

POLICY PLATFORM

April 2020

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Introduction

Purpose

The purpose of this Policy Platform is to consolidate the numerous policies and positions of Local Government NSW (LGNSW) – as determined by members – into a single document for ease of reference for members and stakeholders.

LGNSW will update this document after each Annual Conference and present it to Conference the following year, for members to endorse its Fundamental Principles. This will occur prior to voting on motions.

Background – role of LGNSW

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing general purpose councils and related entities.

LGNSW aims to strengthen and protect an effective, democratic system of local government across NSW by supporting and advocating on behalf of member councils and delivering a range of relevant, quality services.

LGNSW achieves this by:

- Actively and persuasively representing the views of local government to the NSW and Australian governments
- Providing effective, responsive and accountable leadership to member councils
- Providing a comprehensive range of high-quality services and policy advice to members
- Increasing the capacity of local government to deliver quality services and meet the needs of local communities across NSW
- Enhancing the profile and building community trust in and awareness of local government

This Policy Platform outlines LGNSW's policies and position statements on key issues affecting local government, and how those policies are made by members.

LGNSW Policy Platform and policy-making process

The LGNSW Policy Platform consolidates the voices of councils across NSW, reflecting the collective positions of local government on issues of importance to the sector. The Policy Platform guides LGNSW in its advocacy on behalf of the local government sector.

The Policy Platform comprises two parts:

- Part 1: **Fundamental Principles** and
- Part 2: **Position Statements**

Part 1: Fundamental Principles are the enduring and overarching principles that direct LGNSW's response to broad matters of importance to the local government sector.

- **How Fundamental Principles are decided:** Fundamental Principles arise from and are endorsed (or amended) by LGNSW members at the Annual Conference.

Part 2: Position Statements contain LGNSW's more detailed position on specific issues. Position Statements are subordinate to LGNSW's Fundamental Principles but are more agile and are targeted at specific policy issues as they arise. These change more frequently and guide LGNSW's work on, and response to, policy issues of the day.

- **How Position Statements are determined:**

Position Statements are formed and updated through:

- Resolutions of the Annual Conference
- Issues raised by members outside of Annual Conference, including through LGNSW surveys of members
- Input from the LGNSW Board
- Positions developed in response to government policy or emerging issues
- Positions developed in the process of making LGNSW submissions.

Position Statements are endorsed by the LGNSW Board.

Role of the Annual Conference

LGNSW holds an Annual Conference, attended by delegates representing all LGNSW member organisations. This conference is the supreme policy-making body of LGNSW and an opportunity for councillors to come together to share ideas and debate issues that shape the way LGNSW is governed.

Members may put forward motions for consideration of the Annual Conference.¹ Where a majority of voting delegates at the Annual Conference vote in support of the motion, it is adopted as a resolution of LGNSW.

Process post-conference: After each conference, LGNSW reviews resolutions and amends Fundamental Principles (if necessary) and updates Position Statements as required. Conference resolutions rarely change the sector's views on high-level Fundamental Principles (e.g. *Local Government must have control of its revenue raising and investment decisions...*). Position Statements require refinements more regularly to reflect the sector's views on new or developing issues (e.g. *That LGNSW advocates for the NSW Government to ensure that any new schools constructed in a local government area provide appropriately-sized off-street drop off and pick up zones.*)

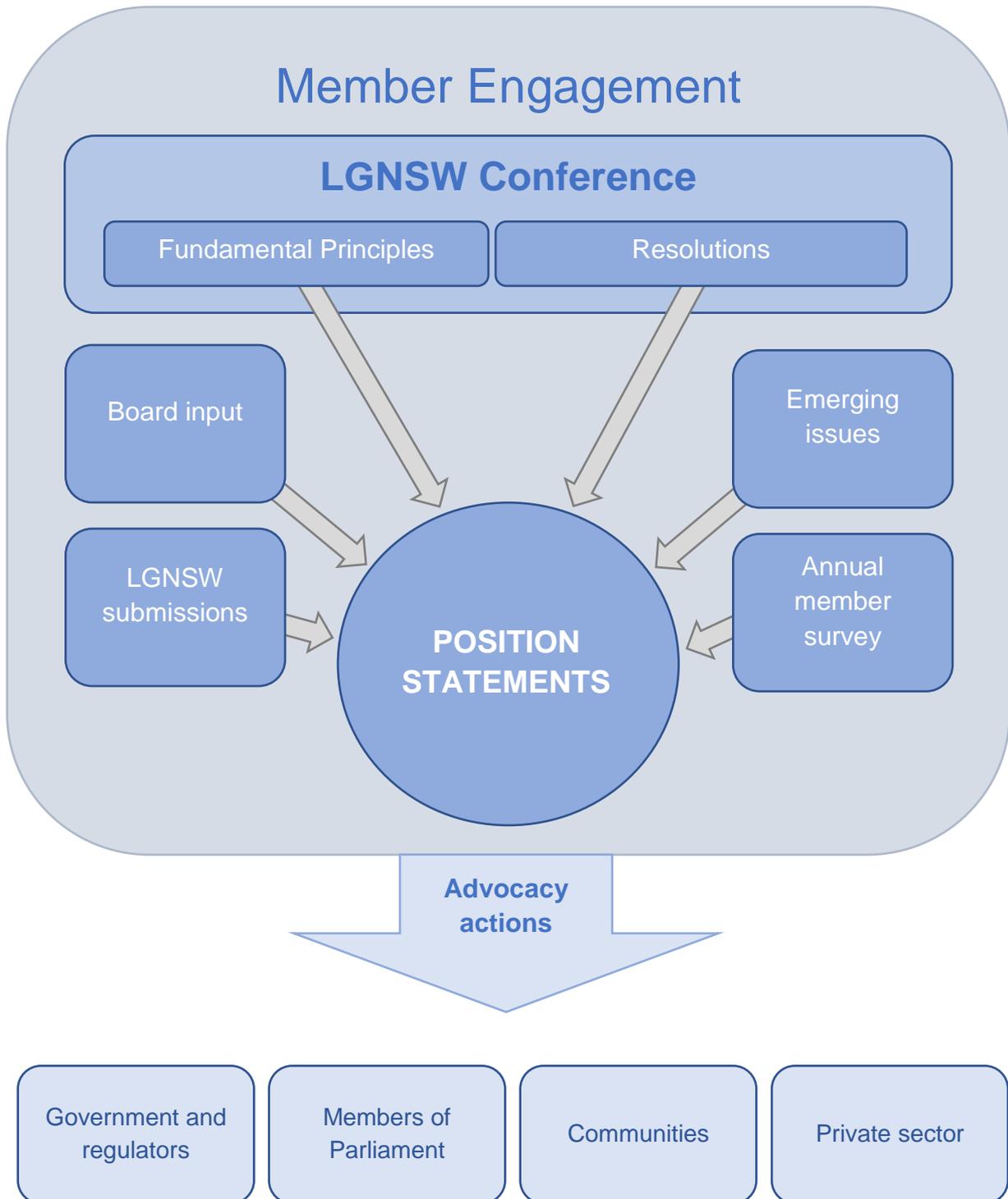
Role of LGNSW Board

The LGNSW Board comprises councillors from member councils across NSW, who are elected to the LGNSW Board biennially at the Annual Conference. The Board controls and governs LGNSW in between Annual Conferences and is responsible for appointing the LGNSW Chief Executive.

Outside of Conference, when decisions are required on policy positions for the local government sector (such as if there is no existing policy position on an issue that LGNSW must comment on), the Board and President can make that decision for the sector. This can occur when LGNSW makes policy submissions on behalf of the sector, and LGNSW consults members on the content. Fundamental Principles are not changed without endorsement of members at Conference.

¹ Further information on this process is available in the LGNSW Conference Motions Submission Guide available online in the lead up to each LGNSW Annual Conference (www.lgnsw.org.au/events-training/local-government-nsw-annual-conference).

How LGNSW policy is formed



Part 1: Fundamental Principles

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). 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.

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.

Date Endorsed: October 2019 by LGNSW Conference

Part 2: Position Statements

Position Statements contain LGNSW's more detailed position on specific issues. Position Statements are subordinate to LGNSW's Fundamental Principles but are more agile and are targeted at specific policy issues as they arise. These change more frequently and guide LGNSW's work on, and response to, policy issues of the day.

Economic Policy Position Statements

1. Drought
2. Natural Disaster Funding
3. Finance
4. Services in Rural Communities

1. Drought Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW:
(B) Economic, (C) Infrastructure, (G) Social and Community, (L) Accountability

Background

Droughts are a natural disaster and recurring event in Australia but despite this there is an ongoing lack of planning and preparedness for effectively mitigating against the impacts of drought and inadequate mechanisms for responding to prolonged severe drought.

It is widely accepted that climate change and other factors may result in more devastating drought conditions in future, with an increase in the frequency and duration of droughts. Furthermore, many areas that have historically been relatively free from droughts are becoming susceptible to droughts.

All spheres of government play a role in planning, preparing, responding to, and recovering (PPRR) from, drought. This includes planning for future droughts, implementing drought proofing and water security measures, supporting individuals and communities impacted by drought and helping communities recover from drought. As the sphere of government closest to the community, councils have a critical local leadership role and they are uniquely placed to deliver services at the local level.

Our Position

LGNSW advocates for:

- 1.1 Recognition by State and Federal Government that drought is a natural disaster and that it be eligible for natural disaster funding
- 1.2 Development by the State Government of an emergency plan, in consultation with local government and Aboriginal communities, to address the immediate water supply crisis afflicting NSW towns and communities and a disaster recovery plan for when the drought breaks.
- 1.3 Increased emergency funding to support people suffering hardship as a result of drought (including farmers, small businesses and individuals) and the appointment of recovery coordinators, through the Joint Organisations, to facilitate implementation of recovery plans.
- 1.4 Development and implementation of integrated National and State Drought Policies which:
 - clearly define when an area is deemed to be in "drought"
 - list the range of assistance measures and triggers for when those measures will be activated
- 1.5 Development by the State Government, in partnership with local government and Aboriginal communities, of long-term water supply strategies for catchments throughout the State which mitigate risk from the predicted impact of climate change and to help ensure population and economic growth targets can be achieved and supported.
- 1.6 Substantial investment by State and Federal Government in regional and rural water supply infrastructure and demand management initiatives for drought proofing and water security measures and infrastructure.
- 1.7 Management of river systems to ensure the best possible social, economic and environmental outcomes are achieved, particularly during drought.

Date Reviewed: 3 April 2020

2. Natural Disaster Funding Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (A) Economic.

Background

All councils in NSW play a key role in all aspects of disaster and emergency management at the local and regional level. NSW has a framework of plans, guidelines, and committees for Planning, Preparation, Response, and Recovery (PPRR) at state, district, and local levels which prescribe the role, responsibilities and arrangements for each agency involved in emergency management, including councils. In addition to statutory or regulatory responsibilities and despite limited means, councils also play a major role in providing support to volunteers and charities.

LGNSW defines a disaster as a serious disruption to the functioning of a community or a society caused by widespread human, material, economic or environmental losses which exceeds the ability of the affected community or society to cope using its own resources. LGNSW considers that natural disaster hazards include: bushfire, earthquake, flood, storm, cyclone, storm surge, landslide, tsunami, meteorite strike, tornado and drought.

Issues requiring addressing include adequacy of funding, the timeliness of payments, the absence of funding for betterment or mitigation works and in NSW, the funding of council day labour.

Our Position

LGNSW advocates for:

- 2.1 Prioritisation of the development and implementation of policies and programs to build the resilience of communities so that they can better withstand natural disasters.
- 2.2 Increased Federal funding for the DRFA.
- 2.3 Increased funding for mitigation and betterment measures, both in advance of disasters where the risks are identified and in the recovery stage.
- 2.4 That the repair of damage to road and bridge infrastructure as the result of natural disasters continues to be funded under the DRFA and is not replaced by a requirement for councils to take out prohibitively expensive insurance on these assets.
- 2.5 Financial support for restoration, remediation and betterment of local community infrastructure that has been severely damaged by natural disasters including climatic conditions and drought.
- 2.6 Streamlining DRFA processes to help ensure funding is obtained on a timely basis.
- 2.7 Recognition of rehabilitation of significant environmental damage for funding under the DRFA
- 2.8 Allowing payment of day labour and council equipment costs under the DRFA.
- 2.9 NSW and Federal Government fully fund the clean up of damaged or destroyed buildings and structures that contain asbestos following natural disasters, and establish and operate an Asbestos Emergency Management Flying Squad to provide expert advice to councils.

Date Reviewed: 3 April 2020

3. Finance Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (A) Economic

Our Position

LGNSW advocates for:

- 3.1 The removal of rate pegging and reform of NSW local government rating system, including the removal of inequitable rate exemptions.
- 3.2 Greater autonomy and flexibility in rating policy, structure and practices.
- 3.3 FAGs to be increased to at least 1% of total Commonwealth taxation revenue.
- 3.4 Increased specific purpose grants from State and Commonwealth Governments to assist councils in meeting the infrastructure and service needs of their communities (e.g. R2R, Library grants etc.).
- 3.5 An end to cost shifting onto local government by the State and Commonwealth Governments which currently exceeds \$820 million per annum
- 3.6 New and fairer financing opportunities for local government, with particular emphasis on infrastructure e.g. value capture, Voluntary Planning Agreements (VPAs) and fees and charges.
- 3.7 Permanent recurrent funding for Joint Organisations (JOs) to support their viability and effectiveness.
- 3.8 The introduction of a broad-based property levy to replace both the Emergency Services Levy on insurance policies and the 11.7% Emergency Services Levy on local government.
- 3.9 A more flexible procurement framework to enable councils to benefit from innovative procurement practices.

Date Reviewed: 3 April 2020

4. Services in Rural Communities Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (A) Economic and (G) Social and Community.

Background

Delivering the infrastructure and services needs of rural communities is an ongoing challenge for local government. Small, widely dispersed and sometimes remote communities, can struggle to reconcile high delivery costs with a small own source revenue base.

While regional cities may be growing, many smaller communities face a range of economic, demographic and environmental challenges, such as structural change (e.g. farm consolidation and increasing capital intensity of farming and mining), ageing populations, skills shortages and population decline, water insecurity that undermine long term sustainability.

Councils have a direct responsibility for the delivery of the local infrastructure and services required to build and sustain these communities. As the only sphere of government embedded in rural and small communities, councils also have a responsibility for facilitating the effective delivery of infrastructure and services provided directly or funded by the State and Commonwealth Governments.

The abrogation of responsibility for service delivery by State and Commonwealth Governments has added to the challenges faced by rural councils. Councils often have no choice other than to take on additional responsibilities (examples include support for medical services and aged care). Services provided by agencies from outside regional areas are also often poorly co-ordinated, duplicated and ad hoc.

Our Position

LGNSW advocates for:

- 4.1 An audit of service delivery and funding flows into rural and regional NSW by State and Commonwealth agencies.
- 4.2 State and Commonwealth Government accept that rural councils will never be able to fund the basic standard of infrastructure and public services to which all Australians are entitled from own source revenue.
- 4.3 Recognition of the higher costs of infrastructure and service delivery faced by rural communities due to inherent and unavoidable economies of scale.
- 4.4 New models for rural and regional infrastructure and service delivery, including consideration of council coordination and/or implementation, that are built on close collaboration between local, state and federal government.
- 4.5 Improved commercial airline services and public transport for regional communities.
- 4.6 Reinstatement of land management extension and support services for rural landholders.
- 4.7 Incentives from the NSW Government to encourage experienced and qualified staff to seek employment opportunities in Western NSW.
- 4.8 Increased funding for rural communities, including a strengthening of needs-based funding in the distribution of Financial Assistance Grants (FAGs) and other grants to local government.

Date Reviewed: 3 April 2020

Planning and Infrastructure Policy Position Statements

5. Building Regulation and Certification
6. Infrastructure
7. Planning

5. Building Regulation and Certification Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (E) Planning

Background

Successive NSW Governments have continued to extend the types of development that qualify as exempt and complying development. A new pathway for development approval, called 'complying development', was introduced under the State Environmental Planning Policy (Exempt and Complying Codes) 2008. This is referred to as the 'Codes SEPP'. Complying development is a combined planning and construction approval for development that can be determined through a fast track assessment (tick the box) by a council or private accredited certifier. This avoids the need for a Development Application. A series of state wide codes have been established progressively under the umbrella of the Codes SEPP. These enable an accredited certifier (council or private) to approve development without the need for development consent from council.

An expectation has emerged that the state-wide codes can be expanded to higher risk, higher impact and higher density forms of development, such as medium density development. The issue of building defects is of great concern to local government, as the trend towards greater numbers of dwelling units takes the form of multi-storey apartments. LGNSW has therefore consistently argued that the introduction of a tougher building regulation regime is essential if code-based assessment and private certification are to be expanded.

Our Position

LGNSW advocates for:

- 5.1 Tighter and more effective regulation of private certifiers by the State Government's Building Commissioner – new regulatory arrangements must be strong, proactively enforced and subject to regular and rigorous audit.
- 5.2 A gradual return of certification functions to councils if the NSW Government's building reforms do not deliver meaningful solutions to problems with the private certification system and address conflicts of interest.
- 5.3 The NSW Government taking a leadership role in the management of cladding issues by providing effective guidance and funding to deal with the cladding crisis and releasing details surrounding the identified high-risk buildings.
- 5.4 The State Government's building reforms must address the many issues identified in the NSW independent review of the *Building Professionals Act 2005* and the Shergold Weir Report.
- 5.5 Extensive consultation with local government on any proposed changes to strengthen building regulation.
- 5.6 Complying development to be limited to low risk or low impact development, with clearly defined parameters.
- 5.7 Provisions to protect consumers of building developments against the unsatisfactory professional conduct or professional misconduct of any private accredited certifier who practices as a public official but not in the public interest.
- 5.8 Support from the NSW Government for more affordable access to the full suite of Australian Standards for the local government sector.

Date Reviewed: 3 April 2020

6. Infrastructure Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (C) Infrastructure.

Background

Local government owns \$160 billion in infrastructure assets. Local government infrastructure responsibilities include local road, bridge, pedestrian and cycle networks, local water and sewerage utilities, stormwater and water management, buildings and facilities, regional airports and aerodromes, parks, recreation, cultural, family and community services facilities, and a range of other infrastructure vital to local communities.

Infrastructure comprises the assets needed to provide people with access to economic and social facilities and services. Major infrastructure is generally fixed in place has a long service life and significant whole-of-life cycle cost.

Local government also plays a key role in identifying and advocating for the provision of State Government infrastructure to meet the needs of their communities (e.g. schools, hospitals, state roads). State and Commonwealth Government growth plans and projects needs to make up front provision for the delivery of associated local infrastructure.

Our Position

Local government is best placed to plan for essential local infrastructure.

LGNSW advocates for:

- 6.1 Mandatory upfront engagement by State and Commonwealth governments with local government about specific local priorities.
- 6.2 Effective coordination of State and Commonwealth funding programs where co-contribution is required.
- 6.3 State and Commonwealth Government growth plans and projects must make upfront provision for, and include, the delivery of associated local infrastructure.
- 6.4 Increased opportunity for community use of state and federal facilities.
- 6.5 Increased infrastructure funding to local government through Commonwealth and State Government revenue sharing and grant programs (e.g. Roads to Recovery, NSW block grants for regional roads, local water utilities, street lighting, library grants).
- 6.6 The removal of rate pegging and other constraints on council revenue to assist councils in meeting the infrastructure funding needs of their communities.
- 6.7 The importance of infrastructure funding mechanisms such as Development Contributions and Voluntary Planning Agreements and the creation of other mechanisms for efficient and equitable value capture.
- 6.8 The removal of the cap on development contributions.
- 6.9 Equitable infrastructure funding, so that Commonwealth and State assistance is directed to areas of greatest need.
- 6.10 The elimination of monopolistic practices by utility network operators (electricity, telecommunications, water and gas) that impose unjustified costs on councils and communities.
- 6.11 Fairer funding of infrastructure provided through long established partnerships between the Federal, NSW and local governments for shared infrastructure and service responsibilities.

Date Reviewed: 3 April 2020

7. Planning and Local Decision Making Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (D) Planning and (I) Governance.

Our Position

LGNSW advocates for

- 7.1 The planning system to ensure the voice of local communities is heard through:
 - the well understood and accepted councillor representation system, which provides transparency and accessibility to communities;
 - genuine local representation, including councillors, on regional planning panels, and
 - third party merit appeal rights in respect of all categories of development applications, including decisions made by the Independent Planning Commission (IPC).
- 7.2 State and federal governments to identify opportunities to support growth in rural and regional areas and reduce growth pressures in Sydney.
- 7.3 Local government to retain control over the determination of locally appropriate development – local planning powers must not be overridden by State plans and policies or misuse of state significant development provisions.
- 7.4 Local government to be treated as a partner (not just another stakeholder) in metropolitan, regional and district planning processes - the role and voice of local government is vital in delivering productivity, liveability and sustainability.
- 7.5 Strategic (local, district and regional) plans that reflect the agreed planning outcomes from community engagement at local, regional/district and metropolitan levels – residents have a right to be active participants in the planning process and this should be respected and maintained.
- 7.6 The establishment and role of Local Planning Panels (LPPs) to remain a decision of the council – adoption of such independent panels by councils should be voluntary not mandatory.
- 7.7 A policy framework (actions, responsibilities and timeframes) and mechanisms to deliver high level objectives in district and regional plans (including protecting employment lands, food security, liveability, open space provision).
- 7.8 Reforms to the planning system to include a fundamental review of its primary purpose and work to improve its efficiency and effectiveness, by consolidating state policies and local plans in local planning instruments, streamlining plan-making and development assessment and ensuring councils have adequate powers to implement provisions.
- 7.9 The State and Federal Governments develop a strategic approach to state significant developments such as newly emerging solar farms to ensure their impact on farm land and neighbouring communities is properly considered and local councils receive development contributions to fund the local infrastructure required to support them.
- 7.10 A review of State Environmental Planning Policies (SEPPs), with priority given to housing related SEPPs so that housing solutions developed by councils are not undermined and SEPP (Educational Establishments and Child Care Facilities) 2017 with a view to returning planning decisions relating to the location, type and design of childcare centres to councils.
- 7.11 Action by the NSW Government towards achieving affordable housing targets through:
 - the development of affordable housing targets of 25% on government owned land;
 - improving processes for the timely approval of affordable housing contributions schemes developed by councils under State Environmental Planning Policy 70 Affordable Housing (Revised Schemes) (SEPP 70); and
 - developing strategies to support local councils in NSW in increasing affordable housing in their local government areas.
- 7.12 Councils and communities to be able to determine how medium density housing is delivered in their local areas based on their local housing strategies - the Low Rise Medium Density Housing Code should be optional, not mandatory for councils.
- 7.13 Greater independence and integrity in the development application process by introducing a system which allows for councils (rather than proponents) to procure the consultants to undertake the reports needed for development assessment (such as Statements of Environmental Effects and Environmental Impact Statements) from a list of independent consultants.

Date Reviewed: 3 April 2020

Environment Policy Position Statements

- 8. Biodiversity
- 9. Biosecurity
- 10. Climate Change
- 11. Sustainability
- 12. Waste and Recycling

8. Biodiversity Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (F) Environment.

Background

Councils are a key influence on local biodiversity management and have an essential role to play. This includes through planning and approval processes, community education and engagement activities, and as public land managers. Councils can develop biodiversity strategies and plans, protect biodiversity through their land use planning instruments, and manage biodiversity actively through specific programs and projects.

Councils' planning and approval processes are a key influence on local biodiversity management. The *Environmental Planning and Assessment Act 1979* includes objects to encourage 'the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats' as well as reference to 'ecologically sustainable development'.

Councils have a legislative mandate to manage the ongoing challenge of development pressure and maintenance of environmental values. Councils have responded through improved knowledge of, and strategic planning for, their local biodiversity including: undertaking mapping and assessments, developing biodiversity strategies and policies and processes, and building staff capability.

Our Position

Local Government supports the conservation of biological diversity.

LGNSW advocates for:

- 8.1 Protection and management of local biodiversity on an 'avoid, minimise, offset' basis.
- 8.2 Closer coordination across spheres of government, and with other biodiversity resource managers, to include local biodiversity information and mapping in regional and state-wide approaches to biodiversity management.
- 8.3 Resources and assistance to councils to build capacity, review systems and implement changes to NSW legislation in relation to managing biodiversity.
- 8.4 Continuation of Landcare funding streams to support local communities land management activities to achieve biodiversity outcomes.
- 8.5 Policies and practices that maximise biodiversity and the protection of threatened and endangered species, including the development and maintenance of habitat corridors.
- 8.6 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.
- 8.7 Cross jurisdictional commitment to managing the threats to biodiversity including weeds, pests and other risks which impact on the integrity of local biodiversity and contribute to further losses.
- 8.8 A review of the 10/50 Vegetation Clearing Code of Practice to assess the safety benefits compared to the impacts on tree canopy.
- 8.9 Additional Ramsar site listings in recognition of the value of lake systems for aquatic biodiversity, supporting migratory bird species, fish nurseries and essential wetland processes. \
- 8.10 The NSW Government to review the cumulative impacts of legislation governing land, water and natural resource management, and act to ensure the protection of biodiversity, threatened iconic species, water security, native forests and food security throughout NSW.

Date Reviewed: 3 April 2020

9. Biosecurity Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (A) Economic and (F) Environment.

Background

Local government has a significant role in biosecurity:

- as a local control authority (LCA) in regulating weeds under the *Biosecurity Act 2015*,
- as a land manager, to understand and implement its biosecurity responsibilities (e.g. weeds, pests), and
- in discharging regulatory responsibilities under the *Companion Animals Act 1998*, for domesticated cats and dogs.

Our Position

LGNSW advocates for:

- 9.1 Mandatory upfront engagement by State and Commonwealth governments with local government about specific local biosecurity priorities.
- 9.2 The concepts that underpin the Biosecurity Act, such as risk-based decision making and a tenure neutral approach to weed and pest management. The general biosecurity duty is also supported, and councils are encouraged to develop and implement policies that facilitate achievement of the Act objectives and regional strategies.
- 9.3 Local government representation on the Biosecurity Advisory Committee, established under the Biosecurity Act.
- 9.4 Funding stability in relation to weed management. LGNSW's State budget submissions have called for funding via the Weed Action Program to be increased to \$20M per year.
- 9.5 Local government to have input to the setting of relevant charges (for weed regulatory functions), and local government keeping any revenue from services or compliance and enforcement undertakings.
- 9.6 Penalties for weed-related offences set at levels high enough to act as a deterrent.
- 9.7 Amendments to provisions for cat management and control under the *Local Government Act 1993*, *Impounding Act 1993* and *Companion Animals Act 1998* to enable councils to effectively manage the nuisance effects of cats and dogs on residents and wildlife, including streamlining the process of animal registration, and limiting the roaming of cats beyond their owner's property.

Date Reviewed: 3 April 2020

10. Climate Change Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (F) Environment.

Background

Local government has a significant role in reducing carbon emissions and adapting to the impacts of climate change:

- Councils are responsible for \$160 billion worth of assets. Reducing emissions can lower operating costs associated with these assets.
- The effects of climate change have the potential to damage council assets, cause serious disruptions to the delivery of council services, generate unbudgeted financial impacts and affect the wellbeing of the community.

Our Position

LGNSW advocates for:

- 10.1 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.
- 10.2 Four priority areas for action to address climate change:
 - a) reduction of Australia's carbon emissions through effective mitigation strategies;
 - b) planning for and adapting to a changing climate;
 - c) significant structural adjustment in businesses and communities which may arise from transitioning to a low carbon economy and adapting to the impacts of climate change; and
 - d) the provision of leadership and support for both councils and their communities.
- 10.3 Ambitious but realistic policies and practices that promote council, community, industry and government commitment to renewable energy, energy conservation and energy efficiency.
- 10.4 An integrated approach to climate change mitigation and adaptation strategies, including shared responsibility and collaboration across all levels of government, industry and the community.
- 10.5 Long term consideration of climate change issues across all government functions and services.
- 10.6 Carbon emission reduction through a market mechanism. Measures to reduce emissions should come from all sectors of the economy including energy generation, mining, transport, waste, construction, buildings and agriculture.
- 10.7 State Environmental Planning Policies that achieve improvements in liveability and sustainability of housing to:
 - a) ensure developments and precincts include measures to alleviate the urban heat island effect.
 - b) apply higher Building Sustainability Index (BASIX) targets and include other sustainability outcomes to improve housing stock resilience.
 - c) enable innovative approaches to community and public transport.
 - d) improve provisions to ensure the resilience of housing stock.
- 10.8 A renewable energy target of 40% by 2025 to support investment and market confidence in renewable energy projects.
- 10.9 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.
- 10.10 Other spheres of government to work with and support councils to build resilience to current and future climate risks on the community and businesses.
- 10.11 Introducing a range of funding mechanisms that would allow councils to build climate resilience in their communities.
- 10.12 A mandatory government reporting framework for climate risk exposure.
- 10.13 Enable the uptake of zero and low carbon technologies including electric vehicles through appropriate investment, concessions and legislation.

Date Reviewed: 3 April 2020

11. Sustainability Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (F) Environment and (G) Social and Community.

Background

The *Local Government Act 1993* states ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. The Integrated Planning and Reporting framework also requires councils to address social, environmental, economic and civic leadership (the quadruple bottom line) issues in an integrated way.

Our Position

LGNSW advocates for:

- 11.1 Closer coordination between State and Local Government authorities to ensure all decisions made by these two spheres of Government are in harmony and take into account the majority view of residents and the long term environmental, economic and social impact.
- 11.2 Decision making in land-use planning and urban and regional development strategies to include sustainability objectives to achieve integrated outcomes that enhance community wellbeing and liveability.
- 11.3 State Environmental Planning Policies that achieve improvements in liveability and sustainability of housing including applying higher Building Sustainability Index (BASIX) targets and other sustainability outcomes.
- 11.4 Ambitious but realistic policies and practices that promote council, community, industry and government commitment to environment protection, natural resource management and resource efficiency.
- 11.5 Commitment to sustainable procurement to drive quadruple bottom line outcomes across local government functions and services including improved efficiency, reduced waste to landfill, financial savings, stimulating markets for innovative and more sustainable products and services, social responsibility, supporting local communities and businesses and helping to achieve long term environmental and social objectives.

Date Reviewed: 3 April 2020

12. Waste and Recycling Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (A & B) Economic, (C & D) Infrastructure, (F) Environment and (G) Social and Community.

Background

Councils provide waste, recycling and resource recovery services to the community and work with the community to avoid waste and reuse and recycle waste, some diverting up to 77% of waste from landfill. Council services include kerbside and public place collection of waste and recycling and the provision and operation of recycling and disposal infrastructure. Councils work tirelessly to reduce the amount of waste ending up in landfill and educate residents, businesses and schools about waste avoidance and recycling. The *Waste Avoidance and Resource Recovery Act 2001* provides councils with powers to achieve integrated waste and resource management planning, programs and service delivery.

Councils continue to face significant challenges from increasing waste generation and lack of markets for Australian recycled content. Councils work to reduce waste and use resources more efficiently so they remain in the economy for longer, helping to create jobs and growth. 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.

Our Position

LGNSW advocates for:

- 12.1 The reinvestment of the NSW waste levy collected from the community and industry to:
 - a) Fund regions of councils to develop regional waste plans for the future of waste and resource recovery in their regions, which include infrastructure and circular economy solutions 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.
 - c) Increase local and state government procurement of recycled goods made with domestic content, for example by:
 - adopting recycled content targets to help drive demand and provide incentives to deliver on these targets
 - funding further research, development and delivery of recycling technologies and products generated from recyclables, particularly by local or regional councils.
 - d) Fund and deliver state-wide education campaigns on the importance of recycling to encourage the right way to recycle, the purchase of products with recycled content, as well as promote waste avoidance.
 - 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. Producers to take greater responsibility for their products so there is less waste and environmental impact through:
 - responsible packaging design
 - reducing the impact of single use plastic, microbeads and other pollutants (the local government sector supports a ban on single use plastic bags)
 - the operation of an effective Container Deposit Scheme
 - f) Facilitate research and engagement on waste to energy options.
- 12.2 Support for innovative solutions to reduce waste and waste transport requirements, including a sustainable long term solution for mixed waste organics.
- 12.3 Avoidance and minimisation of waste, including from building and construction sites with appropriately scaled fines for non-compliance.
- 12.4 Protection of existing and identification of new waste management locations.
- 12.5 Clear policy direction with regulatory certainty, achievable targets and implementation pathways for delivery through e.g. NSW Waste Strategy, National Waste Policy, COAG targets.
- 12.6 Access to credible data and improved accountability to achieve best value for the community

Date Reviewed: 3 April 2020

Social and Community Policy Position Statements

- 13. Aboriginal Constitutional Recognition**
- 14. Health and Safety**
- 15. Libraries, Art and Culture**
- 16. Multicultural Communities**
- 17. Strong and Inclusive Communities**

13. Aboriginal Constitutional Recognition Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (G) Social and Community.

Background

Local Government NSW (LGNSW) acknowledges the significance of the Statement from the Heart issued at the 2017 First Nations National Constitutional Convention at Uluru and supports the principle of the Constitutional recognition of Aboriginal and Torres Strait Islander Australians. Australia is one of the few first world nations with a colonial history that does not recognise its Aboriginal population in the Constitution. LGNSW believes that Constitutional change will build stronger relationships of trust and mutual respect between Aboriginal and Torres Strait Islander peoples and other Australians. Local government in NSW can be instrumental in this campaign as it is best connected to communities at the grass roots level.

LGNSW commends the Commonwealth government on its work in honouring and recognising the unique historical position of Aboriginal and Torres Strait Islander peoples.

Our Position

LGNSW supports a co-design process for achieving Constitutional recognition that is to the benefit of Aboriginal and Torres Strait Islanders and considers legislative, executive and Constitutional options, including a referendum, and suits the needs and aspirations of Aboriginal and Torres Strait Islander peoples.

LGNSW:

- 13.1 Supports the recommendations of the Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples, and seeks that the Australian Government initiate a process of co-design with Aboriginal and Torres Strait Islander peoples, consider establishing 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.
- 13.2 Encourages councils to progress the Constitutional recognition campaign at the local level and build support among all political leaders to advocate for a referendum.
- 13.3 Supports community awareness campaigns on the importance of Constitutional recognition to redress any disproportionate disadvantage experienced by Aboriginal and Torres Strait Islander peoples.

Date Reviewed: 3 April 2020

14. Health and Safety Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (G) Social and Community.

Background

All councils in NSW play an essential part in improving and safeguarding the health and safety of their communities. Local government also has statutory responsibilities for public health protection under the *Public Health Act 2010* and *Food Act 2003*, regulating food businesses as well as premises that may pose environmental health risks through legionella, skin penetration or exposure to hazardous materials including asbestos. Councils also provide communities with access to additional services to contribute to community health, including immunisation clinics, sporting and recreation facilities and open space, mental health and physical activity programs, clean drinking water and no-smoking zones. Councils further have a role in considering how the built environment can be planned to promote health and safety.

Council involvement in community safety and crime prevention initiatives is often in partnership with police and other government and non-government organisations, engaging with communities to understand and develop strategies to address local crime issues.

Our Position

LGNSW advocates for:

- 14.1 practical reforms and initiatives that improve public health and safety but do not represent cost shifting or burden the limited resources of local government without providing adequate funding or cost recovery mechanisms.
- 14.2 legislative amendments to enable council rangers to issue fines and penalty amounts equivalent to NSW Health for breaches of the *Smoke-free Environment Act 2000*.
- 14.3 the NSW Government to take action to protect human health and the environment by:
 - making asbestos identification, removal, transport and disposal cheaper, easier, and safer.
 - Implementing tighter controls on facilities at high risk of causing dust pollution, and assisting communities to address breaches of national air quality standards
- 14.4 the NSW Government to ensure that any new schools constructed in a local government area provide appropriately-sized off-street drop off and pick up zones.
- 14.5 Changes to legislation to permit council rangers to impound vehicles illegally parked across driveways, where the complaint is initiated by the relevant property's owner.
- 14.6 the NSW Government to allocate more resources for increased police numbers, particularly in regional and rural NSW where response times may be unacceptable.
- 14.7 the state and federal governments to fund councils and community organisations to manage anti-terror and security related risks at events and in crowded places.
- 14.8 the NSW Government to undertake increased regulatory inspections that promote community wellbeing, and for this information to be made available to the public.
- 14.9 the NSW Government to amend the *Crimes (Domestic and Personal Violence) Act 2007* to include economic abuse and amend existing legislation relating to apprehended violence orders to recognise dowry abuse.

Date Reviewed: 3 April 2020

15. Libraries, Arts and Culture Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (B) Economic, (C) Infrastructure and (G) Social and Community.

Background

Local government provides art galleries, museums, libraries and cultural services which are vital in enabling communities to participate in artistic and cultural expression. The right to equitable access to basic information is a cornerstone of democratic society. Councils provide more than 470 free public library services in NSW, including central, branch and mobile libraries in NSW.

Our Position

LGNSW calls on State and Commonwealth governments to:

- 15.1 Redress the significant decrease in the State Government expenditure as a proportion of total expenditure on public libraries that has occurred since the 1980s.
- 15.2 Create a sustainable funding model for public libraries that indexes funding to CPI and is protected in legislation.
- 15.3 Investigate systems to provide communities throughout NSW with greater access to larger collections and library resources and materials.
- 15.4 Devise a museum strategy for NSW with sufficient resources to ensure cultural heritage led vibrancy, collection care and local storytelling initiatives are supported, developed and maintained for communities throughout NSW.
- 15.5 Ensure councils receive a fair share of funding from and access to government arts and culture programs.
- 15.6 Recognise the challenges for small, regional and remote councils and prioritise them for arts and cultural funding relative to the large State Cultural Institutions.

Date Reviewed: 3 April 2020

16. Multicultural Communities Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (E) Social and Community.

Background

NSW Councils undertake a range of activities that support multicultural communities and promote social cohesion, including assisting culturally and linguistically diverse communities to participate in their local community; refugee resettlement and services for newly arrived migrants; participating in and supporting Harmony Day; holding citizenship ceremonies and cultural events; and facilitating peer support. NSW councils share information, knowledge, and resources through the Local Government Multicultural Network.

There is currently little support from the NSW or Commonwealth Governments to assist councils in performing their roles in building harmonious inclusive communities and supporting new migrants and refugees to settle into the community. There is a lack of data available to support local government to plan for intakes of new refugees through Humanitarian/Refugee settlement programs.

The Commonwealth Government places the majority of refugees in locations close to family members and in established ethnic communities, so settlement is concentrated in limited areas, while other communities seek to host refugee resettlement in their areas.

Our Position

LGNSW advocates for the State and Commonwealth Governments to:

- 16.1 Develop a broader Humanitarian Resettlement Strategy to encourage and support distribution of resettlement across NSW and Australia; and support councils and communities in NSW to become refugee welcome zones.
- 16.2 Provide support to areas where concentrated resettlement occurs to address the social and economic impact gaps. These include: housing affordability, antisocial behaviour, employment, infrastructure and services.
- 16.3 Fund councils' roles and responsibilities for activities that support multicultural communities and promote social cohesion, including refugee resettlement.
- 16.4 Review the restrictive eligibility requirements of the Status Resolution Support Scheme and restore access to this program for all people seeking asylum until their status is resolved.
- 16.5 Provide targeted funding to support council activities that promote multicultural communities, facilitate refugee resettlement, and build social cohesion.

Relevant agencies to provide up to date and accurate data to councils to support forward planning. This includes information on humanitarian arrivals and planned arrivals, types of visas issued, and data on secondary settlement areas.

Date Reviewed: 3 April 2020

17. Strong and Inclusive Communities Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (A) Economic and (E) Social and Community.

Background

Local government is a significant provider and supporter of essential community services to local residents including vulnerable groups such as older people, people with disability, families, children, young people, Aboriginal people and people from all cultures and backgrounds. Councils:

- Fill the gaps in the provision of essential human services when there are no other providers, particularly in rural and remote areas.
- Support other community organisations by providing accommodation in council buildings at reduced or in kind rates and by providing local facilities and venues for community service and support activities.
- Provide residents with an independent and valued source of community information and referral.

As a regulator, local government makes a positive and significant impact on the inclusiveness of the community through development controls, public domain management policies and strategic planning. As such local government is well positioned to continue its lead role in building the social and economic inclusiveness of the local community.

Our Position

LGNSW advocates for:

- 17.1 Mandatory upfront engagement and consultation by State and Commonwealth Governments with local government about specific local priorities and community service needs.
- 17.2 Continued State and Commonwealth funding to supplement the contribution of NSW councils of approximately 60% towards the cost of community development, ageing and disability staff positions.
- 17.3 Funding for local government to implement projects identified in council Disability Inclusion Action Plans
- 17.4 Amendment of the *Local Government Act 1993* to explicitly require Equal Employment Opportunity management plans to include provisions for targeted programs to increase the employment opportunities for persons of Aboriginal or Torres Strait Islander backgrounds.
- 17.5 Funding for local government to train council staff in meeting legislative responsibilities that promote strong and inclusive communities.
- 17.6 Funding support for volunteers and volunteer development programs, including for community organisations that engage volunteers.
- 17.7 Adequate funding to local government for community support, information and referral and capacity building initiatives through such programs as the Information, Linkages & Capacity Building Framework (ILC) administered by the National Disability Insurance Agency (NDIA).
- 17.8 Funding and policy settings to address accessible housing standards, housing affordability and homelessness, including funding for councils to deliver initiatives at the local level.
- 17.9 An urgent increase in the rate of Newstart and Youth Allowance by a minimum of \$100 per week.
- 17.10 An increase in Government support for vulnerable children and young people to meet demand for rehabilitation services, early intervention and justice initiatives, and adequate funding for council-run youth and children services.
- 17.11 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.

Date Reviewed: 3 April 2020

Governance and Accountability Policy Position Statements

- 18. Elections and Democracy**
- 19. Governance**
- 20. Local Government Constitutional Recognition**

18. Elections and Democracy Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: H, I and J (Governance).

Background

Councils are elected to shape, serve, support and give voice to their communities, to whom they are democratically accountable. The NSW and Australian governments must respect local government as an equal sphere of government and must not seek to impose decisions on local government that fundamentally affect the ability of democratically elected councillors to reflect the views of their communities on local government matters.

Our Position

LGNSW advocates for the NSW Government to:

- 18.1 Genuinely consult with local government before instituting changes affecting the conduct of council elections, election funding or electoral expenditure.
- 18.2 Amend the *Local Government Act 1993* (LG Act) to prevent the forced amalgamation of councils or significant boundary alteration without the support of a plebiscite.
- 18.3 Amend the LG Act to limit the power of the Minister for Local Government to suspend or dismiss democratically elected councils in all but the most extraordinary circumstances.
- 18.4 Permit newly amalgamated councils that have been divided into wards as part of a larger council area to revert to their status as undivided electorates.
- 18.5 Amend the Local Government (General) Regulation 2005 to shorten the pre-poll voting period to the period including the Saturday to Friday of the week before Election Day.
- 18.6 Amend the LG Act to ensure that councillors and candidates who are members of a registered political party, or have been a member of a registered political party during at any time during the 12 months prior to seeking council election/re-election, be prohibited from using the word 'Independent' beside their name on the ballot paper and on all electoral materials.
- 18.7 Amend the LG Act to ensure a person may only nominate for election to a particular council if they are a resident or ratepayer.
- 18.8 Eliminate the need for council by-elections, by extending countback provisions to the first two years of a council term, and extending the minister's discretion to provide councils with the option of avoiding a by-election for a casual vacancy during the latter two years of a council term.
- 18.9 Amend of the LG Act to allow for chairs of county councils to be elected for two-year terms.
- 18.10 Implement measures such as information sessions and training programs to increase the diversity of candidates standing for local government elections.
- 18.11 Legislate so that LG elections are to be conducted by the NSW Electoral Commission only.
- 18.12 Reduce the cost of conducting LG elections, including through:
 - (a) a commitment that the NSW Electoral Commission not be permitted to increase the cost of elections by more than the rate cap limit imposed on LG rates
 - (b) directly offsetting the cost of LG elections with significant fine revenue from non-voting
 - (c) trialling online voting initiatives.

Date Reviewed: 3 April 2020

19. Governance Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: H, I, J (Governance) and K (Accountability).

Background

Local government is committed to the principles of good governance and 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.

The increasing workload and accountability of elected representatives (particularly in recent years) may mean that, without proper compensation, fewer people are likely to put themselves forward for public office. To attract a diverse array of talented candidates for election, the local government sector should be able to offer conditions and compensation, including superannuation, comparable to that available from the work activities mayors and councillors forgo in order to serve on councils.

Our Position

Councillor conditions and remuneration

LGNSW advocates for councillor conditions and remuneration that better reflect the workload and accountability of elected representatives. The NSW Government should:

- 19.1 Investigate options for full time councillors in NSW
- 19.2 Fund ongoing councillor professional development.
- 19.3 Repeal s242A of the LG Act so that the Local Government Remuneration Tribunal (LGRT) is able to determine fair and reasonable fees for councillors and mayors, unfettered by the Public Sector Wages Policy (and the LGRT to determine the maximum permissible remuneration increase for councillors and mayors while the NSW Public Sector Wages Policy still applies)
- 19.4 Amend s241 of the LG Act to remove reference to maximum and minimum fees payable, so that the LGRT determines the actual annual remuneration for councillors and mayors.
- 19.5 Amend s240(1) of the LG Act to include councils' financial position and/or performance as additional criteria that the LGRT must have regard to when determining categories for councils and mayors.
- 19.6 Legislate to require compulsory superannuation payment to councillors and mayors at the rate equivalent to the rate set out in the *Superannuation Guarantee (Administration) Act 1992* (Cth).

Governance

LGNSW advocates for the NSW Government to:

- 19.7 Establish a panel of independent members with specific local government knowledge, for appointment to local councils' Audit, Risk and Improvement Committees.
- 19.8 Invest more resources into managing Code of Conduct complaints to ensure they are dealt with efficiently and effectively.
- 19.9 Amend the gifts and benefits provisions in the Model Code of Conduct so that the token value amount be removed and replaced with the provisions that apply in the Code of Conduct for Members of the NSW Parliament.
- 19.10 In the interests of safety, reverse the Information and Privacy Commission requirement for returns of interest disclosures to be published online

Date Reviewed: 3 April 2020

20. Local Government Constitutional Recognition Position Statement

Fundamental Principles

This Position Statement relates to the following Fundamental Principles of LGNSW: (H) Governance.

Our Position

LGNSW advocates:

- 20.1 That local government is an essential part of Australia's system of government.
- 20.2 That local government should be recognised in the Australian Constitution, alongside Commonwealth, State and Territory Governments.
- 20.3 For a referendum to make a simple change to section 96 of the Constitution to allow the continuation of direct funding of local government by the Australian Government.
- 20.4 That local government's contribution to our national wellbeing be measured and acknowledged in economic, social and environmental terms, also in terms of the way it enhances Australia's democratic way of life.

Date Reviewed: 3 April 2020

Appendix

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