue. Each year, councils across NSW invest millions of dollars in managing the issue. The NSW EPA recorded a 34% increase in illegal dumping from April 2020 compared to April 2019 with many councils across NSW experiencing substantial increases.

Establishing a permanent funding stream, will enable councils to properly resource programs to prevent and respond to the ever growing problem of illegally dumped waste.

138 Woollahra Municipal Council**Better Waste and Recycling Fund**

That Local Government NSW requests the NSW Government to urgently reinstate the non-contestable waste and recycling grant program funding under the Better Waste and Recycling Fund, so that councils have secure funding for waste and recycling education programs to drive waste minimisation, cleaner waste streams and more efficient resource recovery.

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

Note from Council

This motion is submitted by four (4) Councils - Bayside, Randwick, Waverley and Woollahra Councils.

LGNSW has previously called for the NSW Government to improve its investment of the Waste Levy in local recycling solutions through the Save Our Recycling Campaign. The table below details the total waste levies paid by Randwick, Waverley and Woollahra Councils, in addition to the grants previously received by each council under the NSW EPA Better Waste and Recycling fund.

Waste Levy Paid	Period	Randwick	Waverley	Woollahra	TOTAL
	2017-18	\$2,053,757	\$1,544,334	\$1,456,689	\$5,054,780
	2018-19	\$1,690,757	\$1,528,381	\$1,480,280	\$4,699,418
	2019-20	\$1,856,762	\$1,591,954	\$1,462,333	\$4,911,049
	2020-21	\$1,786,996	\$1,621,333	\$1,501,689	\$4,910,018
	2021-22	\$1,551,200	\$1,452,873	\$1,491,179	\$4,495,252
	TOTAL	\$8,939,472	\$7,738,875	\$7,392,170	\$24,070,517
Grant Funding Received	Period	Randwick	Waverley	Woollahra	TOTAL
	2017-18	\$165,000	\$106,624	\$95,283	\$366,907
	2018-19	\$165,000	\$179,250	\$94,440	\$438,690
	2019-20	\$165,000	\$106,624	\$135,203	\$406,827
	2020-21	\$165,000	\$220,078	\$120,010	\$505,088
	2021-22	\$165,000	\$140,455	\$178,895	\$484,350
	TOTAL	\$825,000	\$753,031	\$623,831	\$2,201,862

From 1 July 2022, the NSW EPA's Better Waste and Recycling non-contestable grants will be discontinued. This NSW Government funding via the NSW EPA enables councils to implement strategic, waste education programs consistent with the NSW Government waste strategy, to improve recycling rates and promote waste minimisation. The discontinuation of this funding has

significantly reduced local councils' ability to resource and undertake these critical waste and recycling programs.

Waverley Council

Better Waste and Recycling Fund

That Local Government NSW requests the NSW Government to urgently reinstate the non-contestable waste and recycling grant program funding under the Better Waste and Recycling Fund, so that councils have secure funding for waste and recycling education programs to drive waste minimisation, cleaner waste streams and more efficient resource recovery.

Note from Council

This motion has been prepared in collaboration with Waverley, Woollahra, Bayside and Randwick councils.

LGNSW has previously called for the NSW Government to improve its investment of the Waste Levy in local recycling solutions through the Save Our Recycling Campaign. The table below details the total waste levies paid by Bayside, Randwick, Waverley and Woollahra councils, in addition to the grants previously received by each council under the NSW Environment Protection Authority's (EPA) Better Waste and Recycling fund, according to published WARR data for all Councils.

Waste Levy Paid	Period	Bayside	Randwick	Waverley	Woollahra	TOTAL
	2017-18	\$4,902,272	\$2,053,757	\$1,544,334	\$1,456,689	\$5,054,780
	2018-19	\$5,600,510	\$1,690,757	\$1,528,381	\$1,480,280	\$4,699,418
	2019-20	\$6,362,579	\$1,856,762	\$1,591,954	\$1,462,333	\$4,911,049
	2020-21	\$4,853,237	\$1,786,996	\$1,621,333	\$1,501,689	\$4,910,018
	2021-22	TBD	\$1,551,200	\$1,452,873	\$1,491,179	\$4,495,252
	TOTAL	\$21,718,598	\$8,939,472	\$7,738,875	\$7,392,170	\$24,070,517
Grant Funding Received	Period	Bayside	Randwick	Waverley	Woollahra	TOTAL
	2017-18	\$176,664	\$165,000	\$106,624	\$95,283	\$366,907
	2018-19	\$179,499	\$165,000	\$179,250	\$94,440	\$438,690
	2019-20	\$181,247	\$165,000	\$106,624	\$135,203	\$406,827
	2020-21	\$182,269	\$165,000	\$220,078	\$120,010	\$505,088
	2021-22	\$183,469	\$165,000	\$140,455	\$178,895	\$484,350
	TOTAL	\$903,148	\$825,000	\$753,031	\$623,831	\$2,201,862

From 1 July 2022, the NSW EPA's Better Waste and Recycling non-contestable grants will be discontinued. This NSW Government funding via the NSW EPA enables councils to implement strategic, waste education programs consistent with the NSW Government waste strategy, to improve recycling rates and promote waste minimisation. The discontinuation of this funding has significantly reduced local councils' ability to resource and undertake these critical waste and recycling programs.

Bayside Council

Better Waste and Recycling Fund

That Local Government NSW requests the NSW Government to urgently reinstate the non-contestable waste and recycling grant program funding under the Better Waste and Recycling Fund, so that councils have secure funding for waste and recycling education programs to drive waste minimisation, cleaner waste streams and more efficient resource recovery.

Note from Council

LGNSW has previously called for the NSW Government to improve its investment of the Waste Levy in local recycling solutions through the Save Our Recycling Campaign. The table below details the total waste levies paid by Bayside, Randwick, Waverley and Woollahra Councils, in addition to the grants previously received by each council under the NSW EPA Better Waste and Recycling fund according to published WARR data for all Councils:

Period	Bayside	Randwick	Waverley	Woollahra	TOTAL		
Waste Levy Paid							
2017-18	\$4,902,272	\$2,093,618	\$1,594,925	\$1,365,854	\$9,956,66		
2018-19	\$5,600,510	\$2,411,114	\$1,252,650	\$932,722	\$10,196,997		
2019-20	\$6,362,579	\$3,842,018	\$1,336,864	\$2,065,930	\$13,607,391		
2020-21	\$4,853,237	\$3,499,328	\$1,582,003	\$1,653,043	\$11,587,611		
2021-22	TBD	TBD	TBD	TBD	\$0		
TOTAL	\$21,718,598	\$11,846,078	\$5,766,443	\$6,017,549	\$45,348,668		
Grant Funding Received							
2015-16	\$376,128					% of EPA Waste Data Returns	
2016-17		<i>Please note that the BWRf halved in 2017-18</i>					
2017-18	\$176,664	\$165,000	\$106,624	\$95,283	\$543,571	5.5%	
2018-19	\$179,499	\$165,000	\$179,250	\$94,440	\$618,189	6.1%	
2019-20	\$181,247	\$165,000	\$106,624	\$135,203	\$588,074	4.3%	
2020-21	\$182,269	\$165,000	\$220,078	\$120,010	\$687,357	5.9%	
2021-22	\$183,469	\$165,000	\$140,455	\$178,895	\$667,819		
TOTAL	\$903,148	\$825,000	\$753,031	\$623,831	\$3,105,010		

From 1 July 2022, the NSW EPA's Better Waste and Recycling non-contestable grants will be discontinued. This NSW Government funding via the NSW EPA enables councils to implement strategic, waste education programs consistent with the NSW Government waste strategy, to improve recycling rates and promote waste minimisation. The discontinuation of this funding has significantly reduced local councils' ability to resource and undertake these critical waste and recycling programs.

Randwick City Council

Waste and Recycling and the NSW waste levy

That Local Government NSW requests the NSW Government to urgently reinstate the non-contestable waste and recycling grant program funding under the Better Waste and Recycling Fund, so that councils have secure funding for waste and recycling education programs to drive waste minimisation, cleaner waste streams and more efficient resource recovery.

Note from Council

Randwick Council is submitting the following joint motion with Waverley, Woollahra and Bayside Councils for consideration by the 2022 Local Government NSW (LGNSW) Conference.

LGNSW has previously called for the NSW Government to improve its investment of the Waste Levy in local recycling solutions through the Save Our Recycling Campaign.

From 1 July 2022, the NSW Environment Protection Authority's Better Waste and Recycling non-contestable grants will be discontinued.

This NSW Government funding via the NSW Environment Protection Authority enables councils to implement strategic, waste education programs consistent with the NSW Government waste strategy, to improve recycling rates and promote waste minimisation. The discontinuation of this funding has significantly reduced local councils' ability to resource and undertake these critical waste and recycling programs.

139 Camden Council

Food Organics and Garden Organics (FOGO) services

That Local Government NSW advocates that the NSW Government underwrites the financial risk associated with councils now having to implement mandated FOGO services under the Waste and Sustainable Materials Strategy 2041.

Note from Council

Councils are required to provide separate Food Waste collection services by 2030 and are reliant on private industry to build and deliver appropriate facilities to receive and process this material. Facilities are relying on an Order and Exemption to sell processed FOGO product.

Prior to 2018, councils were actively processing putrescible waste under an Order and Exemption for Mixed Waste Organic Output (MWO). This allowed the use of this product as a low-quality compost. In 2018, this exemption was removed by the NSW EPA resulting in impacts to councils and waste processing and disposal contractors. As a result, waste that was previously recycled had to be sent to landfill with disposal fees increasing and councils left managing contractual obligations etc. This rendered processing facilities obsolete.

There are similar potential risks involved in the implementation of FOGO:

- Financial – The roll out of a new service will include entering into a disposal contract for FOGO as well as other costs such as the purchase of additional fleet and infrastructure such as bins and kitchen caddies.
- Reputational – The roll out of FOGO will require a behaviour change campaign to educate residents on what can go in the FOGO bin and reduce and prevent contamination.

Should the Order and Exemption allowing FOGO to be applied to land be revoked in the future, councils will bear the impact/cost of long-term contracts.

Biosecurity and companion animals

140 Hawkesbury River County Council **Review of weeds funding to local government**

That Local Government NSW calls on the NSW Department of Primary Industries to urgently review the allocation of funding provided to local government for weed management, given the findings in the Australian State of Environment Report 2021, that there are now “more exotic species of plants than natives in Australia”.

Note from Council

NSW Department of Primary Industries is primarily responsible for funding local government to manage biosecurity weeds. Given local government collects only 1% of the tax in Australia, funding must flow down from the higher tiers of government for Councils to undertake this vital service to the economy and the environment. There has been decades of funding spent at the State and Regional level. Any funding to Councils is through competitive grants via the NSW Weeds Action Program. This paradigm has repeatedly failed to yield results to our economy and environment. Local government must be funded directly in a similar context to the Federal Assistance Grants. This decentralised approach will allow people closer to the weeds issues to make the strategic decisions required to achieve the on-ground results.

141 Upper Macquarie County Council **Biosecurity fund**

That Local Government NSW requests the NSW Government to create a biosecurity fund to assist the local weed control authority (Council or County Council) to undertake its full obligations under the Biosecurity Act 2015, primarily the prosecution of landholders who do not meet their obligations under the Act.

Note from Council

The Biosecurity Act provides for the prosecution of non-compliant landholders OR for Councils to undertake weed control works on recalcitrant landholders’ properties. Weed Control Authorities (County Councils or Councils) do not have the financial capacity to meet the substantial cost of compulsory weed control work and the costs associated with the prosecution of non-compliant landholders.

The Upper Macquarie County Council has made representations to the State Weeds Committee on a proposal to establish a Prosecution Fund administered by Department of Primary Industries NSW, this representation included proposing how such a fund is established and operates. The support of LGNSW to take this proposal forward is now being sought.

That Local Government NSW calls on ALGA to make representations to the Federal Government to make all biosecurity response measures, which prevent the entry of Foot and Mouth Disease (FMD) and Lumpy Skin Disease into Australia, to be implemented permanently at relevant landing places for sea and air passengers from all countries not free of FMD.

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

Note from Council

FMD is acute, highly contagious viral disease affecting cattle, sheep, goats, pigs and buffalo. It can persist in the soil, on equipment used with infected animals, and on clothes and footwear.

FMD is present currently in 70 countries overseas. Australia is presently free of FMD. It poses a severe and unacceptable risk to Australian agriculture. An outbreak in Australia would be catastrophic to significant areas of agricultural production, the environment and the economy. Lumpy skin disease can also result in animal welfare issues and significant production losses. Birds, including chickens/guinea fowl/ducks and geese, can become infected and act as virus vectors.

Livestock numbers at 30 June 2021 (ABS, published 26 July 2022):

- A. 22 million beef cattle
- B. 68 million sheep and lambs on farms
- C. 2.4 million cows in milk and dry
- D. 2.5 million pigs
- E. 130 million chickens
- F. 87,400 agricultural businesses.

The livestock products industry in Australia is worth \$31 billion annually to the economy.

The gross value of Australian agriculture increased 17% to \$71 billion in 2020-21.

The relevant authority is the Director of Biosecurity under the Biosecurity Act 2015 (Cth).

The Biosecurity (Foot and Mouth Disease Biosecurity Response Zone) Determination 2022 (Cth) accounts for “relevant landing places” (Sydney, Melbourne, Adelaide, Perth, Brisbane, Cairns and Darwin airports) receiving flights only from Indonesia. Whilst that country may be of particular concern, there are 69 other countries which pose a significant risk.

Current measures to address the risk, such as foot mats, are simple to implement and inexpensive compared with the losses and damage an outbreak would cause. For ease of use, all passengers would be required to walk over a foot mat perhaps on exiting aircraft.

Leeton Shire Council

Support for biosecurity measures aimed at preventing foot and mouth disease

That Local Government NSW supports the Australian Government in its establishment of biosecurity measures to prevent an incursion of foot and mouth disease in Australia.

Note from Council

Foot-and-mouth disease (FMD) is a serious and highly contagious animal disease that affects all cloven-hoofed animals including cattle, sheep, goats, camelids, deer and pigs.

FMD virus is carried by live animals, meat and dairy products, bones, untreated hides, soil, and even vehicles and equipment. It can also be carried on people’s clothing and footwear.

In May 2022, an outbreak of FMD was reported in cattle in Indonesia. The disease has since spread to Bali. This is the closest the disease has been to Australia in more than 100 years.

An incursion of FMD here would have severe consequences for Australia’s animal health and trade. The Department of Agriculture, Water and the Environment (DAWE) estimates a small FMD outbreak, controlled

in three months, could cost around \$7.1 billion, while a large 12-month outbreak would cost \$16 billion. The impact on rural and regional communities with economies based largely on agriculture would be devastating.

The Australian government has implemented a range of measures to reduce the risk of FMD entering Australia. These include reviewing import permits, biosecurity detector dogs at airports, the presence of biosecurity officers on all flights from Indonesia to Australia, and additional signage and information about FMD for travellers and staff. A Biosecurity (Foot and Mouth Disease Biosecurity Response Zone) Determination 2022 has also been established to support the strengthened measures in place at the border.

Given the potential impact on rural and regional communities across Australia of an outbreak of foot and mouth, local government must do all it can to support the measures put in place to prevent such an occurrence.

143 Hornsby Shire Council

Companion Animals Act – Feral cats

That Local Government NSW lobbies the NSW Government to amend the *Companion Animals Act 1998* to enable councils to euthanise feral cats in accordance with a policy adopted by the relevant council.

Note from Council

Council has an adopted Feral Cat Policy that does not require a feral cat to be held for any set length of time prior to their euthanasia. Council's Policy details that an unowned cat is able to be deemed feral by a qualified Veterinarian through its appearance, behaviour and lack of an identifiable microchip. However, on 4 March 2022, amendments to the Companion Animal Act 1998 came into force including new requirements for councils to take additional actions prior to destroying a seized or surrendered animal (including feral cats).

The changes require councils to give notice to at least 2 rehoming organisations that the seized/surrendered animal is available for rehoming, advertise that the seized/surrendered animal is available for rehoming, and follow new record-keeping requirements of the actions a council took to attempt to rehome the animal. There is an exemption to the new changes where an animal, in the opinion of a veterinary practitioner, is so severely injured, so diseased or in such a physical condition that it is cruel to keep the animal alive. Councils should consult with veterinarians to determine whether an animal falls into this category and it is for a veterinary practitioner to make this determination. The legislated changes do not permit a veterinarian to deem a cat feral by way of its behaviour or appearance and in the event that the assessing veterinarian cannot or will not deem the unowned cat as 'feral', council is required to seek to rehome the 'undomesticated' animal. These new rehoming requirements have been introduced without consultation with councils and relevant agencies and place an increased demand on veterinary services as well as corresponding resourcing implication for councils.

These additional costs to councils include staff resources involved in seeking to rehome cats and increased financial costs associated with the holding of animals throughout the process. These changes have come at a time when complaints reported to Council regarding feral cats have exponentially increased by 28% since 2019. In 2021/2022, more than 200 roaming cats were trapped by Council, with approximately 50% of these deemed feral/undomesticated and the remaining returned to their owners.

Council has the ability to hold 3 animals at any one time in its holding facility in Thornleigh. However, this facility is used in an interim capacity in instances where residents are making arrangements to collect their animals, or where animals are collected outside of business hours and are unable to be taken to a veterinarian or Animal Shelter.

Council is currently consulting animal shelters in the locality to ascertain their capacity levels.

The resource implications of the new changes including limited options for shelters to hold cats may act as a disincentive for councils to proactively trap feral cats.

This will have associated impacts for the environment as feral cats are a major threat to biodiversity and have caused the extinction of several species of native Australian mammals and

birds. In response to these issues, it is understood that the NSW Office of Local Government is currently conducting a review of rehoming practices, involving consultations with councils. Council officers have registered to be part of the review which will include an overview of the current rehoming legislation and consider improvements to the efficiency of the required current operations. However, these legislative changes are in force now and impacting councils' resources with associated impacts for the environment.

Therefore, legislation should be amended to enable councils to euthanise feral cats in accordance with a policy adopted by the relevant council.

144 Cowra Council

Accreditation of assistance dogs

That Local Government NSW writes to the NSW Planning Minister requesting a review of the Companion Animals Act 1998 to provide for a mechanism of accreditation within NSW of both Assistance Animals and associated training organisations.

Note from Council

Assistance Animals are trained to aid a person with a disability to alleviate the effect of that disability. The term disability covers both physical and psychological conditions ranging from total or partial loss of bodily functions to illnesses or disorders that affect a person's emotions or judgement. The owner of an "assistance animal" currently has no requirement to register their animal, but in this regard, there are currently no approved mechanisms for such owner to be able to prove that the nominated animal is accredited as an assistance animal.

Currently any person has a right to train their own assistance animal but no means of having the animal or associated training accredited. Under the provisions of the Disability Discrimination Act 1992 an assistance animal is defined as:

- (2) For the purposes of this Act, an assistance animal is a dog or other animal:
- a) accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a persons with a disability to alleviate the effect of the disability; or
 - b) accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or
 - c) trained:
 - (i) to assist a person with a disability to alleviate the effect of the disability; and
 - (ii) to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.

The requirement under this Act to have an assistance animal accredited under a law of a state or territory cannot currently be met within NSW as there are no accreditation provisions under the NSW Companion Animals Act 1998 and no current legislated standards within NSW to verify the ability of either the trainer or animal to meet any specified standards. The disparity between federal and state legislation creates a gap within local government and an inability for staff within Council to effectively ensure compliance with legislation when exemptions from registration requirements are sought.

CATEGORY 2 MOTIONS

Motions in this section are not proposed for debate because they are:

- existing LGNSW policy (including as set out in the [LGNSW Policy Platform](#) which is updated following each year's Conference);
- supported by Conference resolutions from recent years;
- the subject of recent or ongoing representations by LGNSW, including in [LGNSW submissions](#) (which are published on the LGNSW website); and/or
- operational (rather than policy) matters that can be actioned without a vote at Conference.

LGNSW will use the content of these motions to strengthen our position and advocacy on these issues.

Economic and finance motions

X1 Bellingen Shire Council	Emergency Services Levy
That Local Government NSW continues to strongly advocate to the NSW Government regarding the disproportionate effect of the Emergency Services Levy on regional councils and again seek an urgent review to reduce the impost on local communities to establish a fairer and more equitable system.	

Note from Council

The amount local government pays for the Emergency Services Levy (ESL) has increased by exorbitant amounts in the last few financial years with the increases in the Rural Fire Service (RFS) costs being the primary driver. In addition to the direct financial impost of the increases, there is a consequential indirect impact on the rate increase (or peg) amount allowed by IPART.

IPART considers what proportion of the overall local government budgets the ESL represents and if that proportion is increasing or not but does so in a state-wide amalgamated way. As the Rural Fire Service is the largest service and rural based, there is a disproportionate impact on rural councils of the ESL and allowable rate peg though IPART.

By way of explanation, The impact of the ESL on Bellingen Shire Council is outlined below as the basis for seeking support from Local Government NSW for united advocacy to gain a fairer system of emergency services funding.

Bellingen Shire Council received an ESL for 2022/23 that represented an increase of just over 33% on the previous year, representing a total increase of 70% since 2018. In summary the increases were:

- 2018/19 Levy - \$387,516
- 2019/20 Levy - \$477,612 (23.2% increase)
- 2020/21 Levy - \$661,295 (38.5% increase)
- 2021/22 Levy - \$495,439 (25.1% decrease)
- 2022/23 Levy - \$660,449 (33.3% increase)

The increase outlined in a table of increases to Bellingen Shire Council's contributions for 2022/23 was \$165,010. It is noted that the Emergency Services Levy at the invoiced amount represents 7% of Bellingen Council's entire general rate base which is needed to fund all services (except water and sewer). In addition, to fund the ESL increase would require 1.8% increase in rates. The increase required in rate income to offset the increase seen since 2018 is 2.9%.

Given all councils have been constrained to a 2.5% increase (with Additional Special Rate Variation) in rates to fund all increases in State Government and other fees and charges, costs of goods and services plus staff state award increases, plus inflation, the impost of the ESL is significant and at 70% is difficult to justify and clearly unfair.

Of particular concern is the increase in the Rural Fire Service costs of 42.75% which is more than 15 times the amount local government is allowed to increase its rates. Given the substantial windfall the RFS gained from public donations, it is difficult to understand what justification there could be for the increase currently imposed.

The increases for the State Emergency Services at just over 24% is over 9 times and NSW Fire and Rescue at over 11% is approximately 4 and half times the rate peg and so are all well in excess of the amount state government will allow local government to generally increase its rates.

This motion to conference seeks support and advocacy from Local Government NSW regarding the disproportionate effect of the Emergency Services Levy on regional Councils, and a review to reduce the impost and establish a fairer and more equitable system.

Note from LGNSW

This motion is consistent with the current LGNSW position, most recently endorsed through resolution 10 of the 2022 LGNSW Special Conference.

X2 Blacktown City Council

Equity of funding and services for all Sydney communities

That Local Government NSW calls for NSW Government services and expenditure in western Sydney to match those in eastern Sydney.

Note from Council

From a report by Urbis in November 2021: "Spatial inequality is a persistent urban problem that is etched into the economic geography of our cities.

Gough Whitlam raised the issue some 50 years ago in his 1972 campaign speech delivered at Blacktown...

...increasingly a citizen's real standard of living, the health of himself and his family, his children's opportunities for education and self-improvement, his access to employment opportunities, his ability to enjoy the nation's resources for recreation or culture, his ability to participate in the decision and actions of the community are determined not by his income, not by the hours he works, but by where he lives...

In the half century since Whitlam's speech, the problem has widened as our cities have grown outwards.

It has also deepened as our lower income households have increasingly concentrated in areas with poor access.

If left unchecked, spatial inequality can entrench disadvantage and harm economic growth.

It can also suppress human capital formation, entrepreneurship and intergenerational mobility. The issue is simply one of metropolitan equity: half of the population (western Sydney) deserves half of Sydney's capital and operational expenditure and funding by the Commonwealth and the State. Key examples of the existing inequity include:

- Arts and cultural facilities and funding o Almost all of the major cultural institutions are within 1.2km of Macquarie Street.
- Western Sydney has 11% of the Commonwealth's population and receives <1% of the Commonwealth's arts and culture budget o Western Sydney has 50% of Sydney's population but receives about 10% of the State's Arts and Culture budget.
- Higher education – most of the Universities, and therefore the higher education places, are in the eastern suburbs.
- Medical research – most of the medical research institutes are in the eastern suburbs.
- Metropolitan equity: density of public transport.
- Both the density of rail lines and bus routes and density of stations and stops are closer together in eastern Sydney providing a better service to eastern Sydney residents and businesses. Western Sydney is already the fourth largest city in Australia, and growing rapidly, but faces significant inequity of government investment. This inequity is also noted in other growing areas of metropolitan Australia, and is a significant barrier to national wellbeing. The local government sector does not in any way wish to see a reduction in existing services and facilities to our communities, but rather a 'levelling up' to ensure that the policy decisions of government begin to redress and stop adding to inequity.

Note from LGNSW

This motion aligns with existing LGNSW Fundamental Principle E: Local government is committed to the principles of equity – fair distribution of resources.

X3 Inner West Council Commence a campaign - Banks to offer more investment products

That Local Government NSW and the Australian Local Government Association commence a campaign to convince all banks to offer more investment products to Local Government that will not contribute to further climate change.

Note from Council

Nil.

Note from LGNSW

This motion is consistent with current LGNSW position: Resolution 55 2022 Annual Conference, which calls for councils to place their investments and loans with sustainable investments, calls for ALGA to support this and for TCorp to make available information and options for councils to borrow and invest in line with this position. LGNSW can action this motion without a resolution of Conference.

X4 Weddin Shire Council Continuing to lobby the 1% Financial Assistance Grants

That Local Government NSW continues to lobby the Federal Government for the one (1) per cent of annual Federal revenues to be tied to the Financial Assistance Grants (FAGs) program is still a relevant and achievable objective to strive for and requests that the policy and administration be reviewed.

Note from Council

The community's expectation of Weddin Shire Council and other councils and the requirement from other levels of government has grown significantly in recent decade, but the revenue base for local government has not. The financial sustainability of our Council and our ability to provide essential services and infrastructure has been impacted by the relative decline in the core federal funding through the FAGs program.

Increasing this annual allocation to the equivalent of one (1) per cent of Commonwealth Government revenue would result in a further injection of untied funding, allowing Local Councils to maintain essential functions, adequately maintain and renew infrastructure and provide quality services to their communities. The costs of providing these essential services and infrastructure are continually rising and with more responsibility being placed on Local Government by the other spheres of Government (in many instances without corresponding budgets), it is essential that Local Government be funded sufficiently to provide their communities with essential services.

Note from LGNSW

This motion is consistent with the current LGNSW position as set out in position 1.3 of the LGNSW Policy Platform, which calls for Financial Assistance Grants to be increased to at least 1% of total Commonwealth taxation revenue.

X5 Shoalhaven City Council Lifting of Rate Capping

That Local Government NSW calls upon the NSW Government to abandon rate pegging to allow Councils to effectively manage their ability to provide services to their communities and adhere to section 8B of the Local Government Act 1993.

Note from Council

The continuation of rate pegging undermines the principles of sound financial management and does not allow for intergenerational equity the rating system. The rating system does not adequately account for the demand for an expanding number and quality of services, rising community expectations on asset quality and design, and aging infrastructure.

In addition, current rate pegging model undermines financial sustainability of Local Government during high inflation periods: being an indicator that is based on historic CPI calculations, rather than inflation forecast, the rate peg will be insufficient to address increase in Council expenses due to rapid inflation. If the rating the system is not reviewed, there is a risk future generation will have less access to services and facilities than those in our community are utilising today. The sector will have no option but to reduce services. The notion that the rating system requires an extensive reform has been supported by the NSW Productivity Commission and IPART.

Note from LGNSW

The removal of rate pegging is a long held and fundamental policy of LGNSW. It is reflected in the LGNSW Policy Platform through Fundamental Principle A: Local government must have control of its revenue raising and investment decisions and be fairly funded by the Commonwealth and State/NSW Governments to meet its infrastructure and service responsibilities; and position 1.1 which sets out that LGNSW advocates for the removal of rate pegging and reform of the NSW local government rating system, including the removal of inequitable rate exemptions and greater autonomy and flexibility in rating policy, structure and practices.

X6 Newcastle City Council

Remove crippling rate pegging in NSW

That Local Government NSW:

1. reiterates the long-held position that Rate Pegging is crippling Councils in NSW, and that this problem has been further exacerbated by the recent IPART baseline rate cap of just 0.7% (rising for Councils experiencing population growth), which is lowest rate cap in more than 20 years and is a kick in the guts to local Councils who are already working hard to help their communities recover from the economic and social impacts of the ongoing COVID-19 pandemic;
2. notes that City of Newcastle's 1.2% (accounting for population growth) cap, will have significant repercussions on local services to the community and will leave NSW's second largest city with a reduction in compounded income of more than \$15 million over the next ten years;
3. notes that IPART's decision is based on the cost of goods in 2020 and does not recognise the increase in the cost of essential commodities such as fuel, while further noting that IPART has also decided to apply the public service wage increase of 1.2%, instead of the 2% guaranteed to Council workers for 2022, leaving local Councils even further out of pocket as yet more costs are shifted to local government;
4. notes that according to the NSW Productivity Commission, cumulative negative impacts of over 40 years of rate pegging include the loss of an estimated \$15 billion in rate revenue, and that the democratic process of local government elections is the most powerful protection against exorbitant rate rises;
5. writes to the new Minister for Local Government, advocating for the removal of universal Rate Pegging in NSW, allowing duly elected Councils to set rates, in consultation with their communities, noting that the baseline rate cap of just 0.7% in 2022 is set to have a devastating economic and social impact for many local Councils and the communities they serve.

Note from Council

- <https://www.lgnsw.org.au/Public/News/2021-Media/1213-rate-cap-puts-councils-at-risk.aspx>
- https://lgnsw.org.au/Public/Public/News/Articles/2020-media-releases/0821_rate-pegging.aspx

Note from LGNSW

The removal of rate pegging is a long held and fundamental policy of LGNSW. It is reflected in the LGNSW Policy Platform through Fundamental Principle A: Local government must have control of its revenue raising and investment decisions and be fairly funded by the Commonwealth and State/NSW Governments to meet its infrastructure and service responsibilities; and position 1.1 which sets out that LGNSW advocates for the removal of rate pegging and reform of the NSW local government rating system, including the removal of inequitable rate exemptions and greater autonomy and flexibility in rating policy, structure and practices.

X7 City of Canterbury-Bankstown Council

Increase the mandatory pensioner rebate

That Local Government NSW calls on the NSW Government to show compassion and to immediately restore indexation of the pensioner rebate. We further call on the Government to fund the entire cost of the rebate and alleviate the cost burden on Councils.

Note from Council

The Local Government Act introduced in 1993 requires Councils provide a mandatory pensioner rebate of \$250 per year, of which 55 percent is funded by the State Government and the balance by Councils.

This rebate has not increased one cent in the last 30 years.

When it comes to looking after our pensioners, the NSW Government lags way behind the rest of the other States. States like WA are supporting pensioners and offering discounts of 50 per cent up to \$750 off their rates. Fully funded by the State Government.

An IPART Review of the Local Government Rating System recognised the need to review assistance for pensioners and that review was swept under the carpet and no action was taken. It is clear the review recognised that pensioners on fixed incomes needed assistance in paying their bills.

With the cost of living on the increase, the NSW Government has an opportunity to show compassion and assist our most vulnerable.

Note from LGNSW

This motion is consistent with a long standing policy position of LGNSW. LGNSW advocates that pensioner rates and charges concessions should be increased and that the state and/or federal governments should cover the full costs of pensioner rates and charges concessions.

X8 Bega Valley Shire Council

Funding of Pensioner Rebates

That Local Government NSW calls on the NSW Government to fully fund pensioner rebates and take the additional financial burden off non pensioner ratepayers.

Note from Council

The system of rating in NSW allows for pensioners to receive a rebate from their rates. Although this principle has merit and is generally supported by councils there are consequences that are not supported. Councils have costs of providing services to their communities and if council is essentially 'retuning revenue' to some of its ratepayers being pensioners it means they need to generate offsetting revenue from their ratepayers to cover the cost of rebates. If there is demographic change over time resulting in more pensioners in a local government area (LGA) this can further exacerbate the issue. The solution to address inequities within different LGAs is for the NSW Government to fully fund pensioner rebates.

Note from LGNSW

This motion is consistent with a long standing policy position of LGNSW. LGNSW advocates that pensioner rates and charges concessions should be increased and that the state and/or federal governments should cover the full costs of pensioner rates and charges concessions.

X9 Bega Valley Shire Council

Rating of currently unrateable land

That Local Government NSW calls on the NSW Government to change legislation to allow the rating of forestry and other currently unrateable government land.

Note from Council

Across NSW there are large sections of Government owned unrateable land. Some Local Government Areas (LGA's) have the majority of the land within their LGA's falling into this category. Often the land in question provides direct revenue back to the Government. In some cases it provides economic stimulus opportunities which may indirectly generate more revenue for Government but not for local Councils, for example through tourist visitation which does not lead to increased rate income.

In the case of Forestry there is clear economic linkages for Government which again do not flow to local government.

Often the Government owned land is dependent on local government assets and services to support its function and use. Examples of this include Forestry trucks traveling on local and regional road networks and visitors to national parks accessing local road networks.

Note from LGNSW

This motion is consistent with existing policy and advocacy and is covered by Fundamental Principle A of the LGNSW Policy Platform: Local government must have control of its revenue raising and investment decisions and be fairly funded by the Commonwealth and State/NSW Governments to meet its infrastructure and service responsibilities; as well as position 11.1: LGNSW advocates for the removal of rate pegging and reform of the NSW local government rating system, including the removal of inequitable rate exemptions and greater autonomy and flexibility in rating policy, structure and practices.

X10 Camden Council

Reductions for eligible pensioners

That Local Government NSW advocates that the NSW Government amend the maximum amount under section 575(3)(a) of the *Local Government Act 1993* that all ordinary rates and charges for domestic waste management services levied on any land for the same year are reduced by for eligible pensioners from \$250 to \$450.

Note from Council

The maximum amount of \$250 by which ordinary rates and charges for domestic waste management services are reduced for eligible pensioners has remained the same since the original *Local Government Act 1993*. It is appropriate that this figure be increased to \$450 per annum to reflect year to year CPI increases since 1993. This will support pensioners to better meet their challenging cost of living pressures.

Note from LGNSW

This motion is consistent with a long standing policy position of LGNSW. LGNSW advocates that pensioner rates and charges concessions should be increased and that the state and/or federal governments should cover the full costs of pensioner rates and charges concessions.

X11 Penrith City Council

NSW Infrastructure Reform – Essential Works

That Local Government NSW urgently calls on the NSW Government to amend the Essential Works List to enable councils to levy contributions for the construction of community and cultural facilities.

Note from Council

In March 2021, the NSW Government announced that it had accepted all 29 recommendations from the Productivity Commissions Final Report into Development Contributions in NSW. Subsequent to this announcement IPART has commenced reviews into rate peg reform, essential works lists and benchmarking.

Terms of reference were provided to IPART on 22 July 2021 by the Minister for Planning for IPART to review the Essential Works List. The terms of reference specifically excluded community facility works from being included in the Essential Works List. A final report for this review was provided to the Minister in February 2022, and is yet to be made public.

The exclusion of community facility works in the Essential Works List is not consistent with a nexus based approach which infrastructure contributions are based on in NSW.

Currently land for community facilities is considered as development contingent and is included on the Essential Works List. The exclusion of the construction of community facility works is inconsistent with this approach.

Community and cultural facilities are critical to support new and growing communities and the creation of vibrant and resilient places. The exclusion of the construction of these facilities places pressure on the existing community to fund.

Note from LGNSW

This motion is consistent with the LGNSW Policy Platform position 3.5, which advocates for infrastructure funding mechanisms such as development contributions and voluntary planning agreements and the creation of other mechanisms for efficient and equitable value capture. This matter was also the subject of an LGNSW submission to IPART's Review of Essential Works List in Decemeber 2021 and reflects a long standing policy position.

X12 Camden Council

Essential Works List in Contribution Plans

That Local Government NSW advocates on behalf of councils that IPART include community and cultural facilities as an allowable works item in contribution plans.

Note from Council

Currently, a contribution plan can only collect for the land on which community facilities will be built, which is classed as essential, but not the construction of the facility, which is considered non-essential. This places an unwarranted burden on a council's general fund to provide multipurpose community and cultural facilities that a council and its community deem essential.

Note from LGNSW

This motion is consistent with the LGNSW Policy Platform position 3.5, which advocates for infrastructure funding mechanisms such as development contributions and voluntary planning agreements and the creation of other mechanisms for efficient and equitable value capture. This matter was also the subject of an LGNSW submission to IPART's Review of Essential Works List in Decemeber 2021 and reflects a long standing policy position.

That Local Government NSW requests that the Department of Planning and Environment reinstates community services facilities, including buildings, to the list of essential works list that may be subject to Section 7.11 Developer Contributions Plan reviews by IPART under the Local Infrastructure Contributions Practice Notes.

Note from Council

The provision of community services in conjunction with new urban residential development is critical in achieving liveable and connected communities. Practice notes issued by the Department of Planning in January 2019 include only the cost of land for community services, such as libraries, child care centres and community halls in the Essential Works List, not the buildings and facilities themselves. For those Councils subject to s7.11 developer contributions caps (which have not been indexed or increased since they were implemented in 2012) any new or amended plans that exceed the cap must comply with the Essential Works list when being reviewed by IPART. Community services facilities were specifically excluded from the terms of reference for the recent review of local infrastructure contributions by the government. This is an unnecessary exclusion that fails to provide services that are needed by these new communities, and shifts significant costs from the development industry to local government.

Note from LGNSW

This motion is consistent with the LGNSW Policy Platform position 3.5, which advocates for infrastructure funding mechanisms such as development contributions and voluntary planning agreements and the creation of other mechanisms for efficient and equitable value capture. This matter was also the subject of an LGNSW submission to IPART's Review of Essential Works List in December 2021 and reflects a long standing policy position.

Infrastructure, transport and emergency motions

That Local Government NSW:

1. notes the devastating natural disasters which have ravaged the state over the past number of years as a result of increased natural disasters.
2. acknowledges that the increased occurrence of these disasters is largely as a result of climate change.
3. calls on the NSW and Federal Governments to work cooperatively and urgently establish a Local Government Natural Disaster Fund which provides local governments with the resources needed to mitigate the current and longer-term impacts of extreme weather events on local physical and social infrastructure.
4. calls on the NSW Government to formally recognise we are in a state of climate emergency.
5. calls on the NSW Government to appoint a Minister for Climate Change to work collaboratively with whole of government, particularly with the Minister for Emergency Services and Resilience, Minister for Environment and Minister for Local Government to champion climate change prevention, mitigation and natural disaster recovery efforts across the state.

Note from Council

Communities need support to take preventative and mitigation measures to limit the severity of disasters, as well as appropriate and adequate support to recover from these events. Natural disasters have claimed many lives and impacted hundreds of thousands of people. Less than five percent of disaster funding in Australia goes towards mitigation and community resilience measures. This figure needs to rise to ensure that communities – particularly those where exposure to fires and floods is greatest – are better prepared for climate change. Protecting communities from the impacts of bushfires, floods, and sea-level rise – and helping them adapt to climate change – are priorities for local government. Not only does effective disaster prevention and mitigation reduce Commonwealth and state and territory expenditure on recovery after an event, but it is also important in reducing the risks faced by communities and preparing for increased future risks.

We need to avoid rebuilding in areas that should not be built in, and the increasing pressure and cutting of red tape to enable development in inappropriate areas.

Local governments and their communities are on the frontline when dealing with the risks and impacts of climate change.

Councils need to prepare for the unavoidable impacts of climate change (through adaptation) and play a significant role in reducing Australia's carbon footprint by mitigating the CO2 emissions from their assets and supporting emission reduction efforts by their local communities. They need to work with their communities to transition them to a low carbon future.

Note from LGNSW

The motion aligns with existing position 10.1 of the LGNSW Policy Platform which calls for urgent action to address the climate emergency in a bipartisan manner to make clear, effective and unambiguous steps to avert a climate crisis in NSW including through the provision of leadership and support for both councils and their communities.

X15 Muswellbrook Shire Council **Provision of grant funding to Local Water Utilities**

That Local Government NSW calls on the NSW Government to provide increased levels of grant funding to Local Water Utilities to enable the renewal of infrastructure critical to the provision of water and wastewater services to rural, regional and remote communities.

Note from Council

At a Councillor workshop conducted on Thursday, 25 August 2022, Councillors agreed that the level of grant funding to Local Water Utilities must be increased if water and wastewater services to rural, regional and remote communities are to continue to be provided in a sustainable manner.

Note from LGNSW

This motion is consistent with current position 3.4 of the LGNSW Policy Platform which calls for increased infrastructure grant funding, including to support local water utilities.

X16 Newcastle City Council **NSW stormwater management service charge**

That Local Government NSW calls upon the NSW State Government to review the pricing and associated guidelines for the NSW Stormwater Management Service Charge.

Note from Council

The NSW Stormwater Management Service Charge (also known as the NSW Stormwater Levy) was introduced in 2006 to raise funding specifically for local government drainage and floodplain management programs.

The charge was capped at \$25 per property in the legislation, and has remained fixed and unindexed since then.

The cost of delivering stormwater services now far exceeds sustainable expenditure on council stormwater services, and the levy has not kept pace with CPI.

Sydney Water, Hunter Water and Central Coast Council have stormwater services charges set by IPART that are between three and five higher than Council's stormwater levy.

Given the recent Flood crisis, a review of the Stormwater Levy is required to address the sustainability of pricing and update the guidelines on how the levy is calculated, can be spent, and indexed to increase in line with IPART's determination for the separate water authorities.

Note from LGNSW

The motion is consistent with LGNSW's current policy position as determined by Resolution 85 of the 2022 Special Conference.

X17 Broken Hill City Council **Inadequate Mobile Phone Coverage Across Regional NSW**

That Local Government NSW:

1. lobbies the Federal Government for increased funding to reduce mobile and internet blackspots in regional NSW and ensure that infrastructure is constructed that allows for multi telecommunication usage.
2. lobbies the Federal and NSW Government to initiate the above as a Health & Safety risk as highlighted by the recent spate of natural disasters in NSW impacting the entire state.

Note from Council

While mobile phone black spots receive attention from both Federal and State Governments, more funding needs to be allocated to eliminate the black spots in regional NSW. There are hundreds of kilometres along our main roads with no reliable mobile coverage, with some blackspots occurring just

2km outside a major regional centre. This is an issue of critical importance to economic development, sustainability, tourism, health and safety of all regional communities. A lack of mobile service coverage may also have detrimental impacts if emergency services are required and cannot be contacted, as experienced at an event earlier in the year, where Emergency Services could not be contacted for a person in cardiac arrest, at a venue just 2km outside of Broken Hill City. Broadband internet is also severely limited and this is impacting on business and residential users throughout the rural areas of NSW. The recent road closures due to flood waters in many areas of NSW has exacerbated this issue by emphasising access and network shortcomings in a period when the community was especially reliant on mobile telecommunications.

It is also suggested that use of infrastructure be utilised by multi-telecommunication providers to increase competition in regional and rural NSW. This will provide a greater incentive to telecommunication providers to provide a more cost effective, reliant and broader service to the region.

This will benefit both rural and regional communities, and people more generally travelling in regional areas.

It is not unrealistic to expect that in the year 2022, regional centres and major highways should experience the same internet and mobile connectivity of that of metropolitan areas and that visitors and locals alike can be connected to family, friends or their workplaces.

Note from LGNSW

This motion aligns with LGNSW's longstanding advocacy and positions, as outlined in LGNSW's September 2021 submission to the Australian Government Regional Telecommunications Review 2021 and LGNSW's 2022 submission to the NSW Independent Flood Inquiry.

X18 MidCoast Council

Managing Local Road Safety

That the Local Government NSW Conference notes and endorses the position of the NSW Roads and Transport Directorate, which supports the commitment of NSW councils in managing local road safety and proposes the following measures for further consideration by councils:

1. incorporate a Safe Systems approach within each council's strategic transport and infrastructure plans.
2. consider the development and implementation of formal Road Safety Strategic Plans aligned to the National Road Safety Strategy 2021-30 and the 2026 Road Safety Action Plan.
3. work with Transport for NSW in their review of the Local Government Road Safety Program.

Note from Council

It has been identified that the majority of NSW councils do not have a road safety strategic plan. This is despite the fact that the majority of fatalities on roads in NSW occur on local roads. Councils need to accept that they have a responsibility for road safety and integrate this into their strategic planning processes.

The recently released National Road Safety Strategy 2021-30 and NSW 2026 Road Safety Action Plan, provide an ideal opportunity for councils to develop and implement road safety strategic plans. The IPWEA road safety panel have developed resources to support this process, though it needs to be supported by elected officials and senior management, simply passing off to the RSO is not sufficient.

It's worth noting that there are funding opportunities for councils who have adopted roads safety strategic plans.

Note from LGNSW

This motion aligns with LGNSW's existing positions, including as set out in the joint submission to the Joint Standing Committee on Road Safety in 2022, which was co-authored by LGNSW and the Roads and Transport Directorate (RTD). LGNSW and RTD also appeared before a public hearing of the Committee to further advocate on this matter on 8 September 2022.

X19 Kyogle Council

Roads to Recovery

That Local Government NSW lobbies to have Roads to Recovery levels significantly increased in order to address failing infrastructure especially across rural and regional across NSW as a result of recent and anticipated disaster events.

Note from Council

The Roads to Recovery Program supports the maintenance of the nation's local road infrastructure assets, which facilitates greater accessibility and improves safety, economic and social outcomes for all Australians. The program provides funding to all local government authorities (LGAs) and State/Territories governments in areas where there are no LGAs (unincorporated areas). Funding recipients are responsible for choosing road projects on which to spend their Roads to Recovery funding, based on their local priorities. From 2019-2020 to 2028-2029, the Australian Government will provide \$5.1 billion under the Roads to Recovery Program. Funding is allocated in five-year programs with the current program period running from 1 July 2019 to 30 June 2024. The next program will commence on 1 July 2024 and will end on 30 June 2029.

This was announced by the former government.

Under the Roads to Recovery Program, direct funding to LGAs is distributed according to a formula based on population and road length set by the Local Government Grants Commissions in each State and the Northern Territory. Each LGA's Roads to Recovery allocation is fixed for the life of the program. A confirmation of the current government's position on the Roads to Recovery funding is sought as well as any proposed increases to this fund to bring roads infrastructure across Australia up to a fair, equitable and standardised level across all council areas.

Any information regarding proposed changes to criteria is also sought to ensure that funding gets to the areas of greatest need.

Note from LGNSW

The motion aligns with existing position 3.4 of the LGNSW Policy Platform which specifically calls for increased Roads to Recovery funding.

X20 Federation Council**Double Road Funding Block Grant and Repair Program**

That Local Government NSW lobbies the NSW Government to double the amount of funding currently received under the repair program and block grant for the next four years, to assist Councils address the backlog in regional roads.

Note from Council

Given some of the driest years on record across NSW in 2018 and 2019, and then some of the wettest years on record across 2020, 2021 and now 2022, the subsequent record grain harvests, and increasing practices of grain producers storing grain on farm for longer periods, and moving it in the wetter months, the roads have deteriorated significantly. Significant new injections of Government funding to address this issue is considered justified, given the economy relies so heavily on this productivity from both an economic and food security point of view.

Councils regional road networks are facing increasing freight tasks each year, and given all Councils are now working together far more strategically, including with Joint Organisations and developing regional freight plans for example, the State Government will have confidence that this additional funding will be managed appropriately and achieve the maximum benefit.

Note from LGNSW

The motion aligns with existing position 3.4 of the LGNSW Policy Platform which specifically calls for increased NSW block grants for regional roads.

That Local Government NSW endorses the concerns of the NSW Roads and Transport Directorate over the impacts of rising construction costs, and calls on the NSW and Australian Governments to increase road funding in line with cost increases and notes the following measures proposed by the Roads & Transport Directorate for further consideration by councils, LGNSW in its advocacy and both the NSW & Australian Governments:

- a) review the procurement of construction materials and supply chains to mitigate impacts on councils in the current market.
- b) work collaboratively with Local Councils, LGNSW and the Roads and Transport Directorate to investigate potential solutions to rising construction costs and supply chain issues, and to act as a collective voice for addressing this issue.
- c) provide flexibility in procurement processes where permitted, including partnerships with other organisations, in order to reduce the impact of increased construction costs and to provide certainty for local supply chains and businesses.

Improve the Fixing Country Bridges program

- d) further extending the delivery timelines of Round 1 of the program to enable all projects to be completed.
- e) offering additional rounds of funding to this program to enable councils to further improve the condition of local bridge assets.
- f) expanding the program to cover the replacement of aging steel and concrete structures.

Improve the resilience of local communities to natural disasters.

- g) providing flexibility in disaster recovery funding to allow for betterment of local roads and assets, rather than like for like replacement.
- h) working with councils to improve the resilience of local communities, public assets, and local government organisations to natural disasters.
- i) reducing the burden on council's to accessing disaster recovery funding, including adjusting procurement requirements, whilst retaining good governance provisions.

Develop a sustainable funding model for Local Government in NSW:

- j) removing competitive funding processes and adopting a longer term allocation based model, to ensure stability in Local Government supply chains and resourcing.
- k) exploring the potential for road user contribution funding as a means of more equitable distribution of road funds to NSW councils.
- l) considering social equity in funding to ensure all residents of NSW have a minimum level of service access to Local Roads and infrastructure.
- m) engaging with IPWEA and LGNSW on future funding program design and processes.
- n) providing financial assistance to address the current skills shortage in NSW Local Government.

Note from Council

Due to rising construction costs, councils need to allocate additional funds in their capital works programs for the current and future financial years. There may be some potential for procurement efficiencies at the JO or regional level. Flexibility in procurement is linked to state government funding schemes which are currently overly restrictive. Longer term allocation will lead to certainty of supply streams and resourcing, and lessen the impact of trying to deliver projects in a competitive market.

There are pressures being felt by some councils to deliver projects under the current fixing country bridges round, due to time constraints, supply chain issues and rising construction costs. Overall this project has been well received but the funding process could be improved to lead to longer term capacity building within local communities. E.g. by funding over 5 years, this could lead to councils employing more permanent staff. There is concern about the condition of aging steel and concrete structures. The IPWEA will be picking up data on these structures in our Asset Benchmarking Survey, which could be used to fund a future round of the fixing country bridges program focused on replacing these structures.

The focus on natural disaster resilience needs to shift to a proactive approach to ensuring assets are capable of withstanding the next disaster, as opposed to rebuilding like for like after a disaster. This will require significant investment from councils and will require support at the State and Federal level, but will result in more resilient communities in the longer term. Councils are also under resourced and not always equipped to respond to disasters, shifting this responsibility to the state government will free up council staff to assist in the event of a disaster. Similar to other points above, the state government funding processes could be streamlined to assist councils in accessing funds quicker, which is critical during and immediately following a natural disaster.

The current competitive funding process often leads to an inequitable distribution of funds. Those councils with the resources to prepare solid grant submissions often win most of the funds, whilst smaller, less well-resourced councils, miss out. There is also an inequitable distribution between metro

and regional councils when considering the number of assets (particular the road network) that needs to be managed. Appropriately distributed road user funding could be one avenue to alleviate this disparity. This relates to the NSLS and NHVR programs. A minimum level of service should be agreed upon for all NSW residents, and funding provided by State and Federal government, to ensure this level is achieved. This also links to the NSLS program.

Note from LGNSW

This motion is consistent with LGNSW's existing position on the matter as determined by Resolutions 23 and 25 of the 2019 Annual Conference.

X22 Shoalhaven City Council

Infrastructure for Electric Vehicles

That Local Government NSW lobbies the Federal Government and NSW Government to encourage and promote the uptake of electric vehicles through appropriate investment, concessions and with legislative support of charging and parking infrastructure in new residential and commercial developments.

Note from Council

Council State and Federal Governments need to continue more policy work, investment, concessions and legislative support of charging and parking infrastructure in order to encourage the mass market uptake of electric vehicles.

Australia is falling behind most of the developed world with the uptake of electric vehicles. Increasing the uptake of electric vehicles will reduce the reliance on non-renewable fuels and help to lower emissions and cleaner air over time.

Note from LGNSW

This motion is consistent with LGNSW's existing position on the matter as determined by Resolution 74 of the 2019 Annual Conference.

X23 Blacktown City Council

Update the NSW Electric Vehicle Strategy and urban planning framework

That Local Government NSW calls on the NSW Government to mandate that all public car parking facilities, whether publicly or privately owned, be progressively made electric vehicle charger ready with the necessary electrical infrastructure and supply capacity.

Note from Council

Electric passenger cars are set to replace their internal combustion engine counterparts in the coming decades, with most major car manufacturers having committed to the transition.

Key advantages of transitioning personal transport to electric cars are improved energy efficiency, zero tailpipe emissions enabling improved local air quality, and much lower carbon emissions when charging with renewable electricity. The transition will significantly decarbonise the Australian transport sector.

After years of lagging other Organisation for Economic Co-operation and Development (OECD) countries, Australia recorded 20,665 EV sales in 2021, a significant increase from the 6,900 sold in 2020. All Australian states and territories now have electric vehicle incentives. The NSW Electric Vehicle Strategy projects that electric vehicles will make up 52% of new car sales in 2030-31 and the vast majority of new car sales by 2035. To support increasing electric vehicle use, we need to ensure that carparks have the electrical infrastructure and supply capacity necessary for installing charging equipment. Building electric-vehicle charging readiness into new carparks is more cost effective than retrofitting the necessary electrical distribution and supply capacity after construction.

We propose that NSW planning instruments mandate that over a suitable timeframe, all public car parking facilities, whether publicly or privately owned, progressively be made electric vehicle charger ready.

Note from LGNSW

This motion is consistent with LGNSW's existing position on the matter as determined by Resolution 74 of the 2019 Annual Conference.

That Local Government NSW:

1. calls on the NSW Government to broaden its program to incentivise uptake of electric vehicles.
2. writes to the NSW Government on its NSW Electric Vehicle Strategy, and calling for the following:
 - a) introduce a state-wide charging network, including electric vehicles superhighways, commuter corridors and tourist drives, by 2025.
 - b) reduce the upfront costs of electric vehicles for the public and large fleet managers such as local councils, beyond the commitment of a \$3,000 rebate for first 25,000 vehicles sold under \$76,750.
 - c) provide councils with guidance on electric vehicle parking and charging infrastructure
 - d) upskill workers to maintain NSW's electric vehicle fleet.
 - e) increase the target for electrification of the NSW Government fleet from 50% by 2030 to 75% by 2030.
 - f) include specific targets for electric vehicles in NSW of 20% by 2025, 75% by 2030 and 90% by 2035 of new vehicle sales
 - g) include tax rebates, free registration and interest free loans, as provided by the Australian Capital Territory Government.
3. calls on the NSW Government to fund regional electric vehicle charging station strategies that identify the locations, type and operating models for a charging station network.

Note from Council

Electric vehicles offer many benefits over conventional internal combustion engines. They are far cheaper to run and maintain, silent, do not emit tail-pipe pollution, and contribute to reducing greenhouse gas emissions. The transport sector currently contributes around 20-30% of global greenhouse gas emissions.

Demand for electric vehicles is increasing globally, with many jurisdictions committed to prohibiting the sale of petrol and diesel vehicles in future.

Australia has been extremely slow in supporting EVs - making them fewer and costly here. Car manufacturers world-wide are increasing the number, variety and capability of electric vehicles. Many major manufacturers (Volvo, Ford, General Motors, Hyundai) have publicly committed to phasing out internal combustion engines in the next 10-20 years.

This is reflected in vehicle sales, with electric vehicles making up 74% of new vehicles sold for example Norway in 2020, compared to 0.78% in Australia. The uptake in regional areas like the Bega Valley Shire is limited by the upfront cost, and the scarce charging infrastructure. There is one charger in the Shire, installed by the NRMA at Bega. The lack of a strategic approach to planning for, funding and managing charging stations is also stifling uptake of electric vehicles. The NSW Government's recent NSW Electric Vehicle Strategy puts NSW on a path towards electrification of the NSW vehicle fleet. This Strategy is an important step towards the NSW Government's net zero emissions target, but it could be broadened to offer incentives to all EVs (rather than a confusing focus on the first 25,000 new vehicles sold).

This Notice of Motion seeks to encourage the NSW Government to be more ambitious in supporting the inevitable transition to the fleet of the future.

Note from LGNSW

This motion is consistent with LGNSW's existing position on the matter as determined by Resolution 74 of the 2019 Annual Conference.

That Local Government NSW advocates to the NSW Government to consider the public transport alternatives, and release the business case showing the comparison, before committing to major motorway infrastructure such as the Beaches Link Tunnel. Any such comparison should take into account the respective environmental costs of the various alternatives.

Note from Council

This is consistent with the motion passed by Council in March 2022 in relation to the Beaches Link Tunnel but generalises it so that it can be adopted by the NSW LGA.

Council resolved on 28 March 2022:

In light of matters including:

- the adverse environmental and health impacts both during construction and operationally including from disturbance of dangerous contamination at Bicentennial Reserve, Flat Rock Gully and Middle Harbour, and the loss of large areas of bushland;
 - the loss of local amenity during construction due to noise, congestion, vibration;
 - the movement of heavy vehicles and reduced access to Middle Harbour;
 - the use of outdated traffic modelling which fails to take into account the impact of COVID, the impact of the B-line, and the impact of the Metro City and Southwest in conjunction with the planned rapid bus service from Dee-Why to Chatswood;
 - Council's ambition to develop the Chatswood CBD as a major transport interchange;
 - the availability of public transport alternatives including a possible underground connection between the Frenchs Forest growth area and the Chatswood interchange, which haven't been considered;
 - journey to work data which suggest that such an alternative would well serve residents of the Northern Beaches LGA getting to work, that Council:
1. calls on the State Government to cease work on the Beaches Link Tunnel as currently proposed ('the Proposal'), including obtaining any planning approvals, until such time as:
 - a) public transport alternatives including an underground link between Frenchs Forest and the Chatswood interchange have been considered, and
 - b) such alternatives have been compared to each other and the Proposal via an open and transparent process involving the public release of a business case which includes the health and environmental costs of the various alternatives, and takes into account contamination remediation costs of different alternatives after a Stage 2 assessment of Bicentennial Reserve and Flat Rock Gully approved by an EPA accredited auditor has been completed.

Note from LGNSW

This motion is consistent with LGNSW's existing position on the matter as determined by Resolution 26 of the 2020 Annual Conference, and can be actioned without requiring a resolution of Conference.

Skills and employment motions

X26 Gunnedah Shire Council TAFE to provide more apprenticeship courses for the Bush

That Local Government NSW calls on:

- a) the NSW Government to increase the availability of apprenticeships courses available on Regional, Rural and Remote TAFE campuses.
- b) the NSW Minister for Skills and Training to include in the TAFE NSW annual report greater transparency in the funding distribution throughout NSW TAFE campuses, and clear data to allow comparisons between Metropolitan and Regional, Rural and Remote campuses in all key areas of the TAFE NSW Strategic Plan 2016-22 (including but not limited to course enrolments, course completions, apprentice commencements, apprentice completions).

Note from Council

There has been a dramatic reduction in the delivery of TAFE courses in regional rural and remote local government areas over the past 5 years. The introduction of more online learning, rather than face to face assisted learning, has seen a plummeting of enrolments, particularly in regional towns. I have reviewed the TAFE annual reports, Course enrolments since 2016 have decreased year on year by 12.7% on average. Last year, post Covid saw a modest recovery, with job seekers upskilling, resulting in an increase of 9.3%. Communities, where the need is greatest, rather than regional cities and metropolitan areas, appear to be wearing the brunt of this decline.

The most alarming statistic is the course completion percentage. Only 29% of people enrolled in courses in 2020/21 completed their course! There could be many reasons for this such as TAFE moving to online delivery and connected learning centres throughout regional areas. The question is has this approach, although saving money, been an abject failure? I certainly know it has been in Gunnedah, going off the TAFE NSW website, there is only 6 face to face courses that are delivered on campus and zero Apprenticeship courses.

Note from LGNSW

This motion is consistent with current position 19.14 of the LGNSW Policy Platform which calls for initiatives to address skill shortages and impediments to employment and training, injecting significant funds into TAFE and the higher education system to redress recent funding cuts and the impacts of TAFE deregulation. The motion can be actioned without needing a resolution of Conference.

X27 Murray River Council**Skills shortage**

That Local Government NSW advocates on behalf of local government that the Higher Education Loan Program (formally HECS now HELP debt) be used as a catalyst to support and improve councils currently struggling to attract and retain skilled staff.

Note from Council

It has been widely documented that many councils in rural areas around Australia are suffering from skill shortages, particularly in the professional and technical fields. Although there have been many studies completed contributing to some innovative approaches to address this issue by all levels of governments, educational institutions and communities - the situation is the worst it's ever been and remains unresolved. DISCUSSION The problem has become more widespread than just in local government. As far back as 2005 there is evidence of systemic failures and attempts to rectify skill shortages.

A report was prepared for the (then) NSW Department of Local Government on behalf of the Training and Professional Skills Shortages Taskforce in 2005 titled 'Survey of Skills Shortages in NSW Local Government'. Although specifically targeting one State, it would be fair to say that the problem is not unique to NSW.

The executive summary contained five (5) key recommendations, with the most pertinent to rural areas as follows:

3. Develop strategies to help councils who are experiencing difficulties in their efforts to implement up-skilling or retraining of staff, especially those in rural locations 4.

Investigate opportunities for local government in NSW to attract younger candidates for employment, whether via direct links with educational institutions or collaborative efforts with other public and private sector organisations 5.

Develop strategies to address the skills shortages in statutory and strategic planning (ironic that 17 years later the same issue faces local government).

The National HELP/HECS Debt New figures reveal ex-students currently owe the federal government \$66.4 billion in university loans and HELP/HECS fees for degrees. These debts are indexed to reflect inflation and must be paid back through the tax system when students' earnings reach \$ \$48,361 a year.

Ten (10) years ago the figure was only \$22.6 billion.

The Federal Government could change the HELP/HECS system to reward graduates that work in rural council areas currently suffering skills shortages.

Whilst not attempting to oversimplify the philosophy, the more disadvantaged the council, the greater the 'time versus debt write-off' sacrifice. (A similar system to Tax Zones – different tax rates for remote areas). Whilst Treasury may disagree with this proposal, at a macro level there is costs being incurred by communities all around Australia already; just captured on individual council balance sheets.

With a locational dispensation approach, where an ex-student may fast track their debt repayments to the ATO at a proportionately increasing rate, there'll be a social and economic benefit. A benefit to any community is better than an unpaid debt to the ATO. The system would be linked to the degree of difficulty and distance from a city. The further away, the faster the HELP/HECS debt (greater pro-rata rate) would be reduced.

Local government has been battling with the skills shortage issue prior to 2005.

In 2009 the Integrated Planning and Reporting Framework, underpinned by a Workforce Plan (and other instruments) was supposed to be the solution. It wasn't.

The first casualty of budget cuts is strategic planning, closely followed by succession planning. Due to the NSW Government policies of rates capping and cost shifting, the slow financial asphyxiation of the industry has eroded most councils' capacity to adequately populate their Workforce Plan.

We are now at a desperate level, where councils are in a bidding war to attract talent. This vicious circle requires a circuit breaker. Zone HELP/HECS taxation relief may be just that. Without a circuit breaker the cascading negative effect to the wider economy, especially housing, will become clearly apparent.

Note from LGNSW

This motion is consistent with current position 19.14 of the LGNSW Policy Platform which calls for initiatives to address skill shortages and impediments to employment and training, injecting significant funds into TAFE and the higher education system to redress recent funding cuts and the impacts of TAFE deregulation. The motion can be actioned without needing a resolution of Conference.

Governance motions

X28 Cessnock City Council

Code of Conduct Process and Outcome Review

That Local Government NSW calls on the Minister for Local Government to make urgent changes to the procedures and legislation relating to Code of Conduct complaints to improve the process, reduce the financial and operational impacts on Councils, and provide for more definitive outcomes where Code of Conduct Complaints relating to Councillors are substantiated.

Note from Council

The current Model Procedures for Administration of Code of Conduct Complaints are cumbersome, operationally inefficient and in some cases financially restrictive for Councils.

Some Code Complaints take an extended period of time to complete and create conflicts within the organisation for those charged with administering the Complaints, and ultimately for Councillors who may be required to determine an outcome for a fellow Councillor if a complaint is substantiated after a full investigative process.

The current system also provides for use of a Code Complaint as a political tool.

Then, following an at times extensive and expensive process, there does not seem to be any real consequences for Councillors for breaching the Code of Conduct.

Urgent action needs to be implemented to update both the procedures and legislation to fix the current processes for dealing with a Code of Conduct Complaint against a Councillor.

Note from LGNSW

This motion is consistent with current position 17.4 of the LGNSW Policy Platform, which calls on the NSW Government to invest more resources into managing Code of Conduct complaints to ensure they are dealt with efficiently and effectively.

X29 Newcastle City Council

Property Developers and Real Estate Agents in Local Government

That Local Government NSW:

1. notes that in November 2021, the NSW Legislative Council successfully passed a Bill to amend the Local Government Act to disqualify real estate agents and property developers from holding elected positions on local councils;
2. notes that City of Newcastle supported a motion on 27 July 2021, that endorsed measures to ensure openness, transparency, community participation and probity in local decision making, including by restricting active property developers and real estate agents from holding civic office;
3. notes that the now NSW Treasurer, the Hon. Matt Kean MP, likened allowing property developers to be elected as local Councillors to "putting Dracula in charge of the blood bank" due to the planning decisions taken by Councils;
4. writes to the Premier, the Treasurer and the Minister for Local Government requesting their support to amend the Local Government Act to prohibit property developers and real estate agents from running for elected local government positions.

Note from Council

Councils in NSW have an important role in land use planning and development approval. Councils assess local development and are able to grant approval, grant approval, with or without conditions, or refuse an application for development. Local planning controls regulate densities, height, external design

and siting, building materials, open space provisions, and the level of developer contribution required to cover physical and/or community infrastructure costs arising from the proposed development. In 2020 Environment Minister Matt Kean likened allowing property developers to be elected as local Councillors to “putting Dracula in charge of the bloodbank” due to the planning decisions taken by Councils.

In April 2019, the City of Newcastle endorsed measures to ensure openness, transparency, community participation and probity in local decision making, including by restricting active property developers and real estate agents from holding civic office, and ensuring a well-resourced Independent Commission Against Corruption. Due to the innate bias in planning decision of property developers, real estate agents and their close associates, allowing them to serve as local Councillors erodes the ability of Council to make independent decisions on planning matters.

Note from LGNSW

This motion is consistent with current LGNSW Policy Platform which calls for a ban on property developers and real estate agents from serving as councillors.

X30 Bega Valley Shire Council National Police Check for Council Election Candidates

That Local Government NSW advocates for the development of a framework that requires greater Councillor candidate vetting to ensure suitability for public office, specifically including a requirement for a National Police Check to be undertaken and development of suitable criteria that would exclude candidacy based on high risk criminal records.

Note from Council

There are currently limited criteria that exclude candidates standing for election in Local Government in NSW. Based on the current framework there is potential that elected Councillors may pose a risk to the effective governance of a council or to the constituents they represent with very limited suitability checks. The intent of any new framework should not be to become overly prescriptive, however there is a need for improvement to limit the risk that someone with a serious criminal record could become a Councillor.

Note from LGNSW

This motion is consistent with current position 17.11 of the LGNSW Policy Platform which calls for Working With Children Checks and police checks to be required for councillors. It is also consistent with resolution 120 of the 2020 Annual Conference.

X31 Snowy Valleys Council Reduction of compliance and reporting required by small rural councils

That Local Government NSW engages with the Office of Local Government to look at ways to reduce the burden of compliance and reporting on small rural Councils which have the same obligations as large metropolitan councils.

Note from Council

Small rural/regional councils often struggle to attract, secure and maintain experienced staff, resulting in reduced resource capacity.

Note from LGNSW

This motion is consistent with current position 17.4 of the LGNSW Policy Platform which calls for regulatory and reporting requirements imposed on councils to be proportionate to size and risk.

X32 Newcastle City Council Compulsory universal superannuation for elected members

That Local Government NSW:

1. notes that in some jurisdictions, Councillors, Mayors and Lord Mayors are not automatically entitled to the Superannuation Guarantee Contribution, despite Councillors being paid the appropriate superannuation entitlements in other jurisdictions;
2. notes that in some jurisdictions, Councillors, Mayors and Lord Mayors have the option of "opting-in" to receive the Superannuation Guarantee Contribution only following the successful passing of a motion requiring same, allowing the issue to be politicised in council meetings;
3. notes that this sets a poor community standard and sends the wrong message to the community, given that superannuation should be a universal mandatory system to support all workers in Australia; and
4. advocates to the NSW Government and other Australian governments to rationalise the Superannuation system for elected representatives from the local government level and mandate that all Councillors across Australia automatically receive the Superannuation Guarantee Contribution.

Note from Council

What's new or changing:

- following an amendment to the *Local Government Act 1993* (the Act) last year, councils may make payments as a contribution to a superannuation account nominated by their councillors, starting from the financial year commencing on 1 July 2022.
- the making of superannuation contribution payments for councillors is optional and is at each council's discretion.

Note from LGNSW

This motion is consistent with current position 18.7 of the LGNSW Policy Platform which calls for the NSW Government to legislate to require compulsory superannuation payments to councillors and mayors at the rate equivalent to the rate set out in the *Superannuation Guarantee (Administration) Act 1992* (Cth).

X33 Queanbeyan-Palerang Regional Council

Amend Local Government Act 1993 Chapter 9 Part 2 Divisions 4 & 5

That Local Government NSW advocates to amend the Local Government Act and remove the reference and terms of a 'minimum and maximum range' from the Local Government Remuneration Tribunal (LGRT), with an annual determination of only one fee payable to councillors, members of county councils and mayors in each category.

Note from Council

The Local Government Remuneration Tribunal (LGRT) is required to make annual determinations on the categorisation of each council, county council and mayoral office for the purpose of determining the minimum and maximum fees payable to councillors, members of county councils and mayors in each category. A determination of a range, with a minimum and maximum creates a difficult debate for Council with some public perception that councillors are awarding themselves a large wage increase, if they determine to accept the maximum. Simple amendments to delete words as show in the relevant sections in the Local Government Act (1993), would resolve this matter, and remove any doubt of a conflict of interest from the council decision making process.

Chapter 9 Part 2 Division 4 Local Government Remuneration Tribunal 239 Categorisation of councils and mayoral offices (1) The Remuneration Tribunal must, at least once every 3 years- (a) determine categories for councils and mayoral offices, and (b) place each council and mayoral office into one of the categories it has determined. (2) The determination of categories by the Remuneration Tribunal is for the purpose of enabling the Remuneration Tribunal to determine the (*remove* maximum and minimum) amounts of fees to be paid to mayors and councillors in each of the categories so determined.

241 Determination of fees The Remuneration Tribunal must, no later than 1 May in each year, determine, in each of the categories determined under section 239 the (*remove* maximum and minimum) amounts of fees to be paid during the following year to councillors and mayors.

Chapter 9 Part 2 Division 5 What fees, expenses and facilities may be paid or provided to councillors?
248 Fixing and payment of annual fees for councillors (1) A council must pay each councillor an annual fee. (2) A council (*remove* may fix the annual fee and, if it does so, it) must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal. (3) The annual fee so fixed must be the same for each councillor. (4) (*remove* A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.)

249 Fixing and payment of annual fees for the mayor (1) A council must pay the mayor an annual fee (2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor. (3) A council (*remove* may fix the annual fee and, if it does so, it) must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal. (4) (*remove* A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal). (5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.

Note from LGNSW

This motion is consistent with current position 18.4 of the LGNSW Policy Platform, which calls for an amendment of s241 of the Local Government Act to remove reference to maximum and minimum fees payable, so that the Local Government Remuneration Tribunal determines the actual annual remuneration for councillors and mayors.

Planning motions

X34 Shoalhaven City Council

Planning Legislation

That Local Government NSW advocates that the NSW Government provides a greater level of support to NSW Councils for strategic and statutory planning outcomes, including improved systems, processes, and communication strategies.

Note from Council

The ability for Local Governments to meet the quality and quantity of work output that is expected of them continues to be challenged.

This challenge emanates from friction created by an insufficient workforce of qualified town planners, the challenge of competing with private firms for staff, the need to provide energy to a review of State Government planning reform and more recently the statement of expectations issued by the Minister.

This results in expectations upon Local Governments exceeding capacity. This leads to good staff leaving the industry, fatigue, burnout and disengagement.

State Government needs to provide significantly more support than is currently being offered to Local Government in the realm of town planning in order that the community can feel confident the functions of town planning are able to be delivered in an effective way.

These supports could be in the form of systems, processes, employment assistance schemes, training programs and financial resources that are above and beyond what is available at this time.

Note from LGNSW

This motion is consistent with LGNSW's longstanding advocacy and existing position 7.9 of the LGNSW Policy Platform which calls for improvements to the efficiency and effectiveness of the planning system. LGNSW will also continue its advocacy to the NSW Government on key planning and development concerns (such as issues with the NSW Planning Portal; initiatives and support to address skills shortages; reviewing frameworks for council fees and charges).

X35 Willoughby City Council

Concerns regarding the Complying Development Code

That Local Government NSW advocates to the NSW Government for changes to the Complying Development Code to address community and Council concerns and improve development outcomes.

Note from Council

The Complying Development Code aims to provide a streamlined assessment process for development that complies with specified development standards within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP). The Codes SEPP provides a pathway for development to be determined through a fast-track assessment with an issue of a Complying Development Certificate by a Council or, in most cases, a private certifier.

Complying Development Certificates can be issued for a range of developments and if issued by a private certifier, Council has no role in assessing, reviewing or determining the certificate. The NSW Government has progressively expanded the Codes SEPP to cover different developments that are larger in scale.

Willoughby City Council requests Local Government NSW to advocate to the NSW Government to enact changes to Complying Development to allow Local Councils the ability to manage local impacts on amenity, safety, traffic, and local character.

As Complying Development has expanded overtime, Local Government NSW, Councils and communities have regularly raised concerns about the following key issues:

- the Complying Development pathway is too rapid, only requires that immediate neighbours are notified (not consulted), and does not allow for community input, feedback or objections to manage local impacts on amenity, safety, traffic, and local character.
- there is no ability to assess the proposed development on its merits; if the development complies with basic standards it can proceed.
- Complying Development has adversely impacted local character and amenity.
- complaints against private certifiers take the government a very long time to process and rarely result in any action being taken.

- private certifiers have issued occupation certificates without checking that contributions payments have been made to Councils. Pursuing outstanding payments imposes significant time and administrative cost burdens on Councils.
- Complying Development is resulting in adverse impacts on tree coverage in suburban areas.

Note from LGNSW

This motion is consistent with current LGNSW Policy Platform position 7.7 and 2020 Annual Conference Resolution 73 which calls for the NSW Government to amend the State Environmental Planning Policy (Exempt and Complying Development Codes) to provide more discretion for Councils to amend a SEPP when applying it in their Local Government Area.

X36 Kempsey Shire Council

Development Consent to Lapse Where Work Has Not Been Completed

That Local Government NSW writes to the NSW Planning Minister to request amendments to the NSW Planning laws to adopt a currency period of development consent approval (maximum 5 years); during which time physical construction works must be substantially completed. Where works are not substantially completed, the consent lapses and the proponent is required to re-lodge the development application to be assessed on its merits.

Note from Council

Kempsey Shire Council, particularly the coastal village of South West Rocks, is seeing a surge in the land clearing associated with development consents approved in late 1980s and 1990s. Several bushland land properties are being cleared for housing subdivisions. This has resulted in increased sightings of Koalas in urban yards; and the likelihood of development within potential coastal vulnerability areas, new mapped areas significant vegetation communities, areas of Aboriginal heritage significance. Known as zombie DA's or ghost DA's, this is not unique to the Kempsey but is in fact an State-wide issue.

Greens MP Cate Faerhramm brought the zombie DA issue to the attention of the Parliament in August 2022 referring to 30 year old approval at Tura Beach (South Coast). The NSW Planning Minister agreed that zombie DA's need to be addressed.

At the 2019 LGA NSW conference Blue Mountains put forth motion 29 seeking regulatory reform in the NSW Planning system to address the delayed implementation to development consents. The motion was endorsed.

It was intended address the implications on zombie DA's whereby development consent secured decades ago; contained no provisions to review those DA's against contemporary planning and approval standards.

Currently in accordance with the NSW Environment and Planning Assessment Act 1979 (EA Act); development consent is given a lapse date between one (1) and five (5) years from the date of approval. If physically works (within the meaning of the EPA Act 1979) have been legally commenced before the lapse date; then the Consent will remain valid past the lapse date and have no further effect. The development can be implemented at any stage in the future.

If physically works have not commenced before the lapse date or works have not been carried out in accordance with the Consent; then the Consent lapses. If a Consent lapses and it is no longer operational. The development cannot proceed and there is no method of re-activating a lapsed Consent. If the developer still wishes to carry out a lapsed development, then a new Development Application would need to be lodged and assessed on its merits.

Section 4.53 of the EPA Act provides that a development consent to erect a building, subdivide land or carrying out of a work will lapse after 5 years if building, engineering or construction work relating to the development is not PHYSICALLY COMMENCED before the lapsing date.

In early 2020, the EPA Act was strengthened so that previous activities such as soil testing, survey pegs and vegetation clearing no longer meet the standard of the physical commencement. And Kempsey Shire Council recently won a Land & Environment Court matter that determined that a consent, approved 30 years ago, had lapsed because the work carried out was inadequate to activate the consent. (See: 2 Phillip Rise Pty Ltd v Kempsey Shire Council [2022] NSWLEC 1107).

The NSW Planning laws need to be strengthened by adopting a currency period of the consent approval during which time physical commencement of works must be substantial. Where works are not substantial the proponent is required to re-lodge the development application to be assessed on its merits.

Note from LGNSW

This motion is consistent with current LGNSW position established through Resolutin 29 of the 2019 Annual Conference which called for the NSW Government to undertake regulatory reform of the NSW planning system to address the delayed implementation of development consents, which currently permit development some 28 or more years after the consent was secured, without obligation to review against contemporary planning and environmental standards or the views of the present community. As such, LGNSW can action this motion without requiring a resolution of Conference.

X37 North Sydney Council

Planning powers

That Local Government NSW undertake an urgent community campaign to return local planning powers to local communities.

Note from Council

Nil.

Note from LGNSW

This motion is consistent with LGNSW's existing longstanding policy and advocacy seeking the return of local planning powers to local communities (as detailed in section 7 of the Policy Platform - specifically positions 7.1, 7.2, 7.3, 7.4, 7.6 and 7.7).

X38 Orange City Council

State Environmental Planning Policy - BASIX

The Local Government NSW call on the NSW Government to amend the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 to enable Councils to apply for an exemption to the restrictions imposed by the legislation that prevent Councils from requiring new residential builds or developments to have higher energy or water efficiency that the minimum standards provided through BASIX.

Note from Council

BASIX was first introduced as NSW Government Legislation in July 2004 applying to Sydney Metropolitan areas only. Since 2005, it has been a legislated requirement that all new builds, alterations and additions throughout NSW meet a minimum score under the BASIX system. There is no requirement for new builds, alterations or additions to be designed and constructed to any higher standard than the minimum set by BASIX. Since the introduction of BASIX, there have been significant technological and scientific advances leading to a wider array of energy efficient, water efficient and environmentally sustainable building materials on the market, with more coming onto the market every month. While the intent of the Legislation was to create more efficient and sustainable buildings, the Legislation currently prohibits Councils from requiring new builds, alterations and additions to have higher efficiency ratings than required under BASIX. In order to maximise climate change adaptation and mitigation on a local level, Councils need to have the option of setting higher efficiency ratings for their community. A home designed, and built, to a higher standard would be cheaper to heat and cool, uses less water, and more comfortable to live in than a home built simply to comply with the minimum BASIX requirements.

Local Government provides leadership for their community, and real, substantial action on climate change is one such issue we can lead on. Coupled with the already skyrocketing costs of gas and electricity, which are hitting the most vulnerable members of our communities, ensuring that new builds, additions and alterations are as efficient as possible is vital. Amending Clause 7 of the BASIX SEPP to allow Councils to apply for individual, case-by-case exemptions to the minimum BASIX requirement will allow Councils to take stronger action locally whilst we wait for BASIX as a whole to advance further, and would allow members of our communities to save substantial amounts on their energy and water bills, whilst reducing the demands on public assets.

Note from LGNSW

This motion is consistent with current position 10.6 of the LGNSW Policy Platform which calls for councils to be able to set their own target higher than BASIX.

X39 Snowy Valleys Council

Food-producing land for self-sufficient community

That Local Government NSW investigates ways of working with the State Government to secure food-producing land to allow the community to become more self-sufficient and to stem the flow of land to renewable energy production.

Note from Council

Snowy Valleys Council is concerned about the amount of food-producing land that is being converted to energy production. This means that the ability of the local, regional and national community to be self sufficient is reduced. This will have long term implications for economic security.

Snowy Valleys Council partners with other South East NSW councils and organisations towards a Resilience Blueprint which in part seeks to sustainably maximise land use productivity, and the ability of its community to produce food to sustain communities as part of a stable economy.

Note from LGNSW

The motion is consistent with current LGNSW position 7.10 of the LGNSW Policy Platform which calls for a policy framework and mechanisms to deliver high level objectives in district and regional plans (including protecting employment lands, food security, liveability, sustainability, open space provision). Food security is also referenced in positions 5.9 and 12.10 of Policy Platform, and in LGNSW's 2021 submission to the Parliamentary Inquiry on Food Production and Supply. The need to protect agricultural land was also included in LGNSW's 2022 Submission on Draft Large Solar Energy Guidelines.

<https://www.parliament.nsw.gov.au/ladocs/submissions/77252/Submission%209%20%20-%20%20Local%20Government%20NSW.pdf>

https://lgnsw.org.au/common/Uploaded%20files/Submissions/2022/Draft_Large_Scale_Solar_Energy_Guideline_Submission.pdf

Environment, waste and circular economy motions

X40 Gwydir Shire Council

Biodiversity Scheme

That Local Government NSW supports the Country Mayors Association representation to the Minister for Planning calling on amendments to the Biodiversity Offsets Scheme to address:

1. regional hardship, including barriers to regional development
2. issues around quality assurance of accredited assessors
3. the lack of clarity around the scheme's obligations for councils, industry and landowners.

Note from Council

There is a need to ensure the scheme works for regional and rural areas. Flexibilities to the scheme for some development in rural areas should be looked at to support job creation, activate regional economic potential and support community aspirations while at the same time protecting the environment. Mechanisms to explore could include reducing the cost of offsets, price volatility of credits, timing of payments, potential for staging, and flexibility around credit purchase.

Note from LGNSW

This motion is consistent with existing LGNSW positions and ongoing advocacy, including through the Biodiversity Offsets Scheme Stakeholder Reference Group and LGNSW's September 2021 submission to the Parliamentary Inquiry into the integrity of the Biodiversity Offsets Scheme.

X41 Randwick City Council

Supporting the transition to net-zero in our communities

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

- a) recognise the key role played by local government in tackling climate change;
- b) facilitate the net-zero transition of the built environment through inclusion of net zero, energy efficiency and climate resilience mechanisms within the relevant state planning instruments; and
- c) establish a community energy target, and fund and support councils to develop and implement community energy projects to help increase the uptake of affordable renewables for their residents, including for apartment dwellers, residential and public housing tenants, small businesses and community organisations.

Note from Council

In NSW 27.2% of households have rooftop solar photovoltaic (PV) systems installed, however there are significant barriers for residents who rent or live in multi-unit dwellings seeking to benefit from the cost and emissions reductions of solar PV. These households fall into the category of 'locked-out' renewable energy users. They face barriers such as split incentives, unsuitable roofs, or high levels of complexity (apartment dwellers). They are unable to directly participate in the switch to on-site renewables and are effectively locked out of saving money through cheaper power bills. Community energy projects enable communities to generate, store and/or share their own renewable energy and can include onsite and

offsite renewables and storage (such as solar gardens or solar banks), apartment and precinct microgrids and project linked Power Purchase Agreements (PPAs).

Many councils have mandated emissions reductions targets and are working to lower emissions not only within their own operations but across their LGAs. A number of councils are investigating or have embarked on community energy projects or similar to help deliver affordable renewables to their residents, but many councils face significant financial and other barriers to implementing these type of projects. Providing direct support to councils to manage the technical and financial complexities of developing renewable energy projects would help support an increase in small-mid scale renewable energy generation.

Similarly, councils are limited by outdated BASIX targets when seeking to ensure that new builds meet the highest benchmarks for energy efficiency and climate resilience. There are currently no mechanisms by which councils can mandate the installation of solar PV and batteries on new builds or developments.

Councils and the communities they represent are looking to the State Government for support through strong emissions reduction targets, robust planning and building standards, and direct assistance to increase the uptake of renewables.

Note from LGNSW

This motion is consistent with existing LGNSW positions of the LGNSW Policy Platform including 10.1 a) transition to net zero greenhouse gas emissions by 2050 with an interim goal of 50% emissions by 2030, d) the provision of leadership and support for both councils and their communities, and 10.6 State Environmental Planning Policies that achieve improvements in liveability and sustainability of housing.

X42 Randwick City Council

Preparing for climate related risks and impacts

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

- a) develop a state-wide climate change adaptation action plan, as recommended by the Audit Office of NSW;
- b) educate and guide councils in preparing for climate related risks and impacts, and applying localised climate change information, knowledge and tools: particularly on incorporating climate change into land use planning, and translating climate information into impacts on local government; and
- c) establish a framework and guidelines to assist councils in preparing a Climate Related Financial Disclosure.

Note from Council

NSW councils provide essential services and own and control assets with a total value of over \$177.9 billion. These assets include cash, investments, infrastructure, plant and equipment, receivables, inventory and intangible assets. The largest component of council's asset base is infrastructure, with a net value of over \$117.9 billion. Roads and related assets (e.g. bridges and footpaths) make up more than \$67 billion or 56.8% of these assets.

Council assets are important to the liveability and economic viability of our local communities. Many of these assets are vulnerable to climate change impacts including increased extreme temperatures, storm events, sea level rise/storm surge, flooding, and bushfires. The physical impacts of a changing climate also have significant financial costs. Taking into account projected economic growth, NSW Treasury has estimated that the fiscal and economic costs associated with natural disasters due to climate change will more than triple per year by 2061.

DPIE and NSW Treasury advise that leading practice in climate risk management includes a process that explicitly identifies climate risks and integrates these into existing risk management, monitoring and reporting systems. This is in line with international risk management and climate adaptation standards. For councils to manage the physical risks of climate change to their assets and services, they require direct assistance from the NSW State Government to:

- use robust climate projection information to understand the potential climate impacts;
- undertake sound climate risk assessments, within an enterprise risk management framework;
- implement adaptation plans that reduce these risks, and harness opportunities.

Note from LGNSW

The motion aligns with existing position 10.12 of the LGNSW Policy Platform which calls for a mandatory government reporting framework for climate risk exposure. The NSW Government released the NSW adaptation strategy in June 2022, provided a climate change risk guide for local government and will shortly release the local government climate change toolkit.

X43 Federation Council**Climate Adaptation Plans**

That Local Government NSW lobbies the NSW Government to work with Councils to develop consistent requirements for Councils to adopt Climate Adaptation Plans, and develop in consultation with Councils, a clear framework to allow the plans to be implemented, including clear conduits to Government (including Federal) funding programs.

Note from Council

Although many larger Councils may have plans in place, many others do not, and it is understood that some other states have legislation that requires Councils to adopt plans.

A clear framework would be a way to ensure those who are yet to develop plans, or are reviewing existing plans, can do so in a way that is more linked to achieving overall goals of the State and Australia.

It could also be linked to funding pathways, to ensure the actions in the plans can gain State and most likely Federal funding.

Note from LGNSW

This motion is consistent with existing position 10.3 of the LGNSW Policy Platform which calls for an integrated approach to climate change mitigation and adaptation strategies, including shared responsibility and collaboration across all levels of government, industry and the community.

X44 Armidale Regional Council**Local Government Climate Response Partnership Fund**

That Local Government NSW formally supports ALGA's call for a Local Government Climate Response Partnership Fund of \$200 million.

Note from Council

LGNSW's policy platform on Climate Change includes many useful initiatives. Support for ALGA's call for a Local Government Climate Response Partnership Fund of \$200 million would be a useful addition.

Note from LGNSW

This motion is consistent with existing position 10.11 of the LGNSW Policy Platform which calls for the introduction of a range of funding mechanisms that would allow councils to build climate resilience in their communities. LGNSW can action this motion without requiring a new resolution of Conference.

X45 Newcastle City Council**Coastal erosion mitigation and sand replenishment**

That Local Government NSW:

1. notes coastal erosion along the eastern seaboard has expedited over the last couple of years, with Stockton Beach in the City of Newcastle identified as one of the first coastal erosion hotspot.
2. notes that action and funding are desperately needed for a long-term solution to Stockton's ongoing erosion issues, and others in the state, with City of Newcastle calling for action at Stockton for more than a decade.
3. the increasing frequency of significant weather events that cause erosion damage to beaches along the NSW coastline will likely prompt local councils to include sand nourishment as a solution to managing coastal hazards as part of their individual Coastal Management Programs.
4. calls on the NSW Government to plan strategically and develop a state-wide approach for a sustainable sand nourishment program to support Local Councils as they develop Coastal Management Programs under the NSW Government's coastal management framework.

Note from Council

Our coasts and beaches naturally move but their ability to continue to do so is affected by the natural and man-made facilities around them. This movement will be exacerbated under a climate change scenario with sea-level rise and increased storm severity and frequency significantly affect the character and our ability to utilise the coast.

Adaptation responses will be needed in all coastal areas. Coastal Management Programs are the framework under which a long-term program of actions to adapt to immediate and future coastal changes are investigated, evaluated and delivered. The purpose being to set a sustainable, integrated and collaborative direction for environmental management, use and development across all coastal land tenure. They are costly to develop and deliver.

Note from LGNSW

This motion is consistent with existing position 10.9 of the LGNSW Policy Platform which calls for greater support to local government for coastal management especially in areas experiencing erosion exacerbated by state and federal infrastructure e.g., airports, ports and breakwaters. LGNSW can action this without a vote at conference by writing to the Minister for Local Government.

X46 The Hills Shire Council**Review of the Companion Animals Act - Cat containment**

That Local Government NSW requests the NSW Government to undertake a review of the Companion Animals Act 1998 to reflect best practice for cat management to enable councils to introduce cat containment policies and regulations with their communities as a means of responsibly managing domestic cats in their areas.

Note from Council

Cats are the second most popular pet with an estimated 3.3 million owned cats in Australia. There are further estimates of around 700 000 unowned cats. Failure to responsibly manage cats results in the overlapping problems of cat welfare, impacts on humans, impact on other animals – predominately wildlife. Free roaming cats are more exposed to disease, being runover by vehicles, injury through fighting, likely to cause nuisance to people, prone to unwanted pregnancy and can be caught and euthanised.

Managing domestic cats is a complex problem and requires active collaboration among all stakeholders. Unfortunately, cat management legislation varies across Australia and in NSW falls to the State and local Councils through the Companion Animals Act.

There are a number of strategies that together help responsibly manage cats and one that has benefits to domestic cats is requirements for cat containment. Cat containment helps deal with the risks of harm to the cat itself as well as nuisance to others – including wildlife.

Cat management is a complex and ongoing issue for local governments and several studies have been carried out that show the challenges that local government face to effectively manage cats.

In 2020 a Federal inquiry into the problem of feral and domestic cats in Australia, found that: “Cat containment was strongly supported by inquiry participants”, that uncontained pet cats are at high risk of injury and may contribute to the feral cat population.

The current laws relating to the responsible ownership of all companion animals, including the management of cats (both Urban and Feral) is regulated by the Companion Animals Act 1998. This is a NSW State Law and as such Council staff are governed by the rules of the Act and this dictates what action we can take.

Unfortunately, there is no provision within the Act to restrict cats to indoors.

All cat owners have an obligation to care for the health and well-being of their pet.

However, Under the provisions of the Companion Animal Act 1998, cats within NSW are considered to have no boundaries and are free to roam. There is no legal requirement for a cat in NSW, domestic or otherwise to be secured inside a private property during the day or night.

Whilst Council encourages all cat owners to keep their cat/s safe at home and contained within their property boundaries at all times, Councils are unable to create a local policy that is more onerous than the governing legislation.

Currently, Council staff can only take action under the Companion Animals Act if the cat is a nuisance, whereby it unreasonably interferes with the well-being of a neighbour or if it repeatedly damages other people's property. Under the Companion Animals Act a cat is only a nuisance if it:

- makes persistent, excessive noise that reasonably interferes with the peace, comfort or convenience of any person in any other premises; or
- repeatedly damages anything outside the property on which it is ordinarily kept.

We acknowledge that Community awareness and education programs are critical to establish and promote responsible pet ownership and that the use of measures to manage companion animals, including registration, identification (ie microchipping), desexing and trying to limit the number of cats per

household (through the Local Approval Policy- Keeping of Animals) play a critical role in education owners of responsible pet ownership.

However, responsible cat ownership also includes effective containment, housing, feeding, control, health care and breeding. Cat owners need to be aware of the problems which can occur if their pet cat/s are allowed to roam or wonder outside their property.

Cat restrictions are increasing in frequency. Cat curfews, containment, or cat-free zones are common in the ACT, Victoria and SA. In some jurisdictions, cat containment requires cats to be contained to the owners' 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 the case in NSW.

If general requirements for cats were brought into line with those which exist for dogs (i.e., contained, or under effective control), then cat containment would no longer be an issue, or at least we would be able to take action against those in breach of the law.

At the present time cats are allowed to roam and there is no restriction for keeping them indoors.

Note from LGNSW

The motion can be actioned without a further Conference resolution as it is consistent with current LGNSW position 13.6 of the LGNSW Policy Platform which seeks amendments to legislation to enable councils to effectively manage the nuisance effect of cats on residents and wildlife, including streamlining the process of animal registration, limiting the roaming of cats beyond their owner's property.

X47 Hornsby Shire Council

Amendment to the Companion Animals Act - Domestic cat containment

That Local Government NSW lobbies the NSW Government to amend the *Companion Animals Act 1998*, in consultation with councils, to introduce best practice domestic cat containment requirements to keep cats secured at home in consideration of the associated resource implications of introducing such changes.

Note from Council

Pet cats, despite their valued role as companion animals, are a major threat to native wildlife. Research by the Threatened Species Recovery Hub of the Australian Government's National Environmental Science Program reports that, on average, each roaming pet cat kills 186 animals per year including reptiles, birds and mammals.

Collectively pet cats kill 390 million animals per year in Australia which is more animals killed, than by feral cats.

The research found 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.

Notwithstanding these impacts, 4 out of 10 people did not realise that their pet cat was roaming at night. Most residential areas in Hornsby Shire are located in close proximity to bushland reserves or National Parks and domestic cats with natural hunting instincts are able to roam freely in these areas, posing a threat to our native wildlife.

Keeping cats securely contained at home is the only way to prevent them from killing Australia's native animals. Additionally, our neighbourhoods and gardens provide important habitat for birds, reptiles and mammals. Many residents delight in having wildlife visit and live around their homes, due to the safe and predator free environment many residential properties can offer. Allowing pet cats to roam, impacts the ability of other residents to enjoy this aspect of urban living.

The introduction of requirements to keep cats at home also has significant emotional and financial benefits for cat owners such as reducing threat of injury, disease and death, allowing beloved cats to live a longer, healthier life. Keeping cats safe indoors or in an outdoor enclosure, alleviates the possibility of them being hit by a car, injury through fighting with other animals, catching life threatening diseases, or being poisoned by local toxic plants.

The Companion Animals Act 1998 does not currently contain requirements for cats to be secured at home and council officers can only take action if a cat is a nuisance, interfering with the well-being of a

neighbour or damaging property. However, other States such as the ACT, SA and Victoria have introduced legislation to address cat containment or provide powers to councils to make local laws to prohibit or regulate the presence of cats. It is appropriate to explore opportunities for the introduction of cat containment legislation in consultation with our communities to ensure the environmental impacts of domestic cats is managed in a sensitive and responsible way.

It is acknowledged that any proposed changes may have resource implications for councils and therefore, councils should be consulted as part of the process along with opportunities for community awareness and education programs to ensure cat owners are aware of their responsibilities.

Note from LGNSW

This motion can be actioned without a further Conference resolution as it is consistent with current LGNSW position 13.6 of the LGNSW Policy Platform which seeks amendments to legislation to enable councils to effectively manage the nuisance effect of cats on residents and wildlife, including streamlining the process of animal registration, limiting the roaming of cats beyond their owner's property.

X48 Orange City Council Cat Containment Amendments to the Companion Animals Act

That Local Government NSW lobbies the NSW Government to amend the Companion Animal Act 1998, in consultation with councils, to allow Councils to introduce cat containment policies and regulations to promote responsible pet ownership and companion animal welfare, and to prevent harm to native wildlife.

Note from Council

Cats can be ideal and important companion animals for residents but require responsible ownership. Free-roaming cats are at greater risk of disease, injury or death, and they also pose a significant risk to native wildlife. Under the NSW Companion Animals Act 1998, there is no requirement for cats to be secured within a property or home during day or night, and cats are only prohibited from roaming in food preparation/consumption areas and wildlife protection areas. Beyond these prohibitions, Council officers can only take action where a cat is a nuisance cat (ie, persistently making noise or causing damage to property outside its home) or for the protection of persons and animals from injury or death.

Other states and territories have introduced legislation to require cat containment, eg curfews and/or requirements for cats to be kept indoors or within external enclosures, or to permit Councils to enact local policies and regulations for cat containment. It would be appropriate for NSW Councils to have the capacity to develop appropriate policies and regulations for cat containment within their communities.

Note from LGNSW

This motion can be actioned without a further Conference resolution as it is consistent with current LGNSW position 13.6 of the LGNSW Policy Platform which seeks amendments to legislation to enable councils to effectively manage the nuisance effect of cats on residents and wildlife, including streamlining the process of animal registration, limiting the roaming of cats beyond their owner's property.

X49 Albury City Council Regulate and Control Cats in LGAs

That Local Government NSW calls on the NSW Government to enact legislation that gives Councils more power to regulate and control cats in their LGAs.

Note from Council

Cat curfews and total cat restrictions cannot be applied by a NSW Council because local policy cannot be more onerous than State legislation. Specifically, this means that because the NSW Companion Animals Act does not prohibit the free roaming of cats, a local Council cannot introduce this restriction.

There are only two areas where cats are prohibited under the Companion Animals Act, in 'food preparation' areas and in a 'Wildlife Protection Area'. When declared, a Wildlife Protection Area can only apply to a public place, which comprises pathway, road, park, or any other place the public is entitled to use. To enforce the restriction of cats or dogs in a Wildlife Protection Area Council would also need to have adequate signage erected in those public places. This does not assist with the management of roaming cats in residential areas.

Note from LGNSW

This motion can be actioned without a further Conference resolution as it is consistent with current LGNSW position 13.6 of the LGNSW Policy Platform which seeks amendments to legislation to enable councils to effectively manage the nuisance effect of cats on residents and wildlife, including streamlining the process of animal registration, limiting the roaming of cats beyond their owner's property.

X50 Liverpool City Council**Companion Animals Act**

That LGNSW calls on the NSW Government to:

1. combine the identification and registration of companion animals into one single process;
2. change the Companion Animals Act 1998 to require a companion animal to be identified and registered from 12 weeks or earlier if sold; and
3. develop an online pet registration system to enable the identification and registration of a companion animal in one process.

Note from Council

The Companion Animals Act requires a companion animal to be identified from 12 weeks old and requires a companion animal to be registered by 6 months. Council's experience is that the community is confused with the two step process and is less likely to comply with the registration of the animal and the legislation.

A simple process will not only reduce confusion, but increase compliance and reduce costs as a result of reduction in processes.

Note from LGNSW

This motion can be actioned without a further Conference resolution as it is consistent with current LGNSW position 13.6 of the LGNSW Policy Platform which seeks amendments to legislation to enable councils to effectively manage the nuisance effect of cats on residents and wildlife, including streamlining the process of animal registration, limiting the roaming of cats beyond their owner's property.

X51 Liverpool City Council**Cat confinement**

That Local Government NSW calls on the NSW Government to change the Companion Animals Act 1998 to:

1. call for legislation that restricts or confines the movement of domestic cats to that they are no longer permitted to roam free but are constrained in a similar way to dogs;
2. empower Local Government to take actions to reduce feral cat populations; and
3. call on the State Government to provide funding to Local Government for enforcement costs associated with cat management programs.

Note from Council

It is noted that the majority of Australian States and Territories have recently changed legislation that restricts or confines the movement of cats so that they are no longer permitted to roam free but are constrained in a similar way to dogs.

The legislative changes achieved by other States and Territories have also empowered Local Government to take actions to reduce feral cat populations. It is widely accepted that the threat to natural Australian fauna would be diminished if cats were not free to roam as is currently permitted under NSW legislation.

Confinement would also assist in unwanted cat population growth that contributes to the feral cat problem.

It is also widely accepted that one Council cannot address the associated problems of increasing cat populations alone.

Changes to the NSW legislation could be essential to unite all Councils to address cat populations and their negative impact on the natural environment.

Note from LGNSW

This motion can be actioned without a further Conference resolution as it is consistent with current LGNSW position 13.6 of the LGNSW Policy Platform which seeks amendments to legislation to enable councils to effectively manage the nuisance effect of cats on residents and wildlife, including streamlining the process of animal registration, limiting the roaming of cats beyond their owner's property.

X52 Camden Council**Companion animals management**

That Local Government NSW advocates that the NSW Government takes the following steps to improve the management of companion animals:

- a) review and update the database of microchipped and registered cats and dogs by moving the NSW Pet Registry to a database managed by Service NSW;
- b) improve service to owners of companion animals by establishing self-service functions via the Service NSW app; and
- c) promote responsible pet ownership and enhance animal welfare through a robust, accurate, user-friendly database.

Note from Council

The Companion Animals Register was introduced as a database for all microchipped companion animals in NSW. Since its introduction, the Register has undergone improvements and the Pet Registry with a self-service function has been developed.

However, the current system is still inefficient, impacting the management and welfare of companion animals in NSW. Many vets and authorised identifiers still complete triplicate hard copy forms for animal litters and forward them to councils for data entry.

Camden Council receives more than 10,000 companion animal forms for data entry annually. Council is obliged to complete all forms it receives within seven days of receipt, which includes forms from other council areas. The hard copy forms are regularly illegible or not completed with the owner's full name, address, and contact details. The incomplete data on the Register delays change of owner requests being processed and owners reuniting with their pets, and also impedes regulatory functions.

A new streamlined Pet Register database managed by Service NSW with improved self-service functionality will remove reliance on hard copy triplicate forms, providing a greater service to owners of companion animals. Authorised officers and other users such as vets will benefit from an improved database with a simplified process.

If the current Service NSW app were able to integrate companion animal ownership data, this would streamline registration and change of ownership, and also improve reuniting lost animals with their owner. This would provide efficiencies for councils across NSW and improve animal welfare by increasing immediate return to owner of lost animals. The change would also ensure a greater responsibility for individual animal owners to ensure their pets are properly registered on an existing and familiar platform (e.g. the Service NSW app).

Note from LGNSW

This motion can be actioned without a further Conference resolution as it is consistent with current LGNSW position 13.6 of the LGNSW Policy Platform which seeks amendments to legislation to enable councils to effectively manage the nuisance effect of cats on residents and wildlife, including streamlining the process of animal registration, limiting the roaming of cats beyond their owner's property.

X53 Albury City Council**Strategies to reduce natural gas consumption**

That Local Government NSW advocates that the NSW Government develop strategies to reduce and ultimately eliminate the provision of reticulated natural gas supply to new residential developments in NSW.

Note from Council

Natural gas is a non-renewable fossil fuel that contributes to carbon emissions and the devastating impacts of climate change.

The NSW Climate Change Policy Framework defines the NSW Government's role in reducing carbon emissions and adapting to the impacts of climate change. This role includes guiding public and private sector decision-making, particularly for long-lived assets such as gas reticulation. The Framework states NSW Government policy should be consistent with the likely long term direction of government and private sector action on climate change.

Transitioning away from Natural gas, a nonrenewable energy source, is consistent with this objective. The NSW government needs to join other States and Territories to prevent gas infrastructure in new suburbs. This transition will reduce carbon emissions and will support the NSW Government's objective to achieve net-zero emissions by 2050. We acknowledge that developments in hydrogen as an alternative energy source may contribute to the long term reduction in the usage of natural gas.

Note from LGNSW

This motion aligns with current position 10.8 of the LGNSW Policy Platform which calls for a roadmap to transition away from natural gas.

X54 Armidale Regional Council**Subsidies to improve energy efficiency**

That Local Government NSW formally supports the introduction in NSW of subsidies such as those available in Victoria and the ACT for residents to improve energy efficiency and replace gas and wood heating.

Note from Council

According to the government of Victoria: "A reverse-cycle air conditioner is one of the most cost-effective and energy-efficient ways to provide heating and cooling for your home in one system, for year-round comfort" See <https://www.heatingupgrades.vic.gov.au/>

Modern, energy reverse cycle systems can deliver 4 or 5 times as much heat to the home as they use in electric power and will be increasingly powered by renewable electricity.

Victoria offers subsidies of \$1000 to install energy-efficient reverse cycle systems, plus an additional \$500 if the switchboard needs to be upgraded.

Households with annual incomes below \$90,000 are eligible, as are owners of properties rented for less than \$500 a week. THE ACT Government offers subsidies of up to \$1250 under its 'Climate Choices' program to replace wood heaters with efficient reverse cycle systems and also offers subsidies to replace gas heaters - <https://www.climatechoices.act.gov.au/policy-programs/wood-heater-replacement-program>.

The schemes in Victoria and the ACT represent an extremely cost-effective way to improve the thermal comfort of homes, reduce energy poverty and reduce global warming, and would be consistent with the NSW Government's commitment to a 50% reduction in NSW's contribution to global warming by 2030.

Note from LGNSW

This motion aligns with current position 10.13 of the LGNSW Policy Platform which calls for the NSW and Australian Governments to enable the uptake of zero and low carbon technologies through appropriate investment, concessions and legislation.

X55 Armidale Regional Council**That LGNSW supports the introduction of a standard for new wood heaters**

That Local Government NSW supports and works towards the introduction of a standard for new wood heaters that will protect public health.

Note from Council

The lack of a health-based standard for wood heaters not only contributes to substantial ill-health, but also adds to the workload of local councils.

A new health-based standard for wood heaters would not only help protect public health, it would also reduce the time and effort needed to deal with complaints by people whose health is compromised by other people's wood smoke that, as revealed by Asthma Australia's study, are very difficult to resolve.

Note from LGNSW

This motion is consistent with current position 14.3 of the LGNSW Policy Platform which calls for the NSW Government to take action to protect human health and the environment by adopting the World Health Organisation Clean Air Guidelines and assisting communities to address breaches of national air quality standards and improving health through filtration and ventilation in public buildings. LGNSW can action this without a further Conference resolution and updating the Policy Platform to specifically reference protecting human health from wood heaters.

X56 North Sydney Council**Climate Change, Urban Tree Canopy and protection of biodiversity and habitat**

THAT Local Government NSW partners with the NSW State Government to develop a meaningful and deliverable process to urgently address, protect and increase tree canopy, particularly urban tree canopy and forest, to minimise the impacts of climate change and to protect biodiversity and habitat.

Note from Council

Urban tree canopy is a form of green infrastructure providing shade, which reduces ambient temperatures and mitigates the heat island effect. According to a recent RMIT report, more than half of Sydney's councils have lost urban forest cover since 2013. The loss of urban forest cover is consistent across the country. The decline in tree canopy has been attributed to development pressures, poor planning and a failure to value trees.

Protecting and increasing tree canopy has multiple benefits which include reducing summer peak temperatures and air pollution, providing wildlife corridors and habitat, protecting and enhancing biodiversity, providing visual relief and aesthetic benefits, and improving community well-being. Whilst many councils in NSW and across Australia have developed urban greening strategies, local communities cannot do it alone. By working in partnership with local councils, the Federal Government will be able to move more quickly and effectively to develop and deliver initiatives to address the impacts of climate change and the increasing urban heat island effect which are being felt across the country.

Note from LGNSW

This motion is consistent with current position 12.6 of the LGNSW Policy Platform which calls for wider recognition of the value of urban biodiversity and bushland areas and the implementation of management approaches to specifically meet the needs of these areas, including incentives to protect mature urban vegetation. It is also consistent with position 10.6 which calls for State Environmental Planning Policies that achieve improvements in liveability and sustainability of housing to: ensure developments and precincts include measures to alleviate the urban heat island effect.

X57 Tweed Shire Council

Private Native Forestry

That Local Government NSW advocates to the State Government to ensure that councils retain a role as consent authority in relation to forestry, including private native forestry.

Note from Council

The NSW state government has proposed excluding private native forestry from the operation of the NSW Koala SEPP 2021, including ensuring that dual consent is no longer required, by removing councils' role as a consent authority in relation to forestry.

Tweed Shire Council and other councils in the Northern Rivers Joint Organisation have identified and raised a number of key concerns with this proposal with relevant NSW Ministers.

It is noted that despite being proposed through the introduction of the NSW Koala SEPP, that this aspect of the proposed changes appears to go well beyond the management of koalas and their habitat, and affects all forestry proposals.

Recent assessment and mapping of koala habitat completed through a joint project of the University of Queensland, Southern Cross University, University of Sydney, Friends of the Koala and 4 northern rivers councils have identified significant and critical areas of koala habitat that would be able to be logged without assessment, consent or controls under this proposal. This work also confirmed that throughout the region, the target tree species and size class for forestry and the same trees most critical to koala habitat conservation. The proposed removal of council's consent role in relation to forestry also excludes council from being able to assess broader impacts including noise, threatened species (including koalas), dust, traffic, amenity (particularly in more closely settled rural areas such as in the northern rivers) and local infrastructure impacts.

Note from LGNSW

This motion aligns with existing position 7.2 of the LGNSW Policy Platform (which calls for councils to retain control over development) and 2020 Annual Conference resolutions 124 and 125 regarding conflicting legislation not protecting koala habitat. LGNSW can advocate on this matter without requiring a resolution of Conference.

X58 The Hills Shire Council

Annual 'benchmark' waste peg

That Local Government NSW advocates that IPART not set a benchmark Waste Peg in order to allow Councils to calculate the Waste Management Charge based on actual costs that are unique to each Council.

Note from Council

The Independent Pricing and Regulatory Tribunal of NSW (IPART) is reviewing domestic waste management (DWM) charges levied by NSW local councils with a view of developing a benchmark Waste Peg like the Rates Peg.

The Hills Shire Council (THSC) does not consider that the annual 'benchmark' waste peg will assist councils in setting their domestic waste management (DWM) charges. The proposed 'benchmark' waste peg adopts a similar methodology to the one used to calculate the change in the Local Government Cost Index (LGCI). The retrospective nature of LGCI already resulted in the 2022-23 rate peg being substantially below both the current and forecast CPI levels. This is creating anticipated shortfalls in councils' budgets and IPART has indicated that a review of the LGCI is needed. Given the pending review, it is strongly opposed that this methodology be implemented in DWM charges.

Aside from the pending review, as noted in the Draft Report, "the ABS does not have indices specific to waste management services, so for 'contracts' [IPART] propose to use the index that [they] apply to 'other business services' in the LGCI. For the Waste Levy and 'other' expenditure [IPART] propose to use CPI."

Apart from Roads and Parks maintenance, DWM contracts account for the third highest cost in THSC and this would be the case for many NSW councils. It is concerning that the proposed methodology suggests applying a general contract CPI on DWM contracts given the high materiality to councils. It is also incomprehensible as to why the Draft Report would, on one hand, recommend a specific approach on 'direct incremental cost' prohibiting reasonable allocation of most overhead costs to DWM, yet on another hand recommend a pegging approach based a general CPI.

In addition to the high materiality of DWM contracts, as highlighted in the Draft Report DWM has a concentrated market with a small number of suppliers which have long term contracts with councils. The annual 'rise and fall' of DWM contracts is often tied to a range of factors beyond CPI. For our Disposal and Processing Contracts, contract costs are affected by increases to the waste levy and changes in the volume of waste collected. Waste volumes are impacted by population growth, extreme weather events, Covid-19 and policy changes like China National Sword, Return and Earn and the Waste Export Bans. These impacts all directly influence waste generation at a household level and therefore total waste volumes councils collect and need to pay disposal fees for.

The table below shows how our waste volumes have changed since the start of our current DWM contracts. As evident in the table, volumes have increased significantly since the Covid-19 global pandemic.

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	Estimate FY 21/22
Tipping (t)	76,136	73,807	76,903	85,054	90,719
Increase	N/A	-3.1%*	4.2%	6.7%	10.6%

Combined tonnages collected from red lidded garbage bins, yellow lidded recycling bins, green lidded garden organics bins and on-call bulky hard waste collections.

** The reduced volume in FY 18/19 is from losing DWM services to the City of Parramatta on 1 October 2017 as part of NSW council amalgamations.*

For our Waste Collection Contract, several extra factors are considered in addition to CPI changes such as: Wages, Payroll Tax and Superannuation Guarantee Levy, Workers Compensation Insurance; Fuels and Lubricants, Tyres, Vehicle Registration, Depreciation, Insurance, and other materials; and Costs and Profit Return. It should be noted that policy changes also affect the Contract like the NSW Government's recent Food Organics and Garden Organics mandate. The mandate will incur significant additional costs to implement. Recent modelling commissioned by the Southern Sydney Regional Organisation of Councils (SSROC) projects that implementing the new mandate will lead to an 8% increase on the business as usual costs of its member councils in year one. The LGCI is inadequate and not reflective of annual changes in DWM contract costs.

Furthermore, dwelling mix also plays an important part in DWM costs. As THSC transitions from more houses to more apartments with denser living and narrower roads like laneways, collection vehicle sizes need to reduce in certain areas. Laneways can be found across all our new release areas that were planned under the NSW Government's North West Priority Growth Area Program. While an example of new denser living can be seen as a direct result of The North West Rail Link and its associated housing strategies. Both are externally driven changes which will in turn increase costs due to the need for smaller trucks with smaller payloads to access basement collection points and negotiate narrower roads safely. In addition, there are requirements for more fleet and staff to operate the smaller vehicles due to reduced payloads and as bins need to be manually emptied by drivers.

Lastly, the Draft Report proposed publication of a 'benchmark' waste peg and a comparison of councils' DWM charges. However, as no two councils are alike, having a benchmark may create confusion and angst amongst stakeholders. It will not be easy for stakeholders to understand different DWM cost drivers across councils, such as service level, dwelling mix, demographic, community expectation, population growth rate, contract terms, road type etc. Publication of benchmark and comparison may result in increased enquiries and/or complaints. The requirement for councils to explain charges that increased more than the benchmark waste peg will also create additional costs, especially so if the waste peg is set on LGCI which is not reflective of cost drivers in the first place. The increased administrative costs may need to be funded out of general rates under the proposed methodology. Even if these costs can be included in DWM, these increases will likely not be captured in the proposed pegging methodology which is based on CPI increases.

DWM contracts are complex in nature, material by value, sensitive to market and legislative changes and costs fluctuate as community behaviour, expectations and living environment changes. Even at the time of writing this submission, Council is engaged in cross-contract negotiations due to the recent acquisition of one of our waste contractors by another waste provider. As part of the acquisition approval process through the Australian Competition and Consumer Commission, key waste facilities where we currently take our waste for disposal were sold to third parties. This has had major impacts on our current contracts including service delivery. Further to this, we were also in negotiations with our recycling processor due to change of law implications on our contract due to legislation changes. All of these examples were triggered by external factors with the outcomes subject to potential negative impacts with greater unanticipated costs and losses associated. Funding gaps arising from DWM Waste pegging will limit councils' ability to deliver or maintain expected level of DWM services.

Note from LGNSW

This motion is consistent with LGNSW position as articulated in our submission to IPART's Review of the Domestic Waste Management Charge (April 2022). In addition, Position 1.2 of the LGNSW Policy Platform calls for councils to have greater autonomy in determining fees and charges. LGNSW's position broadly opposing a DMWC peg is quite clear. In August 2022 IPART announced it would not proceed with a waste peg recommendation.

X59 Fairfield City Council

Waste Management and Infrastructure

That Local Government NSW calls on the NSW State Government prioritise the serious lack of infrastructure for waste management and the Department of Planning revise planning of infrastructure to manage the waste services and operations.

Note from Council

Greater Sydney's population will grow to approximately 6.1 million by 2041 — over a million more people than currently live in the region. NSW will need to process nearly 20 million tonnes of waste and to achieve recycle targets established in the Environmental Protection Authority's (EPA) Waste and Sustainable Materials Strategy significant investment is required to develop the infrastructure needed to process the increase in the volume of waste. Non-putrescible landfill space is expected to be depleted by 2028 and putrescible landfill space by 2036. To avoid a looming waste crisis, State investment in infrastructure for organics processing, paper/cardboard beneficiation, plastics pelletising and e-waste processing and the building of new landfills or energy from waste recovery facilities is urgently required. Landfills currently servicing Sydney are accepting about 4 million tonnes of inert waste and 2 million tonnes of putrescible waste each year. Recent interruptions to the provision of landfilling services at both the Woodlawn and Lucas Heights landfills due to extreme rainfall, is an indication of operational challenges facing Local Government. The Protection of the Environment Operations Act 1997 (POEO Act) requires certain licensed waste facilities in NSW to pay a contribution for each tonne of waste received at the facility. Referred to as the Section 88 Waste Levy, the contribution aims to reduce the amount of waste being landfilled and promote recycling and resource recovery. Revenue from the levy has been increasing year by year and an LGNSW audit shows \$751 million was collected via the levy in

2019-2020 with a total of \$3.9 billion collected between 2013 – 2019. By 2022/2023 it's expected to be over \$800 million (LGNSW's 2019 Report - At the crossroads: the state of waste and recycling in NSW). It takes an inordinate amount of time to get waste infrastructure approved. Investing the levy into Waste Infrastructure and improvements with the Planning instruments is required now to avert a crisis within the waste disposal sector. Either Energy from Waste (EfW) facilities or new landfills are required to meet demand. Fairfield City Council urges the NSW State Government to prioritise this serious lack of infrastructure and the Department of Planning needs to recognise this and step up with specific planning instruments for recycling and resource recovery.

This is consistent with current position 11.1 of the LGNSW Policy Platform which calls for the reinvestment by the NSW Government of the NSW waste levy collected from the community and industry to: b) Fund the delivery of priority infrastructure and other projects, procured by local government, that are needed to deliver the regional-scale plans, particularly where there is market failure identified in the regional plans.

X60 Lake Macquarie City Council

Supporting the circular economy

That Local Government NSW calls on the NSW Government provides incentives and funding, removes regulatory barriers and creates enabling policy conditions that support the development of circular economy action plans and precinct development by local government.

Note from Council

The development of a circular economy offers significant potential economic, environmental and social benefits to NSW. In a circular economy, waste and pollution are designed out, products and materials are kept in their highest use for as long as possible, and natural systems are regenerated.

This motion calls on the NSW Government to provide support through funding and regulatory changes that will enable local governments to conduct research and development and partner with industry in the delivery of circular products, technologies or project trials. This will support local government-led initiatives that bring together industry, government, academia, social enterprises and the community to investigate circular economy solutions and establish supply chains and service markets.

Note from LGNSW

This motion is consistent with current LGNSW positions established through resolution 56 of the 2022 Special Conference, that called for the NSW Government to provide funding and resources for circular economy capability building and support the development of Circular Economy Action Plans and precinct development by local government.

X61 Blacktown City Council

Minimising the impact of extreme weather events on key waste infrastructure

That Local Government NSW calls on the NSW Government to develop emergency contingency planning in the event of severe weather conditions impacting access to key waste infrastructure.

Note from Council

The accessibility and operation of waste facilities has been heavily impacted by frequent and intense rain events in the last 12 months. The NSW Government has failed to have contingency planning in place to ensure that this essential service is not impacted by severe weather.

A NSW wide contingency plan is urgently needed to address how local councils and industry can continue to provide this essential service to the community during severe weather events. The plan must identify:

- access to alternate facilities
 - exemptions to support uninterrupted service provision
 - support to commercial disposal providers
 - the process for temporary changes to licenses to accommodate temporary additional stockpiling
 - planning requirements that consider storage and access during and after extreme weather events.
- The continued lack of strategic waste infrastructure impacts safe and continual service provision. A plan will ensure we have an appropriate way to respond to the impacts of extreme weather events and maintain service levels.

Note from LGNSW

This motion is consistent with LGNSW policy position highlighted in the submission to the Independent Flood Inquiry, which included:

- * Recommendation 10: That the NSW and Australian Governments fully fund the clean-up of damaged or destroyed buildings and structures, particularly those that contain asbestos, following natural disasters.
- * Recommendation 11: That the NSW Government support the EPA to continue to develop and implement the Emergency Waste Sub Plan, specifically the emergency waste toolkit for councils.
- * Recommendation 12: That the NSW Government continue to support the EPA and regional waste groups to develop regional plans for emergency/disaster waste management. These plans should include detail on how to manage deceased animals, asbestos and contaminated or hazardous materials, as well agreements between councils on supporting each other during future emergencies.

LGNSW can update its waste position statement to reflect this position.

X62 City of Canada Bay Council**Mattress Product Stewardship Scheme**

That Local Government NSW calls on the Federal Government for a transition to a co-regulatory or mandatory product stewardship scheme for mattress collections and recycling.

Note from Council

Mattress collection and recycling costs individual councils hundreds of thousands of dollars each year. The cost to collect and recycle a mattress in Sydney varies but is typically in the vicinity of \$35-40 per mattress. Mattresses are also very expensive to send to landfill due to their weight and volume.

The Australian Bedding Stewardship Council (ABSC) is launching a product stewardship scheme for mattresses in January 2023, which will impose a revised product stewardship fee (PSF) of \$10 applied to a mattress at the point of manufacture or import into the Australian market. The scheme is voluntary, which means that mattress manufacturers and importers are not obliged by legislation to pay the PSF. In late 2021, the ABSC initially consulted with government and industry on a \$17-20 PSF and received feedback from mattress manufacturers that a major section of the market would not participate in the scheme if the fee was at that level. ABSC has now lowered it to \$10 per mattress.

ABSC has advised in its summary information for stakeholders, that from the PSF collected, only a portion would go towards accredited mattress recyclers and, that in the first year of operation, there would not be a portion of the fee passed onto to collectors (such as councils), which they have termed as a 'collector's rebate'. They have also advised that once the scheme is fully operational, the portion of the PSF passed onto mattress collectors (such as councils) is likely to be small, and that the scheme is unlikely to cover the costs of collection and recycling of mattresses. Changes to the scheme to a co-regulated approach is considered to be essential to ensure all mattress manufacturers participate and contribute towards the costs of collecting and recycling mattresses, which should not be borne by councils.

Note from LGNSW

The motion is consistent with current position 11.1 of the LGNSW Policy Platform, which calls for the reinvestment by the NSW Government of the NSW waste levy collected from the community and industry to: ... e) Work with the Federal Government to introduce producer responsibility schemes for soft plastics and other emerging problem wastes such as paints, batteries, chemicals, mattresses, electronic waste, asbestos and sharps. LGNSW also already advocates for mandatory product stewardship schemes over voluntary schemes (including in the LGNSW 2022 [submission on the Resource Recovery Framework](#)).

X63 Camden Council**Waste disposal and processing facilities**

That Local Government NSW advocates that the NSW Government develops a plan with appropriate funding and timelines for the delivery of additional waste disposal and processing facilities to meet the needs of our growing communities and ensuring there are appropriately located facilities for all councils.

Note from Council

NSW needs additional waste infrastructure. The NSW State Government has developed the following strategic documents to shape the future of waste management in NSW:

- NSW Waste and Sustainable Materials Strategy - This document identifies the need to meet our future infrastructure and service needs.
- NSW Waste and Sustainable Materials Strategy: A guide to future infrastructure needs – This document identifies current disposal and processing options and opportunities as well as noting that with our current rate of waste generation NSW is likely to reach putrescible landfill capacity by 2036 and non-putrescible landfills by 2028.

- EPA Waste Delivery Plan – This document outlines a timeline for the EPA’s ‘Feasibility Assessment of Circular Economy Infrastructure’.

These strategies and documents outline the need to develop a plan, however, do not identify a way forward or actual infrastructure planning/development to be completed.

Lucas Heights is the only licensed putrescible landfill in the Sydney basin. All other facilities accepting putrescible waste are required to transfer waste to a licensed landfill such as Lucas Heights or outside of the Sydney Basin such as Woodlawn. This requires waste to be transported long distances by road or a rail network that is already at capacity. Of the facilities located outside the Sydney basin, many are at capacity and have limited ability to accept additional waste.

Current planning controls allow waste infrastructure within industrial zones however there are currently no mechanisms to quarantine dedicated land for critical waste infrastructure. The lack of early planning will result in a lack of waste disposal and processing infrastructure, which will increase disposal costs as landfill space diminishes.

With IPART considering a rate peg, councils are under increasing financial pressure to manage waste within the proposed peg.

Note from LGNSW

This motion is consistent with current position 11.1 of the LGNSW Policy Platform, which calls for the reinvestment by the NSW Government of the NSW waste levy collected from the community and industry to:

- a) Urgently fund regions of councils to develop and implement regional waste plans for the future of waste and resource recovery in their regions, which include infrastructure and circular economy action plans and precinct development to address the needs of our cities and regions.
- b) Fund the delivery of priority infrastructure and other projects, procured by local government, that are needed to deliver the regional-scale plans, particularly where there is market failure identified in the regional plans.

X64 North Sydney Council

Sustainable Waste and Recycling Practices

That Local Government NSW calls upon the State Government to work with the Federal Government to urgently step in to address the structural issues with waste and recycling as a result of the China Sword and in order to promote and delivered a circular and sustainable waste practices.

Note from Council

On 1 January 2018, China implemented its National Sword Policy which restricted the importation of 24 categories of solid waste and limits contamination of those materials to less than 0.5 per cent. These restrictions have impacted the waste sector with stockpiling of waste as waste collectors across the country try to find new markets. The flow on effects of these imposed limits have resulted in the waste sector having to both restrict waste collections, stockpile waste and increase prices. These changes are not sustainable nor do they address the underlying issue that Australia is producing too much waste, especially to landfill.

What is needed is a national response to address to the underlying structural issues with waste and recycling including reform of current practices and policies relating to waste disposal, recycling and sustainable waste management. As the level of government responsible for waste services within the community, we call on the Federal Government to work with Local Government to develop a national Waste Management Framework.

Note from LGNSW

This motion is consistent with current position 11.6 of the LGNSW Policy Platform which advocates for clear policy direction with regulatory certainty, achievable targets and implementation and funding pathways for delivery through e.g. the NSW Waste Strategy, National Waste Policy, COAG targets. It is also consistent with position 11.1 which calls for the reinvestment by the NSW Government of the NSW waste levy collected from the community and industry, including working with the Federal Government to introduce Producer Responsibility Schemes for soft plastics and other problem wastes.

X65 Bayside Council Supporting Local Government to achieve state resource recovery targets by returning sufficient waste levies

That Local Government NSW lobbies the NSW Government to return a significantly higher portion of the waste levies contributed by local councils to their local communities to use for waste avoidance, resource recovery, and other state-wide significant essential services issues, including disaster and crisis waste management.

Note from Council

The NSW Government has set ambitious waste avoidance, resource recovery targets and mandates for local government. These targets and mandates are unrealistic and untenable without significantly higher financial investment by the NSW Government. Waste levies were originally intended to assist local government and industry to achieve these goals. The Metropolitan State Waste Levy has increased by 144.2% in the ten years between 2009/10 and 2019/20. In contrast, the Local Government NSW (LGNSW) Rate Peg was only 2.89% per annum in that period. Of the \$771 million generated NSW levies in 2017/18, only 19.9% of NSW waste levies were spent on waste and recycling activities, inclusive of State EPA agency funding, according to the 2019 National Waste & Recycling Industry's White Paper Review of Waste Levies in Australia. In November 2020, the Auditor-General for New South Wales released a report that examined the effectiveness of the waste levy and grants for waste infrastructure in minimising the amount of waste sent to landfill and increasing recycling rates. The audit found that the NSW EPA has not conducted a review since 2009 to confirm whether the levies are set at the optimal level. The audit also found that there were no objective and transparent criteria for which local government areas should pay the levy, and the list of levied local government areas has not been reviewed since 2014. Bayside Council only received approximately 2.6% or \$185,000, from the NSW EPA as uncontested funding from the \$7 million in waste levies that Council contributed in 2021/22 to improve waste avoidance and resource recovery.

In 2022/23, no councils will receive non-contestable funding and will instead have to compete with all of industry to gain adequate funding for resource recovery and waste avoidance initiatives. The need for consistent service provision for local government resource recovery initiatives requires a constant funding source which cannot be guaranteed in a contestable funding environment. In March 2018, a parliamentary inquiry into waste handed down recommendations in relation to the NSW waste levies. It found that NSW is the second highest per capita producer of waste in the world, with the final report acknowledging that successive NSW Governments have "failed to effectively leverage levy funds" to support the development of much-needed services and infrastructure, leaving the state dependent on landfill. The committee made several recommendations to overcome this issue, including that the NSW Government hypothecate a greater percentage of waste levy funds to local councils and the waste industry to support the provision of additional waste services, initiatives, and infrastructure. This greater hypothecation of waste levies to local governments needs to be incontestable to ensure continuity of services and initiatives; to provide a stable economic, environmental, social framework; and, to minimise the considerable administrative and financial burden of applying and competing for grant funding.

Note from LGNSW

This motion is consistent with resolution 21 of the 2020 Annual Conference which calls for the NSW Government to increase the proportion of the waste levy reinvested in recycling and waste management. It is also consistent with position 11.1 of the LGNSW Policy Platform.

X66 Mosman Council

NSW Waste Levy, Grants and Funding

That Local Government NSW calls on the NSW Government to set aside 70% of the waste levy collected from councils providing waste recycling and resource recovery services in the community in order to fund direct grants to levy-paying councils in the regulated area of NSW for investment in recycling and environmental processing initiatives, and further to permanently fully fund the continuation of waste and recycling programs under the NSW Environment Protection Authority's Waste Less, Recycle More and Waste and Sustainable Materials Strategy 2041: Stage One 2021-2027 initiatives.

Note from Council

The LGNSW policy platform on Waste and Recycling states that "Councils provide waste, recycling and resource recovery services to the community, provide and operate recycling and disposal infrastructure and work tirelessly to reduce the amount of waste ending up in landfill by educating residents, businesses and schools about waste avoidance and recycling. Councils continue to face significant challenges from increasing waste generation and lack of markets for Australian recycled content. All levels of government, as well as business and the community need to work together as we move to a more circular economy where materials and products remain within the economy for longer and waste is reduced."

LGNSW and member councils advocate for the reinvestment by the Government of the waste levy collected from the community and industry for a range of waste and recycling initiatives, programs and priorities. The waste levy is used by the Government as the key economic instrument for greater waste avoidance and resource recovery. The levy has also been used to fund the NSW Environment Protection Authority's four year extension of the 2017-2021 \$337 million Waste Less, Recycle More initiative which was further extended until 30 June 2022. The EPA is transitioning from Waste Less Recycle More to the Waste and Sustainable Materials Strategy 2041: Stage One 2021/2027 which aims to reduce waste and change how the NSW economy produces, consumes and recycles products and materials. It sets out a vision for transitioning to a circular economy over the next 20 years and contributes to the State's overarching net zero target. All programs under the Waste Less, Recycle More and Waste and Sustainable Materials Strategy 2041: Stage One 2021-2027 initiatives should be maintained and fully funded to ensure momentum is not lost. Rigour and transparency is required around the allocation of the waste levy collected from councils and those councils deserve certainty that the levy collected is being reinvested for the purpose it was collected and is not being absorbed into State consolidated revenue. A guaranteed 70% allocation of the levy to fund both levy-paying councils and NSW Environment Protection Authority waste initiatives will go a long way in achieving this certainty.

Note from LGNSW

This motion is consistent with position 11.1 of the LGNSW Policy Platform, which calls for the reinvestment by the NSW Government of the NSW waste levy collected from the community and industry to: a) Urgently fund regions of councils to develop and implement regional waste plans for the future of waste and resource recovery in their regions, which include infrastructure and circular economy action plans and precinct development to address the needs of our cities and regions. b) Fund the delivery of priority infrastructure and other projects, procured by local government, that are needed to deliver the regional-scale plans, particularly where there is market failure identified in the regional plans.

X67 Shoalhaven City Council

Waste Levies

That Local Government NSW strongly advocates for the return of a greater proportion of waste levies to Local Government.

Note from Council

The NSW Waste and Sustainability Materials (WASM) Strategy 2041 sets ambitious targets to achieve an 80% average recovery rate from all waste streams.

The EPA have budgeted \$356 million in funding over the next 6 years to help deliver priority programs and policy reforms.

While the number may appear to be large, with 152 Councils it is equivalent to only \$390,000 per Council per year.

As a comparison in 2019-2020 the NSW Government received a total of about \$750 million in levy funds.

Extrapolated to 6 years it is equivalent to \$4.5 billion in levy funds, with only \$356 million, or 8%, being allocated to achieving strategy targets. The reality in the Shoalhaven over the past 3 years is as follows:

Year	2019-2020	2020-2021	2021-2022
Council pays as waste levy to NSW Government	\$11,317,113	\$12,830,793	\$11,341,330
Grant funding for recycling projects received from the NSW Government	\$233,680	\$180,657	\$764,982
% Retained by NSW Government for general funds	98%	99%	93%

The WASM Strategy includes a guide to future infrastructure needs, which includes Materials Recovery Facilities (MRFs).

The Shoalhaven MRF is incorporated in this document as a planned facility and the only MRF located between Sutherland and the NSW southern border in Bega.

Despite this, two separate grant applications for co-contributory funding of the MRF were unsuccessful. The reason being that the total amount of grant applications was oversubscribed by about 3 times.

Note from LGNSW

This motion is consistent with resolution 21 of the 2020 Annual Conference which calls for the NSW Government to increase the proportion of the waste levy reinvested in recycling and waste management. It is also consistent with position 11.1 of the LGNSW Policy Platform.

X68 Newcastle City Council**Waste management and waste levy reinvestment**

That Local Government NSW:

1. notes the various submissions made by councils to the Independent Pricing and Regulatory Tribunal (IPART) in response to the release of the Local Council Domestic Waste Management Charges (DWMC) Discussion Paper.
2. notes that the NSW Government collects around \$800 million annually through its Waste Levy, which has grown by more than 250 per cent over the past decade.
3. continues to raise concerns regarding councils, including City of Newcastle, receive as little as 0.5% of the levy returned to them for the purpose of funding vital resource recovery, waste management and waste and recycling education projects for their communities.
4. calls on the NSW Government to adequately re-invest Waste Levy funds into the development of local waste management planning, waste avoidance technology, local procurement, education and local priority waste management infrastructure projects such as the City of Newcastle Organics Recycling Facility at Summerhill Waste Management Centre.

Note from Council

On 20 October 2020, City of Newcastle provided a detailed submission to IPART regarding the Waste Management Discussion Paper noting that IPART requires further in-depth analysis to understand the Domestic Waste Management market and current associated barriers. The submission also notes the potential for significantly better outcomes the industry should a more considered and sophisticated response be adopted.

City of Newcastle notes that:

- the NSW Government collects around \$800 million annually through its Waste Levy, which has grown by more than 250 per cent over the past decade;
- despite paying approximately \$37 million annually in Waste Levy contributions, only \$175,000 is returned to the Newcastle LGA.

Note from LGNSW

This motion is consistent with resolution 21 of the 2020 Annual Conference which calls for the NSW Government to increase the proportion of the waste levy reinvested in recycling and waste management. It is also consistent with position 11.1 of the LGNSW Policy Platform.

X69 Leeton Shire Council**Increased Funding for Weed Management**

That Local Government NSW calls on the NSW and Federal Governments to provide greater levels of funding to local councils to enable better protection of agricultural land and the environment from problem weed incursions.

Note from Council

Currently, limited funding is provided for weed management for biosecurity purposes. Leeton Shire Council, for instance, receives just \$60,000 annually. With such limited resourcing, councils such as Leeton are unable to adequately fulfil their responsibilities in relation to weed control.

Weed incursions negatively impact the productivity and yield of agricultural land and can have a profound effect on the sustainability of regional communities throughout Australia. It is vital that productive agricultural land continues to be sustainable and viable in the interests of the regions, NSW and Australia, and in the interest of producing reliable and affordable food for the nation.

Much of the current weed funding provided is for the management of new and emerging weed varieties only.

There are other persistent problem weeds, such as Fleabane and Silver Leaf Nightshade, that do not fit this criterion.

While a degree of state and federal funding is available for the management of new and emerging species of weeds, limited funding is available for the management of weed incursions of species that are widespread, well-established and impact – on an ongoing basis – the productivity of agricultural land and the integrity of natural habitats.

There needs to be greater investment in the effective management of such weed species.

Note from LGNSW

This motion is consistent with current position 13.4 of the LGNSW Policy platform which calls for funding stability and funding via the Weed Action Program to be increased to \$20M per year; and a review of the Weed Action Program administration to minimise any duplication or excessive reporting and auditing requirements applied to councils and county councils. 2022 Special Conference Resolution 59 also aligns with this motion, by calling on the NSW Minister for Local Government and NSW Minister for Agriculture to increase funding of the NSW Weeds Action Program to allow for greater promotion of landholder responsibilities under the *Biosecurity Act 2015*.

X70 Hawkesbury River County Council

Review of NSW Local Land Services

That Local Government NSW calls on NSW Natural Resource Commission to undertake a review of the management of the NSW Weeds Action Program by NSW Local Land Services.

Note from Council

A review was conducted by the Natural Resource Commission in 2014, which stated the importance and value of local government as the operational arm of the weeds management sector. Since then, many local governments find themselves with less funding and less capacity than they had in 2014. The principle source of funding for priority weeds is the NSW Weeds Action Program. A review should consider the increasing costs of delivering biosecurity weeds services by local government, and reduced funding to achieve on-ground outcomes on a local or regional scale.

Note from LGNSW

This motion is consistent with existing LGNSW positions on this matter and LGNSW can advocate on this issue without need for a further Conference resolution. Resolution 135 of the 2020 Annual Conference calls for the NSW Minister for Agriculture to urgently review the double handling of the NSW Weeds Action Program being undertaken by two NSW Government departments; NSW Primary Industries and Local Land Services, with a particular focus on the over burdensome reporting and auditing requirements applied to councils and county councils.

X71 Upper Macquarie County Council

WAP funding

That Local Government NSW requests that the NSW Government provide a contemporary and consistent funding stream to Local Councils and County Councils for weed control through the Weed Action Program (WAP):

- a) which requires more financial resources to enable the proper application of the Biosecurity Act in managing weeds
- b) is indexed to inflation/pegging rate
- c) that matches the current funding by Council(s)

Note from Council

Councils are the control authority for weeds in NSW, this has been the case for over 100 years. Councils require the State Government to provide a consistent stream of funding at least equivalent to the local contribution currently made by Local Government.

Note from LGNSW

This motion is consistent with current position 13.4 of the LGNSW Policy platform which calls for funding stability and funding via the Weed Action Program to be increased to \$20M per year; and a review of the Weed Action Program administration to minimise any duplication or excessive reporting and auditing requirements applied to councils and county councils. 2022 Special Conference Resolution 59 also aligns with this motion, by calling on the NSW Minister for Local Government and NSW Minister for Agriculture to increase funding of the NSW Weeds Action Program to allow for greater promotion of landholder responsibilities under the *Biosecurity Act 2015*.

Community motions

X72 Bland Shire Council

Funding for Libraries

That Local Government NSW seeks a commitment from all political parties contesting the March 2023 NSW elections to the continuation and improvement of funding to public libraries to deliver a sustainable funding model for the future for these valuable community resources.

Note from Council

In the lead up to the last NSW election, Local Government areas across the state undertook a substantial lobbying campaign to improve the funding outcomes for libraries within their communities. This resulted in a commitment by major political parties to support a funding increase, a commitment which was met by the then Berejiklian Government. However, the costs of providing library services continue to increase despite libraries having limited means to increase their own revenue streams.

Local government organisations in New South Wales operate 450 council-run libraries, attracting more than 34.8 million visits. A commitment to improve the funding for local libraries followed by budget allocations to meet such commitments is needed to maintain these vital community assets.

Note from LGNSW

This motion is consistent with current LGNSW position 15.1 of the LGNSW Policy Platform, which calls for the creation of a sustainable funding model for public libraries that indexes funding to CPI and is protected in legislation. LGNSW can advocate on this matter without requiring a further resolution of Conference.

X73 Bega Valley Shire Council The role of the arts in the ongoing recovery of Regional NSW

That Local Government NSW calls on the State Government to note the role of the arts in the ongoing recovery of regional NSW following years of drought, bushfires, floods and Covid 19 and provide adequate program and operational funding to enable our cultural facilities to be sustainable over time and continue to support social inclusion and connectivity, recreation and education, accessible community participation and cultural tourism in the regions.

Note from Council

Local government plays a critical role in Australia's arts and culture sector, making a substantial contribution to capital (building and maintenance) and recurrent (staff and programs) for galleries, libraries, performing arts centres, museums, festivals and events, arts organisations. The arts, culture and the creative industries are recognised by local government as an essential economic driver for visitor economies, with 'experiential travel' being a key component of economic recovery. They also create attractive and dynamic places to live, work and visit.

Investment in the cultural sectors benefits communities in multiple ways; by building community cohesion and supporting wellbeing. As our community's recovery from natural disasters, including drought, fires and floods, the arts have a unique and important role to play in recovery and resilience building. Investment by the state government in the arts and cultural sector has not kept pace with the costs.

In regional areas, local government is the largest government investor to this sector. Costs have risen substantially to fill the investment gap left by inadequate funding by both state and commonwealth governments. The disparity between funding of metropolitan and rural institutions is clear. It is essential that local governments are recognised as arts organisations and funded appropriately plan for, manage and operate these cultural institutions.

Short term, competitive funding undermines viability of these important institutions and hampers their ability realise to realise their potential. Direct funding to local government, rather than financial support delivered through ad hoc funding rounds, will enable tailored programs at the local level and efficient delivery of integrated strategies that can have long-term and sustainable impacts. In the Bega Valley, Council has made a significant investment in the redevelopment of the Bega Valley Regional Gallery as a regional entre of artistic excellence and a major tourism driver. This builds on the important work the Gallery has played in assisting communities recover from the black summer bushfires.

The gallery is the only facility of its kind in the south-east region of New South Wales with the closest regional galleries located in Albury, Nowra and Goulburn.

Council's commitment has not been adequately supported by the State government, with no capital contribution being received for the project to date. Ongoing operation and programming costs are subject to competitive grant rounds - a process which is time consuming and takes staff time away from the delivery of the services. Reliable and ongoing state funding for capital, programming and operating costs are essential to secure the viability of the gallery and other cultural institutions into the future.

Note from LGNSW

This motion is consistent with current position 15.5 of the LGNSW Policy Platform, which calls for stimulus and recovery funding to councils to promote and support arts and culture, including for galleries, performance, exhibitions and festivals.

X74 City of Parramatta Council Increase funding for Arts and Culture in Western Sydney

That Local Government NSW calls on both the NSW Government and the Federal Government to increase funding for the delivery of Arts and Culture infrastructure, projects, programs and grant funding in Western Sydney.

Note from Council

Arts and cultural opportunities are recognised as an integral component of resilient, innovative and prosperous communities. Art produced in Western Sydney continues to set new standards, defining the region, people, history and previews potential for a bright future. However, Western Sydney's cultural and arts sector has been underfunded since the 1980s.

A Deloitte report shows on a per capita basis the Western Sydney Cultural Arts sector has been grossly underfunded and lacking support since the region developed its first modern cultural institutions in the late 1980s.

At the time of the report, 'Western Sydney represents 1 in 10 Australians yet attracts only 1% of Commonwealth arts program funding, and 5.5 % of the States Cultural Arts, heritage and events funding'. <https://www2.deloitte.com/au/en/pages/economics/articles/building-western-sydney-cultural-arts-economy.htm> Local Councils, through the establishment, ownership and maintenance of performance venues, promotion of local and major events, facilitation of Cultural Arts activity through industry development, have provided the majority of support for the Cultural Arts sector in Western Sydney for several decades. However, Councils financial capacity to provide the necessary program and infrastructure funding to grow the industry to meet emerging demand is limited. Greater investment in cultural arts in Western Sydney creates opportunities for State and Federal Government to deliver jobs, investment and social outcomes for this growing region.

Note from LGNSW

The intent of this motion aligns with existing LGNSW Fundamental Principle E, which calls for equity and the fair distribution of resources.

X75 Cumberland Council Domestic and family violence prevention officer

That Local Government NSW:

1. commends the NSW Minister for Women's commitment to boosting domestic and family violence support services;
2. calls on the NSW Government to provide funding for a dedicated domestic and family violence prevention officer in all LGAs.

Note from Council

Violence against women and their children remains a profound problem and addressing it is one of the greatest challenges for NSW. Tackling this difficult problem requires significant engagement with local community organisations and agencies on developing action plans that will improve community awareness and understanding of this issue, address the underlying drivers of violence and encourage cultural change from the ground up.

This vital work requires a dedicated Domestic and Family Violence Officer within local councils to steer the development of local plans taking account of the diverse needs of local communities, to act as a conduit between community organisations, police, and local leadership and to provide a strongly focused point of contact for those seeking support.

Note from LGNSW

This motion is consistent with existing position 14.10 of the LGNSW Policy Platform which calls for funding, resources and initiatives to address the prevalence of domestic and family violence (DFV) in NSW, including Crimes Act recognition that coercive control and dowry abuse are forms of DFV, and funding a DFV prevention officer to work with NSW councils.

X76 North Sydney Council Delivery of affordable childcare in local communities

That Local Government NSW works with ALGA to lobby the Federal Government to deliver local, affordable childcare in local communities, fully funded by the Federal Government and delivered on the ground by Local Government.

Note from Council

In 2021, the Mitchell Institute for Education and Health Policy at Victoria University released a report titled: "Counting the cost to families: Assessing childcare affordability in Australia". The report modelled the Federal Government's \$1.7 billion changes to the childcare subsidy, which are due to take effect in July this year and found that childcare will still be unaffordable for 336,000 (34%) of Australian families who use the childcare system.

The report found that one in three families are spending more on childcare than groceries to feed their family and 85% of families are spending more on childcare than on their utility bills. The report uses an international benchmark of no more than 7% of disposable income spent on childcare to determine childcare affordability for families. Whilst the Federal Government is responsible for funding childcare, Local Government is the level of government closest to the community and is in the strongest position to deliver services on the ground in a timely manner. By working with local governments across Australia, the federal government can develop and community led and delivered child care program which meets the needs of Australian families and households.

Note from LGNSW

This motion is consistent with existing position 19.12 of the LGNSW Policy Platform, which calls for high quality, universally accessible and affordable early childhood education and care. It is also consistent with resolution 95 of 2020 LGNSW Annual Conference also called for government to recognise the essential role of councils in childcare.

X77 Federation Council

Aboriginal and Torres Strait Islander Voice to Government

That Local Government NSW lobbies the NSW Government to support Aboriginal and Torres Strait Islander people having a voice in Parliament.

Note from Council

Many Councils including Federation Council have adopted or are in the process of preparing, Reconciliation Action Plans.

These plans are locally based and reflect the views and wishes of Aboriginal and Torres Strait Islanders in that Local Government Area, of local issues and further opportunities to improve Councils working with their Aboriginal and Torres Strait Islanders.

There is also however a chance in this process, to add further support to National movements, such as supporting the Voice to Parliament.

If Local Government NSW support the motion, it will send a strong voice to the Federal Government, with many similar motions passed at the recent Australian Local Government Association conference.

Note from LGNSW

This motion is consistent with current position 20.1 of the LGNSW Policy Platform which calls on the Australian Government to co-design with Aboriginal and Torres Strait Islander peoples Constitutional recognition through a First Nations Voice, support the process of truth-telling and consider the establishment of a National Resting Place (or Places) for commemoration, healing and reflection. It also aligns with resolution 39 of the LGNSW 202 Special Conference which supports the Statement from the Heart's call for Indigenous constitutional recognition through a Voice and calls for a referendum to be held in the current term of federal parliament to achieve it.

X78 Cumberland Council

Coordinated action to address youth mental health crisis

That Local Government NSW:

1. notes that:
 - a) there is a national and local crisis in youth mental health;
 - b) urgent coordinated action across all levels of government is required to address this crisis
2. calls on the NSW government to:
 - a) urgently increase youth-specific mental health services;
 - b) coordinate with local government on the provision of mental health support services and programs.

Note from Council

Poor youth mental health is a long-term increasing trend which has been exacerbated by the impacts of the Covid-19 pandemic. Poor mental health and stress are the top personal concerns for young people in Australia. Three quarters of Australians with mental ill health are under 25. One third of Australian young

people report high or very high levels of psychological distress. One in two Australian young people are unable to carry out their daily activities due to anxiety, depression and psychological distress. Suicide and self-inflicted injury is the leading cause of the total burden of disease for young people aged 15–24, followed by anxiety disorders and depressive disorders.

This is a national and local crisis that requires that youth mental health and well-being be established as a strategic priority across all levels of government.

Note from LGNSW

This motion aligns with existing position 14.11 of the LGNSW Policy Platform which calls for the NSW and Australian Governments to address the mental health crisis and ensure adequate access to care across NSW. It also aligns with existing advocacy calling for youth-specific mental health supports, including recommendations 36 and 37 of the LGNSW 2022 submission to the NSW Independent Flood Inquiry.

X79 Shoalhaven City Council

Refugee Support

That Local Government NSW lobbies both the NSW and Australian Governments to increase funding levels for community service provision in settlement and migrant support for new arrivals into NSW, particularly into Regional areas. Funding is required to support:

- a) multicultural hubs
- b) regional settlement initiatives
- c) specialist migrant support initiatives
- d) settlement support initiatives
- e) affordable housing

Note from Council

Local Governments are increasingly engaging with the local settlement sector to foster positive settlement outcomes. However regional areas such as the Shoalhaven have critical shortages with regards to affordable housing, employment to support refugees and adequate resources for local settlement support services.

Local migrant support services report that the current lack of social infrastructure needed to support newly arrived refugees and migrants, is resulting in poor mental health outcomes, lack of social cohesion and unnecessary delays in integrating them into the local community.

A submission by the refugee Council of Australia to the Department of Home Affairs in July 2022 highlighted the vital role that refugee-led organisations play in the settlement journey of migrants and refugees and the need for them to be recognised, supported and funded. Specific funding should be set aside to strengthen refugee-led organisations and to support the work they do.

Likewise, further funding should be provided to local Councils to enhance wider community involvement in the settlement journey in order to increase community awareness and support for the humanitarian program and achieve better integration outcomes.

Note from LGNSW

The motion is consistent with existing position 19.2 of the LGNSW Policy Platform which calls for support to areas where concentrated resettlement occurs, to address social and economic impact gaps (including housing affordability, employment, infrastructure and services).

X80 Cumberland Council

Support for people seeking asylum

That Local Government NSW advocates to the NSW Government to increase support to:

- a) people in NSW who are seeking asylum, and
- b) those charities and not for profit organisations that assist people in NSW who are seeking asylum.

Such increased support would serve to alleviate the cost-shifting to local councils that is presently occurring in this area of need.

Note from Council

Limited amount of support provided by the NSW Government to people seeking asylum who are awaiting their status determination is resulting in increased costs for local governments across Australia. People seeking asylum who live in the community are also denied access to a number of critical support services such as income support, public housing, homelessness, education, mental health etc. This leaves highly vulnerable individuals and families with nothing to survive on but help from local charities and councils.

State Government needs to commit additional funding to make sure local support services are supported to provide support to people who are waiting for their asylum claims to be finalised.

This motion is consistent with existing position 19.2 of the LGNSW Policy Platform which calls for increased support for councils and communities that resettle refugees and welcome multicultural communities.

FEDERAL RULES

(142N: Incorporates alterations of 8 July 2022 [R2022/38])
Replaces rulebook dated 30 March 2021 [R2020/230]

I CERTIFY under section 161 of the Fair Work
(Registered Organisations) Act 2009 that the pages
herein numbered 1 to 43 both inclusive contain a
true and correct copy of the registered rules of the
Local Government NSW.

GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

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Rules of the Local Government NSW

CONSTITUTION

1. (a) The name of the Organisation shall be Local Government NSW (the “Association”), but may also be known as “the Local Government and Shires Association of New South Wales”.
- (b) The registered office of the Association is situated at Level 8, 28 Margaret Street, Sydney, New South Wales.

PREAMBLE – AMALGAMATION COMPACT

2. (a) These Rules form part of the scheme of amalgamation for the amalgamation of the Local Government Association of New South Wales (“LGA NSW”) and the Shires Association of New South Wales (“SA NSW”) to form the Association.
- (b) These Rules are intended to reflect the compact between the LGA NSW and the SA NSW that their respective membership constituencies (that is, Metropolitan/Urban councils and Rural/Regional councils respectively) would, post the amalgamation, each have an approximately equal voice in the governance of the Association.
- (c) The principal means by which this compact is implemented in these Rules is through the composition of conferences of the Association and the Committee of Management (“Board of Directors”), and arrangements for alternative access to the office of President from the two different constituencies.

INTERPRETATION

3. (a) Unless the context otherwise requires:

“Aboriginal Land Council” or “the ALC” means the New South Wales Aboriginal Land Council as constituted under the Aboriginal Land Rights Act 1983 (NSW).

“Act” or “the Act” means the Fair Work (Registered Organisations) Act 2009 (Cth).

“Administrator” means an Administrator appointed in accordance with the Local Government Act 1993 (NSW) or Division 2 of Part 11 of the Aboriginal Land Rights Act 1983 (NSW).

“ALC Region” mean a Region constituted under the Aboriginal Land Rights Act 1983 (NSW).

“Amalgamation” or “the Amalgamation” means the amalgamation between LGA NSW and SA NSW, each of which were organisations registered under the Act immediately prior to the amalgamation date.

INTERPRETATION

“Amalgamation date” means the date fixed by Fair Work Australia as the date upon which the Amalgamation and these Rules takes effect, being such date as Fair Work Australia determines but being no earlier than 1 March 2013

“Associate member” means a member who is not an Ordinary member.

“Association” means the Local Government and Shires Association of New South Wales, the Association governed by this Constitution.

“Badge” means all those records, signs and facilities that allow a person to be identified as and discharge the functions of a Delegate at a Conference.

“Board” or “the Board” means the Board of Directors of the Association, which is the Committee of Management of the Association for the purpose of the Act.

“Calculation date” means the first day of March last occurring prior to a Conference.

“Chief Executive” means the most senior employee of the Association, whose position and general responsibilities are specified in Rule 70.

“Conference” means the Annual Conference or a Special Conference of the Association as provided by these Rules.

“Constitution” or “this Constitution” means these Rules as they provide from time to time.

“Council” means a council constituted under the Local Government Act 1993 (NSW) and the ALC but does not include a County council.

“Councillor” means a person elected or appointed to civic office under the Local Government Act 1993 (NSW), but does not include an Administrator.

“County council” means a County council established under Part 5 of Chapter 12 of the Local Government Act 1993 (NSW).

“Director” means a member of the Board including an Office Bearer (unless the contrary intention appears from the context).

“Delegate” means an elected member of a council or a member of the Board of the ALC, the LHIB, the NIRC or RLGB or an Administrator who are by virtue of this Constitution entitled to vote at a Conference.

“Financial year” means the period from July 1 in one year to 30 June in the following year.

INTERPRETATION

“LGA NSW”, means the Local Government Association of New South Wales, an organisation of employers registered under the Act until the Amalgamation Date.

“LHIB” means the Lord Howe Island Board as constituted under the *Lord Howe Island Act 1953* (NSW).

“Member” means a Council, County council, the ALC, the LHIB, the NIRC or a RLGB that is a member of the Association, whether as an Ordinary member or as an Associate member.

“Metropolitan/Urban County council” means a County council which is identified in Schedule A attached to these Rules as a Metropolitan/Urban County council.

“Metropolitan/Urban council” means a council which is identified in Schedule A attached to these Rules as a Metropolitan/Urban council.

“NIRC” means the Norfolk Island Regional Council as constituted under the *Norfolk Island Act 1979* (Cth).

“Office” has the same meaning as defined by section 9 of the Act, but to avoid doubt includes the office of Director.

“Office Bearer” means the President, Immediate Past President, Vice President (Metropolitan/Urban), Vice President (Rural/Regional) and/or Treasurer of the Association.

“Officer” has the same meaning as defined by section 6 of the Act, but to avoid doubt includes a Director.

“Ordinary member” means a member that obtains and retains ordinary membership pursuant to Rule 6 of these Rules.

“Political objects” means the expenditure of money:

- (i) on any contribution to the funds of, or on the payment of any expenses incurred directly or indirectly by, a political party;
- (ii) on the provision of any service or property for use by or on behalf of any political party;
- (iii) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot in connection with any election to a political office;
- (iv) on the maintenance of any holder of a political office; or

- (v) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting – the main purpose of which is the transaction of business in connection with a political party (including any expenditure incurred in connection with the attendance of delegates or other participants).”

“Related local government body” or “RLGB” means an association, body corporate or body politic that is controlled by:

- (a) one or more Councils; or
- (b) An entity constituted under a law of the state of New South Wales to perform the functions of a council, other than a Council or County council.

In this definition:

- (i) A “related local government body” is controlled by a Council if that Council has the capacity to determine the outcome of decisions about the body’s financial and operational policies, and is controlled by more than one Council if those Councils concerned, acting jointly, have that capacity;
- (ii) In paragraph (b), the expression “the functions of a council” means those functions that are of a kind conferred on a council by the *Local Government Act 1993*, even if the entity concerned has other functions.

“Roll of Voters” shall mean all those members of the Association who are, by virtue of these Rules, entitled to vote in the election of members of the Board.

“Rural/Regional County council” means a County council in the State of New South Wales other than a Metropolitan/Urban council.

“Rural/Regional council” means a council in the State of New South Wales which is a council in the said State which is other than a Metropolitan/Urban council.

“SA NSW” shall mean the Shires Association of New South Wales, an organisation of employers registered under the Act (until the Amalgamation Date).

- (b) Unless the contrary intention appears:
- the singular shall include the plural and vice versa, and a reference to one gender shall include a reference to the other gender;
 - headings are for convenience and do not affect meaning;

- schedules shall form part of these Rules; and
- a reference to any particular statute or regulation shall include any successor to or substitute legislation or regulation, as the case may be.

OBJECTS

4. The objects of the Association shall be in New South Wales and elsewhere:
- (a) to encourage, promote, protect and foster an efficient and effective autonomous, democratic system of Local Government elected by and responsible to local communities with its position constitutionally guaranteed and with adequate resources including revenue from State and Commonwealth Governments;
 - (b) to promote, maintain and protect the interests, rights and privileges of Local Government in New South Wales and of the constituent members of the Association;
 - (c) to encourage and assist Local Government to seek out, determine, assess and respond to the needs and aspirations of its constituents;
 - (d) to encourage, assist, promote and foster the achievement and maintenance of the highest level of integrity, justice, competence, effectiveness and efficiency of Local Government;
 - (e) to develop, encourage, promote, foster and maintain consultation and co-operation between councils and Local, State and Commonwealth Governments and their instrumentalities;
 - (f) to develop, encourage, promote, foster and maintain the financial and economic well-being and advancement of Local Government and for such purposes to undertake, establish, acquire, conduct or dispose of any business, enterprise, undertaking or venture which in the opinion of the Association is necessary, desirable or convenient;
 - (g) to represent the members of the Association and Local Government generally in their dealings with State and Commonwealth Governments, with statutory and other corporations, with the media and with the public;
 - (h) to promote, support and encourage Local Government at a State and national level;
 - (i) to provide an industrial relations service to members including:
 - (i) representing the interests of members in industrial matters before courts and tribunals;
 - (ii) assisting in negotiations relating to the settlement of disputes between members and their employees;

- (iii) representing the interests of members in negotiating the establishment of and/or variation of industrial awards and agreements;
- (iv) promoting training programs aimed at enhancing the performance of Local Government.
- (j) to undertake or promote any activity which the Board determines to be for the benefit and/or interest of members and local government in New South Wales.

POWERS

5. The Association is empowered:

- (a) to purchase, take on lease or in exchange, hire, invest in and otherwise acquire any real and personal property and any interest therein and any rights or privileges and in particular any land, buildings, easements, machinery, plant, shares, debentures, mortgages and securities;
- (b) to enter into with any council or government or statutory authority, or any incorporated or unincorporated body or any association of persons, any arrangement, joint venture, union of interest or field of co-operation intended directly or indirectly to advance the interests or objects of the Association;
- (c) to apply for, promote and obtain any statute, order, regulation, ordinance or other authorisation or enactment which may seem calculated directly or indirectly to benefit the interests or objects of the Association and to oppose any bills, proceedings or applications which may seem calculated directly or indirectly to prejudice the Association's interests or objects;
- (d) to construct, improve, maintain, develop, manage, carry out or control any buildings and other works intended directly or indirectly to advance the Association's interests and to contribute to, subsidise or otherwise assist or take part in the construction, improvement, maintenance, development, working, management, carrying out or control thereof;
- (e) to invest, deposit, lend, pay out, grant, donate and deal with money of the Association in such manner as may from time to time be thought fit but subject to legislative requirements;
- (f) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
- (g) to borrow or raise or secure the payment of money in such manner as the Association may think fit and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by charges upon all or any of the Association's property (both present and future) and to redeem or repay any such securities;

- (h) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association;
- (i) to do all such other things as are incidental or conducive to the attainment of the objects, the furtherance of the interests and the exercise of the powers of the Association.

MEMBERSHIP

- 6. (a) Membership of the Association shall be open to Councils, County councils in the State of New South Wales, the ALC, the LHIB, the NIRC and RLGB's.
- (b) Membership of the Association shall be limited to:
 - (i) Ordinary members; and
 - (ii) Associate members.
- (c) Any Council shall be eligible for Ordinary membership of the Association subject to compliance with the requirements of Rule 7 and payment of the prescribed annual subscription in accordance with Rule 13, Annual Subscriptions.
- (d) County councils and the ALC (each of which is referred to in this sub rule as an "entity") shall be eligible for Ordinary membership or Associate membership of the Association, at the election of the entity concerned, provided that:
 - (i) the original application for membership made by such entity complies with the requirements of Rule 7 and the prescribed subscription is paid in accordance with the requirements of Rule 13;
 - (ii) the election as to the category of membership that such entity wishes to make is communicated to the Chief Executive at the time of application for membership or, in the case of renewal of membership, not later than 21 days after the date upon which notice is given to the member by the Chief Executive pursuant to Rule 13 (c);
 - (iii) any such election shall remain in force for not less than 3 (three) financial years; and
 - (iv) where an entity that has made an election pursuant to this sub Rule is entitled to exercise a further election, a failure to exercise that election will be regarded as an election to remain in that entity's existing category of membership.

- (e) RLGB's, the LHIB and the NIRC shall be eligible for Associate membership of the Association subject to compliance with the requirements of Rule 7 and payment of the prescribed annual subscription in accordance with Rule 13, Annual Subscriptions. Where a RLGB covers or relates to a geographic area that falls within one or more Metropolitan/Urban councils and one or more Rural/Regional councils, that RLGB shall be included in the category of councils that is most appropriate by reason of the area of the State or the population of the State or of the category of councils it covers, or any combination of those factors, as determined by the Board. A RLGB may at not less than three (3) yearly intervals following commencement of its membership apply to the Board for reconsideration of its category allocation.
 - (f) Associate Membership of the Association confers on the Associate Member the right through its delegates to attend, participate and vote on resolutions proposed at conferences of the Association, and to participate in or receive such benefits or services as the Board shall deem appropriate for provision to Associate Members from time to time, but does not confer any right to have its delegates stand for or vote in elections for any office within the Association.
7. (a) An application for membership of the Association, whether as an ordinary member or as an associate member, shall be in writing, signed by the General Manager, to the Chief Executive.
- Upon receipt of an application for membership the Chief Executive shall inform the applicant in writing of:
- (i) the financial obligations arising from membership; and
 - (ii) the circumstances, and the manner, in which a member may resign from the Association.
- (b) Any application for membership of the Association shall be promptly submitted to the Board which may either approve or reject the application, but may only reject the application if it is not in accordance with these Rules or does not comply with the Act.
8. A member of the Association may resign from membership of the Association by written notice addressed and delivered to the Chief Executive. A notice of resignation from membership of the Association takes effect:
- (a) where the member ceases to be eligible to become a member of the Association:
 - (i) on the day on which the notice is received by the Association; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;

whichever is the later; or

- (b) in any other case:
 - (i) at the end of two (2) weeks, or such shorter period as is specified in the Rules of the Association, after the notice is received by the Association; or
 - (ii) on the day specified in the notice;

whichever is the later.

- 9. A member shall cease to be a member in the following circumstances:
 - (c) the member resigns in accordance with Rule 8;
 - (d) the member is a council that is dissolved;
 - (e) the member fails to pay all or any monies due and payable to the Association pursuant to these Rules (whether by way of annual subscriptions or special levies or otherwise) for a period in excess of six (6) months after the due date;
 - (f) by order of a court in accordance with the Act.
- 10. When a member of the Association merges with another council or when a member is to be dissolved such member shall notify the Association of the change.

REGISTER OF MEMBERS

- 11. The Chief Executive shall keep or cause to be kept a Register of Members in which shall be recorded the name and address of every member of the Association and whether the member is an Ordinary Member or an Associate Member of the Association. Such Register of Members may be inspected during the ordinary office hours of the Association in accordance with any relevant provisions of the Act.
- 12. An entry of the name of a member in the Register of Members shall be evidence of membership of the Association.

ANNUAL SUBSCRIPTIONS

- 13. (a) All members must pay an annual subscription of such an amount as may be determined by the Board from time to time.
- (b) The Board may determine the amount of subscriptions to be paid by members and in doing so may determine different subscriptions for different classes of members as it sees fit.
- (c) The Chief Executive must give written notice to each member specifying the amount of its subscription.

SPECIAL LEVIES

- (d) A member's subscription is payable within thirty (30) days after notice of the amount of its subscription has been given to it. A member who is in arrears of subscriptions for more than thirty (30) days shall be regarded by the Association as an unfinancial member until such time as subscriptions are paid.
- (e) While soever a member is an unfinancial member that member shall not be entitled to any of the benefits or privileges of membership, including voting at any meeting, conference or election conducted within or by the Association, and shall be precluded from having any delegate or councillor stand for office in the Association.
- (f) Should a member join the Association after more than half of the financial year has expired then the subscription for the remaining period of that financial year shall be fifty (50) percent of the annual fee as may be determined by the Board.
- (g) Notwithstanding the above, the payment by a member or applicant for membership to the Local Government and Shires Association of New South Wales being an organisation registered under the *Industrial Relations Act 1996* (NSW) (the "State organisation") of the prescribed membership contribution or subscription shall constitute payment in full of the membership contributions and fees to the Association.
- (h)
 - (i) In circumstances of hardship, a member may make a request to the Board to have their annual subscription reduced in part.
 - (ii) The Board may consider any such request and grant the member a partial waiver of their annual subscription at the Board's discretion.
 - (iii) Notwithstanding rules 13(d) and (e), a member that is granted a partial waiver of their annual subscription and who pays the revised annual subscription is entitled to such benefits or privileges of membership as may be determined by the Board.

SPECIAL LEVIES

- 14.
 - (a) The Board may make a levy or levies on members from time to time to establish a fund or funds to defray any extraordinary expenditure (incurred or to be incurred) in carrying out a matter to further the objects of the Association.
 - (b) The Board may determine, in respect of any particular matter, the amount of levy to be paid by members and in doing so may determine different levy amounts for different classes of members as it sees fit.
 - (c) No levy is to be imposed on members for political objects and no donations or other payment for political objects is to be made out of amounts levied by the Association.
 - (d) Where a special levy is made under this Rule, the Chief Executive shall give written notice to each member specifying:
 - (i) the amount of the special levy payable by it; and

- (ii) the purpose for which such special levy is made.
- (e) Nothing in this Rule shall be taken to reduce, qualify or abridge the power of the Board to make arrangements with all, some or a group members for voluntary levies for particular purposes determined by the Board to be in the interests of the Association or some members of it.

DISBURSEMENT OF MONIES RAISED BY LEVY

15. Disbursements of monies raised by levy must be for the purpose for which the levy is made.
16. If the purpose for which a levy is made or completed or exhausted, and monies raised by levy remain unexpended, those monies must be reimbursed to members in proportion to the respective amounts of levies paid by members.

CONTROL AND GOVERNANCE OF THE ASSOCIATION

17. The Scheme for control and governance of the Association prescribed by these Rules is in summary form as follows:
 - (a) a Conference of all ordinary and associate members of the Association, which conference shall be the supreme policy making body of the Association;
 - (b) a Board of Directors which shall be responsible for the governance of the Association between Conferences, subject to the resolutions of any Conference from time to time;
 - (c) a Senior Executive Group to assist and make recommendations to the Board in relation to that Committee's responsibilities under these Rules;
 - (d) the President, who shall have the role of representing the Association between conferences and meetings of the Board, shall chair meetings of the Board and the Senior Executive Group, and may act on behalf of the Association between these meetings provided that all such action is consistent with the objects of the Association, any relevant resolutions of conferences and the Board and where there is any such resolution for the purpose of carrying out any such resolution;
 - (e) the Vice Presidents shall participate in Board and Senior Executive Group meetings, chair meetings where the President is unavailable (with the Vice President to chair any such meeting being that Vice President who is from the same group of councils as the President, unless that Vice President is also unavailable) and undertake such other duties as are conferred on those office by these Rules; and
 - (f) the Treasurer shall, subject to the responsibility of the Board under Rule 62, have overall responsibility for the financial administration of the Association, together with such specific duties as are conferred on that office by these Rules.
18. A Conference of the members shall be the supreme policy making body of the Association, and while a Conference is sitting the Conference shall have the control and governance of the Association, such that it may take any action or make any decision(s) for the furtherance of the objects of the Association as it may think fit, subject to compliance with these Rules provided that a Conference may not appoint or dismiss staff of the Association.
19. The Board is the Committee of Management of the Association for the purposes of the Act, and shall have the control and governance of the Association in between Conferences, such that it may take any action or make any decision during this time as it thinks fit for the furtherance of the objects of the Association in accordance with these Rules, provided that any such action or decision:

- (a) is consistent with any relevant policy decision of the members at a Conference; and
- (b) may be reviewed, amended or quashed by the members at a Conference, except in relation to the appointment or dismissal of staff.

Without limiting the generality of the foregoing the powers of the Board extend to the appointment and dismissal of the Chief Executive (see Rule 70), and to the appointment, constitution and dissolution of committees to investigate for and/or make recommendations to the Board in relation to particular matters falling within the objects of the Association. Any such Committee may, with the consent of the Board, co opt suitably qualified persons to assist the Committee with its work.

20. (a) The Senior Executive Group shall consist of :
- (i) the President, the Immediate Past President (if applicable) the two Vice Presidents and the Treasurer,
 - (ii) two directors chosen by and from the seven (7) directors representing Metropolitan/Urban members of the Association elected in the immediately preceding elections, and
 - (iii) two directors chosen by and from the seven (7) directors representing Rural/Regional members of the Association elected in the immediately preceding elections
- (b) The method of selection of the members of the Senior Executive Group other than the Office bearers shall be determined by the respective college (that is, as specified in paragraphs (20(a)(ii) and 20(a)(iii)) from which they are to be chosen.
- (c) No business shall be transacted at any meeting of the Senior Executive Group unless a quorum is present in person or by telephone or video-conference or a combination of these forms at the same time. The quorum for a meeting of the Senior Executive Group shall be fifty percent of the total number of Senior Executive Group members, plus one.
- (d) The Senior Executive Group shall have the following functions:
- (i) to make a recommendation to the Board as to who it ought appoint as Chief Executive;
 - (ii) to monitor the management of the Association by the Chief Executive, in accordance with and subject to all or any directions prescribed by the Board from time to time;
 - (iii) to develop service standards of the Association and priorities for it, and to monitor its performance;
 - (iv) to recommend to the Board the annual budget of the Association and to provide regular reports to the Board on financial performance;

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- (v) to invest the funds of the Association in accordance with the policy determined from time to time by the Board;
 - (vi) to recommend to the Board the remuneration and/or allowances to be paid to the President, other office bearers and other directors;
 - (vii) to recommend to the Board any expenses policies for the Association;
 - (viii) to undertake such other functions as may be delegated to the Group by the Board provided that such functions are subject to supervision and directions for their exercise by the Board.
- (e) A member of the Senior Executive Group shall attend at all meetings of the Senior Executive Group unless granted leave of absence by or having reasonable excuse acceptable to the Senior Executive Group. A failure by a director to attend three consecutive meetings of the Board, the Senior Executive Group or a combination of both without leave shall be deemed to constitute a breach of the duties of a director under these Rules.
21. The President of the Association shall have, in addition to such powers as are specifically conferred on him or her by these Rules, the power to act on behalf of the Association between meetings of the Board, provided that such action(s):
- (a) are consistent with any resolution(s) of the Board, and
 - (b) are for the purpose of carrying out the objects of the Association,

PROVIDED THAT any such actions are consistent with any relevant policy decision(s) of a Conference of the members.

- 21A. (a) The Association shall establish an Industrial Advisory Committee to assist and make recommendations to the Board in relation to industrial relations issues that concern or are likely to concern more than one of the members of the Association either currently or in the future.
- (b) The Industrial Advisory Committee's terms of reference, size and composition shall be determined by the Board, provided that the Committee shall at least include Directors from the Board and general managers of member organisations (or their representatives).
- (c) The Board shall consider recommendations of the Industrial Advisory Committee when making relevant decisions.

CONFERENCES

General

- 22 A Conference shall consist of Delegates from all Members of the Association provided that the Member must be financial on both the calculation date and on the date that the roll of voters closes as provided for in Schedule B. Where an Annual Conference does not involve

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elections for the Board, the roll of voters (for voting on motions) shall be deemed to close eight weeks prior to the first business day of the Annual Conference.

23. The voting delegation to which any Member of the Association is entitled at a Conference of the Association is determined in accordance with the following formula.

STEP 1

Determine the number of delegates for each member (other than the ALC), by applying the latest population statistics for each council area either published by the Australian Bureau of Statistics (ABS) in ABS publication 3218.0 entitled 'Regional Population Growth Australia' or, where that publication does not contain population statistics for a Member, the latest such statistics as can be obtained from the ABS for that Member (even if on an estimate basis only) as at the calculation date for those Members that were financial on the calculation date, using the following scale:

Group No. (Councils other than County councils)	Population	Delegates
(1)	Up to 10,000	1
(2)	10,001 - 20,000	2
(3)	20,001 - 50,000	3
(4)	50,001 - 100,000	4
(5)	100,001 - 150,000	5
(6)	Over 150,000	7
County councils		
	each Metropolitan/ Urban County council	2
	each Rural/ Regional County council	1
LHIB		1
NIRC		1
Related local government bodies	Each RLGB	1

STEP 2

- (a) If the ALC is a member of the Association at a time when the formula in this Rule is to be applied, allocate the ALC 9 delegates.
- (b) The 9 delegates from the ALC shall consist of one delegate from each of the 9 ALC Regions constituted under the Aboriginal Land Rights Act 1983 (NSW), each such delegate being a member of the Board of the ALC.

- (c) Treat each such ALC Region as being a Rural/Regional council for the purpose of the Table in Step 1 above, except for the Region for Sydney/Newcastle, which Region shall be treated as a Metropolitan/Urban council for the purpose of that Table.
- (d) The ALC shall notify the Association in writing not later than 28 days prior to the relevant Conference as to allocation of the nine ALC Regions between the nine members of the ALC Board, identifying which ALC Region is to be represented by which ALC Board member.

STEP 3

Determine the total voting strength of the Metropolitan/Urban Councils and the Rural/Regional councils as follows.

1. Determine the total number of delegates from Metropolitan/Urban councils and County councils and the total number of delegates from Rural/Regional councils and County councils resulting from the application of Steps 1 and (if applicable) 2.
2. Then add to the total number of delegates from Metropolitan/Urban councils so determined the additional votes given to directors who are delegates from those councils pursuant to Rule 30 and add to the total number of delegates from Rural/Regional councils so determined the additional votes given to directors who are delegates from those councils pursuant to Rule 30.
3. Then add to the total number of delegates from Metropolitan/Urban councils so determined the number of delegates from any RLGB covering the geographic area of Metropolitan/Urban councils (if applicable), and add to the total number of delegates from Rural/Regional councils so determined the number of delegates from any RLGB covering the geographic area of Rural/Regional councils (if applicable).
4. Then add to the total number of delegates from Rural/Regional councils a vote for the delegate from the LHIB and NIRC (if applicable).

STEP 4

If as a result of Steps 1 – 3 there is a greater number of delegates from the Rural/Regional category than the Metropolitan/Urban category, increase the total number of delegates from the Metropolitan/Urban category, so that that total number is the same as the total number of delegates from the Rural/Regional category, then distribute that additional number of delegates among the Metropolitan/Urban councils (except for the Sydney/Newcastle ALC Region and any RLGB), by attributing to each such council additional delegates in accordance with that council's proportion of the total population of all these councils, rounded off to the nearest whole number.

If as a result of Steps 1 – 3 there is a greater number of delegates from the Metropolitan/Urban category than the Rural/Regional category, increase the total number of delegates from the Rural/Regional category, so that that total number is the same as the total number of delegates from the Metropolitan/Urban category, then distribute that additional number of delegates among the Rural/Regional councils (except for the ALC, the LHIB, the NIRC and any RLGB), by attributing to each such council additional delegates in accordance with that council's proportion of the total population of all these councils, rounded off to the nearest whole number.

STEP 5

If the adjustment required to be undertaken in Step 4 results arithmetically in a Metropolitan/Urban council or Rural/Regional council being entitled to more than 15 delegates, that council's delegation is capped at 15 delegates.

STEP 6

Except in the case of the ALC, where any member that has less councillors holding office than the total number of votes to which that member is entitled pursuant to the application of the formula for determining votes under this Rule, the Council affected shall nominate the delegate (or delegates if applicable) who shall be allocated an extra vote . In the case of the ALC, the formula in Step 2 only shall apply.

Example: If a member is entitled to 10 votes but has only 8 councillors holding office, the Council affected will nominate in writing which 2 of those 8 councillors will have an extra vote each, the ultimate outcome being that 6 of the councillors will have 1 vote each and 2 of the councillors nominated by the Council will have 2 votes each.

STEP 7

On each anniversary of the amalgamation date, carry out steps 1, 3 4, and 5 by reference to the population for each Council area published by the Australian Bureau of Statistics in that edition of ABS publication 3218.0 Regional Population Growth Australia last published prior to that anniversary.

[NOTE: the voting entitlement of Ordinary members in elections is dealt with in Rule 37.]

24. A Conference shall be presided over by the President, and in his or her absence by one of the Vice Presidents. Should neither of the Vice Presidents be present, a Director shall preside.
25. The quorum for a Conference shall be fifty per cent of the total number of delegates to the Conference, plus one. The business of a Conference shall not be conducted unless a quorum is present. In the event of the Conference not having a quorum:
 - (a) A record of the names of voting delegates that are present at the time be taken on return of the electronic handset and voting card.
 - (b) Each constituent council be provided with advice on which of their voting delegates were present and which were not at the time the meeting became inquorate.

- (c) That all constituent councils be provided with a report detailing which councils had voting delegates who were not present at the time the meeting became inquorate.
26. Subject to Rule 73 (Amendment), any question to be determined by a Conference shall be the subject of a resolution, and a resolution shall be regarded as adopted if it is supported by a majority of the delegates present who vote on the resolution, where the Conference is quorate in accordance with Rule 25.
27. (a) A Conference shall be conducted in accordance with Standing Orders.
- (b) Standing Orders do not form part of these Rules and may be varied by a resolution of Conference.
28. (a) The Association may establish groupings of members (“divisions”) which may consider and place motions before a Conference.
- (b) The Board may bring any matter falling within the objects of the Association before a Conference of the Association for opinion or actioning.
- (c) A Member may bring any matter falling within the objects of the Association before a Conference of the Association for opinion or action by forwarding a statement to the Chief Executive not less than twenty eight (28) days prior to the first day of the Conference and the Chief Executive shall, subject to any direction from the Board of the Association, place such business upon the Business Paper for the consideration of Conference;
- (d) Where the Chief Executive receives a statement from a Member that it wishes to bring a matter before a Conference and less than twenty eight (28) days notice has been given, the Board may allow the matter to be considered by the Conference as a late item;
- (e) A Conference may, should a majority of the members present so approve, consider any business not introduced as provided for by the foregoing paragraphs, subject to at least 24 hours notice thereof being given;

PROVIDED THAT the Board may exclude any business so proposed if the Board determines that such business concerns a matter not falling within the objects of the Association.

29. Subject to these Rules:
- (a) each Delegate shall be entitled to one vote only;
 - (b) except in an election for Office Bearers and Directors, the person presiding over a Conference shall in the case of an equality of votes have a casting vote.

30. Office Bearers of the Association shall be entitled to speak on any matter before a Conference and furthermore any Director (whether an Office Bearer or not) shall be entitled to vote on any matter before a Conference, and in that regard have one vote as a Delegate and an additional vote as a consequence of being Director. In the case of a person presiding over a Conference, the right to a casting vote shall be in addition to the vote as a delegate and the vote as a Director.

ANNUAL CONFERENCES

31. The Annual Conference of the Association shall be held each year at a time and place to be determined by the Board provided that no more than eighteen (18) months shall expire between successive annual general meetings.
32. The notice of the holding of an Annual Conference shall be forwarded to members at least three (3) months before the holding of the Annual Conference. The business paper shall be forwarded to members prior to the Annual Conference.

SPECIAL CONFERENCES

33. (a) A Special Conference of the Association may be convened:
- (i) by the President; or
 - (ii) by resolution of the Board; or
 - (iii) by a petition signed by at least 10% of the member councils of the Association.
- (b) Subject to these rules, where a Special Conference is called for under sub-rule (a) of this Rule the Chief Executive shall convene a Special Conference for a date not later than four (4) weeks after the receipt of the notice calling for the Conference.
- (c) If a Special Conference is called for by resolution of the Board, the Board may specify the date(s) on which the Special Conference is to occur, and the Chief Executive shall convene a Special Conference on the date(s) so specified. For the avoidance of doubt, the date of a Special Conference called for by resolution of the Board may be more than four (4) weeks after receipt of the notice calling for the Conference.

DELEGATES TO A CONFERENCE

34. (a) Each member shall nominate its Delegate(s) to a Conference by such date as the Chief Executive may specify. Thereafter no alteration to the list of delegates shall be permitted other than as hereinafter provided.
- (b) **Substitution of voting delegates for voting on motions**
If it is desired to change the nomination of a delegate for voting on motions written notice shall be given to the Chief Executive or his or her nominee of the name of the delegate being replaced and the name of the substitute delegate. Such notification shall be signed by either the Mayor (or Deputy Mayor with the Mayor's written delegated authority) or the General Manager of the Council (or Acting General Manager with the General Manager's written delegated authority), or in the case of

the ALC, the LHIB, the NIRC or a RLGB, by the Chairperson or Chief Executive Officer of that entity. The badge and/or voting card of the delegate being replaced shall be surrendered to the Chief Executive or his or her nominee before a fresh badge and/or voting card is issued to the incoming delegate.

35. (a) Subject to clause 16 of Schedule B, a Delegate may not appoint a proxy to attend or vote at a Conference.
- (b) Nothing in sub-rule (a) of this Rule shall prevent the appointment of substitute delegates in accordance with Rule 34.

BOARD OF DIRECTORS

36. (a) The Board of the Association (which may be referred to as “the Board of Directors”) is the Committee of Management of the Association and shall consist of a President, the Immediate Past President (where applicable under Sub Rules(b) hereof) two Vice-Presidents (one from a Metropolitan/Urban council and the other from a Regional/Rural council), a Treasurer and 14 Committee members (7 from Metropolitan/Urban councils and 7 from Regional/Rural councils).
- (b) The office of Immediate Past President that was established as part of the Rules of the Association that took effect on the Amalgamation Date shall cease upon the date that the current incumbent ceases to hold that office.
- (c) All Directors, whether Office Bearers or not, are required to give proper and diligent attention to their duties to the Association, whether such duties are prescribed by these Rules or by the Act or any other law.
- (d) Without limiting the foregoing provisions of this Rule, a Director, whether an office bearer or not, is under a duty to the Association to comply with the provisions of the Association’s “Code of Conduct – members of the Board” as such Code provides from time to time.
37. (a) It shall be a prerequisite for any person to be nominated or elected to the Board of the Association, or to vote in such an election, that he or she be either a Councillor of a Council which is an Ordinary member of the Association or if the ALC is an Ordinary member, a member of its Board, provided that any such person who is suspended from office under either the *Local Government Act 1993* or the *Aboriginal Land Rights Act 1983*, as the case may be, shall not be eligible.

- (b) An Administrator of a Council that is an Ordinary member shall not be eligible for nomination or election as a member of the Board nor be entitled to vote in any such election.
 - (c) Each Council which is an Ordinary member shall be entitled to a maximum voting delegation for Board elections equal to the delegation to which such Council is entitled for voting at Conferences, as prescribed by the formula in Rule 23, and to avoid doubt each of the 9 delegates from the ALC Regions shall be entitled to cast only one vote each.
 - (d) In addition to the foregoing, a Director (whether an office bearer or not) shall have a right to vote in elections for the Board next occurring, in addition to any right to vote in such elections arising from being a delegate for a member.
38. Commencing from the Annual Conference first conducted after the Amalgamation Date, Directors shall be elected, or declared elected in the case of a secret postal ballot, biennially at an Annual Conference.
39. (a) As part of the compact between LGA NSW and SA NSW, referred to in Rule 2 of these Rules, it is intended that, so far as practicable, the office of President should alternate regularly between eligible candidates from Metropolitan/Urban councils and Rural/Regional councils. The following provisions of this Rule shall be interpreted in the light of that intention.
- (b) Subject to the limitations provided in the following provisions of this Rule, all Councillors for Ordinary members, or members of the Board of the ALC if it is an Ordinary member, are eligible to nominate for any election for the office of President. In this Rule, such person(s) shall be referred to as “eligible candidates” or “eligible candidate”.
 - (c) The electorate for the election of the President shall be Delegates of Ordinary members who are entitled to vote at a Conference.
 - (d) The term of office for the office of President shall be two years, commencing at the conclusion of the annual Conference in each alternate year, and concluding at the conclusion of the annual Conference in each alternate year thereafter. To avoid doubt, if such conferences should be more than two (2) years apart due to conference scheduling or venue arrangements, the President shall, subject to these rules, continue to hold office until the conclusion of the conference in the relevant alternate year.
 - (e) The eligible candidate elected as President may stand for re-election for President at the following election for President but may only serve two consecutive terms. This does not preclude that eligible candidate standing again for the office of President at a subsequent election for that office, if otherwise eligible.

- (f) If an eligible candidate from a Metropolitan/Urban council holds the office of President and, being eligible, nominates for a second term in that office, no other eligible candidate from a Metropolitan/Urban council is eligible to nominate for the office of President at such election.
 - (g) If an eligible candidate from a Rural/Regional council holds the office of President and, being eligible, nominates for a second term in that office, no other eligible candidate from a Rural/Regional council is eligible to nominate for the office of President at such election.
 - (h) If an eligible candidate has held the office of President for two consecutive terms (and thus may not nominate to the office of President for a third consecutive term) the only eligible candidates eligible to nominate for the next election for President are eligible candidates from the other category of councils to that from which the retiring President was an eligible candidate.
 - (i) If an eligible candidate holding the office of President vacates that office for any reason, the casual vacancy thereby occurring shall be filled in accordance with the provisions of Rule 44 and (if applicable) Rule 49. In such a case, the eligible candidate elected or appointed to fill the vacancy will be treated as having completed one term in that office, for the purposes of determining eligibility for re-election as prescribed by sub-Rule (e), unless the balance of the term of office after the occurrence of the vacancy is less than one year.
- 40
- (a) The office of Vice President (Metropolitan/Urban) shall be filled by election by an electorate that shall consist of those delegates entitled to vote at a Conference from Metropolitan/Urban councils that are Ordinary members and, if the ALC is an Ordinary member, the member of the Board of the ALC who is the delegate for the Sydney/Newcastle ALC Region. The persons entitled to stand for such office are Councillors from Metropolitan/Urban Councils that are Ordinary members and, where the ALC is an Ordinary member, the member of the board of the ALC for the Sydney/Newcastle Metropolitan Region.
 - (b) The office of Vice President (Rural/Regional) shall be filled by election by an electorate that shall consist of those Delegates entitled to vote at a Conference from Rural/Regional councils that are Ordinary members and, if the ALC is an Ordinary member, the members of the Board of the ALC who are delegates from those ALC Regions that are treated as Rural/Regional Councils for the purpose of Step 2 of Rule 23. The persons entitled to stand for such offices are Councillors from Rural/Regional councils that are Ordinary members, and if the ALC is an Ordinary member, the members of the board of the ALC who are delegates from those ALC Regions that are treated as Rural/Regional Councils for the purpose of Step 2 of Rule 23.
 - (c) The electorate for the election of the Treasurer shall be those delegates of Ordinary members who are entitled to vote at Conferences, together with the members of the board of the ALC if the ALC is an Ordinary member. The persons entitled to stand for such office are Councillors from Councils that are Ordinary members together with members of the Board of the ALC if it is an Ordinary member.

- (d) The various offices of other Directors (Metropolitan/Urban) shall be filled by election by an electorate that shall consist of those delegates entitled to vote at a Conference from Metropolitan/Urban councils that are Ordinary members and, if the ALC is an Ordinary member, the member of the Board of the ALC for the Sydney/Newcastle ALC Region. The persons entitled to stand for such offices are Councillors of Metropolitan/Urban Councils that are Ordinary members and, if the ALC is an Ordinary member, the member of the Board of the ALC for the Sydney/Newcastle ALC Region.
- (e) The various offices of other Directors (Rural/Regional) shall be filled by an electorate that shall consist of those delegates entitled to vote at a Conference from Rural/Regional councils that are Ordinary members, and, if the ALC is an Ordinary member, the members of the board of the ALC who are the delegates from those ALC Regions that are treated as Rural/Regional councils for the purpose of Step 2 of Rule 23. The persons entitled to stand for such offices are Councillors from Rural/Regional councils that are Ordinary members, and if the ALC is an Ordinary member, the members of the board of the ALC who are delegates from those ALC Regions that are treated as Rural/Regional Councils for the purpose of Step 2 of rule 23.
- (f) The term of office for Vice Presidents, Treasurer and the other Directors shall be the same as that for the President, as prescribed by Rule 39 (d), mutatis mutandis. All delegates holding these offices are eligible for re-election without limitation.

ELECTION PROCESS FOR MEMBERS OF THE BOARD

GENERAL

- 41. Elections for Directors (including the Office Bearers) (hereafter “the elections”) shall be conducted by a Returning Officer appointed or authorised under the Act.

ELECTION ARRANGEMENTS

- 42. Subject to rule 42A, elections shall be conducted in accordance with the requirements of Schedule B.
- 42A. If, in the opinion of the Board, it is not possible to hold an in-person Annual Conference in a Board election year due to circumstances beyond the Association’s control, the Board may determine that the elections for Directors (including Office Bearers) be by secret postal ballot conducted in accordance with the requirements of Schedule C.

CASUAL VACANCIES

- 43. A casual vacancy on the Board of the Association occurs when a Director
 - (a) dies;
 - (b) resigns the position by notice in writing delivered or sent by post to the Chief Executive, and such resignation be accepted;
 - (c) is removed from office as a Director in the manner provided for in Rule 50; or

SUSPENSION FROM OFFICE

- (d) ceases to be eligible under the Rules to hold office as a Director, provided that a Director continues as a Director during the intervening period between the day of a local government general election and the declaration of the results of that election if they are a candidate in the election.
44. Subject to Rule 48, a vacancy in the office of President shall be filled as follows:
- (a) if the former President came from a Rural/Regional council the Vice-President (Rural/Regional) shall succeed to the office of President;
- (b) if the former President came from a Metropolitan/Urban council the Vice-President (Metropolitan/Urban) shall succeed to the office of President.

If there be no such Vice-President then in office, the position shall be filled by the Board by the election thereto of a member of the Board.

45. Subject to Rules 48 and 48A, a vacancy in the office of Vice President or Treasurer shall be filled by the Board by the election thereto of a member of the Board.
46. (a) Subject to Rule 48, a vacancy in the office of a Board member shall be filled by the Board by the appointment thereto of the candidate at the most recent election for the Board from the appropriate category of councils for the vacancy who polled highest of the unsuccessful candidates at that election within that category of councils.
- (b) If there be no such candidate as contemplated by sub-rule (a) of this Rule, the position shall be filled by the Board by the election thereof of a person then qualified to hold such position.

[Note: this Rule can be applied to multiple vacancies – see the first dot point at the foot of Rule 3.]

47. A casual vacancy shall be filled within ninety (90) days of the occurrence of such vacancy provided, however, that non-compliance with this Rule shall not invalidate or otherwise prejudicially affect the proceedings of business carried out or performed by the Board during the continuance of any such vacancy beyond the said period of ninety (90) days.
48. Subject to rule 48A, where a casual vacancy or further casual vacancy is to be filled for so much of the part of the term as exceeds three quarters of the term of the office the vacancy shall be filled by way of secret postal ballot in accordance with the provisions appropriate to the election for the vacant office in Schedule C.

SUSPENSION FROM OFFICE

- 48A. Notwithstanding any other provision of these Rules, where a casual vacancy occurs more than six months after the commencement of the term of the office concerned because a Director ceases to hold office by reason only of being suspended from office under the *Local Government Act 1993* or the *Aboriginal Land Rights Act 1983*, as the case may be, that vacancy shall not be filled unless that person subsequently becomes eligible to be elected a director by reason of the said suspension ceasing during the balance of the term of the relevant office. In such event the person so removed shall fill the vacancy, provided that

person is otherwise eligible for such appointment. No other person will be eligible to fill that vacancy.

REMOVAL FROM THE BOARD

49. (a) The Board may remove from the Board any Director if the person has been found guilty, under the Rules of the Association, of:
- (i) misappropriation of the funds of the Association; or
 - (ii) a substantial breach of the rules of the Association; or
 - (iii) gross misbehaviour or gross neglect of duty.

[Note: See Rule 36 and Rule 51: Failure by a member of the Board to attend three consecutive meetings of the Board, without leave, constitutes a breach of Rule 51 and gives rise to liability in the director to expulsion from office under (ii) or (iii) above.]

- (b) If a person is believed by the Board to be guilty of any of the offences specified in sub-rule (a) of this Rule the Board shall call on such person to appear before the next meeting of the Board to show cause why that person should not be expelled from his or her position on the Board.
 - (c) The person called to show cause pursuant to this Rule shall be given at least fourteen (14) days notice of the time and place of the meeting to which that person is called. The notice calling such person shall also specify the ground or grounds upon which it is proposed to consider such removal.
 - (d) The Board shall give to any person so called an opportunity to show cause why that person should not be removed from the Board.
 - (e) The Board may proceed to hear and determine the matter under this Rule notwithstanding the absence of the person called if due notice of the hearing has been given in accordance with this Constitution.
 - (f) Where the Board expels a person from the Board in accordance with these Rules, such expulsion shall operate from the date of the decision of the Board.
50. Subject to rule 43(d), a person ceases to be eligible to hold office as a Director and vacates his or her position as a Director (by operation of this Rule and without any further action) upon him or her ceasing to be a Councillor of an Ordinary member, or otherwise ceasing under these Rules to be eligible to be a Director.

BOARD MEETINGS

51. The Board of the Association shall meet at least four (4) times each calendar year but shall meet at such additional times as may be required by the President or by requisition in writing to the Chief Executive signed by not less than five (5) directors. The meetings of the Board shall take place at such times and places as may be determined by the Board, and upon not less than forty eight (48) hours notice to its members. Wherever practicable, notice of any meeting of the Board shall be in writing and shall specify the nature of the business to be conducted at the meeting. Without limiting the generality of Rule 36, a director shall attend at all meetings of the Board unless granted leave of absence by or having reasonable excuse acceptable to the Board. A failure by a director to attend three consecutive meetings of the Board without leave shall be deemed to constitute a breach of the duties of a director as referred to in Rule 36.
52. Where the President or a majority of the Office Bearers of the Association believe that business should be considered by the Board before a scheduled meeting, the Board may meet by telephone or videoconference, or a combination of these forms of meeting or communication. Where any such meeting is conducted other than by way of all of the participants being present in person, such meeting shall be as valid as if all participants had met in person provided that:
 - (a) wherever practicable all directors are given at least seven (7) days notice of the time, date and agenda for the meeting; and
 - (b) a quorum of directors participate in the meeting by the chosen electronic means or in person.
53. Meetings shall be presided over by the President or, in his or her absence, by one of the Vice Presidents (with the Vice President to chair any such meeting being that Vice President who is from the same group of councils as the President, unless that Vice President is also unavailable); should neither of these be present, the Board may elect a chairperson.
54. The President or person so presiding over a Board meeting shall have control of the meeting and shall call upon members to speak. The person so presiding shall have an original and, in the case of an equality of votes, a second or casting vote.
55.
 - (a) No business shall be transacted at any meeting of the Board unless a quorum is present in person or by telephone or video-conference or a combination of these forms at the same time. The quorum for a meeting of the Board shall be fifty percent of the total number of Board members then holding office, plus one.
 - (b) Subject to sub-rule (c), no business shall be transacted at any meeting of the Board unless a quorum is present in person or by telephone or video-conference or a combination of these forms at the same time.
 - (c) Where in the opinion of the President a matter requires the urgent consideration of the Board before a scheduled Board meeting, the Board may be consulted in writing (including electronic means) by flying minute. A motion put before the members of the Board by way of flying minute shall become a resolution of the Board as at the date set for return of responses, provided that the motion is supported by at least fifty

AUDITOR

percent of the total number of Board members, plus one. A resolution passed by way of flying minute shall be reported to the next Board meeting.

56. (Contents of Rule 56 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)
57. (a) The Directors must cause minutes to be made of:
- (i) all appointments of Directors and officers;
 - (ii) the names of the Directors present at each meeting of the Directors;
 - (iii) all orders made by the Directors;
 - (iv) all declarations made or notices given by any Director (either generally or specifically) of their interest in any contract or proposed contract or of their holding of any office or property whereby any conflict of duty or interest may arise; and
 - (v) all resolutions and proceedings or all general meetings and meetings of Directors and retain the minutes in a minute book.
- (b) The minutes of a meeting must be signed by the chairperson of the meeting or the chairperson of the next meeting.
- (c) In the absence of evidence to the contrary, contents of the minute book that is recorded and signed in accordance with this Sub Rule (d) is evidence of the matters shown in the minute.
58. The Board may exercise any of its powers, duties and functions by itself or by direction to staff or agents of the Association.

AUDITOR

59. (a) The Board shall appoint one or more auditors. Any person appointed as an auditor by the Board must be a registered auditor under the Act.
- (b) The position of auditor becomes vacant on the following grounds:
- (i) the written resignation of the appointed auditor; or
 - (ii) a resolution by the Board passed at a meeting of the Board by an absolute majority of its members on one or more of the following grounds:
 - A. the service is executed to an unprofessional standard; or
 - B. the auditor's costs are considered excessive; or
 - C. if the person ceases to be a registered company auditor.
 - (iii) at the expiration of the term of appointment.

60. The Board may not remove a person as auditor during the person(s) term of appointment without each director and the auditor having been given fourteen (14) days notice of the intention to remove the auditor from office, and may not so remove the auditor(s) without giving the person(s) a reasonable opportunity to make oral submissions on the matter at a meeting of the Board.

FINANCE

61. The sources from which the Association's funds may be derived are as follows:
- (a) amounts of entrance fees, subscriptions, fines, fees, levies or commissions received by the Association;
 - (b) interest, rents or dividends derived from investments of the Association's funds;
 - (c) the proceeds of any disposal of parts of the funds;
 - (d) any monies or credits received in pursuance of the Association's Objects, as defined in Rule 4, or in the exercise of Powers, as defined under Rule 5 of this Constitution.
62. (a) All moneys received for and on behalf of the Association shall be placed to the credit of the Association at such bank or such other financial institution(s) the Board shall direct and all cheques, promissory notes, draft bills of exchange and other negotiable instruments and all receipts and moneys paid to the Association shall be signed, drawn, accepted, endorsed or otherwise executed as the case may be in such other manner as the Board may determine.
- (b) A loan, grant or donation must not be made by the Association unless the Board has approved the making of the loan, grant or donation and has satisfied itself:
- (i) that the making of the loan, grant or donation would be in accordance with these Rules; and
 - (ii) in the case of a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory.
63. The Board shall have management of the Association's property and investment of funds.
64. The Association's funds shall only be expended on the objects of the Association.
65. The Association shall develop and implement policies and procedures relating to the expenditure of the Association.
66. (Contents of Rule 66 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)
67. (Contents of Rule 67 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)

68. (Contents of Rule 68 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)
69. In respect of each financial year of the Association the accounts and financial statements required to be prepared by the Association shall be prepared, audited, and presented to the Board and a Conference of the members (either Annual or Special as may be required) in accordance with the requirements of the Act, and without limiting the generality of the foregoing:
- (a) as soon as practicable after the end of each financial year, the Association shall cause to be prepared a General Purpose Financial Report, to be prepared in accordance with the Australian Accounting Standards, from the financial records kept by the Association in relation to the financial year concerned;
 - (b) as soon as practicable after the end of each financial year, the Association shall cause to be prepared an Operating Report in relation to that financial year, the preparation of which Report shall be the responsibility of the Treasurer and staff of the Association acting under his or her instructions and directions;
 - (c) the Association's Auditor must audit the financial records of the Association for each financial year and must furnish to the Board his or her report in relation to that year within a reasonable time of having received the General Purpose Financial Report;
 - (d) the Association shall provide, free of charge to its members, either a full report in relation to each financial year (consisting of a copy of the Auditor's Report, the General Purpose Financial Report and the Operating Report) or if the Board so resolves, a Concise Report for the said financial year in accordance with the requirements of the Act;
 - (e) the Report in relation to a financial year to be presented to members as referred to in the preceding sub-Rule shall be provided to members not less than 21 days before the Auditor's Report, the General Purpose Financial Report and the Operating Report are presented to a Conference of the members following the end of the relevant financial year of the Association;
 - (f) the Auditor's Report, the General Purpose Financial Report and the Operating Report in respect of each financial year, shall be presented to a Conference of the members of the Association not later than six (6) months after the end of the relevant financial year or such longer period as may be allowed by a Registrar in accordance with the Act;
 - (g) a copy of the Auditor's Report, the General Purpose Financial Report, the Operating Report and any Concise Report in respect of any financial year, shall be lodged with the Office of the Industrial Registrar not later than fourteen (14) days after the presentation of the said reports to a general meeting of the members of the Association.

CHIEF EXECUTIVE

70. The Chief Executive shall be appointed by the Board, which shall be responsible for determining the terms his or her conditions of employment and, if found necessary, the termination of the employment of the Chief Executive. In the exercise of these powers the Board will be guided by, but not bound by any relevant recommendations of the Senior Executive Group.

The Chief Executive shall be responsible for the day to day administration of the affairs of the Association and shall give effect to all directions given to him or her by the Board or, where the Board has authorised the Senior Executive Group or the President to give such directions, the Senior Executive Group or the President, as the case may be. The Chief Executive shall at all times act in accordance with and subject to such directions as are given to him or her pursuant to this Rule.

COMMON SEAL

- 70A. (a) The Association shall have a common seal which shall clearly include the words “Local Government NSW”.
- (b) Subject to any resolution of the Board, the common seal is to be kept in the custody of an employee designated by the Board.
- (c) The common seal shall only be affixed to a document in the presence of at least two members of the Board who attest to the affixing of the seal by signing the document.

ACCESS TO RECORDS

71. (a) Except as provided under Rule 62, all records, books, documents, and securities relating to the management and governance of the Association shall be in the custody of the Chief Executive.
- (b) A member of the Association may access the records of the Association in accordance with and subject to the limitations for such access prescribed from time to time by the Act.

PATRON OF THE ASSOCIATION

72. (a) In order to recognise outstanding service to Local Government and to the Association, the position of ‘Patron of the Association’ is created, such position to be honorary only. It shall be open to serving or former elected members, including former Presidents of the Association, the LGA NSW or the SA NSW.
- (b) In the case of serving or former elected members, the Annual Conference shall determine such appointment(s) on the recommendation of the Board.
- (c) In the case of former Presidents, the Board shall determine such appointment(s).

AMENDMENT

73. (a) Subject to sub-rules (b) and (c) of this Rule, no alteration, amendment or rescission shall be made to this Constitution unless by resolution of a Conference adopted by a majority of the voting delegates and members of the Board in attendance at any such Conference.
- (b) The Board may make such amendments to the Rules of the Association as it deems fit, on the recommendation of the Fair Work Commission or the advice of the Association's legal advisors, for the following purposes:
- (i) to ensure that the Rules comply with the Act or any other law; or
 - (ii) to ensure that the Rules remain consistent with the Rules of the industrial organisation of the same name registered under the *Industrial Relations Act 1996* (NSW); or
 - (iii) to correct minor clerical and/or administrative errors,
- and any such amendments shall be taken to be validly made if adopted by resolution at a duly convened meeting of the Board.
- (c) The Board may make such amendments to Schedule A of the Rules as it deems necessary to remove the names of councils and county councils that have been dissolved and to include the names of new councils and county councils that have been established as a result of the amalgamation of councils/county councils and/or the alteration of council/county council boundaries and any such amendments shall be taken to be validly made if adopted by resolution at a duly convened meeting of the Board.

NOTIFICATION OF DISPUTES

74. Any industrial disputes may be notified to the appropriate court or tribunal under the Act by the Chief Executive or such other employee(s) of the Association that have the Chief Executive's delegated authority.

DISSOLUTION

75. In the event that the Association is dissolved or wound up:
- (a) a member shall not be required to contribute to the payment of the debts and liabilities of the Association or the costs, charges and expenses of the dissolution or winding up in an amount which is more than 10% of the member's annual subscription for the financial year in which the dissolution or winding up takes place; and
 - (b) any surplus funds remaining after the dissolution or winding up shall be paid to the members of the Association in the proportion which each member's subscription for the year in which the dissolution or winding up occurred bears to the total amount of subscriptions collected for that year.

SCHEDULE A

METROPOLITAN/URBAN COUNCILS AND COUNTY COUNCILS

See Definition in Rule 3

Metropolitan/Urban councils

Bayside; Blacktown; Burwood; Camden; Campbelltown; Canada Bay; Canterbury-Bankstown; City of Parramatta; City of Sydney; Cumberland; Fairfield; Georges River; Hawkesbury City; Hornsby; Hunters Hill; Inner West; Ku-ring-gai; Lane Cove; Liverpool; Mosman; Northern Beaches; North Sydney; Penrith; Randwick; Ryde; Strathfield; Sutherland Shire; The Hills Shire; Waverley; Willoughby; and Woollahra.

NOTE: The Sydney/Newcastle region of the ALC is treated under the Rules as being a Metropolitan/Urban Council – see Rule 23, Step 2, paragraph (c).

Metropolitan/Urban County councils

Hawkesbury River

End of Schedule A

SCHEDULE B

**RULES FOR CONDUCT OF ELECTIONS IF EXEMPTION IS APPROVED BY FAIR WORK
COMMISSION/ INDUSTRIAL REGISTRAR**

General

1. The Board shall appoint a Returning Officer not being the holder of any other office in and not being an employee of the Association, and who shall not be a candidate at the election. [NB: under Act the Returning Officer for such elections will be an officer of either the Australian Electoral Commission or the State Electoral Commission, as the case may be, unless exemption is obtained under such legislation.]
2. The Returning Officer shall notify the Chief Executive that he or she is required to deliver a list of ordinary members entitled to vote in the election of members of the Board.
3. The Roll of Voters is to be determined by the Association in accordance with the requirements of Rule 37 and must be closed seven (7) days prior to the date upon which the Returning Officer calls nominations for an election pursuant to these Rules.
4. The Board may determine the form of any nomination form(s) subject to the requirements of the Act.
5.
 - (a) The Returning Officer shall cause an election notice inviting nominations for the office of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members to be published in the Association's official journal and sent to each Ordinary member council by post at least seven (7) weeks prior to the first business day of the Annual Conference in an election year. Such notice shall prescribe the time and date prescribed by these Rules for the closing of nominations.
 - (b) Nominations must be lodged with the Returning Officer, which may be done by electronic means, before the time and date specified for receipt of nominations.
 - (c) Where the nominee is a member of a political party that is registered with either the NSW Electoral Commission (for State or Local Government elections) or the Australian Electoral Commission (for Federal elections) the nominee shall declare the name(s) of such registered political party membership(s) on the nomination form.
6. The persons proposing and seconding a nomination for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members must be elected members of any Council, as defined in Rule 2, which is an ordinary member of the Association. Nominations shall be signed by the proposer and seconder, and consented to in writing by the candidate.
7. A candidate may nominate for more than one office or position that is subject to an election however, election to the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) shall automatically exclude the candidate so elected from election to any other office or position on the Board.

8. Nominations for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members must reach the Returning Officer at least four (4) weeks prior to the first business day of the Annual Conference in the relevant year.
9. If the Returning Officer should receive a nomination that is defective, the Returning Officer shall not immediately reject the nomination but shall instead give the candidate concerned written notice of the defect and where practicable at least seven (7) days to remedy the defect.
10. A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven (7) days before the holding of the ballot.
11. Details of nominations that have been accepted shall be placed before constituent councils before the Annual Conference.
- 11A. The Returning Officer shall conduct a public draw to determine the order of candidates on the ballot paper.
12. Material (e.g. pamphlets, brochures, notices) which is intended or likely to affect voting in an election may not be distributed unless it contains the name and address of the person who authorised it and the name of the relevant political party.
13.
 - (a) In the event that for any office or position to be filled the number of nominations does not exceed the number of persons to be elected then the persons nominated shall be elected to those positions.
 - (b) Where the nominations received are insufficient to fill all vacancies, the Board at its first meeting after the Annual Conference at which it was elected shall determine whether the number and type of vacancies are such as to require that the vacancies be filled and if it so determines, request the Returning Officer to conduct a further election by way of a secret postal ballot of members to fill such vacancies. Such secret ballot shall be conducted in accordance with the requirements of these Rules for the conduct of elections, so far as they can apply to a secret ballot.

Conduct of Elections at the Annual Conference

14.
 - (a) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of President, Treasurer, Vice President (Rural/Regional), or Vice President (Metropolitan/Urban), the election shall be conducted at the Annual Conference by way of a secret ballot using the standard preferential system of voting. Voters must mark a preference for all candidates.

Where two or more candidates have an equal number of votes, the candidate who is successful or is to remain in the count at an exclusion shall be the candidate first drawn by lot.

(b) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of other directors the election shall be conducted at the Annual Conference using the proportional system of voting, as described below.

Voters must mark a preference for all candidates.

To be elected, except as provided in the last paragraph of this Rule, a candidate needs to gain a certain proportion (or quota) of the formal votes. The quota is calculated by dividing the total number of formal first preference votes in the count by one more than the number of officers to be elected; and adding one to the result, disregarding any remainder.

The ballot papers are sorted according to the first preference on each paper.

If a candidate receives more first preference votes than the quota, they are immediately elected and, unless all vacancies have been filled, their surplus votes are passed on to the continuing candidates listed on the ballot paper; based on the voter's next available order of preference.

The transfer value of the surplus votes is calculated by dividing the elected candidate's total of surplus votes by the total number of the candidate's votes, and is applied to each of the ballot papers of the elected candidate. The result is taken to the fourth decimal point.

The number of votes to be transferred, disregarding any fraction, shall be added to the continuing candidate(s)' votes.

If any of those candidates who received the surplus votes now have more than the quota they are elected. Their surplus votes are transferred to the candidate listed as the next preference on all of the ballot papers. This is done by dividing the surplus votes by the total number of ballot papers the candidate has received (first preferences plus transferred ballot papers). This process continues until there are no more candidates with enough votes to be elected.

Where, on the counting of the first preference or on any transfer, more than one candidate has a surplus, the largest surplus shall be dealt with first.

Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be dealt with first, and, if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide by lot which candidate's surplus shall be dealt with first.

To fill any remaining places not filled by the above process, the candidate with the smallest number of votes is excluded and votes for this candidate are transferred to the remaining continuing candidates. This is done at the value at which the votes were received by the candidate to be excluded. When the transfer of these preferences gives a candidate a quota, that candidate is elected.

Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide by lot which candidate's votes shall be distributed.

Where the contest for the last seat is close, it is common for the final two continuing candidates to both have less than a quota. In this case, the continuing candidate with the highest number of votes is elected.

15. (a) Where an election is required at the Annual Conference, the voters in such an election shall be the Delegates who are by virtue of Rule 37 of the Association's Rules entitled to vote in such election.
- (b) The Returning Officer shall issue the ballot paper(s) to the voters, such ballot paper(s) to include:
 - (i) the Returning Officer's initials;
 - (ii) the name of each candidate for the office/position to be filled, including the candidates declared registered political party membership(s);
 - (iii) such other information as the Returning Officer deems appropriate.
16. If a delegate of a member or a member of the Board cannot for any reason be present at the Conference to vote in any election (hereafter referred to as "the absentee"), the absentee may by notice in writing signed by the absentee and delivered to the Returning Officer before 5pm on the business day immediately prior to the first business day of the Conference appoint another delegate from the same member to exercise the absentee's right to vote in the election.
17. Where required, the ballots shall be conducted in the following manner, to the extent practicable:
 - (a) the ballot for the office of President shall be conducted first;
 - (b) after the completion of the ballot for President, the ballot for the office of Treasurer shall be conducted next;
 - (c) the ballots for the offices of Vice President (Rural/Regional) and Vice President (Metropolitan/Urban) shall be undertaken after the ballot for the office of Treasurer;

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- (d) the ballots for Board members shall be conducted after all previous elections are completed.

Every person concerned in the ballot shall ensure as far as practicable that no irregularity occurs in the ballot.

Scrutineers

18. Each candidate at any election shall have the right, if he or she so desires, to appoint a scrutineer to represent him or her in the ballot and shall give notice of any such appointment of a scrutineer in writing to the Returning Officer. The Association may appoint an employee of the Association to scrutineer for it at any election by giving notice in writing of such appointment to the Returning Officer.
19. Every scrutineer shall, so far as is possible having regard to the time of their appointment, have the following rights and duties:
- (a) to be present with the Returning Officer when the ballot papers are being handed out to voters and to watch the interests of the person whom they represent; and
 - (b) to be present with the Returning Officer when the ballot papers are opened and when the votes are counted and to watch the interests of the person whom they represent, but no election shall be vitiated by reason of the fact that a scrutineer did not exercise any or all of their rights or duties if they had a reasonable opportunity to do so.
20. Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper but the decision of the Returning Officer shall, subject to the Act, be final.
21. Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

End of Schedule B

SCHEDULE C

RULES FOR CONDUCT OF ELECTIONS BY SECRET POSTAL BALLOT

General

1. The Board shall appoint a Returning Officer not being the holder of any other office in and not being an employee of the Association, and who shall not be a candidate in the election. [NB: under the Act the Returning Officer for such elections will be an officer of either the Australian Electoral Commission or the State Electoral Commission, as the case may be, unless exemption is obtained under such legislation.]
2. The Returning Officer shall notify the Chief Executive that he or she is required to deliver a list of Ordinary members entitled to vote in the election.
3. The Roll of Voters for the election is to be determined by the Association in accordance with the requirements of Rule 37 and must be closed seven (7) days prior to the date upon which the Returning Officer calls for nominations for an election pursuant to these rules.
4. The Returning Officer may determine the form of any nomination form(s) subject to the requirements of the Act and these rules.
5.
 - (a) The Returning Officer shall cause an election notice inviting nominations for the office(s) subject to an election to be published in the Association's official journal and sent to each Ordinary member by post at least seven (7) weeks prior to the opening of the ballot.
 - (b) A nomination form shall be enclosed with the election notice when sent by post.
 - (c) The election notice shall:
 - (i) prescribe the time and date for the closing of nominations;
 - (ii) require voting members to advise the Association of the names and postal addresses of their nominated voting delegates (who are to be issued ballot papers in the election) at least two (2) weeks prior to the opening of the ballot; and
 - (iii) contain such other information as the Returning Officer deems appropriate.
6. The persons proposing and seconding a nomination for the vacant office must be either a Councillor of a Council which is an Ordinary member of the Association or if the ALC is an Ordinary member, a member of its Board, provided that any such person must not be suspended from office under either the *Local Government Act 1993* or the *Aboriginal Land Rights Act 1983*, as the case may be. Nominations shall be signed by the proposer and seconder, and consented to in writing by the candidate.
7. Where the nominee is a member of a political party that is registered with either the NSW Electoral Commission (for State or Local Government elections) or the Australian Electoral

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Commission (for Federal elections) the nominee shall declare the name(s) of such registered political party membership(s) on the nomination form.

8. Nominations must be lodged with the Returning Officer, which may be done by electronic means, before the time and date specified for receipt of nominations.
9. In the event of multiple offices being filled in the same postal ballot, a candidate may nominate for more than one office or position that is subject to an election however, election to the offices of President, Treasurer, Vice President (Rural/Regional) or Vice President (Metropolitan/Urban) shall automatically exclude the candidate so elected from election to any other office or position on the Board.
10. Nominations for election must reach the Returning Officer at least four (4) weeks prior to the close of the ballot.
11. A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven (7) days before the holding of the ballot.
12. If the Returning Officer should receive a nomination that is defective, the Returning Officer shall not immediately reject the nomination but shall instead give the candidate concerned written notice of the defect and where practicable at least seven (7) days to remedy the defect.
13.
 - (a) If there be no more candidates than the number required to be elected those nominated shall be declared to be elected and if there be more candidates for any office than required to be elected an election by secret ballot shall be held. Pending the declaration of the result of any such election the persons holding office shall retain office.
 - (b) Where the nominations received are insufficient to fill all vacancies, the Board at its first meeting after the Annual Conference at which it was elected shall determine whether the number and type of vacancies are such as to require that the vacancies be filled and if it so determines, request the Returning Officer to conduct a further election by way of a secret postal ballot of members to fill such vacancies. Such secret ballot shall be conducted in accordance with the requirements of these Rules for the conduct of elections, so far as they can apply to a secret ballot.
14. The Returning Officer shall, for each office/position to be contested, conduct a public draw to determine the order of candidates on the ballot paper.
15. The Association shall provide to the Returning Officer the names and postal addresses of nominated voting delegates at least one (1) week prior to the opening of the ballot.
16. The Returning Officer shall make such arrangements for absent voting as will ensure that any voting delegate not able to vote by way of secret postal ballot may be able to vote on an absentee basis.
17. The Returning Officer shall issue the required number of ballot papers, a declaration envelope(s) and a prepaid envelope(s), in the form prescribed by the Act, to be handed or

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posted to each voting delegate not less than fourteen (14) days before the closing of the ballot. The ballot paper shall include:

- (a) the Returning Officer's initials;
 - (b) a description of each office/position to be filled, including the number of offices/positions to be filled;
 - (c) the name of each candidate for each office/position to be filled, including the candidates declared current registered political party membership(s);
 - (d) instructions on how to complete the ballot paper;
 - (e) the name and address of the Returning Officer to whom the ballot paper(s) shall be returned, the closing date and the time for receipt of votes and instructions that the ballot papers shall be placed in the declaration envelope and returned to the Returning Officer in the prepaid envelope; and
 - (f) such other information as the Returning Officer deems appropriate.
18. The ballot papers shall be placed in the declaration envelope and returned in the prepaid envelope to the Returning Officer on or before the closing date fixed for voting.
 19. The non-receipt of a ballot paper by a member entitled to vote, or the non-return of a ballot paper or the return of a ballot paper improperly filled in or not enclosed in a sealed envelope, shall not invalidate the ballot.
 20. No voter shall vote for a greater or lesser number of candidates than the number directed on the ballot paper and any vote or ballot paper contrary to this provision or otherwise improperly filled in shall be informal.
 21. The Returning Officer shall arrange for the use of a post office box or other receptacle to which ballot papers may be returned to him/her and arrange for the same not to be opened by any other person.
 22. The Returning Officer shall count the votes indicated upon the ballot papers which are properly marked. The candidates who receive the greatest number of votes shall be progressively elected until all offices required to be filled are filled.
 23. The Returning Officer shall arrange for votes to be counted and shall within three (3) days after the closing date for voting declare the result of the ballot to the members of the Association by post or in such manner as the Board may from time to time prescribe and the candidate or candidates declared elected shall assume office from the date that the Returning Officer declares the result of the election.
 24. Every person concerned in the ballot shall ensure as far as practicable that no irregularity occurs in the ballot.

Elections for the offices of President, Treasurer, Vice President (Rural/Regional), or Vice President (Metropolitan/Urban)

25. In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of President, Treasurer, Vice President (Rural/Regional), or Vice President (Metropolitan/Urban), the election shall be conducted using the standard preferential system of voting. Voters must mark a preference for all candidates.
26. Where two or more candidates have an equal number of votes, the candidate who is first drawn by lot by the Returning Officer shall be declared elected.

Elections for the offices of other directors

27. In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of other directors the election shall be conducted using the proportional system of voting, as described below.
 - (a) Voters must mark a preference for all candidates.
 - (b) To be elected, except as provided in the last paragraph of this rule, a candidate needs to gain a certain proportion (or quota) of the formal votes. The quota is calculated by dividing the total number of formal first preference votes in the count by one more than the number of officers to be elected; and adding one to the result, disregarding any remainder.
 - (c) The ballot papers are sorted according to the first preference on each paper.
 - (d) If a candidate receives more first preference votes than the quota, they are immediately elected and, unless all vacancies have been filled, their surplus votes are passed on to the continuing candidates listed on the ballot paper; based on the voter's next available order of preference.
 - (e) The transfer value of the surplus votes is calculated by dividing the elected candidate's total of surplus votes by the total number of the candidate's votes, and is applied to each of the ballot papers of the elected candidate. The result is taken to the fourth decimal point.
 - (f) The number of votes to be transferred, disregarding any fraction, shall be added to the continuing candidate(s)' votes.
 - (g) If any of those candidates who received the surplus votes now have more than the quota they are elected. Their surplus votes are transferred to the candidate listed as the next preference on all of the ballot papers. This is done by dividing the surplus votes by the total number of ballot papers the candidate has received (first preferences plus transferred ballot papers). This process continues until there are no more candidates with enough votes to be elected.

- (h) Where, on the counting of the first preference or on any transfer, more than one candidate has a surplus, the largest surplus shall be dealt with first.
- (i) Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be dealt with first, and, if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide by lot which candidate's surplus shall be dealt with first.
- (j) To fill any remaining places not filled by the above process, the candidate with the smallest number of votes is excluded and votes for this candidate are transferred to the remaining continuing candidates. This is done at the value at which the votes were received by the candidate to be excluded. When the transfer of these preferences gives a candidate a quota, that candidate is elected.
- (k) Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide by lot which candidate's votes shall be distributed.
- (l) Where the contest for the last seat is close, it is common for the final two continuing candidates to both have less than a quota. In this case, the continuing candidate with the highest number of votes is elected.

Scrutineers

- 28. Each candidate at any election shall have the right, if he or she so desires, to appoint a scrutineer to represent him or her in the ballot, and shall give notice of any such appointment of a scrutineer in writing to the Returning Officer. The Association may appoint an employee of the Association to scrutineer for it at any election by giving notice in writing of such appointment to the Returning Officer,
- 29. Every scrutineer shall, so far as is possible having regard to the time of his/her appointment have the right to be present with the Returning Officer when the ballot papers are opened and when the votes are counted and to watch the interests of the person whom he/she represents, but no election shall be vitiated by reason of the fact that a scrutineer does not exercise any or all of his/her rights or duties if he/she has a reasonable opportunity to do so.
- 30. Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper and the decision of the Returning Officer shall, subject to the Act be final.
- 31. Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

End of Schedule C

***END OF RULES**



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